

STATE OF ALASKA
Alaska Police Standards Council
Minutes of the 137th Regular Meeting
May 7, 2020
Statewide Teleconference

1. CALL TO ORDER

Chair Doll called the 137th Regular Meeting of the Alaska Police Standards Council to order on May 7, 2020, at 12:03 p.m. A roll call was conducted as follows:

APSC Members Present

Chair Justin Doll, Chief, Anchorage PD
Vice-Chair Nancy Dahlstrom, Commissioner, DOC
Michael Craig, Public Member
Steve Dutra, Chief, North Pole PD
Rebecca Hamon, Public Member
David Knapp, Sergeant, Correctional Officer IV DOC
Ed Mercer, Chief, Juneau PD
Leon Morgan, Deputy Commissioner, DPS
Shane Nicholson, Sergeant, Kodiak AWT
Wendi Shackelford, Public Member
Joe White, Chief, Ketchikan PD
Jen Winkelman, Director of Probation/Parole, DOC

APSC Members Absent

Dan Weatherly, Public Member

APSC Administrative Staff Present

Robert Griffiths, Executive Director
Wendy Menze, Administrative Assistant
Sarah Hieb, Administrative Investigator
Rob Heide, Training Coordinator

Department of Law Representatives Present

Jack McKenna, Department of Law
Stephanie Galbraith, Department of Law

2. AUDIENCE INTRODUCTIONS

Greg Russell, Retired Chief
Ray Leggett, Chief, Skagway PD
Curtis Moss, Seward PD
Joshua Wilson, ACOA

3. APPROVAL OF AGENDA

It was moved by Hamon and seconded by Dutra to approve the agenda.
The motion passed with unanimous consent.

4. APPROVAL OF PAST MINUTES – March 5, 2020

It was moved by Shackelford and seconded by Winkelman to approve the minutes of the 136th Regular Meeting held March 5, 2020. The motion passed with unanimous consent.

5. PERSONS TO BE HEARD

There were no persons to be heard.

6. COUNCIL CHAIR'S REPORT

Chair Doll noted he has no updates to pass on.

7. EXECUTIVE DIRECTOR'S REPORT

The April 30, 2020, Executive Director's Report to Council was distributed to Council members prior to the meeting.

ED Griffiths thanked Chief Doll for his department being current in their revenue collections and submittals. He noted that due to the COVID-19 restrictions, there has been a marked decrease in the number of citations and enforcement actions occurring, which will be reflected in a reduction in future revenues. However, because of training cancellations, less money

will be spent this year in that budget category, so it is hoped that will help offset the drop in revenue.

ED Griffiths reported that the University of Alaska Fairbanks has appointed Kathy Catron as their new Chief of Police. Unalaska, Nome, Bethel, and Yakutat are still looking for permanent Chiefs of Police.

8. OLD BUSINESS

a. Regulation changes – Re-Adopting Edited Regulations Project 2019200895

ED Griffiths reported that the Council had adopted the proposed VPO regulation changes, Project 2019200895, at their March meeting. After sending this to the Department Law for their review before submission to the Lieutenant Governor, the Department of Law edited some of the wording so that it meets and conforms to the State of Alaska's requirements for regulatory wording and framework without changing the meaning or the intent. What is needed now is for the Council to formally re-adopt the edited version of Project 201900895.

Following discussion, it was moved by Winkelman and seconded by Dutra to re-adopt the edited VPO regulation changes in Project 2019200895. A roll call vote was taken, and the motion passed unanimously.

b. Statewide Applicant Index System – Discuss Draft Agency MOU

ED Griffiths reported that APSC adopted the Draft MOU at the March meeting. Since that time further work was performed on the Draft MOU to meet legal constraints, and it has now been submitted for comment to the state's HR head to confirm that appropriate personnel rules are being followed. Unless substantial changes are made that would need Council reapproval, ED Griffiths advised staff will proceed with this project.

9. NEW BUSINESS

a. COVID-19 Pandemic Response Adjustment of Enforcement Deadlines

ED Griffiths reported that based upon the global COVID-19 pandemic and the Governor's emergency declaration, staff have relaxed enforcement of specific regulatory requirements by extending deadlines beyond those specified in regulation. This choice was made rather than undertaking emergency regulatory changes. Deadlines for DOC's compliance with background check requirements and medical examinations have been extended from 90 to 180 days. In addition, pre-hire medical fitness-for-duty examinations have been waived for all officers. A medical exam is required, however, before attending a basic academy or certification.

Due to the current social distancing recommendations and travel restrictions, DOC is looking at options for their basic recruit academy. They are considering moving two-thirds of their academy to a virtual classroom and with the remainder of the training requiring physical presence and physical contact to be conducted during a subsequent shortened session.

ED Griffiths asked for Council input on these changes. Ms. Hamon noted that virtual training can provide significant cost savings to rural departments and could perhaps be maintained to some extent after the COVID-19 restrictions are lifted. Commissioner Dahlstrom reassured the Council that even with all these changes, there will be no lowering of APSC standards. She noted that she and her staff are talking with other states whose corrections academies are going to partially virtual training to discuss the pros and cons and be able to make the best decisions going forward.

10. ADJOURN TO EXECUTIVE SESSION

It was moved by Shackelford and seconded by Dahlstrom to adjourn to Executive Session to address subjects that may tend to prejudice the reputation and character of individuals and for deliberations on adjudicatory proceedings in APSC cases: 2013-12, 2019-37, 2019-20, 2020-01, and 2020-10. The motion passed with unanimous consent. General session ended at 12:40 p.m.

11. CALL BACK TO ORDER – GENERAL SESSION

Following deliberations during Executive Session, Chair Doll called the General Session back to order.

12. ROLL CALL

A roll call vote was conducted at 2:05 p.m., and all members present at the start of the meeting remained in attendance.

13. BUSINESS ARISING FROM EXECUTIVE SESSION

a. Action to Accept Surrendered Certification(s) and findings of disqualification

2013-12 Ray Leggett: It was moved by Dahlstrom and seconded by Hamon to deny Chief Leggett's request to rescind a prior revocation. A roll call vote was taken, and the motion passed unanimously with one recusal: Knapp.

2020-01: It was moved by Knapp and seconded by Dutra to table the Executive Director's finding of disqualification for certification as a police officer pending further details. A roll call vote was taken, and the motion passed unanimously. Chair Doll noted this matter will be taken up at the next Council meeting.

2019-37 Jeremy See: It was moved by Hamon and seconded by Winkelman to accept the surrender of his certification. A roll call vote was taken, and the motion passed unanimously with one recusal: Doll.

b. Council consideration of probable cause to initiate revocation action

2020-10 Paul Secor: It was moved by Mercer and seconded by White that the APSC has determined there is probable cause to move forward with revocation proceedings. A roll call vote was taken, and the motion passed unanimously.

c. Certificate Revocation Actions

2019-20 Michael Malave: It was moved by Shackelford and seconded by Craig that the APSC revoke his certification. A roll call vote was taken, and the motion passed unanimously with two recusals: Dahlstrom and Winkelman.

14. PERSONS TO BE HEARD AND COUNCIL COMMENTS

There were no persons to be heard. Commissioner Dahlstrom asked for feedback from other Council on the PPE mask fit testing requirements, and discussion followed regarding specific OSHA requirements and fit testing being waived for first responders using the N95 masks.

Ms. Hamon noted some of the COVID-19 challenges being experienced in rural Alaska, particularly the rise in DV incidents and the lack of resources to deal with them.

Ms. Shackelford thanked ED Griffiths and his staff for their hard work, consistency, and organization skills that have enabled the Council to continue to operate effectively and efficiently, particularly during these challenging times. Unanimous consent was expressed by the remaining Council members.

15. DETERMINATION OF NEXT SCHEDULED MEETING

The next Council meeting will be held via teleconference August 26 from 12:00 p.m. to 4:00 p.m. If travel restrictions are lifted by that time, an in-person meeting in Bristol Bay may be considered. The specific December meeting date will be discussed at the August 26th meeting.

16. ADJOURNMENT

There being no further business to come before the Council, it was moved by Shackelford and seconded by Dutra to adjourn the meeting. The motion passed by unanimous consent, and the meeting was adjourned at 2:45 p.m.

Minutes approved and adopted August 26, 2020



Alaska Police Standards Council
137th Regular Meeting Agenda
May 7, 2020 1200
Statewide Teleconference*

GENERAL SESSION AGENDA

1. Call to Order & Roll Call
2. Audience Introductions – please announce yourself if you have called in.
3. Approval of agenda
4. Approval of past minutes – March 5, 2020
5. Persons to be heard:
6. Council Chair's Report: Justin Doll
7. Executive Director's Report: Bob Griffiths - Written
8. Old Business:
 - a. Regulation changes – Re-adopting edited regulations Project 2019200895
 - b. Statewide Applicant Index System – Discuss Draft Agency MOU
9. New Business:
 - a. COVID-19 pandemic response adjustment of enforcement deadlines
 - b.
10. Adjourn to Executive Session to address subjects that may tend to prejudice the reputation and character of individual(s) and for deliberations on adjudicatory proceedings in APSC Cases 2013-12, 2019-37, 2019-20, 2020-01, 2020-10.
11. Call back to order – General Session
12. Roll Call
13. Business arising from Executive Session (individual decisions voted in open session)
 - a) Action to accept surrendered certification(s) and findings of disqualification
 - b) Council consideration of probable cause to initiate revocation action
 - c) Certificate revocation actions
14. Persons to be heard and Council comments
15. Scheduling of future meetings
16. Adjournment:



Executive Director’s Report to Council

April 29, 2020

Activities:

Since our March 2020 council meeting:

- The global COVID-19 pandemic drove in the closure of APSC offices in mid-March and move of all staff to remote operations. Brief weekly coordinated trips to the office allow continued issuance of certifications, mail processing, and manual file updates. Several technical challenges accessing our data systems were overcome with considerable help from DPS IT staff.
- APSC received and processed 38 formal records or public information requests. This does not include many routine agency background or officer training records requests, which are received and routinely handled daily.
- APSC staff evaluated 15 officers’ training records to determine if they qualified for Alaska reciprocity or “lateral entry” for another Alaska agency.
- Office of Administrative Status Hearings (OAH) were largely suspended due to the Pandemic. Seven telephonic status and case planning conferences were held since our March meeting. All Fact-finding hearings previously set before June have been postponed.
- Sarah Hieb continued working with several agencies, including clerks with DPS and DOC Training Academy staff to train them in the process of entering officer training data into ACADIS. DPS Academy and Training unit staff are now entering in academy and in-service training for all courses. DOC has just begun entering their training records as well. Any agency wishing to use the system for their departmental training records is encouraged to contact Sarah.
- APSC received, processed, and responded to 7 new complaints from members of the public regarding officer conduct or conduct of criminal justice agencies. These were referred to the officer’s employing agency to address or quickly addressed by APSC. All complainants were notified or responded to in writing.
- Training Coordinator Rob Heide was forced to cancel his planned Methods of Instruction course scheduled for Kenai in late April. Adapting to the situation, Rob migrated the 40-hour classroom course to a remote delivery online course held for several hours, twice weekly, over nearly a month. This allowed increased enrollment to up to 16 students. Course enrollment quickly filled.
- APSC Staff continued with its ongoing misconduct investigations; in the time since our March meeting we opened three new cases and closed four existing investigations (including those closed by final action taken at our last meeting).

Statistics:

Fiscal year 2020 (As of 4/30/2020, including currently enrolled academies):

Training Events Sponsored	16	Except Academies (all held/planned FY20 – Reflects COVID-19 Cancellations)
Officers Attending Sponsored	257	Non-academy sponsored and hosted

Courses		courses held or planned for FY20
Sponsored Training Hours Delivered	5695	Excluding Academies
Sponsored Academy Attendees	0	ALET, MCO, VPO, & Reciprocity
Municipal Academy Training Hours Sponsored	0	Municipal, reciprocity, MCO Academy
Non-APSC Sponsored Academy Attendees	155	ALET 19-02 & 20-01, Reciprocity/Lateral, MCO, VPO and APD
Non-sponsored academy training hours	124,576	Reciprocity/Lateral, ALET 19-02 & 20-01, MCO, VPO, and APD
Certificates issued	435	All Certifications
Officer Certifications	253	Basic, Intermediate & Advanced
Instructor Certifications	72	Including Renewals
Course Certifications	110	Including Renewals and online courses
Reciprocity Evaluations	177	For training waivers and lateral hires
New Investigations Initiated	40	
Investigations Closed	38	24 cases now open; 6 with OAH; 10 pending criminal prosecution
OAH Hearings Held	20	Includes status conferences.

Administrative Hearings & Appeals:

Status of Active Cases:

- Valent Maxwell, Klawock; APSC #2015-12; OAH # 16-0134-POC; Alaska Court # 1KE-17-00069CI. Case is under appeal to the Supreme Court, case # S17079. Per CourtView, the draft decision is now circulating within the court and is expected soon.
- Luis Nieves, AST; APSC Case 2018-10; OAH # 19-0140-POC; Case filed with OAH, hearing date set aside pending resolution of a civil suit filed by Nieves against DPS.
- Kevin Nushart, DOC; APSC Case 2018-13; OAH # 19-0405-POC; Fact-finding hearing now re-set for October 2020.
- Robert Carlson, DOC Probation/Parole; APSC Case 2018-15; OAH # 18-1040-POC; fact-finding hearing set for July 20, 2020.
- David L Russell, AST; APSC Case 2019-16; OAH # 20-0182-POC; Hearing set August 10, 2020.
- Michael Malave, DOC; APSC Case 2019-20; No response from officer. Case to the council in this meeting for final action.
- Charles D Jetton, AST; APSC Case 2019-35; OAH # 20-0160-POC; Hearing expected to be set in case planning hearing on May 1, 2020.
- James G Lester, AST; APSC Case 2019-36; OAH No. 20-0325-POC; OAH case planning conference held April 24 re-set for May 6, 2020.
- Jeremy See, APD; APSC Case 2019-37; Council to consider voluntary surrender of certification in this meeting.
- Aaron Henderson, DOC; APSC Case 2020-03; Pending service of accusation on officer.

Council and Command Changes across the state:

- The state of Alaska and I bid a very fond adieu to AAG John Novak who retires at the end of April after many years of legal service to the Department of Law, DPS, and APSC's Executive Director. Most recently, John was serving as Anchorage District Attorney.
- Alaska DPS promoted David Hanson to Major and assigned him as AST's Deputy Director; Aaron Frenzel was promoted to Captain and assigned as AWT's Southern Detachment

commander. Derek Degraaf was promoted to captain and named AWT's Northern Detachment commander. Sgt. David Willson was promoted to Lieutenant and replaces Derek Degraaf in DPS Recruiting.

- DPS saw several commanders retire this period, including Major Andy Greenstreet, AST Director's Office; Captain Rex Leath, AWT Northern Detachment; Lieutenant Kat Shuey AST Division Operations; and Lieutenant Tom Dunn, AST B Detachment. Best wishes to all.
- Anchorage Police made several promotions since our last meeting: Gerard Asselin was promoted to Patrol Captain; Rick Steiding, Brian Wilson, and Shaun Henry, were promoted to Lieutenants. Congratulations!
- Fort Wainwright PD named Scott Enlow as Chief of Police. Welcome aboard Scott.
- University of Alaska Fairbanks Chief Steve Goetz is retiring, and Kathy Catron has been appointed Chief. Welcome aboard Kathy.
- At last word, Unalaska, Nome, Bethel and Yakutat are still looking for permanent Chiefs of Police.

Regulations:

At your last meeting, the Council adopted the 'final' version of regulatory changes regarding Village Police Officers, officers being required to notify APSC of address changes, and some changes in definitions. The process required these be submitted in a formal package to the Lieutenant Governor's office via the Department of Law, who does a final review for conformity to statutes and regulatory conventions. As with previous projects, DOL found changes they felt were required.

While none of the DOL changes impact the intent of the regulatory changes, they were significant enough that we were advised to have the Council re-adopt their edited version. DOL made the following changes to those previously adopted by the council:

Throughout: In any of the regulations addressing changes of address, I changed "within 30 days of" to "not later than 30 days after", the preferred construction under state drafting conventions for legislation and regulations. I made some small touch-ups to use the active voice rather than the passive voice. I also incorporated some edits that our legal editor recommended.

Page 3, 13 AAC 89.010(a)(3): I made edits to use active voice instead of passive voice, and to change "will, in the council's discretion," to the modern and synonymous phrase "the council may".

Page 4, 13 AAC 89.010(a)(7): After "controlled substance", I removed "as defined in AS 11.71.900" and restructured the phrase as a new definition of "controlled substance" in 13 AAC 89.150. I also inserted a similar definition for the term "marijuana."

Page 4, 13 AAC 89.010(b):

--In what is the first new sentence, the legal editor recommended language to avoid the "No person may ..." construction, not used in state legislation and regulations. I agree with the edits, and I have incorporated them into the rekeyed version.

--After "village" I deleted the new language, "as defined in 13 AAC 89.150," as redundant.

Page 4, 13 AAC 89.010(b) and (c), 13 AAC 89.020(a) (introductory language): Because the council uses "appointment or hire" in the new text at the beginning of 13 AAC 89.010(b) and (c).

I used the phrase across 13 AAC 89.010(b) and (c), and in the introductory language of 13 AAC 89.020(a), for consistency.

Page 5, 13 AAC 89.020(a)(3): I edited the language to use the formal terminology in statute for the state and federal background checks.

Page 5, 13 AAC 89.040(a)(2): After "arrest procedures", I deleted "Miranda rights" as legal jargon.

Pages 7 – 9, 13 AAC 89.150 (additional new definitions): I added some new definitions, based on definitions in 13 AAC 85.900. Because 13 AAC 89 is a separate chapter, definitions in 13 AAC 87 would not carry over. The definitions that I added are for "controlled substance" (moved from 13 AAC 89.01(a)(7)), "crime of dishonesty," "driving under the influence" ("DUI offense" in 13 AAC 85), "expungement," "felony," "force," "jurisdiction," "marijuana," "misdemeanor," and "serious physical injury."

If the council agrees with staff and the DOL that these changes still accomplish the intent of the regulatory modifications, then they should adopt the latest version included in the meeting packet.

Policy & Procedure Development:

No new policies or procedures have been developed during this period. However, based upon the global COVID-19 Pandemic and the Governor's emergency declaration, staff have relaxed enforcement of specific regulatory requirements by extending deadlines beyond those specified in regulation. This choice was made rather than undertaking emergency regulatory changes.

Specifically:

Pre-hire medical examinations to determine fitness for duty have been waived for all officers. Police officers will be required to have an exam before attending a basic academy, or as soon as they can be seen by a physician following relaxation of emergency restrictions on non-emergent medical care. Corrections officers will be required to have a physical examination as soon as practical but no later than being certified. All officers are still required to have a psychological evaluation to assure they meet standards, as these exams are still offered, and the majority are now done remotely.

Correctional officer's background investigations require contact with at least three references and the last three (at least) employers. DOC reports that under the emergency, they are frequently unable to contact prior employers or references. These requirements are being relaxed other than in the case of public safety agency employers, which must be contacted prior to hire. All references will need to be contacted and a complete background investigation done before APSC will certify these correctional or probation/parole officers.

I would ask that the council discuss these decisions and provide staff direction if you feel they are ill-advised or inappropriate.

Issues:

Rural Law Enforcement Improvement

I participated in a national webinar on conducting background investigations before hiring Village or Tribal police officers, along with AST Lt. Willson, and Yuut VPO Academy Director Fannie Black for the US DOJ Office of Justice Programs, COPS Office (COPS). Federal grants to Tribes and other communities require background investigations. The recorded webinar will be used as a training aid to future grant recipients.

I was also asked to participate by providing information and insight to the Presidents Commission on Law Enforcement regarding the issues of rural LE in Alaska. A scheduled teleconference was cancelled at the last minute and as of this writing, not rescheduled.

COVID-19

Like most state agencies, APSC was forced to migrate staff to remote, "socially distanced," operations. We have found that we can still be quite productive operating this way with only occasional trips to the office to process mail and issue certificates. We anticipate these steps will be in place until at least June first and may well continue beyond that date.

In the pandemic response APSC has assumed a roll of information disseminator for enforcement information, officer wellness, and other matters important to police operations and community health. I apologize to those of you subjected to my multiple e-mails a week, but we want to make sure that important information is distributed to all of importance in as rapid fashion possible.

Officer Applicant Tracking Index:

The MOU guiding the use of the ACADIS system for officer applicant tracking was approved by the Council in the March meeting. Since that time AK DOL expressed some concern about its wording and asked for time to consider it. I am working with Stephanie Galbraith to edit the agreement.

Finances:

APSC's authorized budget for FY2020 is about \$1.3M. As a reminder, APSC can only spend this much *if it collects as much from its "Program Receipts."* These program receipts are principally court imposed (and collected) Police Training Surcharge Fees. The fees assessed were increased by the legislature, effective January 1, 2019, and APSC is now beginning to see a welcome increase. We believe this can be attributed to two years of stable PFD checks and stable collection of past-due surcharge fees. Unfortunately, one of the immediate impacts of the COVID-19 pandemic has been a drastic reduction in the collection of this debt. Thanks to a recent remittance from APD of their collected surcharge fees through the end of 2019, we project revenues for FY20 will actually exceed our spending authority.

Not long after the Police Training Court Surcharge fee was implemented by the legislature, they also set a cap on how much of these funds could be carried forward from one year to the next. That is, unspent revenue from one year could be carried over to the next, but anything over that capped amount would revert to the state's general fund. For many years, this amount was set within legislative intent language at \$125K; unspent revenue beyond this amount would 'lapse' to the general fund. At the request of APSC, with support from the Governor's office, the Alaska legislature

eliminated this carry over restriction beginning with the FY21 budget, allowing all unspent revenues to be brought forward into the subsequent fiscal year.

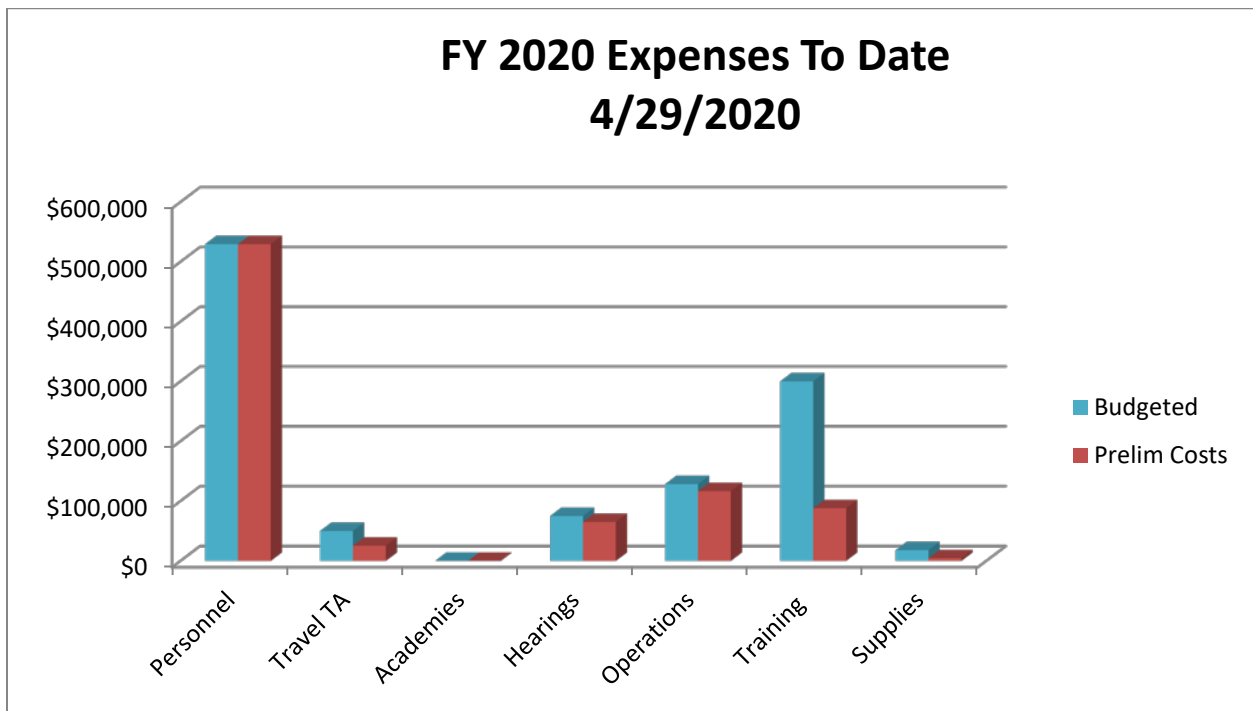
At the beginning of the fiscal year we adopted a spend plan based on historical projected revenues of only \$1.1M. Coupled with the postponement and cancellation of several significant planned training events APSC planned to sponsor, we will not be spending even this amount. As a result, we hope to have a substantial amount of revenue available to carry forward into FY21 and support enhanced regional training programs next year, assuming pandemic restrictions allow.

This positive news must be viewed cautiously. Given the near elimination of discretionary or proactive law enforcement activities by law enforcement agencies in response to the Pandemic, we can expect revenues to plunge in about six months. Simply stated, if fewer people get charged with a crime or issued traffic citations during this emergency, there will be reduced court-imposed surcharge revenue expected in the future. For this reason, APSC staff again anticipate a cautious spend plan for FY21, when state revenues are projected to plummet due to global economic conditions.

FY2020 Expense Budget

As of 4/29/2020

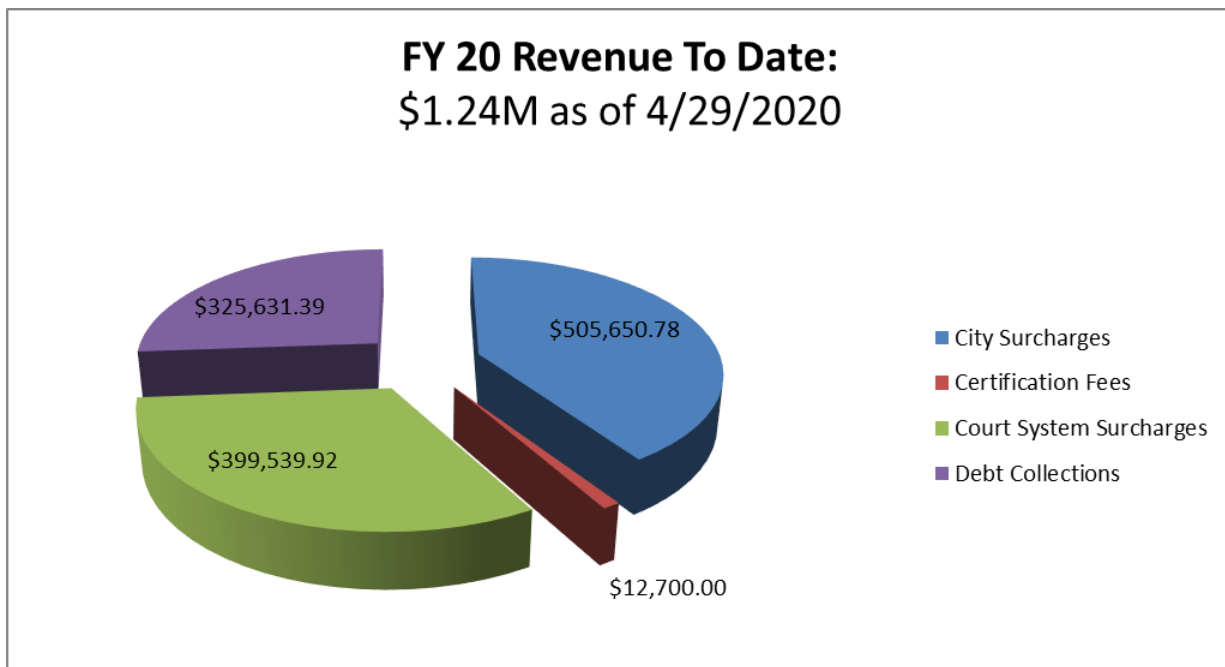
2020 IRIS Budget Lines	Item	Budgeted	Prelim Costs	% Budget	Actual Costs	% Budget
125003000- 1000	Authorized by Legislature	\$529,400				
Current Budget	Personnel	\$529,400	\$529,400	100%	\$373,511	71%
125003000- 2000	Authorized by Legislature	\$101,800	\$25,357	25%		
Current Budget	Travel TA	\$50,000	\$25,357	51%	\$21,121	42%
125003000- 3000	Services Authorized by Legislature	\$632,000				
Current Budget	Academies	\$0	\$0	0%	\$0	0%
Current Budget	Hearings	\$75,000	\$65,000	87%	\$46,150	62%
Current Budget	Operations	\$128,300	\$116,564	91%	\$116,564	91%
Current Budget	Training	\$300,000	\$87,982	29%	\$73,780	25%
Current Budget	Total "Services"	\$503,300	\$269,546	54%	\$236,493	47%
125003000- 4000	Authorized by Legislature	\$37,500				
Current Budget	Supplies	\$18,000	\$4,473	25%	\$4,473	25%
Totals	Projected real budget	\$1,100,700	\$828,776	75%	\$635,599	58%
FY20 Authorized Budget	Legislative spending authority.	\$1,300,700				
Actual Revenue to date	Actual Rev. vs expenses	\$1,368,522	\$539,746		\$732,923	



FY2020 Actual & Projected Revenue & Budget

As of 4/29/2020

Revenue Sources	Revenue	%
City Surcharges	\$505,650.78	40.66%
Certification Fees	\$12,700.00	1.02%
Court System Surcharges	\$399,539.92	32.13%
Debt Collections	\$325,631.39	26.19%
Total Collected Revenue	\$1,243,522.09	
Final Carry over from FY19	\$125,000.00	
Grand Total of Available Revenue	\$1,368,522.09	
Projected (Estimated) Program Receipts	\$1,100,000.00	
Progress Actual vs projected YTD	113%	83%
Projected actual cash to spend	\$1,368,522.09	
Projected actual cash to spend (less \$125K carryforward to FY21)	\$1,243,522.09	



Planned Activities:

Staff Travel Planned: All staff travel has been cancelled. Future OAH hearings in Anchorage will require staff travel.

APSC Council Meeting Dates:

- TBD: Quarterly teleconferenced Meeting in August or September.

13 AAC 85.090 is amended by adding a new subsection to read:

(e) An officer certified by the council or serving in a position requiring certification by the council shall maintain a current, valid mailing address on file with the council. The most recent mailing address on file with the council is the address that the council will use for official communications and notifications. An officer shall notify the council, in writing, of a change of the officer's address not later than 30 days after the change. (Eff. 8/10/73, Register 47; am 9/17/76, Register 59; am 8/10/80, Register 75; am 9/23/84, Register 91; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am __/__/__, Register ____)

Authority: AS 18.65.220 AS 18.65.240

13 AAC 85.250 is amended by adding a new subsection to read:

(e) An officer certified by the council or serving in a position requiring certification by the council shall maintain a current, valid mailing address on file with the council. The most recent mailing address on file with the council is the address that the council will use for official communications and notifications. An officer shall notify the council, in writing, of a change of the officer's address not later than 30 days after the change. (Eff. 8/8/90, Register 115; am 4/12/2001, Register 158; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am __/__/__, Register ____)

Authority: AS 18.65.220 AS 18.65.248 AS 18.65.285
AS 18.65.245

13 AAC 85.900(20) is amended to read:

(20) "crime of domestic violence" **has the meaning given in AS 18.66.990**

[MEANS AN OFFENSE THAT HAS, AS AN ELEMENT, THE USE OR ATTEMPTED USE OF FORCE, OR THE THREATENED USE OF A DEADLY WEAPON, AND THE OFFENSE WAS COMMITTED BY A PERSON AGAINST A VICTIM, BOTH OF WHOM ARE DESCRIBED IN 18 U.S.C. 921(a)(33)(A)(ii), AS THAT PROVISION READ ON MARCH 17, 1998];

(Eff. 8/10/73, Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91; am 3/16/89, Register 109; am 8/8/90, Register 115; am 10/24/92, Register 124; am 9/6/96, Register 139; am 7/15/98, Register 147; am 3/25/2001, Register 157; am 4/12/2001, Register 158; am 6/13/2002, Register 162; am 8/8/2007, Register 183; am 2/13/2010, Register 193; am 9/24/2016, Register 219; am 4/6/2018, Register 226; am ___/___/___, Register ___)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.290
AS 18.65.240 AS 18.65.285

Editor's note: Before Register 115, 13 AAC 85.900 was numbered as 13 AAC 85.150.

The history note for 13 AAC 85.900 contains the history of the definition section under its former number.

[THE REFERENCE SET OUT IN 13 AAC 85.900(20) TO "BY A PERSON AGAINST A VICTIM, BOTH OF WHOM ARE DESCRIBED IN 18 U.S.C. 921(a)(33)(A)(ii), AS THAT PROVISION READ ON MARCH 17, 1998" IS A REFERENCE TO THE COMMISSION OF THE OFFENSE "BY A CURRENT OR FORMER SPOUSE, PARENT, OR GUARDIAN OF

THE VICTIM, BY A PERSON WITH WHOM THE VICTIM SHARES A CHILD IN COMMON, BY A PERSON WHO IS COHABITING WITH OR HAS COHABITED WITH THE VICTIM AS A SPOUSE, PARENT, OR GUARDIAN, OR BY A PERSON SIMILARLY SITUATED TO A SPOUSE, PARENT, OR GUARDIAN OF A VICTIM."]

13 AAC 89.010 is amended to read:

13 AAC 89.010. Basic standards for village police officers. (a) The basic standards for a village police officer are that the person

(1) is 19 years of age or older;

(2) is a citizen of the United States [OR A RESIDENT ALIEN WHO HAS DEMONSTRATED AN INTENT TO BECOME A CITIZEN OF THE UNITED STATES];

(3) is of good moral character; **in determining good moral character, the council may consider** misdemeanor convictions, other than minor traffic offenses, during the 10 years before application [WILL, IN THE COUNCIL'S DISCRETION, BE CONSIDERED BY THE COUNCIL IN DETERMINING MORAL CHARACTER];

(4) has **never** [NOT] been convicted of a felony or been incarcerated, placed on probation, or placed on parole after conviction of a felony, by a court of the United States or of any state or territory [DURING THE 10 YEARS BEFORE APPLICATION]; a felony conviction in another jurisdiction for an offense **that** [WHICH] is not a felony in **this state** [ALASKA] does not necessarily bar certification unless the felony conviction was for a crime of dishonesty or a crime **that** [WHICH] resulted in serious physical injury or a threat of serious physical injury; [AND]

(5) has no physical or mental condition that would adversely affect the person's performance as a police officer;

(6) has never been convicted of

(A) a crime of domestic violence in this state or a similar law of another jurisdiction; or

(B) a crime that is a sex offense in this state as defined in AS 12.63.100 or a similar law of another jurisdiction; and

(7) during the 12 months preceding hire or appointment, has not illegally used controlled substances other than marijuana.

(b) **A village may only appoint or hire a person to serve as a village police officer if the person meets the basic standards listed in (a) of this section.** Only a village may appoint **or hire** a person as a village police officer.

(c) A person **who was denied certification or** whose certificate has been revoked by the council is not eligible for **appointment or** hire as a village police officer by a village unless the person's certificate has been reinstated by the council. (Eff. 10/18/81, Register 80; am 1/15/95, Register 133; am ___/___/___, Register ___)

Authority: AS 18.65.220 **AS 18.65.230** AS 18.65.240

13 AAC 89.020(a) is amended to read:

(a) Before appointing **or hiring** an applicant to a permanent position as a village police officer, a village shall

(1) obtain proof of the applicant's age and citizenship;

(2) review and evaluate the applicant's personal history and medical history statements **and ensure that the applicant meets the standards in 13 AAC 89.010**; [AND]

(3) review and evaluate **the report of criminal justice information under AS 12.62 and the national criminal history record check obtained under AS 18.65.240**; and

(4) contact the council to confirm the applicant's eligibility for appointment and certification [RESPONSES TO FINGERPRINT RECORD CHECKS BY THE DEPARTMENT OF PUBLIC SAFETY AND THE FEDERAL BUREAU OF INVESTIGATION].

13 AAC 89.020(c) is amended to read:

(c) **Separation** [TERMINATION] as a village police officer for less than 90 consecutive days will be considered unbroken service for purposes of (b) of this section and 13 AAC 89.030(a)(1). (Eff. 10/18/81, Register 80; am 1/15/95, Register 133; am ___/___/___, Register ___)

Authority: AS 18.65.220 **AS 18.65.230** AS 18.65.240

13 AAC 89.040 is repealed and readopted to read:

13 AAC 89.040. Village police officer basic training program. (a) A village police officer basic training program must consist of at least 80 hours of instruction and include instruction regarding

- (1) alcohol and drug interdiction;
- (2) arrest procedures;

- (3) constitutional rights and administration of justice;
- (4) crime scene investigation;
- (5) criminal complaints;
- (6) criminal law and procedure;
- (7) defensive tactics and use of force;
- (8) disability awareness, in compliance with the requirements of AS 18.65.220;
- (9) domestic violence, in compliance with the requirements of AS 18.65.240;
- (10) procedures regarding persons suspected of driving under the influence;
- (11) ethics and cultural diversity;
- (12) fire prevention and fire extinguishers;
- (13) first aid;
- (14) interview techniques;
- (15) juvenile procedures;
- (16) patrol procedures;
- (17) police tools such as oleoresin capsicum, baton, and handcuffs;
- (18) report writing and police notebooks;
- (19) search and rescue;
- (20) search-and-seizure and evidence procedures; and
- (21) sexual assault, in compliance with the requirements of AS 18.65.240.

(b) A person shall attend all sessions of the training required in (a) of this section, unless the director of the program approves a person's absence. A person who is absent for over 10 percent of the total hours of instruction will not be considered to have completed the training

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required in (a) of this section. (Eff. 10/18/81, Register 80; am 4/6/2018, Register 226; am ___/___/____, Register____)

Authority: AS 18.65.220 AS 18.65.230 AS 18.65.240

13 AAC 89.080 is amended by adding a new subsection to read:

(e) A village police officer certified by the council or serving in a position requiring certification by the council shall maintain a current, valid mailing address on file with the council. The most recent mailing address on file with the council is the address that the council will use for official communications and notifications. An officer shall notify the council, in writing, of a change of the officer's address not later than 30 days after the change. (Eff. 10/18/81, Register 80; am 1/15/95, Register 133; am ___/___/____, Register____)

Authority: AS 18.65.220 AS 18.65.240

18 AAC 89.150 is repealed and readopted to read:

13 AAC 89.150. Definitions. In this chapter,

- (1) "certificate" means a certificate described in 13 AAC 89.030;
- (2) "controlled substance" has the meaning given in AS 11.71.900;
- (3) "council" means the Alaska Police Standards Council;
- (4) "crime of dishonesty" means a crime under AS 11.46, or a crime under a similar statute or ordinance of this state or another jurisdiction;
- (5) "crime of domestic violence" has the meaning given in AS 18.66.990;
- (6) "driving under the influence" means an offense under AS 28.35.030 or

another law or ordinance with substantially similar elements, or an offense of refusal to submit to a chemical test under AS 28.35.032 or another law or ordinance with substantially similar elements;

(7) "expungement" means that the central repository for criminal history records, in the jurisdiction in which a conviction was issued, has destroyed or sealed the record of conviction so that the record is not available for dissemination for any criminal justice activity;

(8) "felony" means a crime classified as a felony in this state at the time the crime was committed; a conviction in another jurisdiction by a civilian or military court is a felony conviction if the crime has elements similar to those of a felony under the law of this state at the time the offense was committed; a completed suspended imposition of sentence, expungement of record, or a pardon does not remove a felony conviction from a person's record;

(9) "force" has the meaning given in AS 11.81.900(b);

(10) "good moral character" means the absence of acts or conduct that would cause a reasonable person to have substantial doubts about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States; for purposes of this standard, a determination of lack of "good moral character" may be based upon a consideration of all aspects of a person's character;

(11) "jurisdiction" means a state, territory, or commonwealth of the United States;

(12) "marijuana" has the meaning given in AS 11.71.900;

(13) "misdemeanor" means a crime classified as a misdemeanor in this state at the time the crime was committed; a crime committed in another jurisdiction for which there was

a conviction in that jurisdiction by a civilian or military court is a misdemeanor conviction if the crime has elements similar to those of a misdemeanor under the law of this state at the time the offense was committed; for purposes of determining whether, under this paragraph, a crime is to be considered a misdemeanor or whether a conviction is to be considered a misdemeanor conviction, an offense punishable as a misdemeanor in this state or under the law of another jurisdiction that results in a completed suspended imposition of sentence, expungement of record, or a pardon is a misdemeanor conviction unless the offense was committed by the person before 21 years of age;

(14) "serious physical injury" has the meaning given in AS 11.81.900(b);

(15) "village" means a community that

(A) is off the interconnected state road system;

(B) has a population of less than 2,000 persons based on the most recent federal census; and

(C) has been incorporated as provided in AS 29.05. (Eff. 10/18/81,

Register 80; am ___/___/___, Register ___)

Authority: AS 18.65.220 AS 18.65.240