



Alaska Police Standards Council
129th Regular Meeting Agenda
February 13, 2018, 0900
State Office Building, Juneau

GENERAL SESSION AGENDA

1. Call to Order
2. Roll Call
3. Flag Salute
4. Audience Introductions
5. Approval of agenda
6. Approval of past minutes – December 5, 2017
7. Persons to be heard:
 - a. Introduction to FBI's investigations of Public Corruption and Civil Rights violations: SSA Joe Bieshelt and SA Oberlander, FBI
 - b. Public Safety Legislation and the Public Safety Action Plan: Kaci Schroeder, AK DOL Legislative Liaison
 - c. The Open Meetings Act; a primer for APSC members: Andrew Peterson, AK DOL
8. Council Chair's Report
9. Executive Director's Report - Written
10. Old Business
 - a. Subcommittee Report - Consideration of Statute Change Police Officers – Definition
11. New Business:
 - a. Marijuana in officers' homes and enforcement of 13 AAC 85.110 (b)(2)(C) and 13 AAC 85.270 (b)(2)(C) – discussion and guidance.
12. 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
13. Call back to order – General Session
14. Roll Call
15. Business arising from Executive Session (Individual decisions voted in open session)
 - a. Action to accept surrendered certification(s)
 - b. Council consideration of probable cause to initiate revocation action
16. Persons to be heard and Council comments
17. Adjournment: Next scheduled meeting May 7, 2018, Fairbanks

STATE OF ALASKA
Alaska Police Standards Council
Minutes of the 129th Regular Meeting
February 13, 2018
Juneau, Alaska

CALL TO ORDER

Chair Swihart called the Regular Meeting of the Alaska Police Standards Council to order on February 13, 2018 at 9:02 a.m. A roll call was conducted as follows:

APSC Members Present

Chair Kelly Swihart, Chief, Petersburg PD
Vice Chair Wendi Shackelford, Public Member
Carrie Belden, Director, DOC
Bill Comer, Deputy Commissioner, DPS
Michael Craig, Public Member (telephonic)
Justin Doll, Chief, Anchorage PD
Rebecca Hamon, Public Member
David Knapp, Correctional Officer IV DOC
John Papasodora, Chief, Nome PD
Ronda Wallace, Chief, Kodiak PD
Dean Williams, Commissioner, DOC

APSC Members Absent

Brad Reich, Public Member

APSC Administrative Staff Present

Robert Griffiths, Executive Director

Wendy Menze, Secretary

Sarah Hieb, Administrative Investigator

Robert Heide, Training Coordinator

Department of Law Representatives Present

Andrew Peterson, Department of Law

John Novak, Department of Law

Rob Henderson, Department of Law

Kaci Schroeder, Department of Law

FLAG SALUTE

A flag salute was conducted.

AUDIENCE INTRODUCTIONS

Joe Bieshelt with the Federal Bureau of Investigations introduced himself.

APPROVAL OF AGENDA

Executive Director Griffiths requested that discussion of the new F-3 form be added to the agenda under New Business. It was moved by Hamon and seconded by Wallace to approve the agenda as amended. The motion carried unanimously.

APPROVAL OF PAST MINUTES – December 5, 2017

It was moved by Comer and seconded by Papasodora to approve the minutes of the 128th Regular Meeting held December 5, 2017 in Anchorage. The motion carried unanimously.

PERSONS TO BE HEARD

a. Introduction to FBI’s investigations of Public Corruption and Civil Rights violations

SSA Joe Bieshelt introduced himself and noted he would be available after the meeting to answer any questions.

c. The Open Meetings Act: A Primer for APSC Members

Andrew Peterson from the Department of Law discussed the purpose of the Open Meetings Act and specifically how it pertains to the APSC. The Open Meetings Act requires that all meetings of a governmental body, such as the APSC, be open to the public and that sufficient notice of the meeting be given to the public as well. That doesn’t necessarily give the public the right to speak, vote, or make motions; the purpose is to ensure that the public is aware of when APSC meetings are held and gives them the right to attend, either in person or telephonically. Because attendees may be telephonic, roll call votes need to be taken so those participating by telephone are aware of who is voting and what their vote is. Materials discussed or distributed at the meetings should be made available in an appropriate fashion to telephonic attendees as well.

The Open Meetings Act defines a “meeting” as a gathering of more than three members of the Council, or a majority, whichever is less, where matters within the Council’s purview are discussed. “Serial communications,” where Council matters are discussed via a series of phone calls, for example, can also be defined as a “meeting” under the Open Meetings Act. Therefore, Mr. Peterson advised the Council to limit all group discussions of Council business to Council meetings only.

Executive Sessions are allowed to be conducted when certain exceptions are met. The two most applicable to the Council are when matters to be discussed could prejudice the reputation or character of an individual, or when they are considered confidential by law, such as HIPPA or confidential employment information. The process to go into Executive Session requires, first, that the meeting be public; second, a motion, second, and roll call vote needs to be taken; and third, the motion must clearly specify the matters to be discussed in Executive Session. For example, if the Council is going into Executive Session to review decertification matters, the case numbers could be listed without mentioning the individuals' names. Only the matters specified in the motion can be brought up during Executive Session, and no action can be taken in Executive Session. Actions or votes of the Council must be held when the Council reconvenes its general meeting.

Allegations of violations of the Open Meetings Act must be filed in Superior Court within 180 days of the alleged violation. The governmental body then has the opportunity to hold another meeting and redo whatever was alleged as a violation. If that does not occur, the court then has the opportunity to void the challenged action; but before the court voids that action, it first must make a determination that voiding the action wouldn't do more harm than good.

COUNCIL CHAIR'S REPORT

Chair Swihart thanked Sergeant David Knapp, the Council's newest member, for his willingness to serve on the Council and attending today's meeting.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Griffiths noted that Council members were provided the Executive Director's Report to Council on February 6th. Updates to the written report include: Luis Nieves is no longer on the Council due to his moving to a non-police-officer position. Mr. Nieves will be awarded a plaque of appreciation for his eight-plus years of service on the Council. Also, John Rhyshek is the new interim chief of police at Bristol Bay.

APSC staff have been working on a draft of a new F-3 form for the Council's review. It was e-mailed previously to the Council and printed copies are also available.

OLD BUSINESS

a. Subcommittee Report – Consideration of Statute Change Police Officers – Definition

No new information on this matter is available at this time.

NEW BUSINESS

a. Marijuana in Officers' Homes and Enforcement of 13 AAC 85.110(b)(2)(C) and 13 AAC 85.270(b)(2)(C) – Discussion and Guidance

APSC regulations are clear that an officer is subject to mandatory revocation or denial of certification if, after being hired as a police, corrections, municipal corrections, probation, or parole officer, they have (A) used marijuana; (B) illegally used or possessed any Schedule IA, IIA, IIIA, IVA, or VA controlled substance, unless an immediate, pressing, or emergency medical circumstance existed to justify the use of a Schedule IA, IIA, IIIA, IVA, or VA, or controlled substance not specifically prescribed to the person; or (C) illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance.

Executive Director Griffiths noted that in his report he had brought up emerging cases coming out of, so far, the Department of Corrections, where certified officers have been found to have marijuana within their home but who claim it was not in their possession. One case involves an officer whose spouse was growing marijuana for medicinal purposes for their disabled son. APSC staff is looking for direction from the Council as to whether adopting less stringent regulations or the consideration of mitigating circumstances should be pursued, or whether the status quo should be maintained and administrative action pursued against those

officers in the future who present themselves with being in a situation where a premise under their control has marijuana in it.

Discussion followed concerning the challenges presented with differing state and federal laws regarding marijuana and the options available to the Council in handling cases involving marijuana being in the possession of an officer's household members.

It was moved by Doll and seconded by Comer that the Council provide the Executive Director with a directive to bring forward a proposed regulation modification that gives the Council some discretion when evaluating cases involving officers and marijuana. A roll call vote was taken, and the motion passed unanimously.

b. Discussion on Proposed Changes to the F-3 Form

Executive Director Griffiths brought up for discussion staff's current efforts to redesign the Personal History Statement, or APSC F-3 form, and the desire by some departments to accommodate electronic submission of the form, including signatures.

Council discussed the relative advantages to expanding the form by adding more directions and spaces for information, including e-mail address for contacts, vs. the difficulties many applicants have in filling out the current F-3 form correctly.

Chief Swihart inquired about the acceptance of an electronic signature by other agencies when the form was used for its other purpose, a release of information; discussion followed.

John Novak and Andrew Peterson expressed that electronic submission of the form was certainly allowed by law, but there may need to be a physically notarized signature on the form before it was considered finalized, although even that page could also be attached electronically.

Chief Papasodora raised the issue that an expanded form could discriminate against the rural areas where extensive questionnaires would likely discourage applicants from smaller communities from applying.

There was discussion about the potential of adopting different forms for the different professions; Police, Village Police, and Corrections and for the sharing of background investigation information between agencies to help identify potential candidates for the variety of public safety positions.

10:30 am- Break

10:40 am- Meeting reconvened. Roll call taken. All present.

PERSONS TO BE HEARD

b. Rob Henderson- DOL Public Safety Action Plan

Discussed HB 291 Schedule Controlled Substances

HB 295/SB 15 Pretrial Release

HB 292/SB 147 Large Quantity Distribution

HB 325 Excludes DOC from procurement rules-halfway houses

HB 316 Expungement of Certain Records

ADJOURNMENT TO EXECUTIVE SESSION

Motion to 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.

Case number 17-28

Case number 17-29

Case number 17-31

Case number 17-16

Comer moved and seconded by Doll. No objections. Motion passed unanimously. 11:00 am.

REPORT FROM THE EXECUTIVE SESSION

Reconvened to General Session at 12:23 pm; roll call was taken; all members previously in attendance remained.

Following deliberations during the Executive Session, Chair Swihart called the General Session back to order. The following actions were taken:

2017-16 - Motion to adopt the final findings of disqualification of Kent Preston, case 2017-16, and to direct the Executive Director to draft or produce similar findings of disqualification in all future cases for consideration and Councils' approval

Shackelford moved and Papasodora seconded. A roll call vote was conducted. Motion passed 9 in favor; 1 no vote- Craig; 1 recusal- Swihart.

2018-02 - Motion to table to meeting on May 7, 2018.

Hamon moved and Wallace seconded. A roll call vote was conducted. Motion passed 10 in favor; 1 recusal- Swihart.

2017-31 - Motion to accept voluntary surrender on case 2017-31 Kalin Rosse.

Shackelford moved and Hamon seconded. A roll call vote was conducted. Motion passed 9 in favor; 2 recusals- Wallace and Swihart.

2017-28 - Motion to find probable cause to move forward with seeking revocation in case 2017-28, Caitlin Price

Shackelford moved and Doll seconded. A roll call vote was conducted. Motion passed 6 in favor; 2 no votes- Comer and Craig; 3 recusals- Belden, Knapp and Williams.

2017-29 Motion to find probable cause to move forward with seeking revocation in case 2017-28, Bruce Busby

Hamon moved and Wallace seconded. A roll call vote was conducted. Motion passed 8 in favor; 3 Recusals- Belden, Knapp and Williams.

PERSONS TO BE HEARD AND COUNCIL COMMENTS

Executive Director Griffiths thanked Chair Swihart for his dedicated service and participation on the Council and noted a commemorative plaque would be delivered to Chair Swihart. Deputy Commissioner Comer invited all to the DPS building.

ADJOURNMENT AND NEXT SCHEDULED MEETING

The next regularly scheduled meeting of the APSC will be in Fairbanks on May 7, 2018

There being no further business to come before the Council, it was moved by Papasodora and seconded Doll to adjourn the meeting. The motion passed unanimously. Meeting ended at 12:45 pm.

Adopted on May 7, 2018 at Fairbanks, Alaska



Executive Director's Report to Council

February 6, 2017

Activities:

After our December 5th, council meeting, your APSC staff:

- Completed the packet of regulatory changes adopted by the council on December 5, 2017, and filed them with the appropriate agencies; as of the date of this memo they have yet to be published by the Lt. Governor's Office. Once published they go into effect 30 days later.
- Finalized the Council's direction regarding prorated basic training reimbursement to municipal police agencies and distributed it statewide. A copy of this memo is attached for your reference and is distributed with each basic academy acceptance letter sent to police chiefs;
- Reviewed applications for training in the 2018 reciprocity academy (February 1-16), ultimately approving 18 municipal attendees; including two the last week before class and one the first day of class (he showed up on his own without applying for approval from APSC or the Academy);
- Processed and approved 32 applications for training in the ALET 2018-01 class (February 25 – June 4, 2018). Ten of these are municipal officers and one is a self-pay student;
- Collaborated with the AK Dept. of Law and the Governor's office on Council requested legislation. The governor's office introduced HB 293 and SB 148 addressing the need for Council authority to take and submit fingerprints for background checks. These bills are now in hearings before the Senate and House State Affairs committees. The Governor also introduced HB 294 and SB 149 addressing the need to raise the Police Training Court Surcharge fees assessed to those convicted of most traffic and criminal offenses. These bills were referred to the House and Senate Judiciary Committees and have yet to have any hearings scheduled.
- Continued our many ongoing misconduct investigations; opened twelve new cases and closed eight existing cases. For your evaluation and findings in this meeting we are forwarding one voluntary certificate surrender and several cases for consideration of probable cause to pursue administrative action.
- Responded to 20 formal records requests, up to and including national media organizations. Addressed and responded to seven formal complaints against officers and/or agencies received from the public, other state agencies, or legislators;
- Worked with key representatives from agencies on the proposed redesign of the APSC F-3 Personal History Statement. The latest draft will be discussed at this coming council meeting;
- Continued day to day operations; reviewing certification applications and validating course curriculum; responding to reciprocity and other information requests; and,
- APSC Training Coordinator Rob Heide taught a Methods of Instruction Course in Juneau in November and another at the end of January. One more class is scheduled for the end of February;

Statistics:

Fiscal year 2018:

Training Events Sponsored	0	Except Academies (all planned or held)
Officers Attending Courses	0	APSC Sponsored Courses
Sponsored Training Hours Delivered	0	Excluding Basic Academies
Sponsored Academy Attendees	33	ALET 1801, CTC 13,
Sponsored Academy Training Hours Delivered	27750	Officers directly sponsored by APSC
Municipal Academy attendees – pending reimbursement or department sponsored	18	ALET 18-02
Non-sponsored training hours	11954	APSC Reciprocity, ALET 18-02, and municipal corrections
Certificates issued	287	All Certifications
Instructor Certifications	81	Including Renewals
Course Certifications	63	Including Renewals
New Investigations Initiated	23	19 Cases closed or resolved
OAH Hearing Events Held	0	Reported Quarterly

Administrative Hearings/Appeals:

Case Status:

- Anthony Henry, APD; APSC 2015-07, OAH No. 16-0315-POC. By agreement, this case was suspended pending the outcome of a related federal civil case between Henry and the MOA.
- Valent Maxwell: APSC #2015-12, OAH#16-0134-POC; Alaska Court # 1KE-17-00069CI. Appeal of Council's decision filed with Superior Court. Council is being represented by Andrew Peterson.
- Antoni Hoiby: APSC #2015-20, OAH #16-0545-POC; Alaska Court # 3AN-17-06838CI. Appeal of Council's decision filed with Superior Court. Council is being represented by Andrew Peterson and Carole Holley.
- David N Johnson: APSC #2015-11, OAH #16-0383-POC; Alaska Court #3HO-17-00345CI. Appeal of Council's decision filed with Superior Court on 11/2/2017; the court waived its untimely filing. Council's Representation is Andrew Peterson.

Council and Command Changes across the state:

- At the end of 2017, Jeff Brown became the Deputy Chief of the North Slope Borough DPS, replacing Deputy Chief Nick Sundai.
- Mike Holman, Director of the Unalaska DPS, retired at the end of January, 2018. Deputy Police Chief Jennifer Shockley is serving as acting director.
- DOC Sergeant David Knapp was recently appointed to the Council by Governor Walker. David works as DOC's "Security Threat Group Coordinator" as well as managing the K-9 and inmate telephone programs for DOC. Welcome, David!

Issues:

Village Police Officers:

As discussed on previous occasions with the Council, Managing Village Police Officer training and certification continues to be a challenge for APSC staff. As one example, AST Captain Merrill and I flew to Bethel on December 11, to meet with the new Yuut Elitnaurviat (the Bethel VPO academy)

Director, Mike Hoffman. He was out of town, having forgotten our meeting. Fortunately, we met with Tiffany Tony, the Director of Operations, and with Jeremy Osborne, the Director of Programs; and had a very productive session discussing the VPO academy, its curriculum, funding and scheduling.

HB 293 and SB 148 were introduced in the Alaska legislature this session to address our challenge of helping rural communities conduct background checks on their potential village police officers. This bill would authorize APSC to collect and conduct fingerprint based background checks for rural applicants and for self-pay academy applicants. It would also require a fingerprint based background check (before or after hire) before a police officer could be certified by APSC.

Marijuana in the home:

APSC regulations¹ are clear that an officer is subject to MANDATORY revocation (or denial of certification) if; after hire as a police, corrections, municipal corrections, probation, or parole officer; they have:

- (A) used marijuana;
- (B) illegally used or possessed any Schedule IA, IIA, IIIA, IVA or VA controlled substance, unless an immediate, pressing, or emergency medical circumstance existed to justify the use of a prescription Schedule IA, IIA, IIIA, IVA or VA controlled substance not specifically prescribed to the person; or
- (C) illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance;

The Council has set and maintained a strong precedence for strict interpretation of these regulations and publicly ruled that, while the State of Alaska has legalized Marijuana for medical and recreational use, the cultivation, possession and use of marijuana or marijuana products remains a federal crime and; therefore, the possession, transportation, distribution, cultivation and/or use of marijuana is inconsistent with the standards of our profession. See press releases from February 26, 2015, and May 18, 2017, attached for your information.

At the request of the Department of Corrections, I present the following for your public discussion and any potential change in policy direction:

DOC has recently identified several cases in which officers have been found to have marijuana growing in their home; in each of these cases the officer claimed that the plants did not belong to them, but to others in the home, and DOC has found little evidence the officer is using the marijuana themselves. Their stories vary from the plants belonging to an officer's terminally ill parent to being cultivated by a spouse in an outbuilding for the purposes of manufacturing medicinal oils for an officer's disabled child. These officers may or may not be subject to disciplinary action by DOC.

APSC staff regard possession of marijuana in the officers' home, or a premise under their control, to be a violation of federal law and our regulations, regardless of the circumstances and legality of the conduct under state law. Lacking direction to pursue a change in regulations by the council, this position will guide our actions in pursuing revocation against these officers and would guide us in all future cases given similar circumstances.

¹ 13 AAC 85.110 and 270

Does the council wish to pursue the modification of regulations to provide for a more lenient approach, or do they wish to reaffirm their prior positions toward marijuana possession, cultivation, transportation, delivery, and/or use by APSC certified officers?

Regulations:

Changes Adopted: Instructor Certification, Project # JU2017200427:

As mentioned above, the regulatory changes adopted by the council at their December 5, 2017, meeting have been transmitted to the Lt. Governor's office but have yet to be signed and published.

There are presently no regulatory projects under way.

Policy & Procedure Development:

None currently proposed.

Finances:

Declining Police Training Fund Surcharge Revenues:

As we have discussed in several of our past meetings, there has been a precipitous drop in the number of Police Training Court Surcharge Fees imposed by the courts and in the amount collected. We are experiencing revenue levels not seen for 20 years and have instituted drastic reductions to adapt to this challenge. SB 149 and HB 294 were introduced in the legislature to help address this shortfall, but they have yet to receive a hearing in either body's Judiciary Committee, where they currently reside. Council members may wish to discuss this with their respective representatives in the legislature.

As court surcharge fees are APSC's sole source of funding each year, their reduction has had a profound effect on operations and training for officers. APSC's fixed operational costs of personnel, facilities, and our portion of 'shared costs' of state government operations are fixed at nearly \$570K each year. We must raise at least this much surcharge revenue to even maintain operations, much less hold statutorily mandated council meetings and follow through with administrative enforcement action, when required. Our statutory priorities are first to maintain and support the council and our regulatory standards for hiring and training. Remaining funds then go to support basic officer academy training and, finally, more advanced in-service training.

Measures previously adopted to address decreasing revenues:

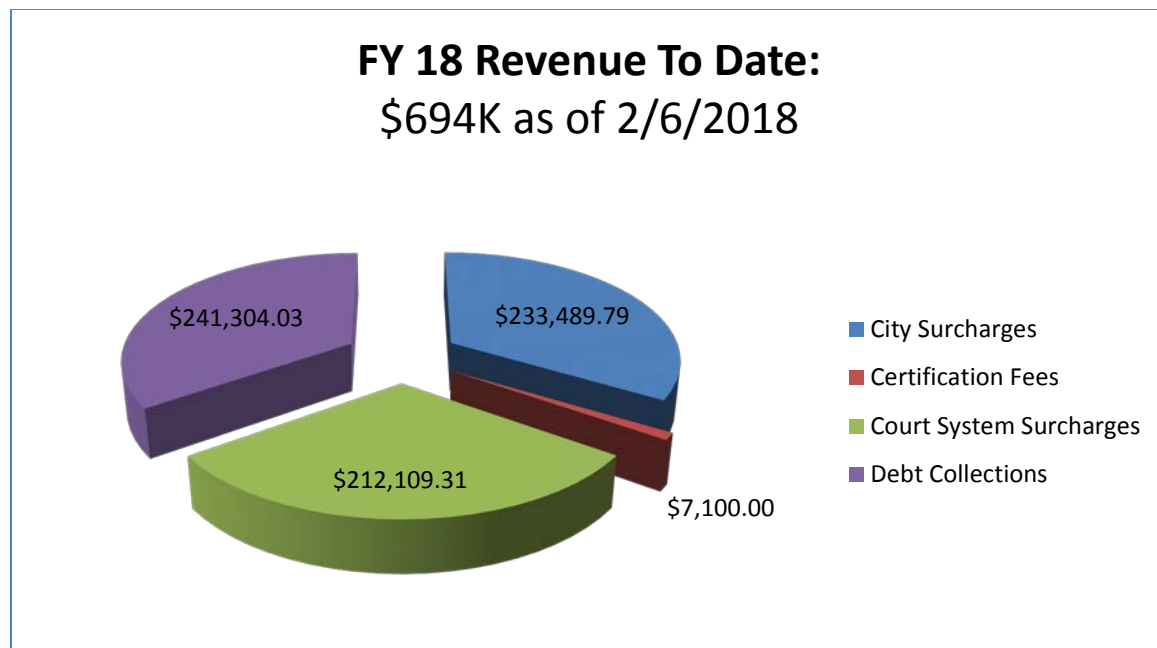
1. Elimination of APSC sponsored recruit training for state agencies such as Airports and Universities;
2. Reductions in council travel and elimination of all but essential staff travel;
3. Elimination of all advanced in-service training sponsorship and all APSC sponsored attendance by officers;
4. Elimination of sponsored attendance for reciprocity and municipal corrections academies;
5. Adoption of a proportional reimbursement policy for municipal agencies sending recruit officers to basic academies, based on remaining APSC training funds at fiscal year-end.

Fiscal Year 2018:

Revenue to date (2/6/2018):

Revenue Sources	Revenue	
City Surcharges	\$233,489.79	
Certification Fees	\$7,100.00	
Court System Surcharges	\$212,109.31	
Debt Collections	\$241,304.03	
Total Collected Revenue	\$694,003.13	
Carry over from FY17	\$53,000.00	actual
Grand Total	\$747,003.13	
Projected revenue (Last year's actual revenue)	\$982,199.00	
Progress Actual vs projected YTD	71%	60%
Projected actual cash to spend (No remaining carryforward)	\$1,035,199.00	
Projected actual cash to spend (retaining \$125K carryforward)	\$910,199.00	

This includes promised, but not received, revenues from MOA surcharges- Sept-Dec, 2017

**Expenses Vs. Budget:**

Shrinking revenue and the much smaller carryover from fiscal year 2017 continue to dictate a very lean budget for this fiscal year, as the enclosed charts detail.

Early this year we made our internal budget adjustments to reflect projected revenue (\$1,021,700) vs the legislatively authorized budget (\$1,286,900). Revenue to date is on track with our projections and has nearly reached the point of paying for our already obligated expenses. Expenses exceeding our budget estimate include shared "core costs" of state government and personnel costs due to the state's mandatory Vacancy Factor applied to our legislative budget.

IRIS Budget Lines	Item	Budgeted	Prelim Costs	% Budget	Actual Costs	% Budget
125003000- 1000	Authorized by Legislature					
Current Budget	Personnel	\$469,700	\$473,544	101%	\$253,488	54%
125003000- 2000	Authorized by Legislature	\$124,700	\$18,365	15%		
Current Budget	Travel TA	\$36,000	\$18,365	51%	\$12,109	34%
125003000- 3000	Authorized by Legislature	\$655,000				
Current Budget	Academies	\$400,000	\$282,901	71%	\$295,761	74%
Current Budget	Hearings	\$30,000	\$30,000	100%	\$7,834	26%
Current Budget	SOA 'Core Services'	\$74,000	\$82,941	112%	\$82,941	112%
Current Budget	Training	\$0	\$1,050		\$1,050	
Current Budget	Total	\$504,000	\$396,892	79%	\$387,586	77%
125003000- 4000	Authorized by Legislature	\$37,500				
Current Budget	Supplies	\$12,000	\$10,338	86%	\$10,338	86%
Totals	Projected real budget	\$1,021,700	\$899,139	88%	\$663,521	65%
FY18 Authorized Budget	Legislative spending authority.	\$1,286,900				
Total Actual Revenue	Actual Revenue vs Obligated Expenses	\$747,003	-\$152,136			

APSC FY 2018 Budget and Expenses as of 02/06/2018. Revenue figures include promised, but not yet received, revenues from MOA surcharges- Sept-Dec, 2017

Planned Activities:

APSC MOI Course: Week of February 26, 2018 - Juneau

APSC Spring meeting – Monday, May 7, 2017 – In concert with the Fairbanks APOA bi-annual training conference. Note change of date from May 8th, to accommodate conference planner's schedule.

OAH Hearings Currently Scheduled: None.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Public Safety

ALASKA POLICE STANDARDS COUNCIL

PO Box 111200
Juneau, Alaska 99811-1200
Main: 907.465.4378
Fax: 907.465.3263

DATE: December 14, 2017
TO: Alaska Law Enforcement and Community Leaders
FROM: Bob Griffiths, Executive Director, APSC *RCG*
RE: Changes in Police Training Funding and Support

The purpose of this memo is to inform you of a new Alaska Police Standards Council (APSC) policy mandated by declining revenues, and provide you information for community and agency budget planning.

The Alaska Legislature created the APSC in 1972 to regulate and support criminal justice officers and training. The council adopted and maintains regulations regarding minimum qualifications for officers, law enforcement instructors, and training programs.

Until 1994, when the legislature created the Alaska Police Training Fund and adopted a Police Training Court Surcharge fee (surcharge) for traffic convictions, APSC was solely funded by annual general fund appropriations. In 1998 the legislature modified the statutes and added other infractions and criminal offenses to the surcharge funds assessed upon conviction. Shortly thereafter, the legislature chose to only appropriate funds from the Police Training Fund to operate and support APSC and its mission. Each year the legislature grants spending authority up to a specified limit, however, APSC can only spend funds that are collected that year through the police training court surcharge fees.

Over the past few years the amount of court surcharges assessed by the courts and the amount actually collected steadily declined; while legislative spending authority remained about the same. In fiscal year 2017, the police training court surcharge revenues collected hit a low not seen in the past fifteen years (\$982K) and is not expected to increase in the foreseeable future. As I am sure you can appreciate, managing an annual budget that is a moving target can be a challenge, particularly when you do not know your final revenue numbers until the end of the fiscal year.

In its most recent session, the legislature adopted a budget that cut \$200K in general funding for the Alaska Law Enforcement Academy and inserted legislative intent language in APSC's budget stating that; "It is the intent of the legislature that the Alaska Police Standards Council reduce the subsidy for non-state entities who send recruits to training programs."¹

In July, the council adopted a budget to address the legislature's intent and the revenue shortfall. We took immediate steps to reduce expenditures: funding support for all in-service, investigative, and advanced officer training was eliminated; APSC sponsored basic municipal police officer training was limited to two officers per agency; and, agencies were advised that they would now be

¹ Note that APSC does not fund basic training for any officers from state agencies.

responsible for all training costs for their officers' attendance to the municipal corrections officer and recertification/reciprocity academies. We communicated these changes to police chiefs on July 28th (a copy of this memo is attached for your reference).

On December 5, 2017, the Council adopted a policy intended to address inadequate funding to support academy training. The following is an introduction to this new training reimbursement policy.

1. Effective immediately; rather than APSC paying academies directly for each basic academy municipal attendee, police agencies must pay the initial cost of training directly to the academy.
2. In June of each year, municipal agencies will be reimbursed by APSC a pro-rated portion of available academy funds for their officers who successfully graduated from the ALET and/or CTC academies during that fiscal year.

These changes mean that in June of 2018, APSC will reimburse agencies a prorated portion of their costs to send officers through ALET 18-01². In fiscal year 2019, APSC will reimburse agencies in June of 2019 a prorated portion of the costs for officers who successfully completed ALET 18-02 and 19-01 and the CTC session beginning in August 2018.

To give you an idea of what reimbursements could be; APSC has approximately \$80K remaining for this fiscal year to support academy attendees. Academies vary in enrollment but average between 15 to 20 municipal officers. Our entire academy training budget this year is projected to be \$400K (recall that we can only spend what we collect). It is likely that if revenues remain low, this number will reflect next year's academy budget as well.

For your agency budget planning, the following cost estimates may prove useful. Travel and per diem costs will vary by agency, but only municipal corrections officers will need a meal allowance, as the other academy costs include room and board.

Academy	Cost Elements	Amount (FY18 #s)
ALET/CTC	Tuition/Room & Board/Fees	\$10,400
	Travel & Per Diem	Varies
Recertification/Reciprocity	Instruction/Room & Board	\$2,700
	Travel & Per Diem (2 weeks)	Varies
Municipal Corrections	DOC Academy Training	\$0
	Travel, Housing, & Per Diem (3 weeks)	Varies

The council recognizes that this places a significant financial burden upon communities, and please know that their decision was not made lightly, nor without considerable consternation.

If your agency finds that you may need to postpone an officer's basic academy training, please refer to the "Getting police officers trained and certified" section of our *APSC User's Guidebook*³.

If you have questions or suggestions, please feel free to contact me.

² This is the only remaining academy for this fiscal year; ALET 17-02 has already been paid for by APSC.

³ Quick Links section of <https://dps.alaska.gov/APSC/Home>



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Public Safety

ALASKA POLICE STANDARDS COUNCIL

PO Box 111200
Juneau, Alaska 99811-1200
Main: 907.465.4378
Fax: 907.465.3263

Date: July 28, 2017

To: All Alaska Police Chiefs and Commanders

From: Bob Griffiths, APSC Executive Director *RCG*

RE: Police Training

We can all agree that Alaska's recession has dealt every state and local agency a serious blow. You may have thought APSC's funding, which originates from surcharge fees assessed to traffic citations and criminal cases, would be immune to this recession; you would be wrong. In spite of relatively stable enforcement efforts over the past four years, new surcharge revenues declined by over 37%. From fiscal years 2016 to 2017, alone, the revenue generated declined 18%. Unfortunately, while the legislature caps our spending authority each year in the state's budget, our only source of annual funding is the surcharge revenues collected that year; we receive no general funds from the state budget.

As a small state agency, the Council has fixed personnel, facility, communications and supply costs that change little each year other than through inflation; our only "discretionary" budget items are for the amount of training we can sponsor. The Council was faced with the unenviable decision about how to allocate the drastically reduced training funds. They established that basic academy training must have priority over more advanced or in-service training events and directed me to adopt a budget and funding policy that has the following impacts:

1. Continue coordinated efforts toward surcharge amount increases through educating the legislature and stakeholder communities.
2. Effective December 31, 2017, discontinue basic academy sponsorship for state agencies' officers; this includes state airport and university public safety agencies previously sponsored by APSC.
3. For FY18, decline to fund training requests and training events, other than basic academies.
4. Effective December 31, 2017, all agencies must fund their own officer's attendance to the DPS reciprocity academy, rather than APSC funding this training (~\$2,500 each);
5. Effective December 31, 2017, municipal agencies will absorb the housing costs previously paid by APSC, for the Municipal Corrections Academy (~\$900 each).

Around the start of this fiscal year APSC committed to fully sponsoring 34 basic academy attendees to the upcoming ALET and UAF-CTC academies. We will keep this commitment, although it leaves us with adequate funding to only support five additional basic academy attendees for the remainder of this fiscal year. Additionally, when this year's budget was finally adopted by the legislature, they inserted the following intent language into our budget:

“It is the intent of the legislature that the Alaska Police Standards Council reduce the subsidy for non-state entities who send recruits to training programs.”

At our December 5, 2017, Council meeting, the Council will consider options regarding how to equitably distribute limited academy funding for the remainder of this year and in years to come, as well as how APSC can best comply with the intent of the legislature. These options may include such measures as setting a limit on the number of sponsored attendees each year based upon revenues collected, or having all agencies pay for their attendees to the academy and municipalities be reimbursed an equitable share of the training costs upon successful graduation. You may wish to discuss these options with council members or suggest your own solutions between now and December's meeting.

I recognize that the above presents significant challenges for you, your agency, and your community. While some tough choices have yet to be made, I wanted you all to receive the earliest notice possible of these changes, and the likelihood of additional changes which will directly impact your budget. Please take APSC's limitations into consideration this year as you consider spending your precious training budgets and plan ahead for future year's budgets; for we will be facing these harsh financial realities as long as police training surcharge revenues remain at these historic lows.

If you have questions, comments, suggestions, or would just like to see the relevant figures, please do not hesitate to contact us.



February 26, 2015

Alaska Police Standards Council - Regulations Regarding Marijuana Use for Officers Unchanged

(Juneau, Alaska) – With marijuana now legalized in Alaska, the average citizen who is old enough to drink is able to possess or transport - but not sell - up to one ounce or six plants of marijuana.

As state and local officials still work to define the specific regulations about where marijuana can be used, for the roughly 2,600 police and correctional officers in Alaska, not much has changed. At its December meeting the Alaska Police Standards Council discussed what affect marijuana legalization would have on its current regulations. 13 AAC 85.110(b)(2)(A) says that the council shall revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate has, after hire as a police officer, used marijuana. 13 AAC 85.270 (b)(2)(A) applies the same standard for correctional, probation and parole officers.

Conversation included marijuana use still being considered illegal at the federal level and the possibility of its use being considered in the same light as alcohol consumption. The Council discussion concluded with a decision to make no immediate regulatory changes, but to continue to monitor current legislation.

The Council meets at least twice a year to discuss minimum eligibility and training standards for police, correctional, parole and probation officers, as well as misconduct allegations that may affect officer certification.

Walt Monegan
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Press Release

DEPARTMENT OF PUBLIC SAFETY

**ALASKA POLICE
STANDARDS COUNCIL**

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May 18, 2017

Alaska Police Standards Council Addresses Possession, Distribution, and Cultivation of Marijuana by Officers

(Juneau, Alaska) - In February of 2015, following the legalization of recreational marijuana in Alaska, the Alaska Police Standards Council (APSC) examined the applicable state regulations prohibiting certified police, correction, probation/parole, and municipal corrections officers from using or consuming marijuana and determined by a unanimous vote that the regulations should and would remain unchanged.

In its statewide meeting on May 3, 2017, the Council determined, by unanimous vote, that possession, distribution and/or cultivation of marijuana by certified police, correction, probation/parole, and municipal corrections officers, is prohibited under applicable state regulations – even by an officer licensed by the Alaska Marijuana Control Board to possess, distribute, and/or cultivate marijuana. The Council also determined, by unanimous vote that the regulations should and would remain unchanged.

The Council at both the February 2015 and May 2017, meetings reaffirmed the principle that the use, possession, distribution, and/or cultivation of marijuana are incompatible with the law enforcement profession.

When establishing the Council in 1972, the Alaska Legislature authorized it to set minimum standards which officers must meet to be able to serve as officers in Alaska. The Council has never wavered from the principle of prohibiting persons who violate the law (state, federal, or local) by using, possessing, or distributing, or cultivating controlled substances to serve as law enforcement officers in Alaska.

Current regulations prohibit all classes of certified officers in Alaska from illegally manufacturing, transporting, selling or using controlled substances. The Council's decision recognizes that, regardless of Alaska's referendum legalizing recreational marijuana, it is still illegal under federal law. Officers engaged in cultivation or sale of marijuana, even with a license from the State of Alaska, are still violating federal law. Also under federal law, individuals who use, manufacture, or sell drugs cannot legally possess firearms; tools considered required for many criminal justice professions.

“While we do not have any current cases involving this conduct, in light of Alaskans' proud entrepreneurial spirit, the council felt it may be only a matter of time before a certified officer considered pursuing a license to possess, distribute, or cultivate marijuana in Alaska,” stated Bob Griffiths, the Executive Director APSC. “The Council decided to send a loud and clear message to those officers considering such an endeavor, that this activity was inconsistent with the ethics of professional law enforcement and is prohibited under current state regulations.”

“The direction given by the Council was clear,” said Griffiths, “If a certified officer engages in the cultivation and/or sale of marijuana, the Council will immediately act to revoke his or her certificate. Revocation of certification results in the officer being barred from serving as an officer for any agency in Alaska.”

In its history, APSC has revoked the certifications of nine officers for drug related misconduct and revoked, or disqualified from certification, 163 officers for a wide variety of other misconduct, Griffiths said.

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REF: AS 18.65.130-290, 13 AAC 85.010 thru 13 AAC 89.150