



Public Safety Employees Association, Inc.  
*"Representing Alaska's Finest"*  
A.F.S.C.M.E. Local 83



March 23, 2012

Representative Bob Lynn  
Chairman of House State Affairs Committee  
State Capitol Room 108  
Juneau AK, 99801

Re: Letter of Support for House Bill 351

My name is Meagan Carmichael. I have worked as a business agent with the Public Safety Employees Association since October 2009. During that time, employers have relied on polygraph examinations to support several terminations of police officer employees.

In one case, an employee declined to take a polygraph during an internal investigation, and the employer punished the officer by immediately placing him on administrative leave, even though the Collective Bargaining Agreement prohibits the employer from disciplining employees who decline polygraphs. The employer relied on his refusal to terminate the officer, and as evidence of his guilt.

In another case, a citizen filed a complaint against an officer, and the complainant failed a polygraph regarding the truthfulness of his complaint. The employer disregarded the fact that the complainant failed the polygraph, and gave him a second chance by giving him a second polygraph. The internal investigative report omitted the fact that the complainant failed the polygraph, and the employer fired the officer anyway. Eyewitness testimony from five different police officers supported the officer's version of events.

In a third case, an officer volunteered for and passed 2 polygraphs about the truthfulness of his statements during an investigation, but the employer ignored the fact that he passed both polygraphs and fired the officer for allegations of dishonesty anyway. He was a veteran officer with over 10 years of experience, with no prior integrity issues or discipline.

When officers are fired for dishonesty, they often face losing their police certifications, and hence their livelihoods. The Alaska Police Standards Council relies on employers' internal investigations to revoke certifications, and they rely on polygraphs to revoke certifications. Officers cannot get hired as police officers in other states if their certifications are revoked in Alaska.

Police officers should enjoy the same rights and protections as any other citizen of the state of Alaska, and the United States. This bill will not prevent employers from asking police officers to take polygraphs, but it will protect the officer's ability to decline to take polygraphs, because they are inherently unreliable and inadmissible in court.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Meagan Carmichael', with a stylized, flowing script.

Meagan Carmichael  
PSEA Business Agent



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Dear Representative Lynn and Committee Members,

Thank you for hearing and considering HB 351 sponsored by Representative Hawker. My name is Rob Cox. I am currently the president of the Public Safety Employees Association and have been employed as an Alaska State Trooper for over 21 years. As such, I was disappointed to learn of the due process void that exists when the Alaska Police Standards Council (APSC) considers revoking a police officer's certification.

HB 351 seeks to protect due process when the APSC seeks to revoke a law enforcement officer's certification. Currently, the APSC is not required to consider the rulings of arbitrators and/or other judicial bodies before issuing a revocation decision. Given our reverence for and protection of due process for Alaska and US citizens, this seems to defy logic and good judgment. One of the foundational tenets of law enforcement is the impartial protection of citizens' right to due process. This is why it astounds me that the APSC, primarily comprised of police managers/chiefs, ignores such standards and even advocates against them for police officers.

It has been said that our police officers should be held to a higher standard – with this I agree. But, does being held to a higher standard equate to diminishing a person's rights? The State of Alaska and the APSC argue that HB 351 is not needed and would inhibit their mission. I suppose it would if they view their mission as now practiced - having license to end run the system and reasonable practice. Without this bill the door will continue to be open to personal vendetta, favoritism, and disparate revocations. Even if such practices were not common, should we refuse to remedy potential abuses until harm is done? I think not. HB 351 should appeal to everyone's sense of fair play. Please support passage of HB 351.

Sincerely,

Rob Cox  
PSEA President