

**ALASKA STATE LEGISLATURE  
HOUSE STATE AFFAIRS STANDING COMMITTEE**

March 1, 2012

8:09 a.m.

**MEMBERS PRESENT**

Representative Bob Lynn, Chair  
Representative Wes Keller, Vice Chair  
Representative Paul Seaton  
Representative Max Gruenberg  
Representative Pete Petersen  
Representative Kyle Johansen

**MEMBERS ABSENT**

Representative Peggy Wilson

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S):

Commission on Human Rights

Christa Bruce - Ketchikan, Alaska  
Joann Holmes - Kodiak, Alaska  
Joyce Skaflestad - Hoonah, Alaska

- CONFIRMATION(S) ADVANCED

Board of Parole

Michael Stark - Juneau, Alaska

- CONFIRMATION(S) ADVANCED

Personnel Board

Alfred Tamagni, Sr. - Anchorage, Alaska

- CONFIRMATION(S) ADVANCED

Alaska Police Standards Council

Gustaf Sandahl - Kenai, Alaska  
Brad Reich - Kiana, Alaska  
Jamie Sunderland - Unalaska, Alaska

Sheldon Schmitt - Sitka, Alaska  
Ronald F. Taylor - Anchorage, Alaska

- CONFIRMATION(S) ADVANCED

**PREVIOUS COMMITTEE ACTION**

No previous action to record

**WITNESS REGISTER**

CHRISTA BRUCE, Appointee  
State Commission for Human Rights  
Ketchikan, Alaska

**POSITION STATEMENT:** Testified as appointee to the State Commission for Human Rights.

JOANN HOLMES, Appointee  
State Commission for Human Rights  
Kodiak, Alaska

**POSITION STATEMENT:** Testified as appointee to the State Commission for Human Rights.

JOYCE SKAFLESTAD, Appointee  
State Human Rights Commission  
Hoonah, Alaska

**POSITION STATEMENT:** Testified as appointee to the State Human Rights Commission.

MICHAEL STARK, Appointee  
Board of Parole  
Juneau, Alaska

**POSITION STATEMENT:** Testified as appointee to the Board of Parole.

ALFRED TAMAGNI, SR., Appointee  
State Personnel Board  
Anchorage, Alaska

**POSITION STATEMENT:** Testified as appointee to the State personnel Board.

GUSTAF SANDAHL, Appointee  
Alaska Police Standards Council  
Kenai, Alaska

**POSITION STATEMENT:** Testified as appointee to the Alaska Police Standards Council (APSC).

KELLY ALZAHARNA, Executive Director  
Alaska Police Standards Council (APSC)  
Juneau, Alaska

**POSITION STATEMENT:** Provided information during the confirmation hearing for the appointees to the Alaska Police Standards Council (APSC).

BRAD REICH, Appointee  
Alaska Police Standards Council (APSC)  
Kiana, Alaska

**POSITION STATEMENT:** Testified as appointee to the APSC.

JAMIE SUNDERLAND, Appointee  
Alaska Police Standards Council (APSC)  
Unalaska, Alaska

**POSITION STATEMENT:** Testified as appointee to the APSC.

SHELDON SCHMITT, Appointee  
Alaska Police Standards Council  
Sitka, Alaska

**POSITION STATEMENT:** Testified as appointee to the APSC.

RONALD TAYLOR, Appointee  
Alaska Police Standards Council (APSC)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified as appointee to the APSC.

#### **ACTION NARRATIVE**

[8:09:18 AM](#)

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at 8:09 a.m. Representatives Keller, Seaton, and Lynn were present at the call to order. Representatives Johansen, Gruenberg, and Petersen arrived as the meeting was in progress.

#### **CONFIRMATION HEARING(S): State Commission on Human Rights**

[8:11:08 AM](#)

CHAIR LYNN announced that the first order of business was the confirmation hearing for the appointees to the State Commission for Human Rights.

[8:11:31 AM](#)

CHRISTA BRUCE, Appointee, State Commission for Human Rights, said she is a long-time Alaskan who understands and values both what it means to be a citizen and the obligation to serve. She said she would like to be involved in the process of ensuring that people are treated fairly under the law and the Alaska Constitution. She said she is happy to report that members of the commission are available to speak directly to members of the public. Ms. Bruce stated that it would be an honor to serve on the commission.

[8:15:58 AM](#)

JOANN HOLMES, Appointee, State Commission for Human Rights, offered a brief personal history. She said her work background in Alaska Native Regional nonprofit organizations has provided her with experience in planning, goal setting, and administrating activities and work plans. She listed some of her work experience, including having served on the Alaska Commission on Judicial Conduct, the Alaska Sentencing Commission, and former Governor Egan's [Model Children's Code] Task Force. She said both her work and volunteer background give her a great deal of experience in developing work plans and providing leadership, and she said she looks forward to continuing her service on the State Commission for Human Rights.

[8:17:44 AM](#)

REPRESENTATIVE GRUENBERG expressed concern that cases have languished in front of the commission, and he mentioned an audit. In response to the chair, he said he does not know if the concern has anything to do with the present nominee.

CHAIR LYNN offered his understanding that "these questions" have nothing to do with the current nominees.

[8:20:13 AM](#)

REPRESENTATIVE SEATON asked Ms. Holmes if she thinks she would have any problem being able to adjudicate or impartially consider any discrimination cases that would come before the commission.

MS. HOLMES answered no. Regarding the audit mentioned by Representative Gruenberg, she said she is fully aware of the content of the audit and thinks that "it didn't sound real good."

REPRESENTATIVE SEATON said the role of the commission needs to be fully enacted.

[8:22:38 AM](#)

REPRESENTATIVE GRUENBERG said his staff prepared a list of questions - [included in the committee packet] - in response to the aforementioned audit, and he suggested that reading the list may give committee members ideas for questions they would like to ask the individual appointees. In response to the chair, he said the audit was of the State Commission for Human Rights and was conducted on October 10, 2011.

[8:24:05 AM](#)

REPRESENTATIVE SEATON said he thinks the committee needs ascertain if the [appointees] are aware of the audit and are willing to implement the recommendations.

[8:25:03 AM](#)

JOYCE SKAFLESTAD, Appointee, State Human Rights Commission, said she has been nominated to fill a public seat on the commission. She referred to her resume [included in the committee packet] and listed skills she possesses that pertain to work on the commission. She said her most recent employment as a magistrate in the Alaska Court System has provided her with a working knowledge of Alaska statutes and regulations, an understanding of the importance of the timely resolution of cases, and opportunities to pay attention to detail. She stated her belief that as a magistrate, her primary goal was to ensure that defendants and litigants coming before the court understood their rights and responsibilities in the process of the court system and to make informed decisions based on the law and evidence presented. She said she can carry these principles over to serving on the commission. She stated her belief that her purpose in life is to serve, and she welcomes the opportunity to serve the State of Alaska. Ms. Skaflestad said she is not familiar with the mentioned audit, but would be willing to read it and would be willing to put forth the recommendations that are encompassed in it.

[8:26:48 AM](#)

MS. SKAFLESTAD, in response to Representative Gruenberg, confirmed it is her first appointment to the commission. In response to follow-up questions, she offered further details

related to her resume and the types of cases and trials she handled.

[8:29:52 AM](#)

REPRESENTATIVE GRUENBERG said he cannot recall any other appointees to the commission who had judicial experience, and he thinks Ms. Skaflestad's background will be helpful to the commission.

[8:31:21 AM](#)

REPRESENTATIVE KELLER moved to advance the confirmations of Christa Bruce, JoAnn Holmes, Joyce Skaflestad, appointees to the State Commission For Human Rights, to the joint session for consideration. There being no objection, the confirmations were advanced.

[8:31:40 AM](#)

The committee took an at-ease from 8:32 a.m. to 8:33 a.m.

### **Board of Parole**

[8:33:36 AM](#)

CHAIR LYNN announced that the next order of business was the confirmation hearing for the appointees to the Board of Parole.

[8:33:49 AM](#)

MICHAEL STARK, Appointee, Board of Parole, said he has served on the board for two five-year terms, and this nomination is for a third term. He offered a brief work history, including that he worked for the Office of the Attorney General as lead council for the Department of Corrections and the Board of Parole. He related that the membership of the Board of Parole elects its own vice chair, a position he said he has held for the past six to seven years. He said it is an honor to serve on the board, and he offered to answer questions.

[8:34:59 AM](#)

MR. STARK, in response to Chair Lynn, said two-thirds of the board's work is in revocation hearings and only one-third of its work is in discretionary hearings. He said the most challenging aspect of serving on the board is making decisions related to

those who have committed the most serious offenses. He said the board's number one concern is public safety, and its secondary concern is the rehabilitation of the offender; the board must balance those interests.

[8:36:46 AM](#)

REPRESENTATIVE KELLER thanked Mr. Stark for his service to the state.

MR. STARK said there are enough success stories to make the job worthwhile.

[8:37:20 AM](#)

REPRESENTATIVE GRUENBERG related his long association with Mr. Stark, posited that those who serve a long time provided important "institutional memory," and he stated his support of Mr. Stark's appointment.

[8:40:18 AM](#)

MR. STARK, in response to Representative Johansen, said there are set conditions of parole, specific to the offender, which are based on the person's criminal history, for example, whether the person is a substance abuser, has mental health issues, or is a sex offender. He said there are programs that give offenders the tools to help prevent a repeat of the offenses. He said those who commit themselves to the programs have the best likelihood of success.

[8:41:41 AM](#)

MR. STARK, in response to Representative Seaton, said that other than working closely with the Department of Corrections, the board has little influence over what happens before offenders are release on mandatory parole. He talked about individual assessment and following the offender as he/she moves out into the community, and he said there is a science that can be pursued to lessen the cost to society of some of the costs of corrections and to minimize recidivism.

[8:46:43 AM](#)

The committee took a brief at-ease.

[8:47:01 AM](#)

REPRESENTATIVE KELLER moved to advance the confirmation of Michael Stark, appointee to the Board of Parole, to the joint session for consideration. There being no objection, the confirmation was advanced.

[8:47:09 AM](#)

The committee took an at-ease from 8:47 a.m. to 8:49 a.m.

### Personnel Board

[8:48:55 AM](#)

CHAIR LYNN announced that the next order of business was the confirmation hearing for the appointee to the Personnel Board.

[8:49:02 AM](#)

ALFRED TAMAGNI, SR., Appointee, State Personnel Board, as appointee to the State Personnel Board, said he has served on the board for the past six years and would like to be reappointed and confirmed. He talked about changes made to the board since his service on it, including a training manual, put together with the Office of the Attorney General, for all ethics supervisors in state agencies, public corporations, boards, and commissions. He said changes were also made to streamline the case workload. In response to the chair, he said the number of cases ranges from two to twenty. He said the board handles complaints related to public officials, whereas other complaints are handled by the Office of the Attorney General, which keeps the board apprised of its decisions. He offered further details. He provided response to questions about how the board handles confidentiality.

[8:58:29 AM](#)

REPRESENTATIVE JOHANSEN said he has seen Mr. Tamagni, Sr., on television, and said the appointee appears to be active in the community and public service. He opined that Mr. Tamagni, Sr., is exactly the type of person for this position, and he thanked him for putting his name forward again.

[9:00:44 AM](#)

MR. TAMAGNI, SR., responding to further questions from the chair regarding confidentiality, said the board follows the law.

[9:01:06 AM](#)

REPRESENTATIVE GRUENBERG expressed appreciation for Mr. Tamagni, Sr.'s willingness to serve on the board.

MR. TAMAGNI, SR., in response to Representative Gruenberg, said he thinks the total of three people who serve on the board is enough, and he addressed the concern about harassment by multiple complaints. He said he has a problem with the money that tax payers put forth for complaints that have no basis from the start. He said he thinks this issue should be studied. He offered further details. In response to a follow-up question, he stated his belief that someone who has had a complaint filed against him/her and has had to hire an attorney, who is subsequently found not guilty of the charge, should be reimbursed the attorney fees by the state.

[9:08:24 AM](#)

MR. TAMAGNI, SR., in response to the chair, said board attendance has not been a problem, and he reviewed the process of the board. In response to Representative Gruenberg, he reviewed that the board handles complaints against the executive branch. In response to Chair Lynn, he addressed the issue of conflict of interest. He said in a case where there is a complaint against the governor, and the board has a list of three attorneys, an attorney with a relationship with the governor or governor's staff should recuse him/herself.

[9:13:39 AM](#)

REPRESENTATIVE KELLER moved to advance the confirmation of Alfred Tamagni, Sr., appointee to the Personnel Board, to the joint session for consideration. There being no objection, the confirmation was advanced.

[9:14:05 AM](#)

The committee took an at-ease from 9:14 a.m. to 9:16 a.m.

**Alaska Police Standards Council**

[9:16:20 AM](#)

CHAIR LYNN announced that the last order of business was the confirmation hearing for the appointees to the Alaska Police Standards Council.

[9:16:49 AM](#)

GUSTAF SANDAHL, Appointee, Alaska Police Standards Council, after a brief account of his education and employment background, noted that he has served on several community and law enforcement boards and committees. He related that he is a polygraph examiner with experience doing both criminal and pre-employment examinations, which is a job that requires trust from others and a roll that sharpens a person's perspective regarding the hiring standards for police officers. He stated that he brings over 16 years of law enforcement experience to the council, and said he has high expectations for the standards, conduct, and proficiency of Kenai's officers, and he said he will bring that same expectation to the council. He stated that after nine years as a supervisor, he has dealt with a number of personnel issues and is comfortable with the role he will play on the council. He said he looks at cases objectively and will do his part to maintain the standards and hold officers accountable. He related that he has been Outside for training with officers from all over the world, as well as attending the FBI National Academy, and he opined that Alaska law enforcement has some of the most ethical law enforcement officers. He expressed his willingness to volunteer time on the council.

[9:20:53 AM](#)

MR. SANDAHL, in response to the chair, offered further information related to polygraph tests, and opined that the test is a valuable and reliable tool used by the police department.

[9:23:41 AM](#)

MR. SANDAHL, in response to Representative Gruenberg, reviewed the fluctuations in numbers of officers serving on the City of Kenai Police Department over the years.

REPRESENTATIVE GRUENBERG remarked that Mr. Sandahl sounds like he is well-qualified.

[9:25:05 AM](#)

REPRESENTATIVE SEATON expressed concern about [police and public safety officers] authorized to carry weapons who have complaints against them that are kept confidential. He related an example.

MR. SANDAHL said the City of Kenai Police Department is ethical in investigating its own, and would investigate and hold the officer in question fully accountable. However, until charged, that information is not going to be released.

REPRESENTATIVE SEATON asked Mr. Sandahl how the APSC would handle multiple complaints regarding abuse of power.

MR. SANDAHL said he is not sure how public those records are, for example, in a case where the officer had been terminated but not criminally charged.

REPRESENTATIVE SEATON reiterated his concern for a balance between confidentiality of disciplinary action and public awareness.

[9:32:30 AM](#)

KELLY ALZAHARNA, Executive Director, Alaska Police Standards Council (APSC), offered further information related to disciplinary action. She said problems within a police department are handled internally, and the APSC may or may not get notice of it, depending on the severity or the outcome. The council can start an independent investigation when it hears of an incident through, for example, citizen complaints.

[9:34:25 AM](#)

BRAD REICH, Appointee, Alaska Police Standards Council (APSC), told the committee that he is the current mayor of Kiana, Alaska, and serves on several boards and on the [Northwest Arctic Borough] Public Safety Commission. He said he looks forward to serving on the APSC.

[9:36:08 AM](#)

JAMIE SUNDERLAND, Appointee, Alaska Police Standards Council (APSC), relayed that has been in law enforcement for just over 16 years, the last 4.5 of which he has served as the director of Public Safety and the Chief of Police in Unalaska, in Dutch Harbor. He said he also serves on the State Emergency Response Commission. He shared his education experience, noting that he is a graduate of the Federal Bureau of Investigation (FBI)

National Academy. He expressed concern about the certifications of both police and corrections officers, and said he looks forward to serving on the council. He indicated that he could bring a rural, non-road system perspective to [the council].

[9:38:14 AM](#)

SHELDON SCHMITT, Appointee, Alaska Police Standards Council, said he has served on the APSC since 2008, and he was recently elected to chair the council. He said he has worked in law enforcement for 17 years, for the past 5 years as chief of police in Sitka. He said he wants to continue to serve on the council. In response to Representative Gruenberg, he said he has ideas about the future of the council and current legislation related to the council to speak about at another time.

[9:41:21 AM](#)

RONALD TAYLOR, Appointee, Alaska Police Standards Council (APSC), stated that he is currently the director of the Division of Probation and Parole, within the Department of Corrections. He related that formerly, he served as the executive director for the Board of Parole for three years, and spent 18 years as the program manager and probation officer for the Alcohol Safety Action Program (ASAP). He said the Offender Management Plan, to which Mr. Stark alluded, follows a person throughout the system and is used by "all" to ensure people's needs and risk factors are being addressed. In response to Chair Lynn, he offered a brief summary of the purpose of the APSC.

[9:45:00 AM](#)

MR. TAYLOR, in response to Representative Petersen, said he could not speak to recommendations regarding forensic testing at this time. In response to Representative Seaton and Chair Lynn, he offered information regarding the public's awareness of how complaints are addressed and now the APSC is involved.

[9:48:51 AM](#)

MS. ALZAHARNA offered further details to Mr. Taylor's response.

[9:51:06 AM](#)

REPRESENTATIVE JOHANSEN observed that most of the meeting had been spent asking about the function of the various boards and

councils, and he indicated that should be done in overviews. He suggested that instead the committee focus its questions on asking the individual appointees what they can bring to the council. He concluded by stating his support of "the applicant."

[9:52:48 AM](#)

REPRESENTATIVE KELLER moved to advance the confirmations of Gustaf Sandahl, Brad Reich, Jamie Sunderland, Sheldon Schmitt, and Ronald Taylor, appointees to the Alaska Police Standards Council, to the joint session for consideration. There being no objection, the confirmations were advanced.

[9:53:36 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:54 a.m.