

**ALASKA STATE LEGISLATURE**  
**SENATE JUDICIARY STANDING COMMITTEE**

March 9, 2011

1:30 p.m.

**MEMBERS PRESENT**

Senator Hollis French, Chair  
Senator Bill Wielechowski, Vice Chair  
Senator Joe Paskvan  
Senator Lesil McGuire  
Senator John Coghill

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE BILL NO. 61

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

- MOVED CSSB 61(STA) OUT OF COMMITTEE

CONFIRMATION HEARINGS

Parole Board

Daniel Morris

CONFIRMATION ADVANCED

Board of Governors of the Alaska Bar

William Granger

CONFIRMATION ADVANCED

Police Standards Council

Rebecca Hamon

Kelly Alzaharna

Bernice Troglia

CONFIRMATIONS ADVANCED

**PREVIOUS COMMITTEE ACTION**

BILL: SB 61

SHORT TITLE: 2011 REVISOR'S BILL

SPONSOR(s): RULES BY REQUEST OF LEGISLATIVE COUNCIL

01/24/11	(S)	READ THE FIRST TIME - REFERRALS
01/24/11	(S)	STA, JUD
02/15/11	(S)	STA AT 9:00 AM BUTROVICH 205
02/15/11	(S)	Heard & Held
02/15/11	(S)	MINUTE(STA)
02/17/11	(S)	STA AT 9:00 AM BUTROVICH 205
02/17/11	(S)	Moved CSSB 61(STA) Out of Committee
02/17/11	(S)	MINUTE(STA)
02/21/11	(S)	STA RPT CS 2DP 3NR SAME TITLE
02/21/11	(S)	DP: WIELECHOWSKI, MEYER
02/21/11	(S)	NR: KOOKESH, PASKVAN, GIESSEL
02/28/11	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/28/11	(S)	Heard & Held
02/28/11	(S)	MINUTE(JUD)
03/09/11	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)

#### **WITNESS REGISTER**

DANIEL MORRIS, Appointee

State of Alaska Parole Board

Soldotna, AK,

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

WILLIAM GRANGER, Appointee

Board of Governors of the Alaska Bar Association

Anchorage, AK

**POSITION STATEMENT:** Testified as appointee to the Board of Governors of the Alaska Bar Association.

THERESA OBERMEYER, representing herself

Anchorage, AK

**POSITION STATEMENT:** Testified in opposition to the appointment of Mr. Granger.

KELLY ALZAHARNA, Appointee

Alaska Police Standards Council

Barrow, AK

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

TERRY VRABEC, Director

Alaska Police Standards Council (APSC)

Juneau, AK

**POSITION STATEMENT:** Provided information related to APSC process and procedures.

REBECCA HAMON, Appointee  
Alaska Police Standards Council  
King Salmon, AK

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

BERNICE TROGLIO, Appointee  
Alaska Police Standards Council  
Anchorage, AK

**POSITION STATEMENT:** Testified as appointee to the Alaska Police Standards Council

#### **ACTION NARRATIVE**

[1:30:01 PM](#)

**CHAIR HOLLIS FRENCH** called the Senate Judiciary Standing Committee meeting to order at 1:30 p.m. Senators Paskvan, McGuire, Coghill, Wielechowski, and French were present at the call to order.

#### **CONFIRMATION HEARINGS State of Alaska Parole Board**

[1:32:39 PM](#)

**CHAIR FRENCH** announced the first order of business would be confirmation hearings. He asked Mr. Morris to tell the committee about himself and why he wants to serve on the State of Alaska Parole Board.

**DANIEL MORRIS**, Appointee, State of Alaska Parole Board, Soldotna, AK, stated that this is his first week serving on the Parole Board; he is impressed with the quality of personnel and excited about the job. He informed the committee that he has 23 years experience in law enforcement; three years as military police and 20 years with the Kenai Police Department, the last nine of which he served as the chief of police. He's been retired for more than eight years and looks forward to this important opportunity.

**CHAIR FRENCH** asked how large the Kenai Police Department was when he served as chief of police.

MR. MORRIS replied there were 25 employees. During his time with the department he served on the Alaska Police Standards Council for one four-year term, two and one half as chair. He added that he has a bachelor's degree in criminology and an associate degree in criminal justice administration.

CHAIR FRENCH reviewed Mr. Morris' resume and asked if during the time he served on the Kenai force, he had occasion to appear at Parole Board hearings.

MR. MORRIS replied that as an officer his only contacts were with the Department of Corrections (DOC) itself through the Wildwood pretrial facility. As chief he attended peninsula-wide law enforcement meetings and he interacted with parole officers at the Kenai office as they worked to revoke probation. He added that the board currently meets at the Parole Board office, which is next to the J.C. Penny parking garage.

[1:36:33 PM](#)

SENATOR PASKVAN asked about his philosophy and approach to service on the Parole Board.

MR. MORRIS replied public safety is his number one focus, and he is aware that everyone who appears before the Parole Board will at some point reenter the community. These people should be treated with respect and held accountable for their actions, while ensuring that the best interest of the state and its citizens are considered.

CHAIR FRENCH thanked Mr. Morris for stepping forward to serve.

SENATOR MCGUIRE reviewed his resume and asked what recommendations he made to revise the Alaska Administrative Code pertaining to the Alaska Police Standards Council when he served on the council and if they were adopted and finalized into law.

MR. MORRIS apologized that he didn't recall.

SENATOR MCGUIRE stated that Mr. Morris is well qualified to serve. She provided her email for further communication.

CHAIR FRENCH found no further questions and solicited a motion.

[1:39:50 PM](#)

SENATOR WIELECHOWSKI moved to advance the name Daniel Morris to the joint session of the Senate and House for confirmation to

the State of Alaska Parole Board. There being no objection, it was so ordered.

**SB 61-2011 REVISOR'S BILL**

[1:40:22 PM](#)

CHAIR FRENCH announced the consideration of SB 61 and noted that it was heard previously. [CSSB 61(STA) was before the committee.]

[1:40:33 PM](#)

SENATOR WIELECHOWSKI moved to report CS for SB 61, version I, from committee with individual recommendations and attached fiscal note(s).

CHAIR FRENCH announced that without objection, CSSB 61(STA) moved from the Senate Judiciary Standing Committee.

At ease from 1:41 p.m. to 1:42 p.m.

**CONFIRMATION HEARINGS**

**Board of Governors of the Alaska Bar Association**

CHAIR FRENCH announced the next order of business would be a confirmation hearing for William Granger to serve on the Board of Governors of the Alaska Bar Association. He asked Mr. Granger to tell the committee about himself and his continued interest in serving.

[1:42:52 PM](#)

WILLIAM GRANGER, Appointee, Board of Governors of the Alaska Bar Association, stated that he is a lifelong resident of Anchorage and a banker by profession. He served on the Board of Governors for nine years and has been off for about one and a half years.

CHAIR FRENCH asked if during his nine year of service any issues particularly stand out.

MR. GRANGER replied it was a busy nine years; disciplinary procedures were streamlined, a free online research system for the membership was developed, rules were tweaked and changed, and the annual budget was balanced.

CHAIR FRENCH pointed out that he was first nominated by Governor Knowles, reappointed by Governor Murkowski, and now is renominated by Governor Parnell. The Board of Governors of the Alaska Bar has 12 members, three are non-attorneys appointed by

the governor and nine are active bar members who are elected by active bar members. This means that legislators have influence over just the three non-attorneys; the other nine do not go through this confirmation process.

He asked Mr. Granger if his work duties at Wells Fargo Bank would interfere with his duties on the Board of Governors.

MR. GRANGER replied the bank is very supportive of his decision to serve and there would be no problems.

CHAIR FRENCH explained to Mr. Granger that the teleconference equipment wasn't working properly and he wouldn't be able to stay connected telephonically while Theresa Obermeyer gave testimony in opposition to his nomination, but he would be reconnected after that to provide any rebuttal statements. He told Mr. Granger he could watch and listen to the live stream at AlaskaLegislature.tv.

[1:47:44 PM](#)

At ease to connect the public testifier.

[1:48:31 PM](#)

CHAIR FRENCH reconvened the hearing and asked Ms. Obermeyer to put herself on the record and begin her testimony.

[1:48:52 PM](#)

THERESA OBERMEYER, representing herself, said she regrets that she didn't hear Mr. Granger's opening statement. She stated that she knows Mr. Granger and she didn't believe that he had changed his prejudiced views. She asked if Mr. Granger was listening to her comments.

CHAIR FRENCH explained the teleconference difficulties and said he may be listening to the web stream.

MS. OBERMEYER continued her testimony and expressed discontent with the Alaska Bar exam process and procedures. She expressed her belief that Mr. Granger will be interested in asking questions and starting creative thinking as a member of the Board of Governor of the Alaska Bar Association. Public advocacy doesn't exist, she stated.

[1:57:02 PM](#)

At ease to reconnect Mr. Granger.

CHAIR FRENCH asked Mr. Granger if he would like to respond to anything Ms. Obermeyer said.

MR. GRANGER declined comment.

SENATOR MCGUIRE thanked Mr. Granger for his service.

[1:58:46 PM](#)

SENATOR MCGUIRE moved to advance the name William Granger to the joint session of the Senate and House for confirmation to the Board of Governors of the Alaska Bar Association. There being no objection, it was so ordered.

At ease from 1:59 p.m. to 2:00 p.m.

### Alaska Police Standards Council

[2:00:09 PM](#)

CHAIR FRENCH asked Ms. Alzaharna to tell the committee about herself and her interest in serving on the Alaska Police Standards Council.

KELLY ALZAHARNA, Appointee, Police Standards Council, informed the committee that she is the North Slope Borough chief of police in Barrow. She has been in law enforcement for 23 years, 21 of which have been in Barrow. She has always been interested in maintaining integrity and high standards in law enforcement throughout the state and her service on the Police Standards Council since 2009 has been a mechanism to achieve that goal.

CHAIR FRENCH asked if she had gone through the confirmation process before or if she was placed on the board pending confirmation.

MS. ALZAHARNA replied this is the first time she's been through the confirmation process.

CHAIR FRENCH asked her to tell the committee why she is interested in police standards and what her experience has been since she began serving.

[2:01:53 PM](#)

MS. ALZAHARNA explained that early in her career she became involved in training police officers to be safe and have a better relationship with the public. The North Slope Borough Police Department hired her from New Mexico and within nine months she was promoted to establish a training unit for the

department. She has also worked with other departments to address the issues that make it difficult to meet law enforcement standards in rural communities. Since she's been on the board, the bulk of the work has been to review pending cases certifications and decertifications.

[2:03:32 PM](#)

CHAIR FRENCH asked if during her time on the council, she'd had to take decertification votes.

MS. ALZAHARNA said yes.

CHAIR FRENCH asked how she approaches that.

MS. ALZAHARNA explained that it's typically a slow process. There's been an investigation and the director updates the board along the way as to the status of the pending decertification so there's adequate information to make a good decision when the time comes. Nonetheless, it's a difficult decision and she takes the process seriously because decertification likely ends a career.

[2:04:36 PM](#)

CHAIR FRENCH asked how likely is would be that a person who has been decertified in one state could get a police certificate somewhere else.

MS. ALZAHARNA replied she couldn't speak to the likelihood because each state is different, and she isn't sure if another state would recognize that a person had been decertified in Alaska.

CHAIR FRENCH observed that people in the audience were indicating that decertification is a death knell to a police career. He asked how often the police council meets.

MS. ALZAHARNA answered twice a year; once in December in conjunction with the executive development conference and once in conjunction with the Alaska Peace Officers Association conference. She added that she has attended three meetings so far and the experience has been agreeable.

[2:05:52 PM](#)

SENATOR MCGUIRE asked why both the police officer positions she held in New Mexico were so short.

MS. ALZAHARNA explained that she had a college degree when she got the job with the Las Cruces Police Department, but she didn't earn enough money to get off food stamps. She switched to work for the university police department because the pay was about \$100 more per month and she could take additional university courses for free. Having higher aspirations than to live on food stamps, she applied for a position with the North Slope Borough Police Department when it was brought to her attention.

SENATOR MCGUIRE asked why she decided to return to school in May 2005 to get a Masters of Arts in organizational leadership. She further asked where Azusa Pacific University (APU) is located.

MS. ALZAHARNA replied it's located in Azusa, California, which is a suburb of Los Angeles. The program was a combination of distance-education and on-campus, so she was on campus two weeks each semester. She selected the organizational leadership program because it would be useful across disciplines. This continuing education was in addition to the bachelor's degree she received in 1985.

SENATOR MCGUIRE asked if she was aware of the conviction of former Anchorage Police Department (APD) Officer Anthony Rollins.

MS. ALZAHARNA answered yes.

SENATOR MCGUIRE highlighted a similar case in the North Slope Borough of a police officer using his badge and authority to rape women, and asked if it's been a priority on the Police Standards Council to discuss training procedures to keep police officers from using the power of their badge for sexual abuse. Senator McGuire expressed extreme concern that both cases involved multiple rapes, and one resulted in the death of a young woman in Western Alaska. She asked Ms. Alzaharna if she too was concerned and what the Police Standards Council intends to do about this.

[2:11:11 PM](#)

MS. ALZAHARNA replied she is very concerned and she deals with those types of issues on day-to-day basis. The NSBPD provides training for officers and she makes her expectations about officer performance and behavior very clear. There hasn't been an overall discussion on that topic since she began serving on the Police Standards Council, but it is warranted, she said.

SENATOR MCGUIRE asked Ms. Alzaharna to take a leadership role on this topic, and said she would follow up with a written request. Improved training is needed for all members to better understand: how people get off the path; the temptation to abuse power; the warning signs that fellow officers can look for; the procedure for reporting to superiors; and that young women should be informed of their rights when they suspect that an officer is abusing his power and authority. We need to provide training so that the young men and women who are serving proudly and with honor aren't embarrassed by their few colleagues who fall into those conundrums, she stated.

[2:13:28 PM](#)

MS. ALZAHARNA agreed that that sort of training should be available at all department levels, and that the APSC could certainly move that task to a higher priority.

CHAIR FRENCH asked if APSC will decertify former Officer Rollins.

MS. ALZAHARNA deferred to the council director.

[2:14:35 PM](#)

TERRY VRABEC, Director, Alaska Police Standards Council, explained that the criminal case is over as of this morning so the council will be able to act on its concerns and move forward with the surrender of his certificate or decertification.

SENATOR PASKVAN asked if there will be an effort to improve the procedures so that potential problems could be identified and weeded out early on, because he suspects that warning signs were overlooked in both cases.

MR. VRABEC agreed that sometimes there are signs and it's a matter of whether or not they're reported. Officers at the Police Academy receive extensive training in ethics and behavior he said, but it's important to keep in mind that between corrections and police there are 3,000 officers, and a few potentially won't do their jobs correctly. In the two cases that were mentioned the officers definitely went off the far end, but as a whole he believes the officers in this state perform very well. He highlighted that departments statewide make independent decisions about training and some conduct extensive training in this area. He noted that he recently met with Commissioner Masters' staff and APSC is again working with the Police Academy on additional training to determine what can be done differently to help officers make the right decisions.

[2:17:45 PM](#)

SENATOR MCGUIRE reiterated that she would send a letter to the APSC asking for more thorough officer training, and she would like a written response memorializing the verbal commitments made today. She asked if there is an opportunity for officers to anonymously report to a superior any warning signs they see in a fellow officer, and if there is a way for a member of the public who has been arrested to make a request for a follow-up investigation without fear of retribution. She suggested that a statement reaffirming the importance of safety for the women of Alaska would help women feel that APSC takes this seriously and is making an effort.

[2:20:07 PM](#)

MR. VRABEC said he would formally put this topic on the agenda at the next council meeting and he would be happy to have a follow-up meeting. He explained that some agencies automatically do extensive background checks as part of the hiring process, but some smaller departments can't afford that so the APSC helps with some of those costs. Psychological and polygraph screening on the front-end has certainly been successful in weeding out potentially problematic officers.

CHAIR FRENCH found no further questions and asked for a motion.

[2:21:26 PM](#)

SENATOR WIELECHOWSKI moved to forward the name Kelly Alzaharna to the joint session of the Senate and House for confirmation to the Alaska Police Standards Council. There being no objection, it was so ordered.

[2:22:57 PM](#)

CHAIR FRENCH asked Ms. Hamon to tell the committee about herself and her interest in serving on the Alaska Police Standards Council.

REBECCA HAMON, Appointee, Alaska Police Standards Council, King Salmon, said she has lived and worked in this small Bush community for 12 years. For the past two years she has worked for Safe and Fear Free Environment, Inc. (SAFE), an advocacy program for victims of sexual assault and domestic violence. She highlighted that the levels of domestic violence and sexual assault in the state and Southwest Alaska in particular are extremely high. It's a common problem throughout the villages, and she's come to understand what a long complicated process it

is for victims to go through the judicial system. I can bring the victim's point of view to the council, she stated.

2:25:19 PM

CHAIR FRENCH pointed out that the Alaska Police Standards Council has four public members on the board, two from communities with populations of 2,500 or less and King Salmon qualifies under that standard. He asked Ms. Hamon why she came to Alaska.

MS. HAMON replied she and her husband came to Alaska in 1998 after he got a job as a scientist at Katmai National Park.

CHAIR FRENCH asked what prompted her interest in advocacy for victims of domestic violence and sexual assault.

MS. HAMON said that after living in the community for awhile she began to see the problems related to alcohol and drug abuse, some of which had been ongoing for generations. After her children were older she began social service volunteer work and someone suggested she apply for a job with the advocacy program. After doing some research, she became interested and that was the beginning.

2:27:29 PM

CHAIR FRENCH asked if she had attended a meeting of the Alaska Police Standards Council.

MS. HAMON said no, but she had read about their work.

SENATOR MCGUIRE asked if she heard the discussion with the former applicant.

MS. HAMON said no because of teleconference difficulties.

SENATOR MCGUIRE summarized the discussion with Mr. Vrabec and Chief Alzaharna. He asked if she was aware of the Rollins case and if she had any thoughts about training police to be respectful of women and not using their badges for sexual abuse.

2:30:04 PM

MS. HAMON said she did follow the case in the papers and she believes that it's a very serious problem that needs attention. She added that while she hasn't had a bad experience working with officers, she does believe that there's a lack of understanding about the effect that a male police officer has when he is interviewing a woman after a sexual assault. Her

experience at SAFE is that in many instances the only interviews that victims had were with two male police officers in the room, which made it difficult to tell their story. There isn't a female police officer in this part of the state and that can be a problem.

CHAIR FRENCH found no further questions and asked for a motion.

SENATOR WIELECHOWSKI moved to forward the name Rebecca Hamon to the joint session of the Senate and House for confirmation to the Alaska Police Standards Council. There being no objection, it was so ordered.

[2:31:55 PM](#)

At ease.

[2:32:37 PM](#)

CHAIR FRENCH reconvened the meeting and asked Ms. Troglio to tell the committee about her interest in continuing to serve on the Alaska Police Standards Council.

BERNICE TROGLIO, Appointee, Alaska Police Standards Council, Anchorage, stated that she has been on the council since 2008 and would like to continue that service. She explained that her career as a probation officer (PO) began in 1999. In 2000 she was promoted to supervise the sex offender mental health unit at the Anchorage probation office and in 2009 she was promoted to her current position as the statewide sex offender mental health program manager within the probation and parole division. When she began her career she took an oath to abide by the code of ethical professional conduct and she said she lives by that code both on duty and off. She said she has very high standards and believes that all law enforcement officers should hold similarly high standards. The mission and vision of the Alaska Police Standards Council appeared to be a good fit, and it has been, she stated. It's an honor to serve Alaska as both a council member and a law enforcement officer, she concluded.

[2:36:50 PM](#)

CHAIR FRENCH pointed out that for a number of years she's performed the somewhat overlapping duties of a probation officer IV and council member.

SENATOR COGHILL thanked Ms. Troglio for her work on Internet crimes against children and noted that this is a somewhat new area for the APSC. He asked how the police workforce looks at accountability for the officers who have to deal with those

rough circumstances. He expressed concern about ruining police officers who have to work in this difficult area.

MS. TROGLIO said the Internet Crimes Against Children Task Force is currently developing a committee to address standards for dealing with on the job trauma.

SENATOR COGHILL said he wanted to highlight that issue in light of what Senator McGuire brought up, because officers that do go bad can cause a great deal of damage.

MS. TROGLIO agreed that it's devastating for everyone when an officer doesn't abide by the code of ethics.

CHAIR FRENCH told Ms. Troglio about the running commentary today on the Rollins case and the shock the public has expressed in seeing a male officer abuse women. Senator McGuire pointed out the need for officers to have an avenue to report on a coworker if necessary.

MS. TROGLIO stated agreement with the idea.

CHAIR FRENCH found no further questions and solicited a motion.

[2:42:18 PM](#)

SENATOR WIELECHOWSKI moved to forward the name Bernice Troglio to the joint session of the Senate and House for confirmation to the Alaska Police Standards Council. There being no objection, it was so ordered.

[2:42:46 PM](#)

There being no further business to come before the committee, Chair French adjourned the meeting at 2:42 p.m.