

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

April 2, 2013

8:01 a.m.

**MEMBERS PRESENT**

Representative Bob Lynn, Chair  
Representative Wes Keller, Vice Chair  
Representative Lynn Gattis  
Representative Shelley Hughes  
Representative Doug Isaacson  
Representative Charisse Millett  
Representative Jonathan Kreiss-Tomkins

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S):

Alaska Public Offices Commission

Ron King - Kasilof

- CONFIRMATION(S) ADVANCED

Alaska Police Standards Council

Thomas "Bob" Kean - Chugiak

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 186

"An Act relating to police standards and amending the definition of 'police officer.'"

- MOVED HB 186 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 186

SHORT TITLE: DEFINITION OF POLICE OFFICER

SPONSOR(S): REPRESENTATIVE(S) MILLETT

03/25/13 (H) READ THE FIRST TIME - REFERRALS  
03/25/13 (H) STA  
04/02/13 (H) STA AT 8:00 AM CAPITOL 106

#### **WITNESS REGISTER**

RON KING, appointee  
Alaska Public Offices Commission (APOC)  
Kasilof, Alaska

**POSITION STATEMENT:** Testified as appointee to the Alaska Public Offices Commission (APOC).

THOMAS "BOB" KEAN, appointee  
Alaska Police Standards Council (APSC)  
Anchorage, Alaska

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

VASILIOS GIALOPSOS, Staff  
Representative Charisse Millett  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 186 on behalf of Representative Millett, sponsor.

MARK MEW, Chief of Police  
Anchorage Police Department (APD);  
Member  
Alaska Police Standards Council (APSC)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 186.

TERRY VRABEC, Deputy Commissioner  
Office of the Commissioner  
Department of Public Safety (DPS)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 186.

SHELDON SCHMITT, Chief of Police  
City and Borough of Sitka;  
Chair  
Alaska Police Standards Council (APSC)  
Sitka, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 186.

#### **ACTION NARRATIVE**

[8:01:43 AM](#)

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at 8:01 a.m. Representatives Hughes, Isaacson, Keller, Gattis, and Lynn were present at the call to order. Representatives Millett and Kreiss-Tomkins arrived as the meeting was in progress.

**CONFIRMATION HEARING(S):**  
**Alaska Public Offices Commission**  
**Alaska Police Standards Council**

[8:02:59 AM](#)

CHAIR LYNN announced that the first order of business was confirmation hearings for the governor's appointments to the Alaska Police Standards Council and the Alaska Public Offices Commission.

[8:04:29 AM](#)

The committee took a brief at-ease.

CHAIR LYNN requested that Mr. Keen call back on a different telephone to try for a better connection.

[8:05:38 AM](#)

RON KING, Appointee, Alaska Public Offices Commission (APOC), stated that as a life-long Republican, he believes in America and its political system, part of which in Alaska is APOC, which was created to review allegations that state laws or regulations may not have been followed, and which ensures integrity and encourages public confidence in the political system. Mr. King said that although he was unable to hold an elective office within the Republican Party, because of his employment with the State of Alaska, he is familiar with the political process and has attended Republican Party meetings and conventions since 1980. He said his experiences directly related to the role of an APOC commissioner include his longtime service on the "Rules" and "Credentials Committees" and his service as parliamentarian at district conventions. Mr. King relayed that throughout his professional career as a public servant for 34 years, he has held positions of increasing responsibility that have required independent policy and professional decision [making], review of federal and state laws and regulations, and complex budgets. He

stated his belief that his experience would give him a unique view of the many issues that would be brought before APOC.

[8:08:12 AM](#)

THOMAS "BOB" KEAN, appointee, Alaska Police Standards Council (APSC), stated that he is a former federal agent, who served with the Federal Bureau of Investigation (FBI); was the state counter drug coordinator for Alaska for 12 years; and has been a long-time board member on the Alaska Police Standards Council. He stated his belief that his background in law enforcement and long-time standing in the state make him qualified to serve Alaska on the council.

[8:08:48 AM](#)

REPRESENTATIVE MILLETT thanked Mr. Kean for taking her son under his wing and inviting him to be part of Doyon [Universal Services].

CHAIR LYNN asked if there is a conflict of interest [because of the association].

REPRESENTATIVE MILLETT answered no.

[8:09:13 AM](#)

REPRESENTATIVE HUGHES observed that Mr. Kean had listed years in military service on his resume [included in the committee packet], and she thanked him for it.

[8:09:30 AM](#)

REPRESENTATIVE KELLER moved to advance the names of Ron King, appointee to the Alaska Public Offices Commission, and Thomas "Bob" Kean, appointee to the Alaska Police Standards Council, for consideration in joint session by the House and Senate. There being no objection, the names were advanced.

**HB 186-DEFINITION OF POLICE OFFICER**

[8:10:27 AM](#)

CHAIR LYNN announced that the final order of business was HOUSE BILL NO. 186, "An Act relating to police standards and amending the definition of 'police officer.'"

[8:10:59 AM](#)

The committee took an at-ease from 8:11 a.m. to 8:13 a.m.

[8:12:57 AM](#)

REPRESENTATIVE MILLETT introduced HB 186, as sponsor. She paraphrased the first couple sentences of the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

Currently, the definition of a police officer in state statutes includes the words "a full time" employee. This inadvertent language allows police departments in cities, boroughs, municipalities and even state agencies to potentially hire otherwise unqualified police officers under "part time" and "seasonal" conditions.

REPRESENTATIVE MILLETT said HB 186 would [remove "full-time"], thus closing a loophole. She explained that under HB 186, all police officers serving the public sector, no matter how many hours per week, would be trained police officers.

[8:14:56 AM](#)

REPRESENTATIVE ISAACSON asked for confirmation that the proposed legislation would not change the status of someone who was not a police officer into someone who is one.

[8:15:34 AM](#)

VASILIOS GIALOPSOS, Staff, Representative Charisse Millett, Alaska State Legislature, on behalf of Representative Millett, sponsor of HB 186, responded to Representative Isaacson. He indicated that the Alaska Police Standards Council (APSC) and the Department of Public Safety (DPS) are concerned that under current statute, a police officer not in full-time status may be considered unqualified to make an arrest or seek warrant, for example. He related that there would be no fiscal impact [under HB 186]. In response to a follow-up question, he confirmed that [the proposed legislation] was requested by APSC.

[8:17:01 AM](#)

MR. GIALOPSOS, in response to Representative Hughes, deferred to Mr. Vrabek of DPS, Mark Mew of APSC, and Sheldon Schmitt, Chief

of Police in Sitka, to answer how many part-time police staff would be included under HB 186 and who currently makes the decisions that a part-time officer's actions are or are not valid.

[8:18:27 AM](#)

MARK MEW, Chief of Police, Anchorage Police Department (APD); Member, Alaska Police Standards Council (APSC), stated that the council is concerned that in smaller towns there are people enforcing the law and engaging in activities as a police officer, and the council has no authority over them, thus, it cannot regulate them. He said it is difficult to say how many cases there are, because they are invisible to the council; therefore, the council does not have the ability to investigate them. He said another related issue, but not included under HB 186, is whether APSC can regulate peace officers.

MR. MEW said the council sets the standards for training and qualifications, and it certifies officers. By setting the standards, the council controls what the requirements are. He said if someone does not perform well and is terminated from DPS, if the conduct is severe enough, the council should intercede and have the ability to remove certification, so that the person in question does not go from small town to small town "surfacing in other capacities." He said the council sees that happen with full-time officers, but is able to intervene. He said he does not see this issue so much as chief of police in Anchorage, but does see it when involved in council activities.

MR. MEW, regarding a prior question about improperly collected evidence or some other activity a part-time, unregulated officer may perform that threatens or derails a criminal case, responded as follows:

That would not be the council that would make that decision; that probably would boil up in trial, I would think. Either the prosecutor would look at this and say, "I can't even bring it forward," or the status of the officer would surface as an issue in trial, and I think that's ... where the thing would derail.

[8:22:23 AM](#)

REPRESENTATIVE KELLER questioned whether the proposed legislation would result in increased expenses to small

communities through an unfunded mandate to provide further training, for example.

[8:23:05 AM](#)

MR. MEW surmised that the training would "cost somebody something." He said the Anchorage Police Department hires people and covers the cost of sending them to the state academy. He offered his understanding that some academy trainees participate on their own dime, hoping to get hired later, while others are sponsored by the state. He said it may be that small communities will expect the part-timers to have obtained the necessary training on their own before being eligible for hire. He suggested that the liability that could be incurred by something done by an untrained officer might be way more expensive than the cost of paying for that person's training. Further, he said he thinks there would be an opportunity to bring in officers from other states who could take "the short-order version of the course." He suggested other testifiers may know more about that process than he does.

[8:24:43 AM](#)

REPRESENTATIVE KELLER asked if APSC allows for the difference in skills needed for working in a village versus in a city, and whether it considers qualifications of safety training that has been incurred in the military.

[8:25:27 AM](#)

MR. MEW responded that APSC sets training standards, including the number of hours necessary and that the instructors must be certified. He said the courses are taught in Sitka, Anchorage, and Fairbanks. He said the state minimum standards are less burdensome than the cities [may] require, because once a person is trained at the state level, there may be a need for training related to local issues. For example, in Anchorage there are municipal policies and local ordinances.

[8:26:54 AM](#)

MR. MEW, in response to Representative Hughes, offered his understanding that under HB 186, towns would still have the ability to hire part-timers; however, those part-timers would have to meet the same requirements as those hired full-time. That means that part-time officers would know how to handle evidence correctly and have a certificate to prove it. He said

officers will make mistakes from time to time, whether certified or not, but actions taken without certification may jeopardize cases. In response to a follow-up question, he confirmed that under HB 186, all police officers, no matter whether hired full-time or not, would have to have proper certification. Further, they would all have to have background screening that would show they do not "have issues in their lives that would preclude them from being trusted with a badge and a gun."

8:30:06 AM

TERRY VRABEC, Deputy Commissioner, Office of the Commissioner, Department of Public Safety (DPS), stated that DPS supports HB 186. He stated that regulations have been set to show the minimum qualifications that must be met [as a police officer]; however, in the past some agencies have knowingly hired people who lacked the minimum qualifications. For example, one agency hired someone with a domestic violence conviction, which clearly is in violation of regulations, but the department could not do anything directly. He said he had to work with the city manager, who eventually fired the person.

MR. VRABEC echoed Mr. Mew's statement that the state sets the minimum standards so that all police officers have the minimum training, and some communities then require more training. He related that the average cost of the academy currently is \$10,000, and the council has been covering that cost.

MR. VRABEC, regarding lateral transfers, confirmed that the state does accept officers from Outside, but it makes certain the officers transferring in have basic training and then sends them to a "mini academy" to give them some "Alaska training." He said APSC covers that cost, as well.

MR. VRABEC stated that the department feels that HB 186 would help "clean this up a little bit" and now allow small cities to get into a bad situation where they realize after the fact that they should not have hired someone. He concluded, "I think we owe that to the state."

8:33:13 AM

SHELDON SCHMITT, Chief of Police, City and Borough of Sitka; Chair, Alaska Police Standards Council (APSC), stated that [APSC] voted to change the aforementioned loophole, and said he thinks "we" owe it to the public to ensure all officers are qualified and fall under the purview of the council. He said he

thinks Mr. Mew did a good job talking about the items that concern the council. He offered to answer questions.

[8:34:12 AM](#)

CHAIR LYNN, after ascertaining there was no one else who wished to testify, closed public testimony.

[8:34:35 AM](#)

REPRESENTATIVE KELLER moved to report HB 186 out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, HB 186 was reported from the House State Affairs Standing Committee.

[8:35:21 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 8:35 a.m.