

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

March 2, 2020

1:30 p.m.

MEMBERS PRESENT

Senator John Coghill, Chair
Senator Peter Micciche, Vice Chair
Senator Shelley Hughes
Senator Lora Reinbold
Senator Jesse Kiehl

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S) :

Alaska Police Standards Council
Ed Mercer - Juneau
Joseph White - Ketchikan
Jennifer Winkelman - Juneau

- CONFIRMATIONS ADVANCED

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

ED MERCER, Appointee
Alaska Police Standards Council
Department of Public Safety; Chief of Police
Juneau Police Department
Juneau, Alaska

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

JOSEPH WHITE, Appointee
Alaska Police Standards Council
Department of Public Safety; Chief of Police
Ketchikan Police Department
Ketchikan, Alaska

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

JENNIFER WINKELMAN, Appointee
Alaska Police Standards Council
Department of Public Safety; Director
Division of Probation, Parole & Pretrial;
Acting Deputy Commissioner
Department of Corrections
Juneau, Alaska

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

ACTION NARRATIVE

[1:30:05 PM](#)

CHAIR JOHN COGHILL called the Senate Judiciary Standing Committee meeting to order at 1:30 p.m. Present at call to order were Senators Kiehl, Hughes, Reinbold, Micciche and Chair Coghill.

^Confirmation Hearing(s):

CONFIRMATION HEARING(S):
Alaska Police Standards Council

[1:31:28 PM](#)

CHAIR COGHILL announced that the only order of business would be consideration of governor appointees to the Alaska Police Standards Council.

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ED MERCER, Appointee, Alaska Police Standards Council (APSC), Department of Public Safety; Chief of Police, Juneau, Alaska, provided his background, including that he took a job with the Juneau Police Department in 2000. He worked his way up from police officer to chief. He holds thousands of hours of training ranging from procedures to management training. He holds a Bachelor of Science degree in criminal justice from Herzing University in Madison, Wisconsin. He graduated from the FBI National Academy. He holds an advanced certificate from the APSC. He also serves on the Alaska Association of Chiefs of Police, and the Alaska High Intensity Drug Trafficking Area Board. He serves on the Alaska Area Maritime Security Committee Board and a national FBI Criminal Justice Information Services (CJIS) Group for the Western region.

He said he would like to serve on this board because of his strong interest in serving his community and enhancing police professionalism and accountability. He expressed interest in serving on the council that oversees the minimum standards for all law enforcement officers.

CHAIR COGHILL thanked him for his service.

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SENATOR REINBOLD remarked that many people are concerned about a lack of justice for victims. She related that only 50 of 1,500 sexual assault cases result in convictions, although she did not believe it is due to police officers. She related her experience visiting Hiland Mountain Correctional Facility was that many inmates began drug use to mask the pain of abuse and sense that the outcome of their case did not provide justice. She asked him to describe any holes in the criminal justice system and ways to better provide justice for victims.

CHIEF MERCER acknowledged that sexual assault cases are very traumatic. He explained that these investigations are very complex and require physical evidence, so he is not surprised the conviction levels are not as high as the public desires. He said that he appreciated that she did not believe law enforcement is responsible for low conviction rates. He related that in the past year he advocated for adequate numbers of police and prosecutors since the state currently has shortages of each. Police and prosecutors must prioritize cases when shortages exist. Fortunately, Juneau received an additional prosecutor and that helped.

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SENATOR REINBOLD asked what he can do to get more cases prosecuted, to validate the victims, and get more perpetrators off the street.

CHAIR COGHILL asked members to keep the discussion focused on the Alaska Police Standards Council (APSC). He asked Chief Mercer to describe what the council can do in terms of training and disciplinary action to help alleviate the problems.

CHIEF MERCER responded that pre-1980s people's attitude towards domestic violence was more tolerant. Since then the state and the country has moved forward and people are much more aware and inclined to report domestic violence crimes. He emphasized the importance of continuing to educate the public and encouraging reporting, which will help address the issue. He agreed that it

is very difficult for victims to go through the criminal justice system because they face exposure.

He said it is essential for APSC to uphold professionalism. He emphasized that training is important, that tenured officers continually train to ensure they understand the current law and take appropriate actions. The council must ensure that officers are certified, and officers must investigate all crimes regardless of the individual's identity or position.

SENATOR HUGHES asked if the council's recommendations for training need to be modified to address the high rate of human trafficking, child sexual exploitation, and incidence of sexual assault cases. She suggested that officers could receive training to alert them to signs of these crimes since the council develops and sets training requirements.

CHIEF MERCER responded that human trafficking happens in Alaska, but the Juneau area has not experienced many cases. He agreed that additional training for officers to detect suspicious or illegal trafficking activity could be beneficial, similar to the training officers receive to detect drug trafficking. He pointed out that several of his detectives received training related to strangulation, which has been emphasized statewide for all law enforcement officers.

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SENATOR KIEHL asked what he could do to improve the partnership between law enforcement agencies and organizations outside law enforcement. He also asked him to identify any specific training he recommends.

CHIEF MERCER pointed to the federal Violence Against Women Act (VAWA). He recalled attending national conferences with advocates, prosecutors, and police who shared what works for them. Alaska can benefit from other states since Alaska tends to fall behind national crime trends. However, these issues eventually come to Alaska. He reported that the Juneau Police Department (JPD) does a good job obtaining training for its officers. They receive 80 hours per year of in-house training and participate in specialty training related to domestic violence, strangulation, and driving offense training to detect marijuana.

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SENATOR REINBOLD expressed concern that marijuana is legal in Alaska, given the that the high level of drugs in Alaska's

communities leads to theft and other crimes. She asked what the state needs to do to address drug related crimes.

CHIEF MERCER responded that the state has done a good job in terms of addressing high intensity drug trafficking. The state has obtained funding to train detectives and drug detection for police departments. He noted that the federal pass-through funding will be beneficial to everyone. He acknowledged that marijuana is legal, but studies have shown impaired driving occurs. It may be helpful to have detection units conduct field testing. The JPD has a dog trained in drug detection that it uses in the region. He acknowledged that funding for training and handling dogs is expensive, so additional funding for individual police departments would be welcome.

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SENATOR MICCICHE asked what the Alaska Police Standards Council's role is with village public safety officers (VPSOs) and village police officer (VPO) programs.

CHIEF MERCER answered that the council ensures that all law enforcement officers are properly trained, meet the requirements necessary for certification, and adhere to the same standards.

SENATOR MICCICHE related his understanding that gang members often provide drugs to victims who self-medicate due to trauma. He asked if he focused on gang activity and effective investigation methods to root it out. He emphasized it is important to show that Alaska does not tolerate criminal activity. He further asked if the council has taken any steps to reduce criminal activity by gangs, similar to the state crackdown in the late 1990s.

CHIEF MERCER answered that Southeast Alaska has not been plagued with gang activity. He agreed the council should provide training since a nexus exists between drugs and other vices. JPD's detectives receive training at the U.S. Drug Enforcement Administration (DEA) Training Academy on drugs and gangs.

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SENATOR HUGHES said that one of the duties of the council is to determine law enforcement officer misconduct and if the officer will lose his or her certification. She asked if he has been involved in any cases where law enforcement officers have lost their certification. She asked for his perspective on how that process works.

CHIEF MERCER said during his ten years of service in the Juneau Police Department's administration, he has received complaints against police officers who have been disciplined or terminated. Sometimes his or her behavior is so egregious that the officer's moral character is deemed unsuitable to remain certified. He has referred officers to the council for investigation and action. He said he has served on the council since December and while he has a good understanding of the process, he is still learning his role.

SENATOR HUGHES asked if the council has jurisdiction over all officers in the state.

CHIEF MERCER replied the Alaska Police Standards Council has authority over all jurisdictions, including VPSOs, VPOs, municipal police, and state troopers.

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SENATOR KIEHL asked if the Juneau Police Department plans on replacing its drug detection dog, "Buddy."

CHIEF MERCER answered that the department has sufficient funding to replace the six-year-old and plans to keep its drug enforcement program going.

CHAIR COGHILL thanked him for his service

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JOSEPH WHITE, Appointee, Alaska Police Standards Council, Department of Public Safety; Chief, Ketchikan Police Department, Ketchikan, Alaska, advised that he has served as the police chief for three of his 24 years of service at the Ketchikan Police Department. He received a Bachelor of Science degree from the University of Alaska Anchorage. He serves on a local Domestic Violence Task Force and is Chair of the Local Emergency Planning Committee. He has thousands of hours of police training and graduated from the FBI National Academy in 2013. He was appointed to the council in May 2018 and has participated in some meetings and decisions. He brings his law enforcement skills to the council. He said that he likes to listen to all aspects of an issue before making a decision. He has enjoyed serving on the council.

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SENATOR REINBOLD asked whether he was one of the police chiefs who opposed Senate Bill 91.

CHIEF WHITE answered no; he remained neutral in the process. He acknowledged that some reforms were needed, but some provisions were "deep cutting."

CHAIR COGHILL reminded members to focus on the role of the Alaska Police Standards Council.

SENATOR REINBOLD expressed disappointment that he did not stand against Senate Bill 91. She related her observations of low morale in law enforcement in Southcentral. She asked his views on HB 49 [related to crimes, sentencing, drugs, theft, and reports, effective date July 2019]. She asked what can be done to address low conviction rates in sexual assault and domestic violence cases and to reduce street drugs.

CHAIR COGHILL cautioned that it was inappropriate to ask appointees if they like current law. He suggested the committee hear what the Alaska Police Standards Council can do to help Alaska.

CHIEF WHITE highlighted the importance of building relationships with other stakeholders and agencies, so the council can work cooperatively to obtain the best outcomes. He currently works jointly with a task force on drugs in Southeast Alaska to find points of entry and identify patterns. The department has dedicated drug officers and works with federal agencies.

The Ketchikan Police Department (KPD) is currently assessing how it handles sexual assault crimes. KPD wants to provide training to enhance officer interview skills and to help the department incorporate emotional support for victims. He said he was not aware of any sex trafficking cases, but the KPD has experienced a number of enticement cases. KPD works with other agencies in the Lower 48 to ensure that perpetrators are held accountable for their actions.

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SENATOR HUGHES asked him to talk about training to address the disturbing crime trends, his experience with officer misconduct, and an outline of the council's disciplinary process.

CHIEF WHITE responded that KPD trains its detectives in forensic child interviewing techniques. He echoed the importance of developing a better coalition between stakeholders, advocates, health care providers, prosecutors and the police department to get the best results in sexual assault and domestic violence cases. KPD has made some leaps with DNA testing with good

results. He said, "If you want the best outcomes, you need highly trained officers." KPD's goal is to achieve highly trained and proficient officers.

He indicated that he has handled instances of officer misconduct, including the need to report officers to the council. He acknowledged that the department loses public trust when officers abuse their law power to the extent that they are reported to the council. When an officer in Juneau has problems that require intervention, it will also affect other departments in the region, and it makes police officers' job exponentially more difficult. He reiterated the importance of developing working relationships with the communities who need to trust law enforcement. The council provides the process to discipline and remove law enforcement officers whose inappropriate behavior or actions have led to referral to the council for action. The council's role is to screen cases and maintain the highest standards for the state.

CHAIR COGHILL noted that the Alaska Police Standards Council consists of four chief administrative officers or chiefs of police and the committee was reviewing two of them today.

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SENATOR REINBOLD said she was impressed with their qualifications. She asked whether he has enough tools to train police officers on cybercrimes.

CHIEF WHITE said he serves on a task force with the Anchorage Police Department and the Alaska State Troopers that collaborates to keep current on cybercrimes. KPD has an active investigative division working on enticement crimes and child pornography. They have received specialized equipment to work these cases and it have had good results in prosecuting these cases.

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SENATOR REINBOLD thanked him for working with federal agencies and commended his coordination with other agencies. She noted the audit on the crime lab, which can provide analysis to help obtain convictions.

CHAIR COGHILL thanked Chief White for his willingness to serve.

CHIEF WHITE said the council's work is very important to Alaska, its citizens, and the communities. The council helps ensure

there are highly qualified and trained officers to enhance the state.

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JENNIFER WINKELMAN, Appointee, Alaska Police Standards Council, Department of Public Safety; Director, Division of Probation and Parole and Pretrial; Acting Deputy Commissioner, Department of Corrections, Juneau, Alaska, said she appreciated being reappointed to the correctional administrative officer position on the Alaska Police Standards Council. She added that the council also provides certification for probation, parole, pretrial, and correctional officers.

She related that she is a fourth generation Alaskan. She was born and raised in Fairbanks, and she graduated from the University of Alaska Fairbanks with a Bachelor of Arts degree in Justice and an Associate of Applied Science degree in Paralegal Studies. She has served at the Department of Corrections for nearly 20 years and is passionate about her work.

MS. WINKELMAN said she has a strong interest in serving her community. She believes that the council is important to maintain professionalism and integrity within the law enforcement community, which correlates to public safety.

She related that when she became director at the Division of Pretrial, Probation, and Parole, she was presented with the opportunity to serve on this council. She viewed it as an honor and privilege to serve in a greater capacity outside of the Department of Corrections.

MS. WINKELMAN said that as a leader in corrections, she has learned that to successfully promote public safety, the department cannot operate in a silo. Instead, the department must work and train together as a community. She acknowledged that the state has encountered difficulty in recruitment and retention of law enforcement. She offered her view that serving on this council can provide insight to opportunities to produce and maintain highly trained officers to protect the state and restore the public's trust in law enforcement. She said she believes in the work peace officers provide, but the system must have checks and balances because of the latitude and authority provided to law enforcement.

She said she has observed cases of misconduct as a manager and as a council member in the past year. She has gained a new perspective from serving on the council, but she also brings a

broad statewide perspective from her experience working for the Department of Corrections ranging from offices in Barrow to Ketchikan, although she has not lived in rural Alaska. She said that these experiences have given her knowledge of the strengths and struggles that exist in terms of staffing and unique cases in Alaska. She emphasized the importance of law enforcement agencies and organizations working together as a team to accomplish their mission. She offered her view that the council lives by its mission and core services. She brings her skills to the council, including that she listens and is fair and impartial in making decisions that impact officers and communities. She considers the facts before formulating decisions, based on safety in communities. The career field evolves with technology and tools, but there is a necessity to ensure that Alaska produces highly skilled law enforcement agents with morals and integrity.

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SENATOR REINBOLD said she initially had concerns about regional balance on the council, but after hearing about her work in rural Alaska, she feels more comfortable. She encouraged her to network with law enforcement in Southcentral and to encourage officers not to forget the impact crimes has on victims.

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MS. WINKELMAN said she was committed to do so. She acknowledged that the council members subject to hearings today are from Southeast Alaska, but several other members on the council are from other areas of the state. She identified the common denominator as the victim.

CHAIR COGHILL asked her to describe some of the unique issues related to standards and training.

MS. WINKELMAN replied it is important that officers and personnel who interact with victims receive additional victim-sensitive training to understand the victim's perspective and the trauma the victims have suffered. She described the probation officer's containment model used to supervise sex offenders, which consists of a team approach to cover all aspects of the defendant. She said she views working in the system in the same way, that correctional and law enforcement officers, victims, the attorneys, courts, and advocates must all work together.

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SENATOR HUGHES said correctional officers hold a unique position, but drugs are getting into the prisons and substance abuse is underlying all crimes. She asked if the council could employ any best practices to train other officers to pick up on misconduct by other correctional officers to root out these drug problems.

MS. WINKELMAN answered that it is important for correctional officers to fall under the council to help them achieve professionalism. She said that she is not aware of a certain training, but she will be on the lookout for specific training, so officers receive best practices training. She acknowledged that these types of problems can tarnish the agency.

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SENATOR KIEHL noted the difference in minimum age, which is 19 years of age for employees who work in jails but 21 years of age for employees who work in prisons. Because of the general shortage of law enforcement officers, he asked her perspective of establishing a minimum 19 years of age for officers in all facilities.

MS. WINKELMAN said she was interested in exploring this. It would be a regulation change since the Alaska Police Standards Council requires a minimum age of 21. She was unsure if changing the age would pose any danger.

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CHAIR COGHILL opened public testimony, and after determining no one wished to testify, closed public testimony on the confirmation hearings for Ed Mercer, Joseph White, and Jennifer Winkelman.

He read a portion of the fact sheet, that the Alaska Police Standards Council consists of four chief administrative officers or chiefs of police of local governments; the commissioner of public safety or a designee; the commissioner of corrections or a designee; two persons, each of who has been certified for five years or more by the council under this chapter, one of whom serves as a police officer and one of whom serves as a probation officer, parole officer, municipal correctional officer, or correctional officer; one correctional administrative officer who is employed at the level of deputy director or higher; and, four members of the public at large with at least two from the communities of 2,500 population or less.

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SENATOR MICCICHE stated that in accordance with AS 39.05.080, the Senate Judiciary Standing Committee has reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

Alaska Police Standards Council

Ed Mercer - Juneau

Joseph White - Ketchikan

Jennifer Winkelman -Juneau

[2:33:58 PM](#)

CHAIR COGHILL reminded members that signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees; the nominations are merely forwarded to the full legislature for confirmation or rejection.

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There being no further business to come before the committee, Chair Coghill adjourned the Senate Judiciary Standing Committee meeting at 2:34 p.m.