

HB

1933

HFIN

FILE

HOUSE COMMITTEE REPO

(11)

Date Referred to Committee: April 11, 2007

FURTHER REFERRALS:

Date of Committee Action: 2/28/08

The FINANCE Committee considered:

HB 193

HOUSE BILL NO. 193

POLICE STANDARDS COUNCIL MEMBERSHIP

"An Act relating to the composition of the Alaska Police Standards Council; and providing for an effective date."

Recommends it be replaced with IICS or CS for HB 193 (STA)
 For Senate Bills with new title: Technical Title New Title: HCR Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LWF
 LAW
 LEG
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
COR				✓
DPS				✓

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
<i>Michael Chumak</i>	Hawker			✗	
<i>Harry Crawford</i>	CRAWFORD	X			
<i>John Kelly</i>	Joule	X			
<i>William Gara</i>	KELLY		X		
<i>Bill Nelson</i>	Thomas			X	
<i>Mary Nelson</i>	Gara	✓			
	STANTON			X	
	NELSON	✓			
Chair: <i>K. M. ...</i>	Mayer			X	
Chair: <i>John Chumak</i>	Chumak			X	

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB193(STA)-DOC-OC-2-15-08
() Publish Date: _____

Identifier (file name): CSHB193(STA)-DOC-OC-2-15-08 Dept. Affected: Corrections
Title: "An Act relating to the composition of the Alaska Police Standards Council; and providing for an effective date." RDU: Administration and Operations
Sponsor: Representatives Roses, Dahlstrom, Lynn, Gara, Crawford . . Component: Office of the Commissioner
Requester: House Finance Component Number: 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0	0
Part-time	0	0	0	0	0	0	0
Temporary	0	0	0	0	0	0	0

ANALYSIS: *(Attach a separate page if necessary)*

Passage of this legislation should have no fiscal impact on the Department of Corrections.

Prepared by: Sharleen Griffin, Director
Division: Administrative Services
Approved by: Dwayne Peoples, Deputy Commissioner
Department of Corrections

Phone: (907) 465-3339
Date/Time: 2/15/08 2:19 PM
Date: 2/15/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB 193(STA)
() Publish Date: _____

Identifier (file name): HB193CS(STA)-DPS-APSC-12-3-07 Dept. Affected: Public Safety
Title: "An Act relating to the composition of the Alaska Police Standards Council: . . ." RDU: Alaska Police Standards Council
Sponsor: Representative Roses Component: Alaska Police Standards Council
Requester: House Finance Committee Component Number: 519

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

House Bill 193 changes the make-up of the Alaska Police Standards Council by replacing one chief administrative officer or one chief of police position, one correctional officer administrative position, and one public member with three police officer positions. This change does not have a fiscal impact on the Department of Public Safety.

Prepared by: Terry Vrabec, Executive Director
Division: Alaska Police Standards Council
Approved by: Walt Monegan, Commissioner
Department of Public Safety

Phone: 465-4378
Date/Time: 12/12/07 4:06 PM
Date: 12/4/2007

ALASKA STATE LEGISLATURE
House of Representatives

2/19/08

INTERIM:
716 W. 4TH AVE.
ANCHORAGE, AK 99501
Phone: (907) 269-0265
Fax: (907) 269-0264
(website: www.akrepublicans.org/roses.htm)



SESSION:
STATE CAPITOL
JUNEAU, AK 99801-1182
Phone: (907) 465-4939
Toll Free: (800) 465-4939
Fax: (907) 465-2418

Representative Bob Roses

email: Representative_Bob_Roses@legis.state.ak.us

CSHB 193 (STA)
Sponsor Statement

CSHB 193 (STA) adds two certified police officers with at least five years of experience to the Alaska Police Standards Council (APSC). By doing this, those who are charged with the daily enforcement of the law will have input into the training and standards as participating members of the State's board which certifies police officers.

At present, the APSC is the only board in state government without representation by the group most affected by its decisions. Although the APSC has seats assigned to Chiefs of Police, to the Commissioners of Public Safety and Corrections and to members of the public, it has no line officers on the board. By contrast, according to a survey done by legislative research staff, of ten western states, only two had no line officers on their police standards boards.

The APSC has done a fine job, but it can benefit from the presence of line officers who can bring their particular experience and perspective to the board.

I urge your support of CSHB 193 (STA).

2 -28-08

Withdrawn

AMENDMENT 1

OFFERED IN THE HOUSE

BY REPRESENTATIVE MEYER

TO: CS HB 193 (STA), Version 25-LS0712C

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Page 2, line 8

Delete "and correctional"

ALASKA STATE LEGISLATURE
House of Representatives

2/19/08

INTERIM:
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Phone: (907) 465-4939
Toll Free: (800) 465-4939
Fax: (907) 465-2418

Representative Bob Roses

email: Representative_Bob_Roses@legis.state.ak.us

**Sectional Analysis
CSHB 193 (STA)**

Section 1. Adds two police officers by reducing the number of chief administrative officers or chiefs of police from four to three and moves the correctional administrative officer to chief administrative officers or chiefs of police.

Section 2. Allows labor organizations that represent employees governed by the council a means to nominate police officers for consideration by the Governor.

Section 3. Provides a system of transition for the two police members to take positions on the APSC.



State of Alaska

Department of Public Safety

Alaska Police Standards Council

Sarah Palin, Governor
Walt Monegan, Commissioner

2/19/08

February 13, 2008

Honorable Bob Roses
State of Alaska
House of Representatives
Alaska State Capitol, Rm 416
Juneau AK 99801-1182

Re: House Bill 193

Dear Representative Roses:

In 2007 the Alaska State Senate considered SB 99, which sought to change the composition of the Alaska Police Standards Council. The bill proposed the removal of one (1) representative police chief, and two (2) public "members-at-large" positions, replacing these individuals with three (3) union-endorsed police officers. When sustained and uniform opposition to this proposal was voiced from all levels of Alaska's public safety community: the Department of Public Safety Commissioner's Office, Alaska Police Standards Council, Alaska Association of Chiefs of Police, as well as individual law enforcement administrators across the state, the legislation was appropriately dropped.

It has come to our attention that this proposal has resurfaced with these same goals as those being pursued under HB 193. After conferring with all members of the Alaska Police Standards Council, I am writing to inform you that our position has not changed on this issue. This letter seeks to explain the underlying reasons behind our position.

AS 18.65.150 mandates the current composition of the Alaska Police Standards Council, providing for a critical balance of rural and urban public members-at-large. This mandate requires that state and local chief executive law enforcement members carry out the policy and duties of the Council. Chiefs of police and public members that serve on the Council have high expectations of law enforcement officer behavior, accountability, work performance and training standards.

The current composition of the Council provides for a strong balance of decision-making, guarding against overzealous/punitive actions against officers, while promoting accountability and integrity among our law enforcement community. AS 18.65.220 charges the Council with the duty to "investigate when there is reason to believe that a police officer, probation officer, parole officer, municipal correctional officer, or correctional officer does not meet the minimum standards for employment". It has been the Council's experience that this accountability - required by statute - often differs from the accountability sought by labor unions. The ability to carry out of effective and warranted discipline is critical to the public trust.

HB 193 seeks to change the composition of the Council by reducing one (1) chief position and adding two (2) police officers whose appointments may likely be made through the nomination and endorsement of public safety labor organizations. This amounts to a rather thinly veiled attempt by organized labor to interject their influence into a regulatory body- a body that was never designed, nor intended, to be a collective forum for labor management disputes.

Alaska Police Standards Council
P.O. Box 111200 - Juneau, AK 99811 - Voice (907) 465-4378 - Fax (907) 465-3263

Hoffman
OFFICE

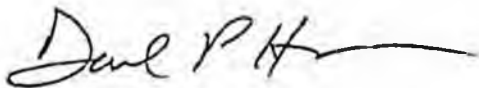
Our Council's purpose is to uphold minimum employment and training standards for the entire Alaskan law enforcement community, and to seek appropriate censure and/or potential decertification when these standards are violated. I am one of two police chiefs currently serving on this Council who has also served as president of a local police labor union. As such, I can assure you that all of our Council's members are highly respectful of the rights of Alaska's rank-and-file law enforcement officers, and of their legitimate right to pursue and protect their interests through their respective agency's grievance and arbitration processes. However, by trying to introduce a "labor component" into this regulatory body, the sponsors of this bill are unwittingly attempting to create an inherent "conflict of mission" for the Council. By virtue of that very mission the Council often finds itself in a position where the maintenance of standards and professional values demands that a member of the public safety community be considered for decertification. Because labor organizations, by their very nature and mission, are charged with doing everything they can to minimize adverse effects upon their members. How can they (via their nominated representatives) possibly expect to act impartially in these circumstances?

I'm sure that everyone in the criminal justice system would agree that defense attorneys are a necessary and integral component of our legal system, and that criminal defendants deserve their vigorous representation. However, I would be shocked if anyone were to make the suggestion that someone representing the defense's interests should be included amongst a sentencing body. This analogy differs very little from the current proposal under consideration. By trying to introduce what is often an adversarial interest into an oversight/disciplinary body, the fairness and integrity of Council decisions would suffer in the eyes of the public, as well as within the law enforcement community.

Last year our Council adopted new regulations that require heads of law enforcement agencies to report serious officer misconduct to APSC. This was not seen as a favorable regulation from the standpoint of organized labor, which prefers to negotiate this reporting requirement as part of the employer/employee bargaining agreement. It would appear that SB 99, and now HB 193, are attempts on the part of organized labor to try and mitigate the effects of this regulation.

The Council respectfully requests that you withdraw your support of HB 193. It does not serve the integrity of our public safety community, nor does it in any way protect the public trust of our law enforcement institutions. I would be happy to speak with you further regarding this proposed legislation. Please feel free to call me at (907) 450-6513

Sincerely,



Daniel P. Hoffman
Chairman
Alaska Police Standards Council

cc HE 193 Co-Sponsoring Members:
- Representative Nancy Dahlstrom
- Representative Bob Lynn
- Representative Les Gara
- Representative Harry Crawford



City of Kodiak
KODIAK POLICE DEPARTMENT
Office of the Chief of Police

2/19/08

February 15, 2008

The Honorable Kevin Meyer
Co-Chair, House Finance Committee
State Capital, Room 512
Juneau, AK 99801-1182

Dear Mr. Co-Chair:

I have reviewed HB193 sponsored by Representative Bob roses which seeks to change the composition of the Alaska Police standards council. You may recall that last year SB99 also sought to change the composition of the Council by removing one police chief and two public representatives and replacing them with three union-endorsed police officers. This measure was abandoned after widespread opposition from Alaska's law enforcement community was voiced.

HB193 is yet another attempt by special interest groups to affect the policies and duties of the council. The council in its current form provides a balance of rural and urban public members-at-large with state and local chief executive law enforcement leaders that promote accountability and integrity in our law enforcement community.

It has been our observation that accountability required by statute and regulation often differs from the accountability sought by labor unions. Changing the composition of the Council by removing experienced law enforcement professionals and replacing them with union-nominated police officers will affect Council actions.

I respectfully request that you not support HB193. I would be happy to speak with you further, please feel free to call me at 907.486.8000.

Sincerely,

Charles "JC" Kamai
Chief of Police

ON FILE



State of Alaska

Department of Public Safety

Alaska Police Standards Council

2/19/08

Sarah Palin, Governor
Walt Monegan, Commissioner

April 5, 2007

The Honorable Bill Thomas, Jr.
Alaska State House of Representatives
State Capitol, Rm. 434
Juneau, AK 99801-1182

RE: SB 99 and HB 193, Relating to the composition of the Alaska Police Standards Council

Dear Representative Thomas:

The Alaska Police Standards Council Chair, Vice-Chair and Executive Director, as well as the Vice-Chair of Alaska Association of Chiefs of Police have met with many senators and representatives since introduction of this legislation. No one at APSC had been approached regarding any change being made to the structure of the Council and because of the magnitude of the impact any change of this kind would produce, we added it as a priority to the agenda of our April 2, 2007, meeting in Anchorage this week.

APSC extended a formal invitation to Mr. John Cyr, Executive Director of PSEA, to attend the meeting and explain to the Council the request for structural change to its composition. Mr. Cyr did attend and presented to the Council the rationale for requesting this legislation and what the Public Safety Employees Association hoped to accomplish by its passage.

Mr. Cyr advised the Council that the main thrust of these bills is *equity*, stating that the 'rank and file' want an equal voice in the business of the Council. He advised that, although the proposed legislation was aimed at replacing existing membership with organized labor-nominated, front line officers, PSEA would consider adding these officers to the current structure of the Council, as long as the legislature would accept a fiscal note for the additional seats.

Various Council members asked Mr. Cyr what had prompted the push to change the make-up of the Council and also if there was a perception that something was "broken" or ineffective in some way. Mr. Cyr clearly stated that the Council was not broken or negligent in any way with respect to training or certification. He was complimentary of the work the Council carries out.

On further questioning, Mr. Cyr could only identify one actual request from PSEA membership -- that the Council provide more "current & relevant" training. Mr. Cyr could not define exactly what aspect of training standards were not relevant or current, only that he was being told it was a problem by some of the officers.

Council members advised Mr. Cyr that, although APSC coordinates and funds statewide training, it is up to the individual agencies to create and maintain their own ongoing departmental training programs. While each department must require its officers to meet APSC minimum standards, best practices and standards are developed and administered by the respective law enforcement

Water
ON FILE

agencies, not APSC. There was obviously a gap in understanding between what PSEA thought Council's role was with respect to training as opposed to its actual role and responsibility.

Mr. Cyr concluded his presentation with the statement, "the political reality is that the Governor is cutting \$150,000,000 to the state budget, and we (PSEA) need representation", relating to decisions resulting from these budget cuts.

A poll of each Council member showed deep concern over changing the current composition of the Council. Council membership is extremely concerned that PSEA is attempting to push Council into a "labor-management" role by their use of the term *equity*. APSC has never been a labor-management influenced group, and for good reasons. The Council is an executive level decision-making body that deals with complex decertification matters of police, correction and probation officers. It is these decisions that require seasoned executives of law enforcement, correction/probation, and of our public, all of whom are appointed by the Governor to provide a necessary balance of professional knowledge, training with public transparency and trust.

The attempt to remove chief administrative officers and public members from the Council and replace them with organized labor-nominated, line officers severely impinges on the professional standards and certification role of Council – the number one priority here is to maintain the public trust. Organized labor's number one priority is to its membership.

The Council fully supports the establishment of an ad-hoc Training Advisory Committee to make recommendations on best practices and standards. This committee could be made up entirely of non-command level personnel.

In conclusion, the Alaska Police Standards Council strongly opposes HB 193 and SB 99.

Sincerely,

Terry Vrabec
Executive Director

Committee Distribution:

Senate Commerce & Labor
Senate State Affairs
Senate Finance
House State Affairs
House Finance

2/19/08

Adding Two Police Officers to the Alaska Police Standards Council.

The bill will:

- Keep the composition of the APSC at 11 members to keep operating expenses and budget neutral.
- Adds two police officers by reducing the number of chief administrative officers or chiefs of police from four to three; moves the correctional administrative officer to chief administrative officers or chiefs of police.
- Allows two representatives of police, who are working law enforcement officers with 5 years of experience in policing, an opportunity to offer their valuable insight as to all phases of police standards.
- Improves the quality of decision making by including those who are charged with the mission of enforcing the law a means for input as participating members of the APSC.
- Allows labor organizations that represent employees governed by the council a means to nominate police officers for consideration by the Governor.
- Provides a system of transition for the two police members to take positions on the APSC.

2/19/08

A Comparison of the Professional Teaching Practices Commission with the Alaska Police Standards Council

Responsibility: Professional Teaching Practices Commission

Standards

- Sec. 14.20.450. Responsibilities of commission.
- The commission shall have the initial responsibility of developing, through the teaching profession, criteria of professional practices in areas including, but not limited to:
 - (1) ethical and professional performance;
 - (2) preparation for and continuance in professional services; and
 - (3) contractual obligations.

Investigative Authority

- The commission shall
 - (1) establish procedures, and adopt regulations to implement the purposes of AS 14.20.370 - 14.20.510;
 - (2) conduct investigations and hearings on alleged violations of ethical or professional teaching performance, contractual obligations, and professional teaching misconduct;
 - (3) review the decisions of the department regarding the issuance or denial of certificates and in its discretion recommend reversal of decisions.
- The Commission may:
 - (1) subpoena witnesses, place them under oath, and maintain written records;
 - (2) warn or reprimand members of the teaching profession, if in the judgment of the commission such action is warranted;
 - (3) suspend or revoke the certificate of a member of the teaching profession for one of the reasons set out in AS 14.20.030 except that in the case of an administrator, the commissioner must concur;
 - (4) request assistance through any of the investigative processes of any existing professional teaching organizations when analyzing charges of breach of ethical or professional teaching practices;

Responsibility: Alaska Police Standards Council

Standards

- Establish minimum standards for employment as a police officer, probation officer, parole officer, municipal correctional officer, and correctional officer in a permanent or probationary position and certify persons to be qualified as police officers, probation officers, parole officers, municipal correctional officers, and correctional officers under AS 18.65.130 - 18.65.290;

Investigative Authority

- The council has the power to
 - (1) investigate when there is reason to believe that a police officer, probation officer, parole officer, municipal correctional officer, or correctional officer does not meet the minimum standards for employment; in connection with the investigation the council may subpoena persons, books, records, or documents related to the investigation and require answers in writing under oath to questions asked by the council or the administrator;

Comparison - continued

Training and curriculum

The Commission shall:

(1) review the regulations of the department as they relate to teacher certification and recommend necessary changes;

The Commission may:

(1) study proposals developed by regular committees of any existing professional organization whose members are within the teaching profession

(2) make any recommendation to the board or to school boards that will promote an improvement in the teaching profession;

Employ an Administrator

Sec. 14.20.470. Powers of commission.

The commission may

(1) appoint an executive secretary, delegate those ministerial functions to the executive secretary as the commission may decide and set the executive secretary's compensation with a starting salary not exceeding range 26, step B of the pay plan for state employees in AS 39.27.011(a).

Training and curriculum

The Council has the power to:

(1) establish minimum criminal justice curriculum requirements for basic, specialized, and in-service courses and programs for schools operated by or for the state or a political subdivision of the state for the specific purpose of training police recruits, police officers, probation officers, parole officers, municipal correctional officers, and correctional officers;

(2) consult and cooperate with municipalities, agencies of the state, other governmental agencies, universities, colleges, and other institutions concerning the development of police officer, probation officer, parole officer, municipal correctional officer, and correctional officer training schools and programs of criminal justice instruction;

Employ an Administrator

Employ an administrator and other persons necessary to carry out its duties under AS 18.65.130 - 18.65.290;

7) charge and collect a fee of \$50 for processing applications for certification of police, probation, parole, municipal correctional, and correctional officers.

Composition of the Professional Teaching Practices Commission and the Alaska Police Standards Council

- **Professional Teaching Practices Commission – 9 Members**

- **Composition**

- The commission consists of the following members:
 - (1) five classroom teachers;
 - (2) one principal;
 - (3) one superintendent;
 - (4) one representative of the office of the commissioner;
 - (5) one representative of an Alaska institution of higher learning.

- **Alaska Police Standards Council – 11 Members**

- **Composition**

- The council consists of the following persons:
 - (1) four chief administrative officers or chiefs of police of local governments;
 - (2) the commissioner of public safety or a designee of the commissioner;
 - (3) the commissioner of corrections or a designee of the commissioner;
 - (4) one correctional administrative officer who is employed at the level of a deputy director or higher; and
 - (5) four members of the public at large with at least two from the communities of 2,500 population or less.

Selection of Members of the Professional Teaching Practices Commission and the Alaska Police Standards Council

• Professional Teaching Practices Commission – 9 Members

- Sec. 14.20.410. Selection of members.
- (a) Members of the commission shall be selected as follows:
 - (1) the five classroom teachers from lists of names submitted by recognized Alaska teachers' organizations, each list not to exceed 12 names; however, in lieu of one of the five, one classroom teacher may be selected from a list of not more than four names signed and submitted by not less than 25 teachers who have no affiliation with any organization qualified to submit nomination lists, with the limitation that no teacher may sign more than one list in any year;
 - (2) the principal from a list of three names submitted by the Alaska Principals Association;
 - (3) the superintendent from a list of three names submitted by the Superintendents Advisory Commission;
 - (4) the representative of the office of the commissioner from a list of three names submitted by the commissioner;
 - (5) the representative of an Alaska institution of higher learning from lists of names submitted by Alaska institutions of higher learning, each list not to exceed three names.
- (b) The lists shall be submitted to the commissioner who shall submit them as a group to the governor's office.
- (c) At least 30 days before a position on the commission is due to become vacant, the chairman shall cause notice of the impending vacancy to be published and to be conveyed to each organized group eligible to submit a list of nominees.
- Sec. 14.20.420. Term of office.
- (a) The term of office for each member of the commission is three years and, except as provided in AS 39.05.080 (4), each member serves until a successor is appointed.
- (b) Vacancies shall be filled by appointment by the governor and, except as provided in AS 39.05.080 (4), an appointment to fill a vacancy is for the unexpired term.
- (c) An individual may not serve more than a total of two 3-year terms.

• Alaska Police Standards Council – 11 Members

- Appointment.
- The commissioner of public safety or a designee and the commissioner of corrections or a designee shall serve during each commissioner's continuance in office. Other members of the council shall be appointed by the governor for staggered terms of four years, except that a member may not serve beyond the time the member holds the office that established eligibility for appointment. A vacancy on the council shall be filled for the remainder of a member's unexpired term in the same manner as the original appointment.

Legislative Research Services

2/19/08

Alaska State Legislature
Legislative Affairs Agency
Division of Legal and Research Services

State Capitol, Juneau, AK 99801
Phone: 907-465-3991
Fax: 907-465-3908

April 9, 2007

Memorandum

TO: Representative Bob Roses

FROM: Chuck Burnham, Legislative Analyst



RE: Composition of Police Standards Councils in Other States
LRS Report 07.192

You asked about the composition of Police Standards Councils in other states. Specifically, you wanted to know if the membership of those councils includes "front-line" police officers.

We reviewed the composition of Police Standards Councils in ten western states. Eight of these states' councils—those in Arizona, California, Colorado, Montana, New Mexico, Texas, Utah, and Washington—have at least one member who is a police officer.¹ The attached table shows the official name of the Police Standards Council for each of the ten states we reviewed, the size of the organizations, the composition of their membership, and the URL for each of their respective websites.

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

¹ Although the Utah Council's website does not specifically indicate a police officer member, we assume the representative of the Police Officer's Association to be an active officer.

Composition of Selected States' Police Standards and Training Organizations			
State	Organization	Members	Membership Position
Arizona	Peace Officer Standards and Training Board	12	Police Department Chiefs / Sheriffs (4) Attorney General Department of Public Safety Director Department of Corrections Director Police Officers (2 - Corporal/Detective) University Professor Public Members (2)
http://www.azpost.state.az.us/			
California	The Commission on Peace Officer Standards and Training	14	Police Chiefs / Sheriffs (6) Attorney General County District Attorney Police Officers (3) Public Members (3)
http://www.post.ca.gov/about/commissioners.asp			
Colorado	Peace Officer Standards and Training Board	21	Police Chiefs / Sheriffs (13) Attorney General Department of Public Safety Exec. Director City Mayor Police Officers (3 - Senior Agent / 2 Patrol Officers) Public Member
http://www.ago.state.co.us/post_board.cfm?cpyID=121			
Idaho	Peace Officer Standards and Training Council	15	Heads of Law Enforcement Agencies (8) Attorney General's Office Association of Counties Director Dept. of Corrections Director Dept. of Juvenile Corrections Director Association of Cities Director F.B.I. Special Agent in Charge County Prosecutor
http://www.idaho-post.org/Council/Council.html			
Montana	Peace Officer Standards and Training Council	11	Heads of Law Enforcement Agencies (2) Dept. of Corrections Division Chief Montana Highway Patrol Training Officer County Prosecuting Attorney County Commissioner Country Detention Facility Captain Police Officer (Lieutenant) Fish & Wildlife Dept. Training Officer Tribal Peace Officer Public Member
http://www.mbcc.mt.gov/resources/directory/boards/dir-e-post.asp			
Nevada	Commission on Peace Officer Standards and Training	9	Chiefs / Sheriffs (5) Dept. of Corrections Representative Dept. of Public Safety Representative County District Attorney Investigator Vacant Position
http://post.state.nv.us/CommissionDirectory.htm			

Composition of Selected States' Police Standards and Training Organizations
- contd.

State	Organization	Members	Membership Positions
New Mexico	Law Enforcement Academy Board	10	Heads of Law Enforcement Agencies (4) Attorney General Assistant Attorney General County District Attorney Public Members (2) Police Officer (Sergeant)
http://www.dps.nm.org/training/leaBoard/index.php			
Texas	Commission on Law Enforcement Standards and Education	13	Chiefs / Sheriffs (3) Attorney General Public Members (3) County Constables (2) Police Officer Higher Education Coordinating Board Commissioner Texas Department of Public Safety Director Governor's Office, Criminal Justice Division Executive Director Texas Education Agency Commissioner
http://www.tcleose.state.tx.us/about/tcleose.htm			
Utah	Police Officer Standards and Training Council	16	Heads of Law Enforcement Agencies (7) Attorney General's Office County Commissioner At-Large Member College Vice-President City Mayor City Council Member Dept. of Corrections Director F.B.I. Special Agent in Charge Police Officers' Assoc. Representative
http://post.utah.gov/academy/council.htm			
Washington	State Criminal Justice Training Commission	14	Heads of Law Enforcement Agencies (5) Attorney General County Prosecuting Attorney F.B.I. Special Agent in Charge Dept. of Corrections Chief Dept. of Corrections Secretary County Sheriff's Officer (Detective) City Council Member Public Member Vacant Position
https://fortress.wa.gov/cjtc/www/admin/commissioners/commissioners.htm			
<p>Notes: Police Officer membership positions are bolded. Although the Utah Council's website does not specifically indicate a police officer member, we assume the representative of the Police Officer's Association to be an active officer.</p> <p>Sources: Websites of states' police training standards organizations.</p>			

2/19/08

Public Safety Employees Association, Inc.
"Representing Alaska's Finest"

Public Safety Employees Association Position Paper – HB 193
Sponsored by Representatives Bob Roses, Nancy Dahlstrom and Bob Lynn

About 35 years ago the Alaska Police Standards Council was created. Since 1972, Alaska has changed significantly. Our population has grown. The type of problems confronted by Public Safety Employees has proliferated over the past 30 years. The law enforcement officer of today must be a versatile and organized public servant.

Giving those who work closest to crime a voice on the decision making body that has direct effect on the training officers are to receive and the standards by which they work should be encouraged and welcomed. SB 193 by Representatives Bob Roses, Nancy Dahlstrom and Bob Lynn adds three rank and file officers to the Alaska Police Standards Council. The Public Safety Employees Association supports adding rank and file officers to the APSC.

HB 193 does the following:

- Keeps the composition of the APSC at 11 members to keep the operating expenses of the Council within its budget.
- Adds three police officers by reducing two administrative officers or chiefs of police positions and one public member position
- Allows three representatives of police, who are working law enforcement officers, with 5 years of experience in policing, an opportunity to offer their valuable insight to all phases of police standards.
- Improves the quality of decision making by including those who are charged with the mission of enforcing the law a means for input as participating members of the APSC.
- Preserves the Governor's role in appointing the three police representatives to the APSC.
- Provides a system of transition for the three police members to take positions on the APSC.

Adding three officers from rank and file is necessary to the Council's mission of producing a highly trained and positively motivated professional, capable of meeting contemporary law enforcement standards of performance. As an appointee, these men and women are the trained and motivated. They will work with others on the APSC to provide a firm foundation of day to day experience from which to formulate high standards for public safety officers.

Their contribution to the Alaska Police Standards Council will improve organizational communication, provide valuable input for the training and preparation of new and career officers and add a high degree of quality and excellence to the scope of work of the Council.

The Public Safety Employees Association expresses our appreciation to Representatives Bob Roses, Nancy Dahlstrom and Bob Lynn for introducing this long overdue legislation. We commend the House State Affairs Committee for hearing HB 193 and encourage its passage.

April 3, 2007

John Cyr, Executive Director
Public Safety Employees Association

Public Safety Employees Association, Inc.
"Representing Alaska's Finest"

2/19/08

April 3, 2007

Testimony in Support of HB 193

Rob Cox, President
Alaska Public Employees Association

Thank you for allowing me to offer this statement on behalf of HB 193 regarding the restructuring of the Alaska Police Standards Council (APSC). I have been employed as an Alaska State Trooper for over 16 years. I have been an APSC certified police instructor for the past 14 years in a multitude of disciplines including Firearms, Patrol Tactics, SWAT Tactics, Intoximeter, and Methods of Instruction, to name a few; and, am one of a handful of officers in the State certified as an Instructor Trainer. I present this information to simply illustrate that my experience has given me some unique and important perspectives pertaining to Police Officer Training in Alaska.

While I believe that the APSC has done a good job of determining training criteria, some gaps do and will exist when there is no avenue for participation by those subject to these criteria. As both a student in and instructor for APSC training courses and an officer who works a regular patrol shift, I believe that I and officers like me, offer a practical perspective to the APSC regarding how training courses impact the performance of police duties in the field. It can be very difficult to understand the practicality and impact of training policy, course or content from a policy making position without input from and discussion with the "boots on the ground". Additionally, when training is determined and implemented with mutual discussion and inclusion acceptance in the field increases.

Specific valuable input that will be provided by having well-respected and experienced police officers on the APSC include:

1. Appropriateness of Course Length
2. Practical Certification Requirements
3. Logical Course Syllabi
4. Appropriate APSC Instructor Requirements
5. Ongoing APSC Instructor Improvement Courses
6. Pertinence of Course Content based upon up-to-date "road" experience
7. Affect of Legislative actions on practical law enforcement and how this impacts training and training criteria

The vast majority of police officers in the State of Alaska are highly motivated, qualified, and professional individuals who desire to reach their full occupational potential in terms of understanding and fulfilling their enforcement duties. This same enthusiasm and professionalism will be afforded the APSC when police officers are allowed to participate in the creation of

policy surrounding APSC training criteria. It is my belief that these officers offer a practical skill and knowledge base that will positively build upon basic Academy training as they actively participate in building the future of law enforcement in Alaska as part of the APSC.

In closing I would like to thank Representative Bob Roses for introducing HB 193 and to also thank Representatives Nancy Dahlstrom and Bob Lynn for sponsoring this important legislation. I encourage the House State Affairs Committee to approve this legislation

2/19/08

April 3, 2007

To: House State Affairs Committee

From: Brian Dallas, Juneau

Re: HB 193

Thank you for allowing me to submit this statement in support of HB 193 by Representative Bob Roses, Nancy Dahlstrom and Bob Lynn. As an experienced police officer, I hope my comments are of value to the House State Affairs Committee as you consider HB 193 and pass it from your committee today.

How will a police presence on the APSC increase the overall efficiency, quality and excellence of the law enforcement community?

First, let me say membership on the APSC is an honor and a privilege. Appointing good police officers and providing them a means of input will make law enforcement stronger. Currently, Police Administrators, Police Chiefs, and civilians are represented on the APSC Board, rank and file officers are not.

The Mission Statement of APSC is: "To produce a highly trained and positively motivated professional, capable of meeting contemporary law enforcement standards of performance."

APSC's Vision Statement, in part, reads: "To build on the foundation of skill and knowledge acquired at the basic academy, with continued education and training where the officer may enhance those skills and increase proficiency in all aspects of job performance."

"To ultimately increase the overall efficiency and effectiveness of the law enforcement and corrections community by assuring a climate of professionalism and conscientious standards."

With these statements in mind, adding officers to the APSC would bring experience and knowledge from today's front line officers. As the needs of our world and our communities change, so must Law Enforcement. Officers can bring perspectives only learned from first hand knowledge to add to the excellence of training provided by APSC, and insure that the training needs of today's officers are being met. The collaborative knowledge and experience of Police Administrators, Police Chiefs, civilians, and Officers would be awesome.

Good officers have high expectations and high standards. As a member of the APSC, each officer will bring these expectations to the APSC decision making process. Currently, everyone serving on the board now is a civilian, exempt, or

may be exempt from the Standards set by APSC according to SECTION 18.65.280, Exemptions, which reads:

- (a) The commissioner and deputy commissioner of public safety and the chief administrative officers of local police departments are exempt from the requirements of AS 18.65.240. However, a person appointed chief of a local police department after July 1, 1981, who performs any operational duties, shall meet the requirements of AS 18.65.240(a)(1).

Officers must meet and maintain these standards every day of their careers. To that end, the excellence of each police representative serving on the APSC will serve as a standard by which others will be measured. Good police officers want only good police officers serving the public. Adding Officers to APSC can only enhance the excellence, quality, and efficiency of APSC.

2/19/08

Statement in Support of HB 193
To the House State Affairs Committee

April 3, 2007

- You may be wondering why it is important to have police officers on the Alaska Police Standards Council.

HB 193 by Representatives Bob Roses, Nancy Dahlstrom and Bob Lynn corrects a basic fairness issue. The Alaska Police Standards Council is one of the few, if not the only one in Alaska, that does not include people who are being licensed on the body that licenses them. Furthermore, many states include rank and file members on their state's council or committee. In those states rank and file members participate in the process of developing standards, training and curriculum for public safety officers. Enacting HB 193 will give rank and file police officers a seat at the table like others who require licenses to perform their occupations

Officers selected to serve on the APSC will have at least five years of police experience, giving them a depth and breadth of knowledge regarding policing issues. Yet, they will still be strongly connected to those who are out on the streets day in and day out doing the job and most likely they will still be doing the job at the street level themselves. This gives the officers a realistic perspective of current issues of police work.

These officers will broaden the base of involvement at the APSC level and can provide a "from the ground up" flow of information and input that will be invaluable to the APSC.

Adding these officers will fill a void that has existed for far too long. Every police officer in the State of Alaska has a stake in the decisions made by APSC that could potentially affect their careers.

- You may also be wondering why there should be three officers.

The APSC is currently comprised of seven people who are in top administrative positions in law enforcement and corrections and four civilians. Participation of representatives from those groups is very important.

Rather than increase the number of council members, HB 193 proposes a change to the number of people in two groups: chief administrative officers or chiefs of police and civilians. For that reason, those groups are still adequately represented, yet the change will fall within budget.

Even though three police officers will represent a minority of the APSC, their positions will give all officers in the State of Alaska a seat on their standards council just like others in Alaska who are required to be licensed. The inclusion of rank and file officers will give the APSC valuable input for all phases of their decision making.

Tara Tippet
Fairbanks

2/19/08

A statutory comparison of the Alaska Police Standards Council and the Alaska Fire Standards Council – creation and powers of each

Alaska Police Standards Council

Sec. 18.65.140. Creation.

There is created in the Department of Public Safety the Alaska Police Standards Council.

Sec. 18.65.150. Composition of council.

The council consists of the following persons:

- (1) four chief administrative officers or chiefs of police of local governments;
- (2) the commissioner of public safety or a designee of the commissioner;
- (3) the commissioner of corrections or a designee of the commissioner;
- (4) one correctional administrative officer who is employed at the level of a deputy director or higher; and
- (5) four members of the public at large with at least two from the communities of 2,500 population or less.

Sec. 18.65.160. Appointment.

The commissioner of public safety or a designee and the commissioner of corrections or a designee shall serve during each commissioner's continuance in office. Other members of the council shall be appointed by the governor for staggered terms of four years, except that a member may not serve beyond the time the member holds the office that established eligibility for appointment. A vacancy on the council shall be filled for the remainder of a member's unexpired term in the same manner as the original appointment.

Sec. 18.65.170. Chairman and vice chairman.

The council shall select its chairman and vice chairman annually.

Sec. 18.65.180. Holding another office.

Membership on the council does not disqualify a member from holding any other public office or employment.

Sec. 18.65.190. Compensation and expenses.

The members of the council receive no salary, but are entitled to per diem and travel expenses authorized by law for other boards and commissions.

Sec. 18.65.200. Meetings.

The council shall meet at least twice a year. The chairman shall set the time and place of the meeting, either on the chairman's own motion or on written request by any three members of the council.

Sec. ~~18.65.220~~ **Powers.**

The council has the power to

- (1) adopt regulations for the administration of AS 18.65.130 - 18.65.290;
- (2) establish minimum standards for employment as a police officer, probation officer, parole officer, municipal correctional officer, and correctional officer in a permanent or probationary position and certify persons to be qualified as police officers, probation officers, parole officers, municipal correctional officers, and correctional officers under AS 18.65.130 - 18.65.290;
- (3) establish minimum criminal justice curriculum requirements for basic, specialized, and in-service courses and programs for schools operated by or for the state or a political subdivision of the state for the specific purpose of training police recruits, police officers, probation officers, parole officers, municipal correctional officers, and correctional officers;
- (4) consult and cooperate with municipalities, agencies of the state, other governmental agencies, universities, colleges, and other institutions concerning the development of police officer, probation officer, parole officer, municipal correctional officer, and correctional officer training schools and programs of criminal justice instruction;
- (5) employ an administrator and other persons necessary to carry out its duties under AS 18.65.130 - 18.65.290;
- (6) investigate when there is reason to believe that a police officer, probation officer, parole officer, municipal correctional officer, or correctional officer does not meet the minimum standards for employment; in connection with the investigation the council may subpoena persons, books, records, or documents related to the investigation and

require answers in writing under oath to questions asked by the council or the administrator;

(7) charge and collect a fee of \$50 for processing applications for certification of police, probation, parole, municipal correctional, and correctional officers.

Sec. 18.65.225. Alaska police training fund.

The Alaska police training fund is created in the general fund. The fund consists of appropriations made by the legislature to the fund. The legislature may appropriate to the fund the annual estimated balance in the accounts maintained under AS 37.05.142 for money collected under AS 12.25.195 (c), AS 12.55.039, AS 28.05.151, and AS 29.25.074. The legislature may make appropriations from the fund to (1) the Department of Public Safety for the Public Safety Training Academy, including Village Public Safety Officers, (2) the Alaska Police Standards Council to provide training for the law enforcement and corrections community of the state under AS 18.65.230, and (3) municipalities that conduct their own police training programs. Nothing in this section creates a dedicated fund.

Sec. 18.65.230. Training programs.

The council shall establish and maintain police training programs, probation and parole officer training programs, and correctional training programs through those agencies and institutions that the council considers appropriate.

Sec. 18.65.240. Standards.

(a) A person may not be appointed as a police officer, except on a probationary basis, unless the person (1) has satisfactorily completed a basic program of police training approved by the council, which includes at least 12 hours of instruction regarding domestic violence as defined in AS 18.66.990, and (2) possesses other qualifications the council has established for the employment of police officers, including minimum age, education, physical and mental standards, citizenship, moral character, and experience. The council shall prescribe the means of presenting evidence of fulfillment of these requirements.

(b) The council shall issue a certificate evidencing satisfaction of the requirements of (a) of this section to an applicant who satisfies those requirements or who satisfies the requirements of (a)(2) of this section and satisfactorily completes a program or course of instruction in another jurisdiction equivalent in content and quality to that required by the council for approved police education and training programs in this state.

(c) The council may deny or revoke the certificate of a police officer who does not meet the standards adopted under (a)(2) of this section.

Sec. 18.65.242. Standards for municipal correctional, correctional, probation, and parole officers.

(a) The council shall establish qualifications for employment of persons as municipal correctional, correctional, probation, and parole officers, including

(1) minimum age, physical and mental standards, citizenship, moral character, and experience; and

(2) minimum education standards.

(b) The council shall

(1) prescribe the means of presenting evidence of fulfillment of the requirements set out in (a) of this section; and

(2) issue a certificate evidencing satisfaction of the requirements of (a) of this section to an applicant who

(A) satisfies the requirements of (a)(1) of this section; and

(B) meets the minimum education standards of (a)(2) of this section by satisfactorily completing a training program for municipal correctional, correctional, probation, or parole officers established under AS 18.65.230, including training regarding domestic violence that contains the subjects set out in AS 18.66.310 (d), or a course of instruction in another jurisdiction equivalent in content and quality to that required by the council for approved municipal correctional, correctional, probation, or parole officer education and training programs in this state.

(c) In the evaluation of applicants against the mental standards developed under (a)(1) of this section, the council shall use evaluation methods that do not discriminate against applicants of different ethnic origins.

Sec. 18.65.245. Denial or revocation of certificate of municipal correctional, correctional, probation, or parole officer.

The council may

(1) deny a certificate to an applicant for a municipal correctional, correctional, probation, or parole officer certificate if the applicant does not meet the standards adopted by the council under AS 18.65.242(a);

(2) revoke the certificate of a municipal correctional, correctional, probation, or parole officer who, having been issued a certificate, fails to meet the standards adopted by the council under AS 18.65.242(a).

Alaska Fire Standards Council

Sec. 18.70.330. Creation.

a) There is created in the Department of Public Safety the Alaska Fire Standards Council.

(b) The council consists of the following persons:

(1) two chief administrative officers or fire chiefs of local government; only one person appointed under this paragraph may be from a local government where the fire department consists entirely of paid employees;

(2) the state fire marshal or a designee of the state fire marshal;

(3) **four representatives of fire fighters**, including at least one fire fighter administrative officer from the Alaska State Fire Fighters Association; a person appointed under this paragraph **may not, while serving on the council, be a fire chief;**

(4) **two volunteer fire fighters**, one from a community with a population of 2,500 or less and one from a community with a population greater than 2,500; and

(5) two members of the public at large with at least one member from a community with a population of 2,500 or less.

Sec. 18.70.340. Appointment; meetings; expenses.

(a) The state fire marshal or a designee shall serve on the council during each state fire marshal's continuance in office. Other members of the council shall be appointed by the governor for staggered terms of four years, except that a member may not serve beyond the time the member holds the office that established eligibility for appointment. Membership on the council does not disqualify a member from holding another public office or employment. The council shall select its chair and vice-chair annually.

(b) The council shall meet at least twice a year. The chair shall set the time and place of the meeting, either on the chair's own motion or on written request by three members of the council. The council is encouraged to meet electronically.

(c) The members of the council do not receive a salary for service on the council, but are entitled to per diem and travel expenses authorized by law for other boards and commissions under AS 39.20.180.

Sec. 18.70.350. Powers.

The council may

(1) adopt regulations for the administration of AS 18.70.320 - 18.70.369, including regulations

(A) establishing minimum training and performance standards for certification of fire services personnel that are consistent with the standards of the National Fire Protection Association or other applicable standards;

(B) establishing minimum fire training curriculum requirements for certification of training programs that are designed to enable trainees to meet the standards established under (A) of this paragraph;

(C) governing the procedure for certification of fire services training programs that meet the minimum curriculum requirements adopted under this section;

(D) governing the procedure for certification of individuals who satisfy the minimum training and performance standards established under this section; and

(E) governing the procedure for revocation of the certificate of a person or program that, having been issued a certificate under this section, fails at a later date to meet the standards adopted by the council under this section; the procedures must be consistent with AS 44.62 (Administrative Procedure Act);

(2) consult and cooperate with municipalities, agencies of the state, other governmental agencies, universities, colleges, and other institutions concerning the development of fire services training schools and programs offered in the state;

(3) employ an administrator and other persons necessary to carry out its duties; and

(4) charge and collect fees determined by the council to be necessary.

2/9/08

The Alaska Police Standards Council is a regulatory and quasi-judicial body that was created by Senate Bill 1, Chapter 17(i), and enacted by the State Legislature, effective July 7, 1972.

The Legislature granted the Council the power to adopt regulations establishing minimum selection and training standards for employment as police officers as well as other regulations for the administration of the act. In 1988 House Bill 367 expanded the council's jurisdiction to include corrections, probation and parole officers. The council is composed of 11 members appointed by the governor, and they meet formally four times each year.

Name	Council Title	Affiliation
Jon Bolling	Public Representative	Craig
Dick Burton	Public Representative	Ketchikan
Robert Heun	Member	Police Chief, Anchorage Police Department
Dan Hoffman	Member	Police Chief, Fairbanks Police Department
Charles T. C. Kamal	Member	Police Chief, Kodiak Police Department
Bob Kean	Public Representative	Anchorage
Chuck Kopp	Chairman	Police Chief, Kenai Police Department
Walt Monegan	Member	Commissioner, Department of Public Safety
Joe Schmidt	Member	Commissioner, Department of Corrections
Donna White	Member	Director, Probation & Parole
Janey Wineinger	Public Representative	Chickaloon

MISSION

To produce a highly trained and positively motivated professional, capable of meeting contemporary law enforcement standards of performance

APSC VISION

To build on the foundation of skill and knowledge acquired at the basic academy, with continued education and training where the officer may enhance those skills and increase proficiency in all aspects of job performance.

To cooperatively establish a career path within the respective agencies, by providing qualified members with advanced training opportunities for developing leadership and supervisory skills.

To ultimately increase the overall efficiency and effectiveness of the law enforcement and corrections community by assuring a climate of professionalism and conscientious standards.

2/19/08

CSHB 193 Testimony

Thank you for entertaining testimony in support of CSHB 193. I have been employed as an Alaska State Trooper for over 17 years. I have been an APSC certified police instructor for the past 15 years in a multitude of disciplines including Firearms, Patrol Tactics, SWAT Tactics, Intoximeter, and Methods of Instruction, to name a few. I am one of a handful of officers in the State certified as an Instructor Trainer. I present this information to simply illustrate that my experience has given me some unique and important perspectives pertaining to Police Officer Training in Alaska.

While I believe that the APSC has done a good job of determining training criteria, some gaps do and will exist when there is no avenue for participation by those subject to these criteria. As both a student in and instructor for APSC training courses and an officer who works a regular patrol shift, I believe that I, and officers like me, offer a practical perspective to the APSC regarding how training courses impact the performance of police duties in the field. It can be very difficult to understand the practicality and impact of training policy, course or content from a policy making position without input from and discussion with the "boots on the ground". Additionally, when training is determined and implemented with mutual discussion and inclusion of officers and management, acceptance in the field increases.

Some specific valuable input that will be provided by having well-respected and experienced police officers on the APSC include:

1. Appropriateness of Course Length
2. Practical Certification Requirements
3. Logical Course Syllabi
4. Appropriate APSC Instructor Requirements
5. Ongoing APSC Instructor Improvement Courses
6. Pertinence of Course Content based upon up-to-date "road" experience
7. Affect of Legislative actions on practical law enforcement and how this impacts training and training criteria

The vast majority of police officers in the State of Alaska are highly motivated, qualified, and professional individuals who desire to reach their full occupational potential in terms of understanding and fulfilling their enforcement duties. This same enthusiasm and professionalism will be afforded the APSC when such police officers are included and allowed to participate in the creation of policy surrounding APSC training criteria. It is my belief that these officers offer a practical skill and knowledge base that will positively build upon basic Academy training as they actively participate in building the future of law enforcement in Alaska as part of the APSC.

Sincerely,

Trooper Gary Cox

February 19, 2008

To: Members of the House Finance Committee

From: Tara Tippett

Re: Letter supporting CSHB 193

Let me begin by thanking Representative Rob Roses for introducing CSHB 193 and to also offer encouragement to the members of the Finance Committee to support the bill today.

In introducing myself, I have twenty two years of law enforcement experience and am currently employed as a lieutenant with the Fairbanks Police Department. I served for nearly 5 years in the US Army Military Police Corp, and 3.5 years with the Alaska State Troopers as a Court Service Officer before joining the Fairbanks Police Department in 1994. Before becoming a supervisor, I served as a Field Training Officer, Hostage Negotiator, Drug Investigator and Detective. I wholeheartedly support CSHB 193.

-You may be wondering, why it is important to have police officers on the Alaska Police Standards Council?

Enacting this proposal will give a voice to the rank and file police officers that they do not currently have. Many officers are often reluctant to approach command staff at their agency and voice their ideas or concerns. However, someone of similar rank to themselves who understands the ideas or concerns they might be expressing would be invaluable.

Officers selected to serve on the APSC will have at least five years of police experience giving them a depth and breadth of knowledge regarding policing issues. Yet, they will still be strongly connected to those who are out on the streets day in and day out doing the job and most likely they will still be doing the job at the street level themselves. This gives the officers a realistic perspective of current issues that top administrators do not have.

These officers will broaden the base of involvement at the APSC level and can provide a "from the ground up" flow of communication, information and input that will be invaluable to the APSC.

Adding these officers will fill a void that has existed for far too long. Every police officer in the State of Alaska has a stake in the decisions made by APSC that could potentially affect their careers.

-You may also be wondering, why there should be two officers?

The APSC is currently comprised of seven people who are in top administrative positions in law enforcement and corrections and four civilians. Participation of representatives from those groups is very important.

Rather than increase the number of council members, CSHB 193 proposes a change to the number of chief administrative officers or chiefs of police. For that reason, they are still adequately represented, yet the change will fall within budget. CSHB 193 has zero fiscal impact.

There are far more police officers in the State of Alaska than there are chief administrators and chiefs of police and we have no representatives on the APSC. It is also important to note that under AS 18.65.280 Exemptions it states that the commissioner and deputy commissioner of the department of public safety and chief administrators of local police departments are exempt from the requirements of AS 18.65.240, which in effect means they are not required to have ever been employed as a police officer to attain those positions.

There are far more civilians than police officers and they will have one fewer position than the officers. However, it is important to note that while the interests of the public are important and they have a right to be represented, officers have a much closer vested interest in the decisions made by APSC.

Even though two police officers will represent a minority of the APSC, their positions will give all officers in the State of Alaska the much needed voice they deserve and will give the APSC valuable input for all phases of their decision making.

Thank you for considering my opinions.

(6) "parole officer" means a person appointed by the commissioner of corrections or employed by a correctional facility in this state to perform the duties of supervising the parole of prisoners under AS 33.16;

(7) "police officer" means

(A) a full-time employee of the state or a municipal police department with the authority to arrest and issue citations; detain a person taken into custody until that person can be arraigned before a judge or magistrate; conduct investigations of violations of and enforce criminal laws, regulations, and traffic laws; search with or without a warrant persons, dwellings, and other forms of property for evidence of a crime; and take other action consistent with exercise of these enumerated powers when necessary to maintain the public peace;

(B) an officer or employee of the Department of Transportation and Public Facilities who is stationed at an international airport and has been designated to have the general police powers authorized under AS 02.15.230(a);

(C) a University of Alaska public safety officer with general police powers authorized under AS 14.40.043;

(8) "probation officer" means a person appointed by the commissioner of corrections or employed by a correctional facility in this state to perform the duties of a probation officer under AS 33.05. (§ 1 ch 178 SLA 1972; am §§ 10, 11 ch 19 SLA 1981; am § 8 ch 112 SLA 1988; am § 1 ch 71 SLA 1989; am § 2 ch 107 SLA 1992; am § 2 ch 10 SLA 1998; am § 9 ch 126 SLA 1998; am §§ 1 — 4 ch 160 SLA 2004)

Revisor's notes. — Reorganized in 1986, 1988, and 1998 to alphabetize the defined terms. Paragraph (2) was enacted in 2004 as paragraph (8) and renumbered in 2004, at which time paragraphs (2)-(7) were renumbered as (3)-(8).

Effect of amendments. — The first 1998 amendment, effective April 14, 1998, in subparagraph (7)(A) [formerly (6)(A)], substituted "municipal" for "local" near the beginning and deleted "carry a concealed weapon" following "evidence of a crime" near the end.

The second 1998 amendment, effective September 21, 1998, added paragraph (5) [formerly (4)].

The 2004 amendment, effective July 23, 2004, added paragraph (8) [now (2)], added paragraph (2)(B) [now (3)(B)] and made related changes, and inserted "or employed by a correctional facility in this state" in paragraphs (5) and (7) [now paragraphs (6) and (8)].

Legislative history reports. — For Senate letter of intent in connection with the amendment to (5) [now (6)] of this section by § 1, ch. 71, SLA 1989 (SSSB 110), see 1989 Senate Journal 602.

Opinions of attorney general. — To be a police officer within the meaning of this statute, an officer must be currently working full time for a police department, that is an organized civil force whose basic purpose and function is to maintain peace and order and to prevent and investigate criminal offenses. September 18, 1977 Op. Att'y Gen.

As applied to the coverage of AS 18.65.130 — 18.65.290, the term "police officer" is more restrictively defined than the definition in AS 01.10.060 to include all those full-time employees of police departments administered by the state or one of its political subdivisions, who have full police duties and the authority to enforce all of the laws of the State of Alaska which carry a penalty for their violation. September 18, 1977 Op. Att'y Gen.

Comparing the classification of "peace officer" in AS 01.10.060 with that of "police officer," it is apparent that police officers, as defined in paragraph (3) [now paragraph (7)], are always peace officers since they have full police duties that are exercised on a full-time basis. However, the converse of this proposition can never be the case; that is, peace officer status does not automatically vest one with the status of a police officer since peace officers are not necessarily employees of a police department and do not necessarily have the power to enforce all the penal, traffic or highway laws of the state. September 18, 1977 Op. Att'y Gen.

Most Village Public Safety Officers and Village Police Officers are not "police officers" under the definition in paragraph (3) [now paragraph (7)]. Whether an individual officer is subject to regulation by the Alaska Police Standards Council depends on the circumstances of his or her employment and must be determined on a case-by-case basis. July 1, 1998 Op. Att'y Gen.

NOTES TO DECISIONS

Youth counselors at McLaughlin Youth Center are not "correctional officers" within the meaning of paragraph (3) [formerly (2)], but the term "correctional officer" formerly used in AS 12.55.125(c)(2) encompassed the youth counselors at McLaughlin.

Wilson v. State, 967 P.2d 98 (Alaska Ct. App. 1998).
Applied in *Clark v. State*, 738 P.2d 772 (Alaska Ct. App. 1987).
Quoted in *Alaska Inter-Tribal Council v. State*, 2005 P.3d 947 (Alaska 2005).

2/19/00

A

Section
310. Identification cards
311. Anatomical gift

Sec. 18.65.310. Identification cards. — The commissioner of health shall issue a card identifying a person under AS 28.15.111, except that the letters across the face of it shall be in the person's own handwriting.
(b) A person may obtain an identification card only if the person is applying to the department.
(c) Any person who knowingly provides false information on an identification card is guilty of a misdemeanor.
(d) It is a misdemeanor to use a fraudulent identification card.
(e) It is a misdemeanor to use an identification card on a person to be used by any other person.
(f) A person who violates this section is punishable by a fine of \$500.
(g) If the person applying for an identification card is 60 years of age or older, the person shall also direct the applicant to provide a photograph. AS 18.65.310 SLA 1973; am § 1 ch 259 SLA 1997; am E.O. No. 99 § 15 (1997);

Cross references. — For legislative intent regarding the 2002 amendment to this section, see § 1, ch. 63, SLA 2002, in Temporary and Special Acts.

Sec. 18.65.311. Anatomical gift. — A donor may make an anatomical gift under AS 13.50.100. The donor may cancel the gift.
(b) An employee of the department may accept an anatomical gift only if the donor other than an application recipient wishes to execute an anatomical gift. The donor shall also direct the applicant to provide a photograph. AS 13.50.100 SLA 1973; am § 1 ch 259 SLA 1997; am E.O. No. 99 § 15 (1997);

Revisor's notes. — In 2004, in subject to AS 13.50.100 was substituted for "AS 13.50 or 13.52.170" was substituted for "AS 13.50.100 — 13.50.190. (§ 7 ch 4; 1997; am § 4 ch 68 SLA 2004; in subject of amendments. — The first 20