

SB

148

<TARGET><BILL>SB 148</BILL><SUBJECT>SB
148</SUBJECT><COMM></COMM></TARGET>

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 1/18/18

FURTHER: Judiciary

DATE TURNED
IN TO OFFICE: 2/8/18

State Affairs Committee considered SENATE BILL NO. 148

SB 148-BACKGROUND CHECKS FOR POLICE & TRAINING

"An Act relating to powers of the Alaska Police Standards Council; and relating to background checks for admission to police training programs and certification as a police officer."

and recommends:

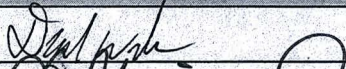
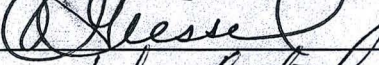


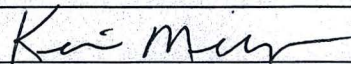
- be replaced with CS _____ (_____) Same Title New Title
- adopt previous CS _____ (_____) Same Title New Title
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
COR			✓	1
DPS			✓	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Wilson			✓	
	Giessel	✓			
	Cochett			✓	
	EGAN	✓			
CHAIR: 	MEYER	✓			

STATE CAPITOL
P.O. Box 110001
Juneau, AK 99811-0001
907-465-3500
fax: 907-465-3532



550 West Seventh Avenue, Suite 1700
Anchorage, AK 99501
907-269-7450
fax 907-269-7461
www.Gov.Alaska.Gov
Governor@Alaska.Gov

Governor Bill Walker
STATE OF ALASKA

January 17, 2018

The Honorable Pete Kelly
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Kelly,

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to the Alaska Police Standards Council and national criminal background checks for prospective police officers.

The Alaska Police Standards Council (Council) is within the Department of Public Safety, and is tasked with overseeing professional standards for employment as a police officer and other law enforcement officials. Further, the Council is statutorily authorized to establish police training programs. A person may not be certified as a police officer without going through the required training and meeting other requirements the Council has established for the employment of police officers.

This bill adds to the Council's powers the ability for the Department of Public Safety to request a national criminal history record check from the Federal Bureau of Investigation for a person who applies to attend a training program established by the Council or who seeks employment as a police officer by an employer that lacks the ability to request a national criminal history record check. This bill would give the Council the ability to assure that only qualified candidates become police officers by making sure that a thorough national background check is completed on all potential police officers. Currently, most employers authorized to submit requests for national criminal background checks from the Federal Bureau of Investigation already do, and would continue to do so. This bill would allow the Council to do the same in the situation where a person is applying to a training program established by the Council or where a potential employer does not have the ability to request a national criminal history record check.

I urge your prompt and favorable action on this bill.

Sincerely,

A handwritten signature in black ink that reads "Bill Walker".

Bill Walker
Governor

Enclosure




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There are (2) fiscal notes for
this bill both are zero

- 1) Department of Public Safety
- 2) Department of Corrections

It goes on to Judiciary where
they can discuss the liability

issues. ~~However how these folks~~

~~get paid and/or are covered is another~~
~~issue.~~

Alaska State Senate



Chairman: Senator Kevin Meyer

Senator John Coghill
Senator Cathy Giessel
Senator David Wilson
Senator Dennis Egan

State Capitol Building
Juneau, Alaska 99801-1182
(907) 465-4945 Phone
Senator.Kevin.Meyer@akleg.gov
Senate.State.Affairs@akleg.gov

SENATE STATE AFFAIRS

Thursday, February 8, 2018
AGENDA NOTES

- I. CALL THE MEETING TO ORDER
 - a. I call the Senate State Affairs meeting to order. Today is Thursday, February 8, 2018 and the time now is __:__.
- II. MEMBERS PRESENT
 - a. Roll Call: Senator Wilson, Senator Giessel, Senator Coghill, and Senator Egan.
 - b. Staff: Christine Marasigan, Christopher Dickrell, and _____.
 - c. Just a reminder to please silence your cell phones.
- III. TODAY'S AGENDA
 - a. SB 164 Confidentiality of Animal & Crop Records
 - b. SB 148 Background Checks for Police & Training
- IV. SB 164 Confidentiality of Animal & Crop Records ✓
 - a. ✓ Bill Introduction: We have Christiana Carpenter Division Director and Dr. ✓ Robert Gerlach, State Veterinarian.
 - b. Committee Questions?
 - c. Public Testimony
 - i. ✓ Arthur Keyes, DNR, Division of Agriculture
 - ii. ✓ Bryce Wrigley, President of the Alaska Farm Bureau
 - iii. ✓ Amy Seitz, Alaska Farm Bureau *support*
 - d. Committee Discussion
 - e. Review Fiscal Notes: Zero from LAA
 - f. Committee Action:
- V. SB 148 Background Checks for Police & Training
 - a. Bill Introduction: Bob Griffiths, Executive Director of the Alaska Police Standards Council.

- b. Committee Questions ✓
- c. Public Testimony ✓
- d. Committee Discussion
- e. Review Fiscal Notes: Zero from LAA ✓
- f. Committee Action:

VI. ANNOUNCEMENTS/ADJOURN

- a. Do committee members have anything they want to bring up at this time?
- b. We will meet again next week and we plan to take up:
 - i. SJR 2 Const. Am. Appropriation Limit
 - ii. SB 141 Biennial Budget
 - iii. Bills previously heard
- c. Thank you, the time now is __:___ we are adjourned.

**SB 148 Background checks for Police and Training
Senate Rules by Request of the Governor
SSTA Hearing Request Received: 1/26/2018
Bill Introduced: 1/19/2018**

SB 148 Background Checks for Police and Training

This bill would amend statute to authorize the Alaska Police Standards Council to conduct fingerprint based national criminal history background checks for training and certification of police officers.

Potential Issues:

This bill has come about for several reasons. While it was intended really to help rural communities in their pursuit of law enforcement officers and independent students seeking enrollment in police training academies, it is also good practice overall. In a chain email from Department of Public Safety, Walt Monegan, Commissioner:

“This can be exemplified by the embarrassing situation where Anchorage Police had a few years back, where an officer had been hired, trained, and had work for several years before discovering that he was an unregistered alien who had used a friend’s name and history to pass the hiring process. Meaning, even the biggest LE department makes mistakes...”

Legislative History

This bill has an additional referral to Senate Judiciary.

The companion bill, HB 293 was scheduled for a hearing in House State Affairs on Tuesday, January 30 and Thursday, February 1. It was heard and held in committee. It has an additional referral to House Judiciary.

Fiscal Impact:

Fiscal Note from DPS: Zero

QUESTIONS:

- Just to clarify, these are NOT Village Public Safety Officers (VPSOs), these are law enforcement officers that are not paid for by the State of Alaska.

- If these local law enforcement officers are compensated by a borough or municipality are they under PERS/TERS and do they have access to the same benefits as other local government employees?
- If these local law enforcement officers are employed by Alaska Native Villages or Native Corporations, how does that work for benefits and how does their authority work as law enforcement?
- Are these local law enforcement officers armed?
 - If some of these local law enforcement officers are screened after the fact and something happens, what kind of liability does the State of Alaska have?
 - Just a comment, I saw in the news today that Girdwood, Whittier, and Sand Point have all had issues with having a law enforcement officer provide services.

Village Police Officers
Village Swat
- VPD
- VPSU

SB 148 – Background Checks for Police & Training
LEGISLATION SECTIONAL ANALYSIS

January 18, 2018

Summary: This bill adds to the power of the Alaska Police Standards Council (APSC) to request a fingerprint based national criminal history records check from the Federal Bureau of Investigations (FBI) through the Department Public Safety for admittance to a basic police training program or for employment as a police officer, if the prospective employer does not have access to a criminal justice information system (CJIS).

Section 1: Amends AS 12.62.400 (National Criminal History record checks for employment, licensing, and other noncriminal justice purposes) to include the new subsection (a) (1) (19) allowing for a fingerprint based records check to be submitted to the FBI for admittance to a basic police training program under AS 18.65.230 (APSC training programs) or for employment as a police officer under 18.65.240(APSC standards for appointment as a police officer), if the prospective employer does not have access to a criminal justice information system (CJIS).

Section 2: Amends AS 18.65.220 (Powers of the APSC) to include the new subsection (8) which requires a state and national criminal history check for an applicant to a training program established in AS 18.65.230 and for a person to be appointed as a police officer under AS 18.65.240 if that person's prospective employer does not have access to CJIS to conduct their own criminal history check.

Section 3: Amends AS 18.65.230 (APSC training programs) by adding a new subsection (b) which requires an applicant for appointment as a police officer or for admittance to a training program to submit fingerprints and a fee to the APSC, unless this has been done by the applicant's employer.

Section 4: Amends AS 18.65.240 (APSC standards) to reflect the new subsection (d), added below in Section 5.

Section 5: Amends AS 18.65.240 (APSC standards) to add a new subsection (d) which limits the issuing of an APSC certificate unless the Council determines the applicant will undergo a national criminal history record check pre-employment; and requiring a prospective employer to submit an applicant's fingerprints to the council for submission to the FBI, if the prospective employer does not have CJIS access. The criminal history records check is required to assure applicants meet minimum standards established by the council.

Section 6: Amends AS 18.65.290 (Definitions) by adding a new subsection (9) which clarifies that the meaning of criminal justice information system is the meaning given in AS 12.62.900(13).

Section 7: specifies the applicability of the Act applies to persons that apply for admittance to a police training program under AS 18.65.230 or to be appointed as a police officer under AS 18.65.240 on or after the effective date of this Act.

Section 8: includes a revisor's instruction to change the catchline of AS 18.65.230 from "Training programs" to "Training programs; fingerprints"



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Public Safety

ALASKA POLICE STANDARDS COUNCIL

PO Box 111200
Juneau, Alaska 99811-1200
Main: 907.465.4378
Fax: 907.465.3263

January 26, 2018

The Honorable Kevin Meyer
Chair, Senate State Affairs Committee
Alaska State Capitol
Juneau, AK 99801

RE: Senate Bill 148 Background Checks for Police & Training

Dear Senator Meyer,

In 1972, when the legislature created the Alaska Police Standards Council (APSC), they granted the council the power to establish regulations defining the minimum standards for hiring and training of police officers. From that time forward, APSC has, by regulation, required a fingerprint based background check for all officers to assure they meet these standards. Two issues have emerged that hamper rural communities hiring officers and frustrate individuals hoping to sponsor their own police training through one of Alaska's basic police academies in hopes of future employment. SB 148 was designed to allow APSC to assist rural communities in their pursuit of law enforcement officers and independent students seeking enrollment in police training academies. I am writing to further explain the intent of the proposed legislation.

Presently, federal law prevents APSC and other Police Officer Standards and Training (POST) agencies across the United States from receiving full and complete Criminal History Record Information contained in the criminal record repositories of federal and state governments. This prohibition is directly related to the current construct of 28 USC 534 and CFR 28 Part 20, and accompanying policy and procedures through the FBI Advisory Policy Board. In short, what these laws and regulations state is that:

- Law enforcement agencies having access to the Criminal Justice Information System (CJIS – NCIC and Alaska's APSIN) can take fingerprints and conduct criminal history background checks for prospective employees;
- APSC and other states' POST agencies are regarded as occupational licensing bodies and not "law enforcement agencies" by the FBI; therefore, they are not entitled to CJIS information or fingerprint based criminal history information unless it is required by state statute; and
- APSC and POST agencies can only take and submit fingerprints for criminal history records checks related to employment and training *if the state adopts statutes specifically authorizing such checks*. Alaska currently lacks this statutory authority.

In the clear majority of cases, hiring agencies have access to the CJIS system, take applicants' fingerprints and submit them through the Alaska Department of Public Safety (DPS) for the required fingerprint-based background checks. However, in APSC's efforts to support rural justice by expanding the ranks of Village Police Officers, we discovered that most small rural communities

lack CJIS access and, therefore, the ability to take fingerprints for applicants and submit them for the required criminal history background checks. When APSC attempted to support these disadvantaged agencies by taking and submitting applicant's fingerprints on their behalf, we found we were blocked from doing so by the federal regulations and lack of clear statutory authority. SB 148 proposes the modification of state statute to grant APSC the authority to take fingerprints and submit them for a criminal history background check for those communities who lack CJIS access, allowing the council to support the small rural agencies in their effort to hire and train police officers.

APSC also regulates the minimum curriculum for basic training academies and certifies those academies that comply with state training standards. The Council restricts attendance to basic police training academies to individuals who meet the minimum criteria for police certification; this assures available training positions for state and municipal police recruits in the academies and for individuals who are capable of being hired as officers in the future. As basic training is directly related to an individual's future certification as an officer, individuals applying for enrollment as self-sponsored attendees to basic training academies who have disqualifying criminal convictions are not authorized by APSC to attend. SB 148 is intended to authorize APSC to submit training applicant's fingerprints for a criminal history background checks.

The council strongly supports this legislation and feels it is necessary for APSC to provide critical support to rural justice initiatives and the Governor's Public Safety Action Plan.

I look forward to the opportunity of explaining this legislation and the unique challenges of recruiting, hiring, training, and retaining qualified police officers in rural communities to the Senate State Affairs Committee. Please feel free to contact me if you need additional information or have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read 'R.E. Griffiths', written in a cursive style.

R.E. 'Bob' Griffiths
Executive Director.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Public Safety

ALASKA POLICE STANDARDS COUNCIL

PO Box 111200
Juneau, Alaska 99811-1200
Main: 907.465.4378
Fax: 907.465.3263

February 6, 2018

The Honorable Kevin Meyer
Chair, Senate State Affairs Committee
Alaska State Capitol
Juneau, AK 99801

RE: Senate Bill 148 – Supplemental Information for the Committee

Dear Senator Meyer,

Please accept my thanks to you and the Committee for taking the time to consider SB 148. As you know, this bill will make the statutory changes necessary to allow the Alaska Police Standards Council (APSC) to conduct fingerprint based national criminal history background checks for training and certification of police officers. Such background checks are important to verify the identity of aspiring police officers, and to help ensure agencies hire only applicants of good moral character.

The information below was compiled in response to three questions that arose during hearings on HB 293 (the companion to SB 148), and I am passing it on in anticipation that your committee may have similar questions.

- 1) What is the number of police officers in Alaska and what trends in the numbers of police officers have we seen over time?

Attached, you will find a chart and an associated graph demonstrating the number of police officers working for each Alaska police department on July 1st of each year, from 2013 through 2017. This is based on the records maintained by APSC and is subject to the reporting of each agency. Our numbers may differ slightly from those provided by our member agencies, due to the timeliness of their reporting employment actions to us and the dynamic nature of the workforce.

It is notable that, while the number of Alaska State Troopers declined by about 45 officers from 2013 to 2017, the Anchorage Police Department added about 74 officers during the same period. This contributed to a statewide net increase of 32 police officers. If the Anchorage Police Department were removed from the chart we would see that the statewide number of police officers outside Anchorage dropped by 42 officers in the five-year period.

- 2) How many small rural municipal, or 'village' police officers are there in Alaska?

Long ago, APSC recognized that rural and urban law enforcement varied greatly. To provide for these differences, and the unique challenges of recruiting, hiring, training and retaining rural police officers, the council adopted two sets of regulations; one set for more urban police officers and

another for "Village Police Officers" from incorporated communities, off the road system, with less than 1000 in population (13 AAC 89).

Presently, APSC has official records of eleven village police officers in seven different rural communities. We know that there are over 123 other incorporated rural Alaskan communities who are eligible to hire village police officers. Unfortunately, we do not know how many of them may have already done so and simply failed to report it to the council. One of the fundamental reasons for this requested legislation is to support APSC as we try to reach out to train and help these rural communities come into compliance with state hiring standards and reporting regulations.

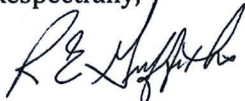
- 3) Could a statutory change empower these small municipalities with the authority to send fingerprints directly to the Department of Public Safety for Criminal History Background checks?

No statutory change would be required to allow municipalities to submit fingerprints to the Department of Public Safety as they already have this authority. However, in order to exercise this authority, a municipality must also have the resources and infrastructure, including adequately trained staff, to maintain state and federal requirements for this access. Some of these requirements include:

- a. An agreement to abide by AS 12.62 and AS 12.64, the National Crime Prevention and Privacy Compact;
- b. Compliance with the appropriate security policies and regulations pertaining the receipt, storage and dissemination of criminal justice information. These requirements can be quite complex, particularly so when the data is stored electronically. An agency must ensure that only authorized recipients are permitted to view this information and that it is stored securely.
- c. A formal User Agreement with the Department of Public Safety Records and Identification section (DPS/R&I) and the national Interstate Identification Index system (or "triple I", III) must be established. Once the agreement is in place, DPS/R&I is required by state law and national policy to audit participating the municipality biannually. Audits, of course, come with a cost to both DPS and the participating agency. Misuse of criminal justice information can result in civil and criminal liability to the entities receiving the information.

SB 148 will allow the APSC to request state and national fingerprint based background checks on behalf of municipalities who do not have the means to establish the infrastructure required to directly request these checks from DPS/R&I. APSC's background checks will be completed in a manner similar to any other licensing entity, such as the Department of Education, the Alaska Bar, or the Division of Insurance.

Respectfully,



R.E. 'Bob' Griffiths
Executive Director

Attachment: APSC Officer Count

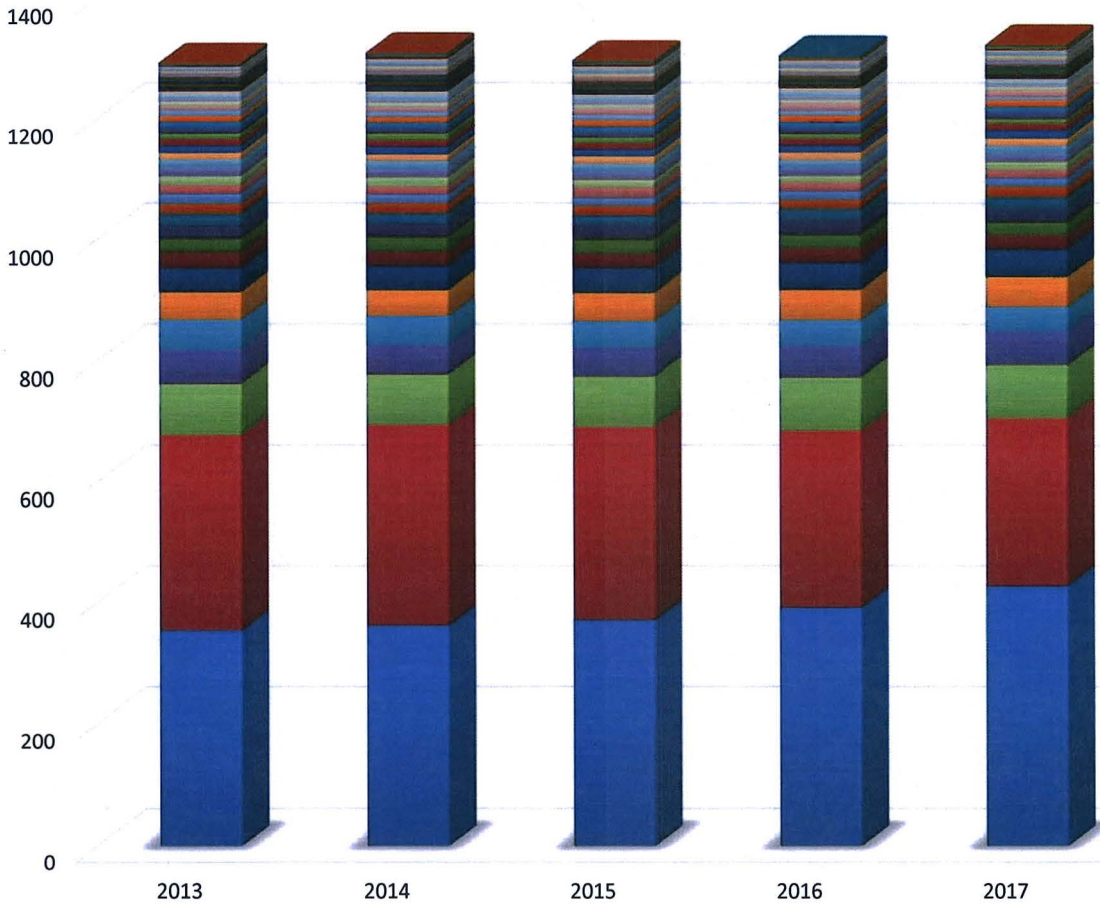
Compiled by APSC

This is a snapshot of the number of officers at each department on July 1 of each year.

	2013	2014	2015	2016	2017
Anchorage Police Department	354	362	371	392	428
Alaska State Troopers	324	333	321	294	279
Alaska Wildlife Troopers	85	83	83	88	87
Anchorage Airport Police/Fire	57	50	48	53	57
Fairbanks Police Department	48	46	43	41	39
Juneau Police Department	47	44	48	51	50
North Slope Borough PD	39	39	40	44	45
Ketchikan Police Department	26	24	24	24	23
Fairbanks Airport Police/Fire	22	24	23	22	22
Wasilla Poice Department	22	22	23	25	23
Kenai Police Department	19	17	17	18	18
Kodiak Police Department	17	17	16	15	18
Palmer Police Department	16	14	13	14	14
Sitka Police Department	15	13	17	15	14
University of Alaska/Anchorage	15	16	13	11	13
North Pole Police Department	14	13	13	13	14
Unalaska DPS	13	13	13	12	12
Soldotna Police Department	12	12	13	14	13
Homer Police Department	11	12	11	11	13
Valdez Police Department	11	11	11	11	12
Bethel Police Department	10	12	10	9	8
Petersburg Police Department	10	9	8	10	11
Seward Police Department	10	9	10	10	9
Nome Police Department	9	9	10	10	10
University of Alaska/Fairbanks	9	9	9	8	6
Kotzebue Poice Department	8	8	10	12	11
Wrangell Police Department	7	7	7	6	6
Cordova Police Department	6	6	6	6	4
Dillingham DPS	6	8	7	8	6
Metlakatla Police Department	5	5	4	6	4
Fire, Life, and Safety	4	7	5	3	4
Haines Police Department	4	5	3	3	4
King Cove Police Department	4	4	4	4	5
Saint Paul Police Department	4	4	3	3	
Sand Point Police Department	4	4	3	3	5
Skagway Police Department	4	4	5	5	5
Whittier Police Department	4	4	2	4	5
Bristol Bay Borough PD	3	5	5	3	5
Craig Police Department	3	5	5	5	5
Yakutat Police Department	3	4	3	5	3
Hoonah Police Department	2	4	5	4	4
Klawock Police Department	2	4	4	4	3
Adak	1	1	1		
Chickaloon	1	3	2	2	2
Fort Yukon Police Department	1	2	2	2	3
Galena Police Department	1	1	1	2	
Ketchikan Airport Police	1	2	2	1	2
Seldovia Police Department	1	1	1		1
Cops on Call					1
Total	1294	1311	1298	1306	1326

Tracking only

Alaska Police Officers Per Agency as of July 1



- | | | |
|----------------------------------|--------------------------------|----------------------------------|
| ■ Anchorage Police Department | ■ Alaska State Troopers | ■ Alaska Wildlife Troopers |
| ■ Anchorage Airport Police/Fire | ■ Fairbanks Police Department | ■ Juneau Police Department |
| ■ North Slope Borough PD | ■ Ketchikan Police Department | ■ Fairbanks Airport Police/Fire |
| ■ Wasilla Poice Department | ■ Kenai Police Department | ■ Kodiak Police Department |
| ■ Palmer Police Department | ■ Sitka Police Department | ■ University of Alaska/Anchorage |
| ■ North Pole Police Department | ■ Unalaska DPS | ■ Soldotna Police Department |
| ■ Homer Police Department | ■ Valdez Police Department | ■ Bethel Police Department |
| ■ Petersburg Police Department | ■ Seward Police Department | ■ Nome Police Department |
| ■ University of Alaska/Fairbanks | ■ Kotzebue Poice Department | ■ Wrangell Police Department |
| ■ Cordova Police Department | ■ Dillingham DPS | ■ Metlakatla Police Department |
| ■ Fire, Life, and Safety | ■ Haines Police Department | ■ King Cove Police Department |
| ■ Saint Paul Police Department | ■ Sand Point Police Department | ■ Skagway Police Department |
| ■ Whittier Police Department | ■ Bristol Bay Borough PD | ■ Craig Police Department |
| ■ Yakutat Police Department | ■ Hoonah Police Department | ■ Klawock Police Department |
| ■ Adak | ■ Chickaloon | ■ Fort Yukon Police Department |
| ■ Galena Police Department | ■ Ketchikan Airport Police | ■ Seldovia Police Department |

Alaska Dispatch News

Rural Alaska

How an Alaska fishing town rebuilt its police department after all its officers quit

✍ Author: Tegan Hanlon ⓘ Updated: 2 hours ago 📅 Published 1 day ago



A view of Sand Point from the Tustumena ferry in 2015. (Marc Lester / ADN)

The police department in the town of Sand Point is nearly back to full size after all its officers quit last year.

The surprising part is that the new chief and three officers all live thousands of miles away. They fly into the fishing village on an island off the Alaska Peninsula in shifts — working two weeks straight and then taking two weeks off, like many oil workers on the North Slope.

It's a solution that more remote police departments struggling with turnover have adopted, said Bob Griffiths, executive director of the Alaska Police Standards Council.

Sure, most communities would prefer to have their police officers living in town full time, he said.

"But the reality is, the departments have trouble recruiting and retaining people who want to do that or who can do that," he said.

"So I think out of necessity, this is becoming a more and more popular way of staffing departments."

Sand Point police force quits

Sand Point's staffing issues reached a crisis in summer 2017, at the height of a frenzied commercial fishing season.

Sand Point is on Popof Island. It's home to about 1,000 people — a number that swells by several hundred during summer.

[This Aleutian town has lost its entire police department]

Over a few weeks in July, Sand Point's entire four-person police force quit for a variety of reasons, leaving the town without a law-enforcement presence for four or five days.

No major crime happened, according to residents, but the story made headlines nationwide.

Hal Henning, who lives in Washington state, started as the interim chief soon after.



Sand Point Police Chief Hal Henning. (Loren Holmes / ADN)

He's a former police chief for the Kachemak Bay town of Seldovia and most recently worked as the town marshal of Winthrop, a town in the Methow Valley of Washington.

He described Sand Point as a scenic, tight-knit fishing community with about 6 miles of paved road, two restaurants, two bars, two grocery stores, a school and a cannery.

In the past three years, more than a dozen police officers have cycled through the town. Many of the hires had little policing experience, Henning said.

He wanted to figure out how to stop the churn.

"The officers usually do pretty well up here; it's the families that have a hard time with no malls and no real stores," he said.

"Sand Point is this beautiful, quiet little community, but it costs you over \$1,000 to get off the island for the weekend."

Switching shifts

Henning took the job as the full-time Sand Point police chief.

Over the past several months, he said, he reworked the department's budget so he could boost officer pay, shrinking the gap between officers and the chief.

Henning then shook up how the department handled staffing.

He hired three people from Outside — two from Washington and one from Colorado. Combined, they have decades of law enforcement experience.

The idea: They'll trade off two-week-on, two-week-off shifts in Sand Point.

"We're finding the right puzzle pieces for Sand Point," he said. "Just because we're rural doesn't mean we should be wanting for proper police protection."

A fourth new hire from Kotzebue, Thomas Slease, will live in Anchorage and staff the Western Alaska Alcohol and Narcotics Team, which targets smugglers and bootleggers at airports.

"Basically, we're trying to cut the head off the serpent," Henning said.

Currently, Henning and one other officer are rotating to Sand Point.

By June, the other two traveling officers will have started their rotations, he said. Two will work in the town at all times, sharing a city-owned three-bedroom, two-bathroom house.

The department will pay for their round-trip flights between Sand Point and Anchorage, 570 miles away.

Trying to halt the churn

Several Alaska police departments have hired nonresident officers to alternate shifts, including Bethel, the North Slope Borough, Fort Yukon and Kotzebue, Griffiths said.

The Interior village of Fort Yukon has had officers fly in from as far away as Illinois. In Kotzebue, a few officers have come in from Georgia and others from the Matanuska-Susitna Borough.

Troopers in villages including Selawik, St. Mary's, Hooper Bay and Aniak also rotate through two-week-on, two-week-off shifts, said an agency spokesman.

"It's far more widespread than we've seen in the past," Griffiths said.

The staffing practice has allowed departments to hire more experienced officers and keep them around longer, Griffiths said. But also, he said, "there may be slightly less connectivity or consistency in how the agency works in those small towns."

In Bethel, two of four police officers rotate in two-week shifts, said Chief Burke Waldron. He hopes to eventually have more officers on that rotation. He has four vacancies to fill.

"It's tough recruiting in a place the size of Bethel; you just don't have the resources to pull from to find qualified officers, so you've got to bring people from Outside," he said. "It's also difficult to police in a small town that you grew up in."

While hiring officers from out of town broadens the application pool, Waldron said, it also means there are fewer officers in town to call if there's an emergency. It can also create issues with court hearings that officers need to attend.

"It's a challenge to schedule around," he said. "But it's either that or fewer officers around, period. ... I don't know of a better solution."

Henning said he believes his officers will stay at the department for years. He wants them to be embedded in all aspects of life there, with an officer present at every event — whether it's a potlatch, a wrestling match or a city council meeting.

Even if they're not living in town full time, he said, he believes they'll make more of an impact than an officer who stays for just a few months before quitting, as so many have in the past.

"Who's really going to make more of a difference?" he said.

About this Author

Tegan Hanlon

Tegan Hanlon covers education and general assignments. She also covered the 2016 and 2017 Iditarod Trail Sled Dog Race. Reach her at 907-257-4589 or thanlon@adn.com.

Comments

Alaska Dispatch News

Anchorage

The longstanding problem of who pays for Seward Highway policing may finally have a fix

✍ Author: Devin Kelly © Updated: 37 minutes ago 📅 Published 15 hours ago



An Anchorage Police Department patrol vehicle in Girdwood during a Seward Highway road closure in April 2017. (Bill Roth / ADN archive)

Anchorage city leaders have been trying to plug a policing void on the scenic but crash-prone Seward Highway along Turnagain Arm ever since the Alaska State Troopers withdrew for cost reasons.

Now Anchorage Mayor Ethan Berkowitz has proposed a possible fix — a permanent redistribution of taxes to pay for highway patrols.

The city has patched together some solutions, striking a deal in Girdwood with Whittier police and forming a special tax fund for other Turnagain Arm communities. But the Seward Highway, the only road connecting Anchorage to the Kenai Peninsula, has been in limbo. A state grant that has allowed the Anchorage Police Department to semi-regularly patrol the highway in recent months is set to dry up in April.

The measure proposed by Berkowitz would guarantee a way for Anchorage police to conduct highway patrols south of McHugh Creek, officials say. It means Anchorage homeowners and businesses would see a very slight dip in property taxes. People who live in Girdwood and along Turnagain Arm — and do not currently pay taxes for Anchorage Police Department service — would see a slight boost in property taxes.

The Anchorage Assembly needs to OK the measure. But no public vote is necessary, because the measure does not change the total amount of taxes collected by the city, said city manager Bill Falsey. He said it's mainly designed to give Anchorage police the authority to patrol an area that also pays for the service.

Falsey said it was "not acceptable" for the highway to go unpoliced in the future.

"We have to have some Plan B," Falsey said. "So how about all of us pay for the highways in the Municipality of Anchorage?"

Historically, troopers were responsible for patrolling the Seward Highway south of Anchorage's most populous areas. But steep budget cuts led commanders to shift attention the state's more rural areas. In sometimes-testy letters, state officials contended that Anchorage, with its full police powers, should take on responsibility of policing areas within city boundaries.

[Standoff over Seward Highway policing could lead to long road shutdowns]

Until recently, Berkowitz and his deputies insisted there wasn't a legal way to for the Anchorage Police Department to do it without asking voters to raise taxes. Berkowitz even suggested a sales tax last year to come up with the money.

Then Falsey, formerly the city attorney, found that Anchorage Assembly had designated other services "areawide" in the past without a vote. That included libraries, in 1976, Falsey said.

Falsey also said staffing at the Anchorage Police Department has been bolstered to the point where it makes sense to take on highway patrols. He said the \$200,000 state grant for Anchorage police to patrol the highways since last fall was due to run out in April or May.

After that, it was uncertain whether more grants would be coming, Falsey said.

On Wednesday, Falsey delivered a presentation on the proposal to Assembly members at a Wednesday public safety committee meeting.

After the presentation, Assemblyman Fred Dyson of Chugiak-Eagle River told Falsey he wanted more details.

"For me, the math doesn't work out yet," Dyson said.

Assemblyman John Weddleton, who represents South Anchorage and Girdwood, said that while some Turnagain Arm residents would be frustrated by the prospect of higher taxes, most were looking forward to highway enforcement. He said people understood that the service didn't come for free.

Falsey estimated the average homeowner in Anchorage would see a tax cut of roughly 21 cents for every \$100,000 of value. Meanwhile, people who live south of McHugh Creek, including Girdwood, would see property taxes rise by about \$11 a year on average for every \$100,000 of value.

Some of that increase could be offset by a new motor fuel tax taking effect in Anchorage in March, Falsey said.

Meanwhile, the city would spend \$4 million on full-time highway patrols on the Seward Highway. That money pays for two officers every hour of the day all year, including vehicle maintenance and fuel, Falsey said.

More regular patrols would also likely lead to more traffic ticket revenue, according to a financial summary provided to the Assembly. Officials listed a ballpark estimate of about \$350,000 a year.

Sam Daniel, a member of the Girdwood Board of Supervisors, said Girdwoodians care deeply about a law enforcement presence on the Seward Highway. He said he and other supervisors were pleased that Berkowitz and the Anchorage Assembly had recognized there was little chance the state would return to its traditional role.

"If the city doesn't do it, no one will," Daniel said. "And it's a very dangerous stretch of road."

Daniel said the new area-wide focus of the Anchorage Police Department could also lead to an agreement with APD down the road to patrol Girdwood.

For now, though, Falsey said the highway patrol proposal would not affect the policing arrangements in place for the communities off the highway.

Timeline: Key events in the saga of Seward Highway policing

- February 2015: Citing budget cuts, state announces plan to close the Girdwood trooper post.
- April 2016: Girdwood votes to tax itself for police protection.
- September 2016: After several months of delays, the Girdwood trooper post closes.
- October 2016: City of Anchorage and Whittier Police Department sign contract for police services.
- November 2016: Alaska State Troopers move to end all law enforcement services within Anchorage boundaries. The troopers' Bureau of Highway Patrol would still conduct traffic enforcement, officials said, but troopers would not be available after-hours to respond to major incidents, raising fears about extended highway closures.
- January 2017: Mayor Ethan Berkowitz proposes a sales tax to pay in part for Seward Highway patrols. The proposal does not make it to the city ballot.
- April 2017: Turnagain Arm communities vote to tax themselves to create a fund for police protection.
- August 2017: The Alaska Legislature awards a \$200,000 grant to the Anchorage Police Department for Seward Highway patrols.
- October 2017: Anchorage police start patrolling the Seward Highway on a semi-regular basis.
- April/May 2018: State grant projected to run out.

NOTE: An earlier version of this story misstated the amount of traffic ticket revenue city officials expect to collect from more regular Seward Highway patrols. It is about \$350,000, not \$1.4 million.

About this Author

Devin Kelly

Devin Kelly covers Anchorage city government and general assignments.

Comments

FISCAL NOTE

STATE OF ALASKA
2018 LEGISLATIVE SESSION

Bill Version SB 148
Fiscal Note Number _____
() Publish Date _____

Identifier (file name) SB148-DPS-APSC-01-18-18 Dept. Affected Public Safety
Title Background Checks for Police & Training Appropriation Alaska Police Standards Council
Allocation Alaska Police Standards Council
Sponsor Rules by Request of the Governor
Requester Senate State Affairs OMB Component Number 519

Expenditures/Revenues (Thousands of Dollars)

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

	FY19 Appropriation Requested	Included in Governor's FY19 Request	Out-Year Cost Estimates					
			FY19	FY19	FY20	FY21	FY22	FY23
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1007	I/A Rcpts (Other)							
1037	GF/MH (UGF)							
		0.0	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES

	FY19	FY19	FY20	FY21	FY22	FY23	FY24
1250 UGF Revenue (UGF)							
1005 GF/Prgm (DGF)							
TOTAL CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated **SUPPLEMENTAL (FY18) operating costs** _____ (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY19) costs** _____ (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended, or repealed? _____ Discuss details in analysis section.

Why this fiscal note differs from previous version/comments (if initial version, please note as such)

Not applicable, initial version.

Prepared by Kelly Howell, Administrative Services Director
Division Administrative Services
Approved by Walt Monegan, Commissioner
Agency Department of Public Safety

Phone 465-4336
Date/Time 1/18/18 1:30 PM
Date 1/18/2018

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2018 LEGISLATIVE SESSION

BILL NO. SB 148

Analysis

This legislation amends AS 18.65.220 relating to the powers of the Alaska Police Standards Council (APSC) by adding a new paragraph authorizing the APSC to require a state and national criminal history record check for purposes of evaluating a person's qualifications for admittance to a police training program or for employment as a police officer; amends AS 18.65.240 by adding a new subsection authorizing agencies to submit to the APSC an applicant's fingerprints for purposes of requesting the state and national criminal history record check; and amends AS 12.62.400(a) relating to national criminal history record checks for employment, licensing, and other noncriminal justice purposes by adding a new paragraph authorizing the Department of Public Safety to submit fingerprints to the Federal Bureau of Investigation to obtain a national criminal history record check for such purposes.

Passage of this legislation would have no fiscal impact on the Alaska Police Standards Council.