



## Alaska Association of Chiefs of Police

PO Box 3734

Seward, Alaska 99664

March 25, 2021

Re: AACOP Board of Directors response to APSC on proposed guidelines

The Alaska Association of Chiefs of Police encourages responsible, appropriate, sensible, and necessary police reform, in order to be responsive to the ever-changing landscape we work in every day. We believe our responsibility to the public is to maintain a professional police force and we support APSC in its efforts to make this happen.

In an extensive and time-consuming effort our Board of Directors and the membership of AACOP came together to evaluate the proposed Alaska Police Standards Regulations and offer comment on each issue we felt was concerning to our group. The Executive Director and APSC staff responded to our requests, supporting some and ignoring others. We remain thankful for the careful consideration, but we would like to reaffirm, directly to the council, our concerns and ask the council to consider our recommendations on the following issues.

### **APSC Reference # 25:**

- 1) 13 AAC 85.100(a)(3)(B) “violated the law enforcement code of ethics.” **This must be removed all together due to the ambiguous terms and unreasonable expectations used within this oath.**

AACOP believes in the words and the ideology of the Law Enforcement Code of Ethics and we believe that every police officer should strive to achieve such perfection, but we also understand these words are DESIRED “values and ideals,” not absolutes. Examples exist throughout this code, such as “unsullied,” a term which has many shades of gray. A priest may view unsullied in a different way than a lawyer, politician, police chief, or even an administrative body such as the standards council.

The LECO even states we “constantly strive to achieve,” meaning we may not always do what it asks. This cannot be used as a standard model of decertification. Of course, we all swear that we will strive to achieve these ideals, but the bottom line is, we will never achieve this level of perfection in reality.

Ethics are not moral absolutes. We cannot hold anyone to this standard when not a single person can say they have always done so – not with 100% honesty.

We believe strongly the Code of Ethics should be used as it always has been but wdo not support it to be CODIFIED into regulation since there is not a single individual who can “honestly” say, they have always lived by these ethical standards, it simply is unreasonable to expect of any individual.

We are convinced this regulation, as worded, will predictably cause an adverse ruling in case law and further hinder APSC’s ability to regulate behavior.

**APSC Reference #29:**

- 2) 13 AAC 85.100(a)(3)(D) Page 15: We appreciate the feedback and since the term “unlawfully” will not be considered, we would ask that the investigating agency should “sustain the allegation,” prior to the accusation of someone being “harassed or coerced,” be used as a decertifying element in the process.

**APSC Reference #38:**

- 3) Reference change 85.100(a)(3)(J) - AACOP debated this topic extensively and we agree that this regulation will set a dangerous precedent in forcing testimony in an administrative process.

“An officers’ refusal to provide a statement to the council (or within an agency investigation) can, *given other sufficient evidence supporting the allegations of misconduct*, be considered by the council as discretionary grounds for sanction. Unlike the employing agency, APSC does not have authority to “order” an officer to provide a statement, even after advisal of Garrity rights.”

AACOP disagrees with this statement. APSC should be very careful about using someone’s “silence” as evidence of guilt. This is contrary to the founding principles of our country and should not be used as damaging evidence. An officer’s failure to cooperate with the agency investigation is insubordination, grounds for termination and likely decertification. Evidence, other than an officer’s silence, should be used to determine de-certifiable behavior.

**APSC Reference #74:**

- 4) Mandatory training requirements, funding, tracking, and costs to departments. -

AACOP encourages APSC do the following four things if they chose to move forward with MANDATED training requirements.

- 1) Clear guidelines are established with all training demands. No ambiguous guidelines so the training is consistently applied and departments are not left to guess on what fits and what doesn’t.

2) APSC or the State of Alaska offer funding reimbursement for ANY additional training mandates issued under this requirement. Too many departments are strained under the current climate and additional layers of bureaucratic regulations must have funding or be provided free to agencies.

3) APSC be required to track and monitor these requirements rather than adding additional layers of non-department related training demands on to police personnel across the state. The number of APSC reporting requirements over the last decade have skyrocketed and this additional burden should be administered by APSC.

4) Affirmation of need and importance. Maintaining a clear correlation between the need for the training and the impact it has on ALL groups within Alaska, and not just requiring training to suit the “flavor of the day” in the lower 48. Alaska is a unique place with unique differences, and we ask that APSC be very clear as to the reason they are requiring a particular training.

We hope the Alaska Police Standards Council will consider these suggestions and make the appropriate changes. We understand the difficulties in making systemic changes and we all support a consistent, responsive, and accountable system that is fair and equitable to all.

We appreciate all the hard work that has gone into these changes and we support the efforts being made on behalf of police reform.

Very respectfully,

The Board of Directors of AACOP