



Alaska Association of Chiefs of Police

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The Alaska Association of Chiefs of Police (AACOP) has patiently watched the nation as it struggles with a myriad of polarizing police related issues. Many of these issues have had a strong emotional impact on their communities resulting in significant destruction or even death. As the discussion unfolds around how law enforcement in general works or doesn't work, our profession is facing unprecedented scrutiny, some justified and timely, but some, not so much.

This letter from AACOP allows us to weigh in on some of these very real and concerning issues that affect law enforcement in Alaska. Our shared responsibility is to shed light on tough issues and guide our membership through these difficult times. Our organization believes we should always look for better ways to do our job. We must never stop improving. We must become innovative leaders in these tumultuous times. Within this document we will share our thoughts on tough issues and offer some guidance for Alaskan Police Chiefs who may be facing difficult times during this era of criminal justice reform.

Alaska's police governance is a complicated process. We appreciate the Alaska Police Standards Council and its Executive Director and staff. We recognize the hurdles they face to ensure compliance with existing police standards, making our state a model for others. We believe the following issues will assist and direct our ongoing support for the delivery of professional police services in Alaska.

Five recommendations put forward for the Board of Directors of AACOP to discuss.

1. Should APSC certify and manage ALL law enforcement, except federal employees, who enforce state and local laws?

Yes, AACOP understands and acknowledges the challenges associated with public safety in rural Alaska and we support alternative solutions to these challenges. We believe that the State of Alaska should delve into this problem and seek new and innovative ways to address those issues. But based on a lot of factors, it makes absolute sense to have ALL law enforcement managed under one agency and APSC is the preferred organization to do this.

2. Should APSC relax its hiring standards in the face of hiring difficulties?

No, AACOP again understands the difficulties of hiring in today's society, each Police Administrator on the board faces these very same challenges daily, but there must be a line drawn when it comes to the hiring, retention, and mandatory training standards. A definitive and clear line of what is acceptable and what is not must be established. The current standards are fair, forgiving, and just, but more importantly they have been deliberated by the APSC Council for decades. These standards must be maintained. Lowering of professional and acceptable police standards will erode public trust and diminish the delivery of professional public safety services to them.

3. Should APSC rules be changed to allow for the suspension of certificates?

Yes. It is quite clear that many of the cases that come before APSC are not worthy of revocation, but some other form of punitive sanctions should be considered. It is a common tool in many other states, and it is time that APSC adopt similar adequate and progressive sanctions. Any punitive or corrective action by a board on matters of professional certification should have a way for affected professionals to correct the matter in order to maintain said certification. The council can enlist more effective ways to resolve minor infractions without expensive, unnecessary, and prolonged administrative battles to deal with an issue that could otherwise be handled administratively.

4(a). Should there be better statewide use of force reporting?

Yes, AACOP supports a standard use of force reporting system that mirrors the federal requirements. This would ensure both federal and state data collection is the same to help reduce the workload on agencies across Alaska. It is important to have use of force data on Alaska law enforcement in a system that can be readily accessible to all citizens. This would give adequate oversight and build a stronger relationship between the public and the police.

4(b). Should there be a mandatory reporting period for newly hired law enforcement?

Yes. Currently there is a 30-day window to report the hiring of a new police officer to APSC, but there is no way to mandate the reporting. Mandatory reporting within an established time frame is critical to maintain professional standards. Without it, individuals can work within the law enforcement profession without oversight or accountability to APSC. Allowing an opportunity for unqualified individuals to work in these vulnerable communities. In order to maintain professional standards throughout our state, prompt reporting to APSC must be mandatory and enforceable.

5. Should APSC be granted enforcement authority to manage statewide police standards?

Yes. APSC must be given the ability to sanction and take appropriate action in order to protect the integrity of policing in Alaska. The current climate, along with long standing precedent, has shown that the institution of policing in America needs standards and these standards must be governed by a single state authority in order to protect our social fabric. Just, fair, and sensible oversight by APSC will ensure the standards set by the citizens are followed by all communities.

APSC must have the ability to levy fines, sanction communities, seek injunctions, suspend certificates, and perform these duties within the proper due process. Rogue police officers operating unchecked within our communities have shown to cause irreparable damage to those communities. APSC is the organization that can swiftly react to these situations and stop officers from moving from one community to another to avoid accountability. Alaska has too many remote locations with limited resources to adequately screen these rogue actors.

6. Should the State of Alaska Mandate certain police training?

Yes. APSC already has mandatory training requirements for police academies and rules for required certifications. Responsive and progressive Law enforcement agencies around the country have adapted to change. Training is a recognized and well-established instrument of change.

APSC should use its standards council or empanel a board of experts to determine what those mandatory training requirements should be. APSC should then be able to mandate those changes and use the tools listed above to ensure they are done. APSC should also be granted additional funding to assist agencies with the cost to implement those changes and add additional staffing to track compliance.

The current hot button issues across the country include crises intervention, mandatory de-escalation, duty to intervene, ethics, and cultural awareness training. APSC must consider mandatory training that addresses police officer mental health and mandate departments offer mental health awareness, officer wellness, and suicide prevention through stress management.

7. Should agencies be required by law to report the drawing of a firearm or the use of force that results in death or serious injury of an individual to OSPA?

Depends upon the circumstance. These are two distinctly different issues. Police officers draw their firearm on a daily basis in order to protect themselves or others from harm. Requiring this to be reported, each and every time, would be unnecessary oversight and would cause a deluge of reports to OSPA.

Reporting cases where a firearm is discharged which results in the death or physical injury of an individual is reasonable. Mandated reporting would be expected if there is a reason to

do so. Are there currently a lot of these cases not being referred? Is this a solution in search of a problem? Is this not happening already? Should all negligent or accidental discharges of a firearm be screened by OSPA? AACOP strongly opposes this notion. Reasonable and sensible agency oversight is adequate for this type of incident. It is believed that nearly all police agencies have procedures in place to review these events.

By way of example, typically shooting review boards are convened and these incidents are closely scrutinized. Sometimes independent third parties are called in to help evaluate the circumstances that resulted in the negligent or accidental discharge of a firearm. Each aspect of the discharge of the firearm is evaluated and if it resulted in the injury or death of another then it would likely be referred to OSPA.

8. Should the makeup of the Alaska Police Standards Council be changed?

AACOP believes that all boards and commissions strive to have their representative bodies be more diverse and inclusive. APSC currently maintains a broad and diverse group with significant variety of statewide representation.

9. 8 can't wait movement:

AACOP is aware of this movement and the potential impact on law enforcement in the State of Alaska. This movement has identified certain areas of police reform that are worthy of discussion and support.

Requiring De-Escalation:

This is a practical and sensible request and is already a standard procedure. Professional law enforcement officers prefer to implement de-escalation techniques over the application of force when confronted with resistance or non-compliance. AACOP supports this required training.

Use of force continuum:

The variety of compliance options available to law enforcement officers in a confrontational setting can be referred to as a force model. Using the variety of different options found in this model, officers are expected to employ only a degree of force that is objectively reasonable to gain control and compliance of subjects. Some agencies may refer to this as the use-of-force continuum. However, the use of the term "continuum" is often interpreted to mean that an officer must begin at one end of a range of use-of-force options and then systematically work his or her way through the types of force that follow on the continuum, such as less-lethal force options, before finally resorting to deadly force.

In reality, to maintain the safety of both the officer and others, an officer might need to transition from one point on the continuum to another, without considering the options in between in a linear order. For instance, when faced with a deadly threat, it is not prudent to expect an officer to first employ compliance techniques, followed by an electronic control weapon, and only then use his or her firearm. For this reason, the use of a continuum is strongly discouraged. Instead, force models are preferred that allow officers to choose a level of force based on legal principles, to include the option of immediately resorting to deadly force when reasonable and necessary.

Many law enforcement agencies prefer to develop separate less lethal and deadly force policies. In addition to the comments previously made on this topic, there are several other reasons why the Consensus Policy combines these into a single use of force policy. But perhaps most importantly, integrating both deadly and less-lethal force guidelines into one policy serves to illustrate and reinforce for the officer the concept of the use of force as an integrated model. By placing both sets of guidelines under one heading, an officer consulting the policy is encouraged to view force on a broader, more integrated conceptual basis.

Effective guidance for law enforcement officers on use of force, whether with firearms or by other means or tactics, must recognize and deal with force in all its forms and applications and with the officer's ability to adjust his or her response as the subject's behavior changes. Whether an agency chooses to adopt a force model or continuum, the various levels of force must be defined and the guidelines for their use must be clearly outlined in agency policy and reinforced by training. Policies must also enumerate and address all force options permitted by the agency. Per the Consensus Policy, these levels should include less lethal force and deadly force. ¹

Ban Chokeholds and Strangleholds:

AACOP supports the ban of chokeholds or strangleholds except under circumstances where the use of deadly force is authorized.

Require Warning before shooting:

AACOP does not support this requirement although recognizes that in most situations this is already being done. Imposing such a duty to inform may put the officer and innocent members of the public in danger by forcing the unsound practice of giving up any tactical advantage afforded the officer by not do so. As a general idea Police Officers should verbalize their actions so there is a clear understanding of the options, but there are times where this just cannot happen.

Exhaust all Alternatives:

AACOP does not support this requirement as it does not always match the level of resistance or aggression on the part of those opposing an officer's lawful actions or orders.

Duty to Intervene: AACOP supports this position.

Comprehensive Reporting:

AACOP supports this idea. We would like to see a standard across local, state, and federal government so as not to overburden reporting requirements on agencies.

¹ *National Consensus Policy on Use of Force*, 10.

AACOP has spent an enormous amount of time debating these issues in order to stake a position for our membership and to help guide the discussion. Some of these recommendations or considerations are fluid and should be discussed further

We support a fair and responsible discussion on these topics. We want to thank each member for their contribution to this document and we want the citizens of Alaska to understand this is a collaborative effort and may not represent all agencies and their independent positions on these topics.

Thank you for your time.

Chief Steve Dutra

President of AACOP