



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Public Safety

ALASKA POLICE STANDARDS COUNCIL

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May 14, 2018

Teddy Sipary
Napaskiak City Administrator
PO Box 34009
Napakiak, AK 99634

RE: APSC Determination of Disqualification for Village Police Officers

Dear Mr. Sipary,

Enclosed with this letter are your courtesy copies of letters sent to VPO Josiah Nicholai. The letter explains to him that the Alaska Police Standards Council has found that he does not meet regulatory requirements to serve, or be certified, as a Village Police Officer. The letter also explains his rights and provides supporting documents to help him understand his choices.

By copy of this letter, we are also notifying Yuut Elitnaurviat and the VPO basic academy staff that we cannot approve his attendance in the Academy. While we do not have the authority to prevent him from attending the academy, he would do so without our authorization.

I wanted to make certain you were aware of the situation and of what the regulations are. The Police Standards Council intentionally set standards for Village Police Officers that were more easily met by rural communities:

13 AAC 89.010. Basic standards for village police officers

- (a) The basic standards for a village police officer are that the person
- (1) is 19 years of age or older;
 - (2) is a citizen of the United States or a resident alien who has demonstrated an intent to become a citizen of the United States;
 - (3) is of good moral character; misdemeanor convictions, other than minor traffic offenses, during the 10 years before application will, in the council's discretion, be considered by the council in determining moral character;
 - (4) has not been convicted of a felony or been incarcerated, placed on probation, or placed on parole after conviction of a felony, by a court of the United States or of any state or territory during the 10 years before application; a felony conviction in another jurisdiction for an offense which is not a felony in Alaska does not necessarily bar certification unless the felony conviction was for a crime of dishonesty or a crime which resulted in serious physical injury or a threat of serious physical injury; and
 - (5) has no physical or mental condition that would adversely affect the person's performance as a police officer.

The rules for hiring a Village Police Officer were also set more reasonably for rural agencies that they were for Police Departments in larger communities:

13 AAC 89.020. Employment for village police officers

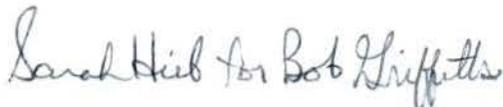
- (a) Before appointing an applicant to a permanent position as a village police officer, a village shall
- (1) obtain proof of the applicant's age and citizenship;
 - (2) review and evaluate the applicant's personal history and medical history statements; and
 - (3) review and evaluate responses to fingerprint record checks by the Department of Public Safety and the Federal Bureau of Investigation.
- (b) A village may not employ a village police officer for a period of more than 12 consecutive months unless the officer has been certified under 13 AAC 89.030.

In the case of VPO Nicholai, his criminal history reveals convictions for domestic violence sex offenses, which the Council has determined is a disqualifying offense.

Regretfully, barring the Council overruling the Executive Director's findings, as explained in each of his letter, APSC cannot authorize his training and he is disqualified from police certification and prohibited from serving the City as a VPO beyond a 12 month period.

Please feel free to contact me if you have any questions.

Respectfully,



R.E. Griffiths
Executive Director

CC: File; Yuut

ENC: Letters to VPO Nicholai, dated May 14, 2018