

NOTICE OF PROPOSED CHANGES IN POLICE, PROBATION, PAROLE, CORRECTIONS,  
AND MUNICIPAL CORRECTIONS OFFICER STANDARDS IN THE REGULATIONS OF  
THE ALASKA POLICE STANDARDS COUNCIL

BRIEF DESCRIPTION

The Alaska Police Standards Council proposes to adopt regulation changes in Title 13 of the Alaska Administrative Code, dealing with the basic standards for police, probation, parole, corrections, and municipal corrections officers.

Pursuant to the authority in AS 18.65.220 (1) & (2), the Alaska Police Standards Council proposes to adopt regulation changes in Title 13 of the Alaska Administrative Code, dealing with the clarification of the council's authority, basic officer standards, applicant notice, denial of certification, and revocation of certification, including the following:

- (1) 13 AAC 85.010 is proposed to be changed to clarify that information submitted to the Council will be utilized by the council to determine a police officer applicant's eligibility and qualifications for employment and training, as well as for certification.
- (2) 13 AAC 85.100 is proposed to be changed to update and clarify that the council may make a finding of a police applicant's ineligibility for training, hiring, or certification based upon information submitted to the council.
- (3) 13 AAC 85.110 is proposed to be changed to clarify and remove redundant language describing conduct for which the council may discretionarily or mandatorily revoke a police officer's certification.
- (4) 13 AAC 85.210 is proposed to be changed to require the Department of Corrections notify the Council if they determine an officer does not meet minimum standards and clarifying that information submitted to the Council will be used for determination of an applicant's eligibility for employment and certification as a probation, parole or correctional officer.
- (5) 13 AAC 85.260 is proposed to be changed to clarify that the council may make a finding that an applicant for probation, parole, corrections, or municipal corrections officer employment or certification is not eligible, based upon information submitted to the council.
- (6) 13 AAC 85.270 is proposed to be changed to clarify and remove redundant language describing conduct for which the council may discretionarily or mandatorily revoke a probation, parole, correctional, or municipal corrections officer's certification.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Wendy Menze at P.O. Box 111200, Juneau, AK 99811. Additionally, the Alaska Police Standards Council will accept comments by facsimile at 907-465-3263 and by electronic mail at [wendy.menze@alaska.gov](mailto:wendy.menze@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the "comment" link. The comments must be received no later than 4:29 pm on March 3, 2017.

You may submit written questions relevant to the proposed action to Sarah Hieb at [sarah.hieb@alaska.gov](mailto:sarah.hieb@alaska.gov) or P.O. Box 111200, Juneau, AK 99811. The questions must be received at least 10 days before the end of the public comment period. The Alaska Police Standards Council will aggregate its response to substantially similar questions and make the questions and response available the Alaska Police Standards Council website <http://www.dps.state.ak.us/apsc/> and on the Alaska Online Public Notice System. The Alaska Police Standards Council may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Wendy Menze at 907-465-4378 no later than February 21, 2017 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Wendy Menze at 907-465-4378, [wendy.menze@alaska.gov](mailto:wendy.menze@alaska.gov) or P.O. Box 111200, Juneau, AK 99811.

After the public comment period ends, the Alaska Police Standards Council will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.**

**Statutory Authority:** AS 18.65.220(1) & (2)

Statutes Being Implemented, Interpreted, or Made Specific: N/A

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: January 20, 2017



Executive Director

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))<sup>1</sup>

1. Adopting agency: Alaska Police Standards Council
2. General subject of regulation: Basic Police, Parole, Probation, Corrections, and Municipal Correction Officer Standards
3. Citation of regulation (may be grouped): 13 AAC 85
4. Department of Law file number, if any: JU2017200026

5. Reason for the proposed action:

- Compliance with federal law or action (identify): \_\_\_\_\_
- Compliance with new or changed state statute
- Compliance with federal or state court decision (identify): \_\_\_\_\_
- Development of program standards
- Other (identify): \_\_\_\_\_

6. Appropriation/Allocation: Zero

7. Estimated annual cost to comply with the proposed action to:

A private person: Zero

Another state agency: Zero

A municipality: Zero

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year	Subsequent
	FY <u>17</u>	Years
Operating Cost	<u>\$ 0</u>	<u>\$ 0</u>
Capital Cost	<u>\$ 0</u>	<u>\$ 0</u>
1002 Federal receipts	<u>\$ 0</u>	<u>\$ 0</u>
1003 General fund match	<u>\$ 0</u>	<u>\$ 0</u>
1004 General fund	<u>\$ 0</u>	<u>\$ 0</u>
1005 General fund/ program	<u>\$ 0</u>	<u>\$ 0</u>
Other (identify)	<u>\$ 0</u>	<u>\$ 0</u>

9. The name of the contact person for the regulation:

Name: Bob Griffiths  
Title: Executive Director  
Address: PO Box 111200, Juneau AK 99811  
Telephone: 907-465-4378  
E-mail address: bob.griffiths@alaska.gov

10. The origin of the proposed action:

Staff of state agency  
 Federal government  
 General public  
 Petition for regulation change  
Other (identify): \_\_\_\_\_

11. Date: January 20, 2017

Prepared by: *Sarah Hieb*

Name: Sarah Hieb  
Title: Administrative Investigator  
Telephone: 907-465-6296

13 AAC 85.010 (g) is amended to read:

- (g) If the signature of an officer or applicant is required on a council form, the signature must be under oath or affirmation and must be accompanied by a statement by the officer or applicant that the information supplied is true, to the best of the signer's knowledge **and acknowledging that information contained on the forms will be used by the council for purposes of determining the applicant's eligibility and qualifications for training, employment, and certification.**

Eff. 8/10/73, Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91; am 3/16/89, Register 109; am 8/8/90, Register 115; am 10/24/92, Register 124; am 8/5/95, Register 135; am 7/15/98, Register 147; am 2/20/99, Register 149; am 8/16/2000, Register 155; am 3/25/2001, Register 157; am 8/8/2007, Register 183; am 2/13/2010, Register 193; am 9/24/2016, Register 219; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 18.65.220 AS 18.65.240

The section heading of 13 AAC 85.100 is changed to read:

13 AAC 85.100. **Determination of ineligibility and d**[D]enial of certificates

13 AAC 85.100(a) is amended to read:

- (a) The council may deny a basic certificate **or find a police officer job applicant or training applicant ineligible for certification** upon a finding that the applicant[ FOR THE CERTIFICATE]
  - (1) falsified or omitted information required to be provided on the application for certification or on supporting documents;
  - (2) has been discharged, or resigned under threat of discharge, from employment as a police officer in this state or any other state or territory

[FOR CAUSE ]for inefficiency, incompetence, or some other reason that adversely affects the ability and fitness of the police officer to perform job duties or that is detrimental to the reputation, integrity, or discipline of the police department where the police officer worked.

13 AAC 85.100(b) is amended to read:

(b) The council will deny a basic certificate **or find a police officer job applicant or training applicant ineligible for certification** upon a finding that the applicant[ FOR THE CERTIFICATE]

(1) has been convicted of a misdemeanor crime of domestic violence or, after hire as a police officer, has been convicted of any felony, or of a misdemeanor crime listed in 13 AAC 85.010(b)(2);

(2) has, after hire as a police officer,

(A) used marijuana;

(B) illegally used or possessed any Schedule IA, IIA, IIIA, IVA or VA controlled substance, unless an immediate, pressing, or emergency medical circumstance existed to justify the use of a prescription Schedule IA, IIA, IIIA, IVA or VA controlled substance not specifically prescribed to the person; or

(C) illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance;

(3) does not meet the standards in 13 AAC 85.010(a) or (b); or

(4) has been discharged, or resigned under threat of discharge, from employment as a police officer in this state or any other state or territory [FOR CAUSE ]for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States or

that is detrimental to the integrity of the police department where the police officer worked.

13 AAC 85.100(c) is amended to read:

- (c) The executive director may act on an application for certification, consistent with standards and qualifications adopted by the council and consistent with AS 18.65.130 - 18.65.290. The executive director may deny an application, **or find a police officer job applicant or training applicant ineligible for certification**, if the applicant does not satisfy those requirements. An applicant aggrieved by the decision of the executive director may petition for review of that decision by the council. The council's review of that decision is controlled by the Administrative Procedure Act.

The introductory language of 13 AAC 85.100(d) is amended to read:

- (d) If a person has been denied a basic certificate under this section, **or has been found ineligible for certification as police officer by the council**, the person may petition the council for rescission of the denial after one year following the date of the denial. The petitioner must state in writing the reasons why the denial should be rescinded. A denial may be rescinded for the following reasons:

...

Eff. 8/10/80, Register 75; am 9/23/84, Register 91; am 8/8/90, Register 115; am 10/24/92, Register 124; am 9/6/96, Register 139; am 7/15/98, Register 147; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 18.65.220 AS 18.65.240 AS 18.65.270

13 AAC 85.110(a) is amended to read:

- (a) The council may revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate
  - (1) falsified or omitted information required to be provided on an application for certification at any level, or in supporting documents;
  - (2) has been discharged, or resigned under threat of discharge, from employment as a police officer in this state or any other state or territory [FOR CAUSE ]for inefficiency, incompetence, or some other reason that adversely affects the ability and fitness of the police officer to perform job duties or that is detrimental to the reputation, integrity, or discipline of the police department where the police officer worked; or
  - (3) does not meet the standards in 13 AAC 85.010(a) or (b).

13 AAC 85.110(b) is amended to read:

- (b) The council will revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate
  - (1) has been convicted of a misdemeanor crime of domestic violence or, after hire as a police officer, has been convicted of a felony, or of a misdemeanor crime listed in 13 AAC 85.010(b)(2);
  - (2) has, after hire as a police officer,
    - (D) used marijuana;
    - (E) illegally used or possessed any Schedule IA, IIA, IIIA, IVA or VA controlled substance, unless an immediate, pressing or emergency medical circumstance existed to justify the use of a prescription medication not specifically prescribed to the person; or



(F) illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance; or

(3) has been discharged, or resigned under threat of discharge, from employment as a police officer in this state or any other state or territory [FOR CAUSE] for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States or that is detrimental to the integrity of the police department where the police officer worked.

Eff. 9/23/84, Register 91; am 8/8/90, Register 115; am 10/24/92, Register 124; am 9/6/96, Register 139; am 7/15/98, Register 147; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 18.65.220 AS 18.65.240 AS 18.65.270

13 AAC 85.210 (c) is amended to read:

(c) A person hired as a probation, parole, or correctional officer may not remain employed in that position without written confirmation from the Department of Corrections, submitted within 90 days after the date of hire, that the person meets the standards of (a) and (b) of this section. The council will grant an extension of the 90- day period, upon a written request by the Department of Corrections that explains the reason the extension is necessary, and if the council determines that the person will probably be able to meet the standards by the end of the extension period. If the Department of Corrections concludes at the end of an investigation that a person does not meet the required standards, the person may not continue employment as a probation, parole, or correctional officer **and the Department shall notify the council on a form provided by the council.** For purposes of determining whether a person meets the standards of (a) and (b) of this section, . . .

13 AAC 85.210 (g) is amended to read:

- (g) If the signature of the officer or applicant is required on a council form, the signature must be under oath or affirmation and must be accompanied by a statement by the officer or applicant that the information supplied is true, to the best of the person's knowledge **and acknowledging that information contained on the forms will be used by the council for purposes of determining the applicant's eligibility for employment and certification.** (Eff. 8/8/90, Register 115; am 10/24/92, Register 124; am 8/5/95, Register 135; am 7/15/98, Register 147; am 2/20/99, Register 149; am 8/16/2000, Register 155; am 3/25/2001, Register 157; am 4/12/2001, Register 158; am 8/8/2007, Register 183; am 2/13/2010, Register 193; am 9/24/2016, Register 219; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.248

The section heading of 13 AAC 85.260 is changed to read:

13 AAC 85.260 **Determination of ineligibility or d[D]enial of certificate**

13 AAC 85.260(a) is amended to read:

- (a) The council may deny a basic certificate **or find a correctional, probation, parole or municipal corrections officer job applicant ineligible for certification** upon a finding that the applicant [FOR THE CERTIFICATE]
- (1) falsified or omitted information required to be provided on the application for certification or on supporting documents; or
  - (2) has been discharged, or resigned under threat of discharge, from employment as a probation, parole, correctional, or municipal

correctional officer in this state or any other state or territory [FOR CAUSE ]for inefficiency, incompetence, or some other reason that adversely affects the ability and fitness of the officer to perform job duties or that is detrimental to the reputation, integrity, or discipline of the correctional agency where the officer worked.

13 AAC 85.260(b) is amended to read:

- (b) The council will deny a basic certificate **or find a correctional, probation, parole or municipal corrections officer job applicant ineligible for certification** upon a finding that the applicant [FOR THE CERTIFICATE]
- (1) has been convicted of a misdemeanor crime of domestic violence, or after hire as a
- (A) probation, parole, or correctional officer, has been convicted of any felony, or of a misdemeanor crime listed in 13 AAC 85.210(b)(2); or
- (B) municipal correctional officer, has been convicted of any felony, or of a misdemeanor crime listed in 13 AAC 85.215(b)(2) or (3);
- (2) has, after hire as a probation, parole, correctional, or municipal correctional officer,
- (A) used marijuana;
- (B) illegally used or possessed any Schedule IA, IIA, IIIA, IVA or VA controlled substance, unless an immediate, pressing, or emergency medical circumstance existed to justify the use of

- a prescription Schedule IA, IIA, IDA, IVA, or VA controlled substance not specifically prescribed to the person; or
- (c) illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance;
- (3) [OF A PROBATION, PAROLE, OR CORRECTIONAL OFFICER] does not meet the standards in 13 AAC 85.210;
- (4) [OF A MUNICIPAL CORRECTIONAL OFFICER] does not meet the standards in 13 AAC 85.215; or
- (5) has been discharged, or resigned under threat of discharge, from employment as a probation, parole, correctional, or municipal correctional officer in this state or any other state or territory [FOR CAUSE] for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States or that is detrimental to the integrity of the correctional agency where the officer worked.

13 AAC 85.260(c) is amended to read:

- (c) The executive director may act on an application for certification, consistent with standards and qualifications adopted by the council and consistent with AS 18.65.130 - 18.65.290. The executive director may deny an application **or find a correctional, probation, parole, or municipal corrections officer job applicant ineligible for certification**, if the applicant does not satisfy those requirements. An applicant aggrieved by the decision of the executive director may petition for review of that decision by the council. The council's review of that decision is controlled by the Administrative Procedure Act.

The introductory language of 13 AAC 85.260(d) is amended to read:

- (d) If a person has been denied a basic certificate **or found to be ineligible for certification** under this section, the person may petition the council for rescission of the denial after one year following the date of the denial. The petitioner must state in writing the reasons why the denial should be rescinded. A denial may be rescinded for the following reasons:

...

Eff. 8/8/90, Register 115; am 10/24/92, Register 124; am 9/6/96, Register 139; am 7/15/98, Register 147; am 4/12/2001, Register 158; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.245 AS 18.65.248  
AS 18.65.270 AS 18.65.285

13 AAC 85.270(a) is amended to read:

- (a) The council may revoke a basic certificate upon a finding that the holder of the certificate
  - (1) falsified or omitted information required to be provided on an application for certification, or in supporting documents;
  - (2) has been discharged, or resigned under threat of discharge, from employment as a probation, parole, correctional, or municipal correctional officer in this state or any other state or territory [FOR CAUSE ]for inefficiency, incompetence, or some other reason that adversely affects the ability and fitness of the officer to perform job duties or that is detrimental to the reputation, integrity, or discipline of the correctional agency where the officer worked;

- (3) is a probation, parole, or correctional officer and does not meet the standards in 13 AAC 85.210 (a) or (b); or
- (4) is a municipal correctional officer and does not meet the standards in 13 AAC 85.215(a) or (b).

13 AAC 85.270(b) is amended to read:

- (b) The council will revoke a basic certificate upon a finding that the holder of the certificate
  - (1) has been convicted of a misdemeanor crime of domestic violence or, after hire as a
    - (A) probation, parole, or correctional officer, has been convicted of any felony, or of a misdemeanor crime listed in 13 AAC 85.210 (b)(2); or
    - (B) municipal correctional officer, has been convicted of any felony, or of a misdemeanor crime listed in 13 AAC 85.215 (b)(2) or (3);
  - (2) has, after hire as a probation, parole, correctional, or municipal correctional officer,
    - (A) used marijuana;
    - (B) illegally used or possessed a Schedule IA, IIA, IIIA, IVA or VA controlled substance, unless an immediate, pressing or emergency medical circumstance existed to justify the use of a prescription Schedule IA, IIA, IIIA, IVA or VA controlled substance not specifically prescribed to the person; or
    - (C) illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance; or

- (3) has been discharged, or resigned under threat of discharge, from employment as a probation, parole, correctional, or municipal correctional officer in this state or any other state or territory [FOR CAUSE ]for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States or that is detrimental to the integrity of the correctional agency where the officer worked.

Eff. 8/8/90, Register 115; am 10/24/92, Register 124; am 9/6/96, Register 139; am 7/15/98, Register 147; am 4/12/2001, Register 158; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.245 AS 18.65.248  
AS 18.65.270 AS 18.65.285