

 STATE OF ALASKA ALASKA POLICE STANDARDS COUNCIL Policy and Procedure		POLICY AND PROCEDURE NUMBER T.B.D.	PAGE 1 of 2
		EFFECTIVE DATE March 10, 2016	
SUBJECT Regulatory Compliance - Sanctions.		SUPERSEDES None	DATED N/A
CHAPTER Regulations	SECTION Compliance	APPROVED BY APSC Chairman	

I. PURPOSE

This policy provides the staff of the Alaska Police Standards Council (APSC) with guidance regarding the application of APSC regulations, agency sanctions for failure to comply with those regulations, and guides staff in their efforts to encourage voluntary compliance with regulations by regulated officers and agencies.

II. BACKGROUND

Regulating the basic qualifications for officers and ensuring they receive the necessary training to serve their community and agency effectively is a core mission of APSC. Allowing unqualified individuals to serve as officers or not training officers does a disservice to the agency, their community, and to the public safety profession as a whole.

Reporting compliance is equally vital to the training support and regulatory enforcement functions of APSC. Without timely reports from agencies of having hired officers, APSC is hampered in its ability to ensure the new officers receive the support and training necessary for them to succeed in their position and be certified by the Council. It also allows APSC to support the hiring agency by ensuring its new officer is not disqualified from serving in his/her position.

Currently, APSC regulations provide no regulatory sanctions for an agency's failure to comply with the reporting regulations. Historically, compliance has been hampered primarily through ignorance of the regulations exacerbated by high turnover in agency leadership and staff. Rarely, APSC has experienced the willful disregard of reporting regulations by agency officials.

The following statutes and regulations are impacted by this policy:

AS 18.65.220 (1) provides that the Council has the power to adopt regulations for the

administration of AS 18.65.130 through 18.65.290.

13 AAC 85.090 provides that a participating police department must report to APSC, within 30 days of:

1. Hiring a police officer,
2. An officer's separation from the agency. If separation was a result of termination; resignation in lieu of termination; or occurred while an officer was under investigation for any allegation of dishonesty, misconduct, or lack of good moral character; the agency must also report the reason the officer is no longer employed by the agency, and
3. Sustained allegations of conduct that may disqualify the officer under 13 AAC 85.010 (a) or (b) or 13 AAC 85.110 following an administrative investigation or review by the agency.

13 AAC 85.010 (c) and (d) provide that agencies have 30 days after hiring a police officer to determine and report to APSC that the officer meets the minimum standards for a police officer by submitting required documentation.

13 AAC 85.010 (e) provides that an agency has 6 months (or, in some cases, until the end of a 12 month probationary period) to complete field training for a police officer and submit documentation to the Council.

13 AAC 85.020 provides that a police officer may not be employed beyond 13 months by an agency without that officer obtaining certification as a police officer, unless granted an extension of up to 6 months by the Council for specified reasons.

13 AAC 85.210 (c) and (d) provide that the Alaska Department of Corrections shall notify APSC of the hiring of a probation, parole or corrections officer; certify that the officer meets the requirements of 13 AAC 85.210 (a) and (c); and, submit supporting documentation within 90 days of the officer being hired.

13 AAC 85.215 (c) and (d) provide that an agency hiring a municipal corrections officer shall notify APSC of the hiring of a municipal corrections officer; certify that the officer meets the requirements of 13 AAC 85.215 (a) and (b); and, submit supporting documentation within 30 days of the officer being hired.

13 AAC 85.210 (e) provides that Alaska Department of Corrections must submit within 12 months of hiring a probation, parole, or corrections officer documentation that the officer has successfully completed the required field training program.

13 AAC 85.215 (e) provides that an agency must submit within 6 months of hiring a municipal corrections officer documentation that the officer has successfully completed the required field training program.

13 AAC 85.250 provides that a corrections agency must report to APSC, within 30 days of:

1. hiring a probation, parole, corrections or municipal corrections officer,
2. an officer's separation from the agency. If separation was a result of termination; resignation in lieu of termination; or occurred while an officer was under investigation for any allegation of dishonesty, misconduct, or lack of good moral character; the agency must also report the reason the officer is no longer employed by the agency, and
3. sustained allegations of conduct that may disqualify the officer under 13 AAC 85.210 (a) or (b); 13 AAC 85.210 (a) or (b); or, 13 AAC 85.270 (a) or (b); following an administrative investigation or review by the agency.

III. POLICY

It shall be the policy of the Alaska Police Standards Council to:

- *Reach out to new and existing agency leaders and educate them regarding APSC regulations and support them in implementing a proactive reporting system to comply with those regulations;*
- *Strive toward voluntary compliance with APSC reporting requirements through periodic e-mail reminders, web-site messages, and direct communications to agencies and their leadership;*
- *Track and document instances, by agency, of identified failure to meet regulated reporting requirements and efforts taken by Council members and staff to assist the agency with improved compliance;*
- *To proactively educate and work with those agencies and their leaders and community officials identified as repeatedly missing required deadlines in an effort to improve their accountability and voluntary compliance;*
- *Communicate directly with agency and community officials when instances of non-compliance become problematic or have the appearance of being willful;*
- *Consider, as a body, the possible suspension of training support to any agency who deliberately or consistently fails to comply with APSC regulations after having been educated and informed of its regulated responsibilities and the consequences of non-compliance;*
- *Suspend training support to any agency that willfully or consistently and unreasonably fails to comply with APSC regulations, after a majority vote of Council members present at regular or special APSC meeting; and,*
- *Notify agencies subject to APSC suspension of training support, its employees and community leadership within communities of the action taken by the Council and Council's imposed requirements for the reinstatement of training support.*

IV. PROCEDURE

- A. Tracking: APSC staff shall establish and maintain a system to track the submission of documents to APSC along with their effective date and agency submitting the documents. The system shall identify submissions that were submitted out of compliance and allow for reporting.
- B. Agency and Chief Executive Officer Education:
1. APSC staff shall contact new chief executive officers of agencies as soon as practical after learning of his or her appointment and provide him or her with information regarding the role of APSC, its benefit to their agency, and relevant reporting requirements.
 2. Staff shall prepare educational or informative packets to be sent to new chief executive officers that contain copies of regulations that apply to that agency and a document summarizing various APSC reporting and training deadlines.
- C. Agency tracking and reminders of upcoming deadlines:
1. On a regular basis, APSC staff will communicate to chief executives to remind them of reporting requirements and deadlines. This can be accomplished through e-mail, APSC website postings, newsletter articles, direct mailings and phone contacts.
 2. When an agency submits documentation to APSC that is untimely, Staff will consider it an opportunity to refresh the agency's understanding of reporting requirements and deadlines, and contact the agency to do so.
 3. APSC staff will track reporting deadlines for training and basic certification of officers, whenever possible, and generate reminders to the officers and their agencies about upcoming deadlines and training requirements.
- D. Personal and or physical contact
1. Whenever practical, within budgetary constraints and sound public policy, APSC staff will conduct a courtesy educational visit to a new chief executive officer's agency to facilitate their understanding of the role of APSC and how it will support their agency and staff.
- E. Dealing with noncompliance
1. When agencies or Chief Executives are identified as consistently missing reporting deadlines, following educational efforts and reminders, this

information will be communicated to the Council at their next regular meeting. At the Council's direction, if so provided, the Executive Director will notify the agency's Chief Executive, and their supervisor, that the agency may be subject to Council sanctions if they do not improve their compliance.

2. In instances of apparent willful non-compliance with regulations, or if noncompliance continues after the agency has been advised of potential sanctions, the Executive Director will recommend to the Council the restriction of all training support to that agency. Should the Council approve this restriction, APSC will notify the Chief Executive, their supervisor and sworn agency employees, that APSC will no longer authorize its officers' attendance at basic academies or sponsor any training for the agency until the agency demonstrates compliance with the regulations. Additionally, APSC will post an announcement on its website that identifies agencies subject to this sanction to inform officers considering joining the agency that APSC may not sponsor their future training.

3. Examples of noncompliance that will be regarded as 'willful' include: knowingly hiring or retaining an officer who does not meet the basic standards for that position; consistently and repeatedly failing to report the appointment or separation of officers; after notification, failing to provide an officer with basic academy training or necessary field training required for certification.

V. ATTACHMENTS:

None

VI. AUTHORITY

AS 18.65.220

VII. IMPLEMENTATION RESPONSIBILITY

APSC Executive Director

VIII. DISTRIBUTION

APSC Staff and Council Members