



Date: May 5, 2016
To: APSC Council Members
From: R.E. Griffiths, Executive Director *REG*
RE: Proposed Changes to Published Police Regulations after Public Comment Period

Proposed Police Regulatory changes were accepted by the Council at their meeting on December 1, 2015. These proposed changes were published in January for public comment through April 1, 2016. Numerous constructive comments were received and have been compiled into a separate document presented to the Council. Several questions were posed by commenters; these were individually answered as received and both questions and answers were published on the Public Notices web site on March 21, 2016.

Based upon public comments received, the counsel of the Alaska Department of Law and further research by APSC which included input from police recruiters and academy directors, Staff have prepared recommended regulatory language changes and incorporated them into a document to be considered as amendments, or a substitute, for the published proposed regulations.

All recommended changes have been reviewed and approved by the Department of Law.

The following is a detailed explanation of the staff recommended amendments and new language:

13 AAC 85.010 Basic Standards for Police

§(a)4 Educational requirement: Considerable public comment was received from supporters of home school education. Additionally, staff determined that Alaska does not "accredit" most schools or home school programs. To maintain the intent of APSC, which was to have the applicant demonstrate the equivalent of a high school education, the initially proposed language, using the term "accredited" school diploma is recommended to be changed to:

(4) has a **state recognized** high school **diploma, a diploma from a home school program recognized by their state or certified by a state or local school district as having met that state's graduation requirements** [DIPLOMA, OR ITS EQUIVALENT], or has passed a General Educational Development (GED) test;

This language is consistent with the current practice of APSC; which is to direct home schooled applicants to have their educational program evaluated and certified as meeting graduation standards by their local school district or high school official.

§(a)6 Psychological Fitness: To clarify that the Psychologist or Psychiatrist must be licensed in the US, vs. being physically present in the US and, perhaps, licensed elsewhere. Staff recommends this section be amended to read:

(6) is **certified by a person licensed in the United States as a psychiatrist or psychologist, on a psychological record form supplied by the council, to be** mentally capable of performing the essential functions of the job of police officer and is free from any emotional disorder that may adversely affect the person's performance as a police officer.

§(b)(4)b Drug Use: Numerous comments were received supporting discretionary language be implemented for exigent circumstances of drug use, and others received regarding the level, or schedule, of drugs that should be considered as disqualifying vs those considered by the DEA and State as less dangerous or habit-forming. Initially, schedule IA through IVA controlled substances were listed. However, based upon input from police agencies and the fact that schedule VA drugs included anabolic steroids, schedule VA drugs were included.

The DOL suggested more specific and clearly understood language than the proposed “exigent circumstances” be incorporated to guide the Council and staff as to what circumstances may qualify as an exception. APSC staff has incorporated these comments and recommendations into the following language:

(B) within the **five** [TEN] years before the date of hire, has illegally used a **Schedule IA, IIA, IIIA, IVA or VA** controlled substance [OTHER THAN MARIJUANA], unless the person was under the age of 21 at the time of using the controlled substance **or an immediate, pressing or emergency medical circumstance existed to justify the use of a prescription medication not specifically prescribed to the person;**

Note that (b)(4)(c) still prohibits marijuana use within one year.

§(c)6 Psychological evaluation documentation: This section was changed to be consistent with (a)(6), as above, to read:

(6) require the person to undergo an examination by a [LICENSED]psychiatrist or **psychologist, licensed in the United States**[, APPROVED BY THE COUNCIL]. [, IF A PREVIOUS PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION HAS INDICATED A PAST OR PRESENT PERSONALITY DEFECT OR MENTAL PROBLEM];

§(e) Training: Questions were received about the intent of an officer having to “attend” a basic academy within six months; did this mean they had to start and/or finish the academy? To clarify the Council’s intent, and to recognize that there are only 2 ALET and 2 CTC sessions each year, Staff recommends the following language:

(e) **A police officer shall enroll in an Alaska Police Standards Council-certified basic police training academy within six months of the date of hire. A police officer must complete an Alaska Police Standards Council-certified Field Training Program, and verification sent, on a form supplied by the council, to the council within the probationary period specified in 13 AAC 85.040(b)(3).** [A POLICE DEPARTMENT SHALL BEGIN FIELD TRAINING WITH AN OFFICER, USING THE FIELD TRAINING MANUAL, IMMEDIATELY AFTER THE OFFICER IS HIRED. IF AN OFFICER ATTENDS AN APPROVED POLICE ACADEMY WITHIN THE FIRST SIX MONTHS AFTER EMPLOYMENT AS A POLICE OFFICER, OR HAS BEEN PREVIOUSLY CERTIFIED AS A POLICE OFFICER, THE FIELD TRAINING MANUAL MUST BE COMPLETED AND SENT TO THE COUNCIL WITHIN THE PROBATIONARY PERIOD SPECIFIED IN 13 AAC 85.040(B)(3). IN ALL OTHER CASES, THE FIELD TRAINING MANUAL MUST BE COMPLETED AND SENT TO THE COUNCIL WITHIN SIX MONTHS AFTER THE DATE THE OFFICER BEGAN WORK AS A POLICE OFFICER WITH THE DEPARTMENT.]

“Enrollment” in an academy means the officer has applied to APSC and been admitted to a forthcoming academy that will allow them to graduate prior to the end of their probationary period.

13 AAC 85.020 Permanent Hire for Police:

No recommended changes from proposed and published regulation changes

13 AAC 85.040 Basic Intermediate and Advanced Certification:

§(c)5 Training and Education for Intermediate Certificate: Staff identified confusing language in the proposed changes regarding the recognition of training hours for each level of certification above basic. The inclusion of the term “starting from zero” appeared to imply that if an officer achieved higher certification, using part of the training hours they had earned, yet had a balance of hours remaining at the time they achieved that new level, their training hours would be zeroed out. Clarifying with the committee, that was not their intent. Their intent was that an officer could not count the same hours used for a lower certification to qualify for the next level. Staff recommends the following language:

(5) After a basic certificate is awarded, an officer must achieve the prescribed training hours for the next level of certification. The officer may not count the same hours towards each subsequent level of certification.

§(e) Advanced Certificate: The same change as described above:

(e) The council may award an advanced certificate to an applicant who meets the requirements of (d)(1) and (d)(2) of this section and has **fourteen or more years of experience as a police officer and a minimum of 20 training hours for each year of police officer experience. Training hours earned while attending a basic police training program will not count towards an advanced certificate.** [12 COMBINED TRAINING AND EDUCATION POINTS AND 20 YEARS’ EXPERIENCE AS A POLICE OFFICER, OR 30 COMBINED TRAINING AND EDUCATION POINTS AND 15 YEARS’ EXPERIENCE AS A POLICE OFFICER]. **After an intermediate certificate is awarded, an officer must achieve the prescribed training hours for advance certification. The officer may not count the same hours towards each subsequent level of certification.**

13 AAC 85.050 Basic Police Training Program

Subsequent to publication of the draft regulations APSC staff received numerous written comments regarding the proposed adoption of “Blue Courage” training, a brand named program. Comments were also received regarding language that was considered to be outdated and insensitive in the proposed course on “Emotionally disturbed people.” One agency, who operates its own academy and utilizes patrol rifles rather than shotguns, asked about changing the “shotgun” training requirement to “long gun,” to accommodate their training preference.

By far the most comments were received from existing Academy Directors and their staff regarding the mandated number of course hours for each topical area, as, they advised, many of the topics were coupled closely with others and often taught in combination with one another, particularly in scenario-based training.

In consultation with Academy staff and addressing the written comments; staff recommends the following changes be made in the published regulation:

- The removal of “Blue Courage” and “Emotionally disturbed people;” replacing them with “Ethics” and “Mental health issues;”
- Replacing the term “hours and courses” with the term “topics;”
- Removal of the specifically mandated number of hours of instruction for each topic; and,
- Replacing the term “shotgun” with “long gun.”

APSC Staff recommend the published proposed regulation be changed to read:

§(b) The basic police **officer academy** [TRAINING PROGRAM] must include **the following topics of instruction:**

[(1) 10 HOURS OF FIRST AID INSTRUCTION SUFFICIENT TO QUALIFY STUDENTS FOR A STANDARD RED CROSS FIRST AID CERTIFICATE OR A COUNCIL-APPROVED EQUIVALENT; AND]

(1) Armed flier

(2) Bloodborne Pathogens

(3) Ethics

(4) Constitutional law, civil rights and Disability awareness

(5) Control tactics

(6) CPR/Basic First Aid/AED

(7) Criminal investigation

(A) Controlled substances

(B) Crimes against children

(C) Sex crimes/human trafficking

(8) Criminal justice system

(9) Criminal law and procedure

(10) Crime scene investigation

(11) Cultural diversity

(12) Domestic violence

(13) DUI/field sobriety testing/Datamaster

(14) Electronic evidence and identity theft

(15) Classroom and practical emergency vehicle operations

(16) Emotional survival, police stress and trauma

(17) Mental health issues

(18) Firearms

(A) Classroom

(B) Handgun practical

(C) Handgun low light operations

(D) Long gun practical

(E) Long gun – low light operations

(19) Hazardous materials

(20) Interview and interrogation

(21) Juvenile law and procedures

(22) Patrol procedures

(23) Police tools (may include TASER, oleoresin capicum, baton, handcuffs, radar,

etc.)

(24) Professional communication

(25) Radio procedures

(26) Report writing

(27) Search and seizure/search warrants

(28) Social media

(29) Traffic law, stops, including practical scenarios and accident investigation

(30) Use of force

[(2) INSTRUCTION IN CRIMINAL LAW, ADMINISTRATION OF JUSTICE, CRIMINAL INVESTIGATION INCLUDING INVESTIGATION OF CRIMES AGAINST CHILDREN, OFFENSIVE AND DEFENSIVE TACTICS, FIELD TECHNIQUES, TRAFFIC OPERATIONS, PRECISION DRIVING, ETHICS, HUMAN RELATIONS, AND FIREARMS.]

13 AAC 85.060(a) Waiver and Reciprocity

§(a)(4) Recertification Academy topics and hours: Academy directors expressed significant concern over mandating specific hours to each topic detailed in the proposed changes. Staff is in agreement with criticism that mandating “Blue Courage” is inappropriate, as it is a specific brand-named training program; mandating ethics is more appropriate. Finally, in recognition of recent national and Alaska events as well as the potential that HB77 (Disability Training) will pass this legislature, “Recognizing and working with people with disabilities” has been added as a required topic. Staff recommends the following language be adopted, which addresses all of the concerns, above:

(4) **a council-certified reciprocity police training academy that consists of** a minimum of 80 hours of classroom **and practical** training **to include:**

(A) Alaska criminal code;

(B) Control tactics;

(C) Domestic violence;

(D) Ethics;

(E) Firearms;

(F) Use of force;

(G) Alaska juvenile law and procedures;

(H) Alaska laws of arrest;

(I) Alaska traffic law;

(J) Alaska laws related to DUI detection and enforcement; and

(K) Recognizing and working with people with disabilities.

[IN SUBJECT AREAS CONSIDERED TO BE UNIQUE TO ALASKA, INCLUDING ALASKA’S CRIMINAL JUSTICE SYSTEM, JUVENILE PROCEDURES, COURT SYSTEM, CRIMINAL LAWS AND PROCEDURES, AND THE ENFORCEMENT OF ALASKA’S LAWS RELATED TO DRIVING WHILE INTOXICATED AND USE OF THE INTOXIMETER, AS WELL AS A FIRST AID REFRESHER COURSE AND FIREARMS QUALIFICATIONS].

13 AAC 85.090. Personnel reports:

§(d) Mandated disciplinary reporting: The Council proposed adopting a new subsection to require notification to APSC of disciplinary issues that might be cause for revocation of an officer’s certification. Unfortunately, the proposed language would have required agencies to notify APSC before they had been afforded an opportunity to thoroughly investigate a complaint against an officer. This fact was pointed out in numerous comments. Staff recommends that the Council adopt the following proposed language, which is consistent with the language proposed in the published draft Corrections regulations:

(d) A participating agency shall notify the council of an allegation of misconduct by an officer employed by their department within 30 days of the allegation being sustained by administrative review, if the misconduct alleged may be cause for revocation under 13 AAC 85.110.

13 AAC 85.100 Denial of Certificates:

§(a)(2)(B) Drug use: To remain consistent with the proposed changes regarding drug use, Staff recommends the following language be adopted:

(B) illegally used or possessed any [OTHER]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

13 AAC 85.110 Revocation of Certificates:

(b)(2)(B) Drug use: As above, this change is to maintain consistency between minimum qualifications, denial of certification and revocation. Staff recommends the following changes be adopted in the proposed regulations:

(B) illegally used or possessed any [OTHER]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

13 AAC 85.120 Lapse of Certificates:

No Proposed changes to published draft regulations.

Register _____, _____ 2016, Department of Public Safety

13 AAC 85.010 (a) is amended to read:

(a) A participating police department may not hire a person as a police officer unless the person meets the following **minimum** qualifications **at the time of hire**:

(1) is a citizen of the United States [OR A RESIDENT ALIEN WHO HAS DEMONSTRATED AN INTENT TO BECOME A CITIZEN OF THE UNITED STATES];

(2) is 21 years of age or older;

(3) is of good moral character;

(4) has a **state recognized** high school **diploma, a diploma from a home school program recognized by their state or certified by a state or local school district as having met that state's graduation requirements** [DIPLOMA, OR ITS EQUIVALENT], or has passed a General Educational Development (GED) test;

(5) is [, AT THE TIME OF HIRE,] certified by a licensed physician, **nurse practitioner, or physician assistant** on a medical record form supplied by the council to be physically capable of performing the essential functions of the job of police officer;

(6) is **certified by a person licensed in the United States as a psychiatrist or psychologist, on a psychological record form supplied by the council, to be** mentally capable of performing the essential functions of the job of police officer and is free from any emotional disorder that may adversely affect the person's performance as a police officer.

13 AAC 85.010 (b) is amended to read:

(b) A participating police department may not hire as a police officer a person

(1) who has been convicted of **any** [A] felony or a misdemeanor crime of domestic violence by a civilian court of this state, the United States, or another state or territory, or by a military court;

(2) who has been convicted, during the 10 years immediately before the date of hire as a police officer, of a crime of dishonesty or crime of moral turpitude, of a crime that resulted in serious physical injury to another person, or of two or more **DUI** or DWI offenses, by a civilian court of this state, the United States, or another state or territory, or by a military court;

(3) who

(A) has been denied certification, has had the person's basic certification revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, unless the denial, [OR] revocation **or surrender** has been rescinded by the council under 13 AAC 85.110 or by the responsible licensing agency of the issuing jurisdiction; or

(B) is under suspension of a basic certification in another jurisdiction, for the period of the suspension, unless the suspension has been rescinded by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction;

(4) who

(A) has illegally manufactured, transported, or sold a controlled substance, unless the person was under the age of 21 at the time of the act and the act occurred more than 10 years before the date of hire;

Register _____, _____ 2016, Department of Public Safety

(B) within the **five** [TEN] years before the date of hire, has illegally used a **Schedule IA, IIA, IIIA, IVA or VA** controlled substance [OTHER THAN MARIJUANA], unless the person was under the age of 21 at the time of using the controlled substance **or an immediate, pressing or emergency medical circumstance existed to justify the use of a prescription medication not specifically prescribed to the person;**

(C) within the one year before the date of hire, has used marijuana, unless the person was under the age of 21 at the time of using marijuana.

13 AAC 85.010 (c) is amended to read:

(c) A participating police department has **30** [90] days after the date of hire to confirm that a person hired as a police officer meets the standards of (a) and (b) of this section. The council **may** [WILL, IN ITS DISCRETION,] grant an extension of the **30** [90]-day period if the council determines that the person will probably be able to meet the standards by the end of the extension period. The chief administrative officer of the police department where the person is employed shall make a written request for the extension, and shall explain the reason the extension is necessary. If a police department concludes at the end of the investigation that the person does not meet the required standards, the department shall immediately discharge the person from employment as a police officer. When deciding whether a person meets the standards of (a) and (b) of this section, the department shall

(1) obtain proof of age, citizenship status, and education;

(2) obtain fingerprints on two copies of FBI Applicant Card FD-258 and forward both cards to the automated fingerprint identification section of the Department of Public Safety;

(3) obtain a complete personal history of the person on a form **supplied** [OR APPROVED] by the council;

(4) conduct a thorough personal-history investigation of the person to determine character traits and habits indicative of moral character and fitness as a police officer;

(5) obtain a complete medical history report of the person; the report must be given to a licensed physician, **nurse practitioner, or physician assistant** to use as a basis in conducting a physical examination of the person;

(6) require the person to undergo an examination by a [LICENSED]psychiatrist or **psychologist, licensed in the United States** [, APPROVED BY THE COUNCIL]. [, IF A PREVIOUS PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION HAS INDICATED A PAST OR PRESENT PERSONALITY DEFECT OR MENTAL PROBLEM];

(7) determine whether the person

(A) has been denied certification, has had the person's basic certification revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, and whether the denial, [OR] revocation, **or surrender** if any, has been rescinded by the council under 13 AAC 85.110 or by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction; or

(B) is under suspension of a basic certification in another jurisdiction, for the period of the suspension, and whether the suspension, if any, has been rescinded by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction.

Register _____, _____ 2016, Department of Public Safety

13 AAC 85.010 (d) is amended to read:

(d) All information, documents, and reports obtained by a participating police department under (c) of this section must be placed in the permanent files of the police department and must be available for examination at any reasonable time by representatives of the council. A copy of any criminal record discovered and of the following completed council forms must be sent to the council within **30** [90] days after the date of each hire:

(1) the Medical Exam Form;

(2) the Health Questionnaire;

(3) the Personal History Statement;

(4) **the Psychological Record Form.** [A VERIFICATION OF A PSYCHOLOGICAL OR PSYCHIATRIC EXAMINATION REPORT, WHEN THE EXAMINATION IS MANDATORY.]

(5) **the Compliance Form to record the agency's compliance with (c)(1-7) above.**

13 AAC 85.010 (e) is amended to read:

(e) **A police officer shall enroll in an Alaska Police Standards Council-certified basic police training academy within six months of the date of hire. A police officer must complete an Alaska Police Standards Council-certified Field Training Program, and verification sent, on a form supplied by the council, to the council within the probationary**

period specified in 13 AAC 85.040(b)(3). [A POLICE DEPARTMENT SHALL BEGIN FIELD TRAINING WITH AN OFFICER, USING THE FIELD TRAINING MANUAL, IMMEDIATELY AFTER THE OFFICER IS HIRED. IF AN OFFICER ATTENDS AN APPROVED POLICE ACADEMY WITHIN THE FIRST SIX MONTHS AFTER EMPLOYMENT AS A POLICE OFFICER, OR HAS BEEN PREVIOUSLY CERTIFIED AS A POLICE OFFICER, THE FIELD TRAINING MANUAL MUST BE COMPLETED AND SENT TO THE COUNCIL WITHIN THE PROBATIONARY PERIOD SPECIFIED IN 13 AAC 85.040(B)(3). IN ALL OTHER CASES, THE FIELD TRAINING MANUAL MUST BE COMPLETED AND SENT TO THE COUNCIL WITHIN SIX MONTHS AFTER THE DATE THE OFFICER BEGAN WORK AS A POLICE OFFICER WITH THE DEPARTMENT.]

13 AAC 85.010 (f) is amended to read:

(f) The information in the council's files is confidential, and available only for use by the council in carrying out the requirements of AS 18.65.130 - 18.65.290 and the regulations adopted under AS 18.65.130 - 18.65.290. However, training records and the documents listed in (d) and (e) of this section relating to an applicant or police officer may be reviewed by the applicant or officer. Information that indicates that a person might not qualify for certification as a police officer, or that adversely reflects upon a person's ability to be a competent officer; **may** [will, in the council's discretion,] be furnished by the council to a **law enforcement agency** [PARTICIPATING POLICE DEPARTMENT] that has hired or is considering hiring the person. A police officer or applicant may not review information in the council's files which was supplied to the council with the understanding that the information or the source of the

Register _____, _____ 2016, Department of Public Safety

information would remain confidential, except that any information that serves as the basis for a decision to deny or revoke certification will be revealed to the police officer or applicant.

13 AAC 85.010 (h) is amended to read:

(h) The council will [, IN ITS DISCRETION,] design and distribute forms to aid police departments in obtaining the information required in (c) of this section. (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 ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.240

Register _____, _____ 2016, Department of Public Safety

13 AAC 85.020 (b) is amended to read:

(b) A participating police department may not employ a person as a police officer for more than **13** [14] consecutive months unless the person has a current basic certificate issued by the council under 13 AAC 85.040, or unless an extension is granted under (c) of this section.

13 AAC 85.020 (c) is amended to read:

(c) The council **may** [WILL] grant an extension for employment for longer than **13** [14] months **to allow an officer to complete the necessary training based upon the participating police department's chief administrative officer's written request for extension.** [IF THE CHIEF ADMINISTRATIVE OFFICER OF THE PARTICIPATING POLICE DEPARTMENT MAKES A WRITTEN REQUEST FOR EXTENSION.] **A one-time only extension, not to exceed six months, may be granted.** [ADDITIONALLY, AN EXTENSION WILL BE GRANTED TO ALLOW AN OFFICER TO COMPLETE THE NECESSARY TRAINING IF THE WRITTEN REQUEST FOR EXTENSION STATES THAT THE OFFICER IS UNABLE TO DO SO IN THE FIRST 14 MONTHS OF EMPLOYMENT BECAUSE OF ILLNESS, INJURY, OR FAMILY EMERGENCY. AN EXTENTION MAY NOT EXCEED SIX MONTHS.] (Eff. 8/19/73, Register 47; am 9/17/76, Register 59; am 8/10/80, Register 75; am 9/23/84, Register 91; am 8/8/90, Register 115; am 8/16/2000, Register 155; am ____/____/____. Register____)

Authority: AS 18.65.220 AS 18.65.240

13 AAC 85.040 (b)(4) is amended to read:

(b) To be eligible for the award of a basic certificate, an applicant must

(1) be a full-time paid police officer of a police department in Alaska;

(2) meet the standards of 13 AAC 85.010(a) and (b);

(3) have worked 12 consecutive months on a probationary basis with the police department where the officer is employed at the time of application for certification;

(4) have successfully completed **an Alaska Police Standards Council (APSC) approved basic police officer academy** [WITHIN THREE YEARS OF THE APPLICANT'S EMPLOYMENT AS A POLICE OFFICER THE BASIC POLICE TRAINING PROGRAM] meeting the standards of 13 AAC 85.050 or 13 AAC 85.060 **within 13 months of the applicant's date of hire as a police officer in Alaska.**

(5) attest and subscribe to the law enforcement Code of Ethics as follows:

As a law enforcement officer, my fundamental duty is to serve all people; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all people to liberty, equality, and justice. I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others.

Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty. I will never act officiously or permit personal feelings, prejudices, animosities,

Register _____, _____ 2016, Department of Public Safety

or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities. I will recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself (before God)* to my chosen profession . . . law enforcement.

*The phrase in parentheses may be omitted.

13 AAC 85.040 (c) is amended to read:

(c) To be eligible for an intermediate certificate, an applicant must

(1) be a full-time paid police officer of a police department in Alaska;

(2) possess a basic certificate; and

(3) have acquired the following **minimum number of years of experience as a police officer, minimum training hours, and minimum education points** [COMBINATION OF EXPERIENCE, TRAINING, AND EDUCATION POINTS]:

MINIMUM YEARS EXPERIENCE	3 years	4 years	5 years	6 years
EDUCATION	Bachelor degree	Associate degree	45 points	None
TRAINING	+ 80 Training hours	+120 Training hours	+160 Training hours	+200 Training hours

Minimum years as a police officer	2	4	4	5	6	7	8
Minimum training points	APSC basic police training program	45 (900)	38 (750)	30 (600)	23 (460)	15 (300)	
Minimum education points in college credits	BA or BS degree	AA or AS degree	45	38	30	23	15

(4) The council may award an intermediate certificate to an applicant who meets the requirements of (c)(1) and (c)(2) of this section and has acquired seven or more years of experience as a police officer and a minimum of 20 training hours for each year of police officer experience. Training hours earned while attending a basic police training program will not count towards an intermediate certificate.

(5) After a basic certificate is awarded, an officer must achieve the prescribed training hours for the next level of certification. The officer may not count the same hours towards each subsequent level of certification.

13 AAC 85.040 (d) is amended to read:

Register _____, _____ 2016, Department of Public Safety

credits]

13 AAC 85.040 (e) is amended to read:

(e) The council may award an advanced certificate to an applicant who meets the requirements of (d)(1) and (d)(2) of this section and has **fourteen or more years of experience as a police officer and a minimum of 20 training hours for each year of police officer experience. Training hours earned while attending a basic police training program will not count towards an advanced certificate.** [12 COMBINED TRAINING AND EDUCATION POINTS AND 20 YEARS' EXPERIENCE AS A POLICE OFFICER, OR 30 COMBINED TRAINING AND EDUCATION POINTS AND 15 YEARS' EXPERIENCE AS A POLICE OFFICER]. **After an intermediate certificate is awarded, an officer must achieve the prescribed training hours for advance certification. The officer may not count the same hours towards each subsequent level of certification.**

13 AAC 85.040 (f) is amended to read:

(f) College credits or degrees awarded by an institution of higher learning accredited by **a regional or national accrediting agency recognized by the United States Secretary of Education** [THE NATIONAL ASSOCIATION OF POST-SCECONDARY EDUCATION] will be recognized by the council. College credits awarded for a basic police training program will not be recognized for education points toward an intermediate or advanced certificate. **College credits awarded for advanced, supervisory, management, executive, or specialized law enforcement course will, in the council's discretion, be recognized for either training or education points.** Education points will be awarded on the following basis:

Register _____, _____ 2016, Department of Public Safety

- (1) one-quarter college credit equals two-thirds of an education point;
- (2) one semester college credit equals one education point.

13 AAC 85.040 (g) is amended to read:

(g) [TWENTY HOURS OF COUNCIL-CERTIFIED OR RECOGNIZED POLICE OFFICER TRAINING EQUALS ONE TRAINING POINT TOWARD AN INTERMEDIATE OR ADVANCED CERTIFICATE]. All training must be documented and the course must have been completed successfully by the applicant. (Eff. 8/10/73, Register 47; am 9/17/76, Register 59; am 5/8/77, Register 62; am 8/10/80, Register 75; am 9/23/84, Register 91; am 5/23/85, Register 94; am 3/16/89, Register 109; am 8/8/90, Register 115; am 9/6/96, Register 139; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.240

Register _____, _____ 2016, Department of Public Safety

The section heading of 13 AAC 85.050 is amended to read:

13 AAC 85.050. Basic police officer academy [TRAINING PROGRAM]

13 AAC 85.050 (a) is amended to read:

(a) The basic police officer academy [TRAINING PROGRAM CONSISTS OF 40 HOURS OF SUPERVISED FIELD TRAINING AS PRESCRIBED IN THE ALASKA POLICE STANDARDS COUNCIL FIELD TRAINING MANUAL AND] **consists of a minimum of 650 continuous** [AT LEAST 400] hours of instruction in basic law enforcement subjects.

13 AAC 85.050 (b) is amended to read:

(b) The basic police officer academy [TRAINING PROGRAM] must include **the following topics of instruction:**
[(1) 10 HOURS OF FIRST AID INSTRUCTION SUFFICIENT TO QUALIFY STUDENTS FOR A STANDARD RED CROSS FIRST AID CERTIFICATE OR A COUNCIL-APPROVED EQUIVALENT; AND]

(1) Armed flier

(2) Bloodborne Pathogens

(3) Ethics

(4) Constitutional law, civil rights and Disability awareness

(5) Control tactics

(6) CPR/Basic First Aid/AED

(7) Criminal investigation

(A) Controlled substances

(B) Crimes against children

(C) Sex crimes/human trafficking

(8) Criminal justice system

(9) Criminal law and procedure

(10) Crime scene investigation

(11) Cultural diversity

(12) Domestic violence

(13) DUI/field sobriety testing/Datamaster

(14) Electronic evidence and identity theft

(15) Classroom and practical emergency vehicle operations

(16) Emotional survival, police stress and trauma

(17) Mental health issues

(18) Firearms

(A) Classroom

(B) Handgun practical

(C) Handgun low light operations

(D) Long gun practical

(E) Long gun – low light operations

(19) Hazardous materials

(20) Interview and interrogation

(21) Juvenile law and procedures

(22) Patrol procedures

(23) Police tools (may include TASER, oleoresin capsicum, baton, handcuffs, radar, etc.)

(24) Professional communication

(25) Radio procedures

(26) Report writing

(27) Search and seizure/search warrants

(28) Social media

(29) Traffic law, stops, including practical scenarios and accident investigation

(30) Use of force

[(2) INSTRUCTION IN CRIMINAL LAW, ADMINISTRATION OF JUSTICE, CRIMINAL INVESTIGATION INCLUDING INVESTIGATION OF CRIMES AGAINST CHILDREN, OFFENSIVE AND DEFENSIVE TACTICS, FIELD TECHNIQUES, TRAFFIC OPERATIONS, PRECISION DRIVING, ETHICS, HUMAN RELATIONS, AND FIREARMS.]

13 AAC 85.050 (c) is amended to read:

(c) To receive credit for the basic police **officer academy** [TRAINING ACADEMY], a person must attend all sessions of the **academy** [COURSE], except for absences approved by the **academy commander** [SCHOOL DIRECTOR OR COORDINATOR], and be awarded a certificate of graduation by the **academy commander**. [DIRECTOR OR COORDINATOR OF THE PROGRAM.] A person may not be certified for successful completion of the basic police **officer academy** [TRAINING PROGRAM] if the person:

Register _____, _____ 2016, Department of Public Safety

(1) has excused absences exceeding 10 percent of the total hours of **academy** instruction;

(2) fails to achieve a passing grade of 70 percent or higher on each block of **academy** instruction;

(3) fails to achieve a cumulative average of 70 percent or higher; or

(4) fails to achieve a grade of 75 percent or higher on the firearms portion of the basic **police officer academy**. [PROGRAM]

13 AAC 85.050 (d) is amended to read:

(d) The council **may** [WILL, IN ITS DISCRETION,] refuse to authorize admission to **any APSC-approved basic police officer academy** [THE MUNICIPAL POLICE ACADEMY] for **any civilian** applicants or persons employed as police officers who are not eligible for certification as a police officer under 13 AAC 85.005 - 13 AAC 85.150.

(Eff. 8/10/73, Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91; am 8/8/90, Register 115; am 10/24/92, Register 124; am ____/____/____, Register____)

Authority: AS 18.65.220 AS 18.65.230 AS 18.65.240

13 AAC 85.060 (a) is amended to read:

(a) The council **may** [WILL, IN ITS DISCRETION], waive part or all of the basic police training **academy** requirements if an applicant furnishes satisfactory evidence that the applicant has successfully completed

(1) an equivalent **basic police** training **academy** [PROGRAM];

(2) a **12** [TWELVE]-consecutive-**month** [MONTHS] **probationary** [PROBATION] period with **the** [ONE] Alaska police department **the applicant is employed with at the time of the waiver request;**

(3) **a council-certified, department supervised** [THE COUNCIL'S] field training program; and

(4) **a council-certified reciprocity police training academy that consists of** a minimum of 80 hours of classroom **and practical** training **to include:**

(A) Alaska criminal code;

(B) Control tactics;

(C) Domestic violence;

(D) Ethics;

(E) Firearms;

(F) Use of force;

(G) Alaska juvenile law and procedures;

(H) Alaska laws of arrest;

(I) Alaska traffic law;

(J) Alaska laws related to DUI detection and enforcement; and

(K) Recognizing and working with people with disabilities.

[IN SUBJECT AREAS CONSIDERED TO BE UNIQUE TO ALASKA, INCLUDING ALASKA'S CRIMINAL JUSTICE SYSTEM, JUVENILE PROCEDURES, COURT SYSTEM, CRIMINAL LAWS AND PROCEDURES, AND THE ENFORCEMENT OF ALASKA'S LAWS RELATED TO DRIVING WHILE INTOXICATED AND USE OF THE INTOXIMETER, AS WELL AS A FIRST AID REFRESHER COURSE AND FIREARMS QUALIFICATIONS].

13 AAC 85.060 (b) is amended to read:

(b) The council **may** [WILL, IN ITS DISCRETION], enter into reciprocity agreements with states that regulate or supervise the quality of police training and that require a minimum of **650** [400] hours of classroom/**practical** training for police officers.

13 AAC 85.060 (c) is amended to read:

(c) Notwithstanding (a) of this section, the council will not grant a waiver if the applicant was previously issued a certificate that lapsed more than **five** [10] years before the waiver was sought. (Eff. 8/10/73, Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91; am

Register _____, _____ 2016, Department of Public Safety

10/24/92, Register 124; am 8/5/95, Register 135; am 8/16/2000, Register 155; am 3/31/2005,
Register 173; am ____/____/____, Register _____)

Authority: AS 18.65.220 AS 18.65.240

Register _____, _____ 2016, Department of Public Safety

The section heading of 13 AAC 85.090 is amended to read:

13 AAC 85.090. Personnel reports [AND TRAINING RECORDS].

13 AAC 85.090 is amended by adding a new subsection to read:

(d) A participating agency shall notify the council of an allegation of misconduct by an officer employed by their department within 30 days of the allegation being sustained by administrative review, if the misconduct alleged may be cause for revocation under 13 AAC 85.110.

(Eff. 8/10/73, Register 47; am 9/17/76, Register 59; am 8/10/80, Register 75; am 9/23/84, Register 91; am 8/8/2007, Register 183; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.240

Editor's note: The forms required in 13 AAC 85.090 are available from the Alaska Police Standards Council, Department of Public Safety, P.O. Box 111200, Juneau, AK 99811-1200 or on the council's website at <http://www.dps.alaska.gov/APSC/forms.aspx>
[STATE.AK.US/APSC/FORMS.ASPX]

13 AAC 85.100 (a) is amended to read:

(a) The council **may** [WILL, in its discretion,] deny a basic certificate 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** [shall] deny a basic certificate 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 a 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 [OTHER]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

(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 (d) is amended to read:

(d) If a person has been denied a basic certificate 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 [WILL, IN THE DISCRETION OF THE COUNCIL,] be rescinded for the following reasons:

(1) newly discovered evidence that by due diligence could not have been discovered before the effective date of the denial;

Register _____, _____ 2016, Department of Public Safety

(2) the denial was based on a mistake of fact or law, or on fraudulent evidence; or

(3) conditions or circumstances have changed so that the basis for the denial no longer exists.

(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 ____/____/____, 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** [WILL, IN ITS DISCRETION], 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 shall 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,

(A) used marijuana;

(B) illegally used or possessed any [OTHER]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

(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 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 85.110 (d) is amended to read:

(d) If a basic, intermediate, or advanced certificate was revoked under this section, the former police officer may petition the council for rescission of the revocation after one year following the date of the revocation. The petitioner must state in writing the reasons why the revocation should be rescinded. A revocation may [WILL, IN THE DISCRETION OF THE COUNCIL], be rescinded for the following reasons:

(1) newly discovered evidence that by due diligence could not have been discovered before the effective date of the revocation;

Register _____, _____ 2016, Department of Public Safety

(2) the revocation was based on a mistake of fact or law, or on fraudulent evidence; or

(3) conditions or circumstances have changed so that the basis for the revocation no longer exists.

(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 ____/____/____. Register____)

Authority: AS 18.65.220 AS 18.65.240 AS 18.65.270

Register _____, _____ 2016, Department of Public Safety

13 AAC 85.120(b) is amended to read:

(b) A person may request reinstatement of a lapsed certificate after serving an additional 12-month probationary period. **A person shall attend an APSC approved recertification academy as a condition of reinstatement if their certificate has been lapsed for 12 consecutive months or longer.** [THE COUNCIL MAY REQUIRE SUPPLEMENTAL TRAINING AS A CONDITION OF REINSTATEMENT.] A certificate **expires** [WILL NOT BE REINSTATED] if it has been lapsed for more than **four** [10] years. (Eff. 9/23/84, Register 91; am 8/5/95, Register 135; am 6/13/2002, Register 162; am 3/31/2005, Register 173; am ____/____/____, Register____)

Authority: AS 18.65.220 AS 18.65.240