

STATE OF ALASKA
Alaska Police Standards Council
Minutes of the 122nd Regular Meeting
May 10, 2016

CALL TO ORDER

Vice Chair Nieves called the Regular Meeting of the Alaska Police Standards Council to order on May 10, 2016. A roll call was conducted as follows:

APSC Members Present

Vice Chair Luis Nieves, Sergeant, AST

Carrie Belden, Director, DOC

Richard Burton, Public Member

William Comer, Deputy Commissioner, DPS

Rebecca Hamon, Public Member

Bryce Johnson, Chief, Juneau PD

John Papasodora, Chief, Nome PD

Gus Sandahl, Chief, Kenai PD

Kelly Swihart, Chief, Petersburg PD

Berni Troglio, Prob. Officer IV DOC

Dean Williams, Commissioner, DOC

APSC Members Absent

Brad Reich, Public Member

Bob Kean, Public Member

APSC Administrative Staff Present

Robert Griffiths, Executive Director

Wendy Menze, Secretary

Sarah Hieb, Administrative Investigator

Robert Heide, Training Coordinator

Department of Law Representative Present

Robert Henderson, Department of Law

COUNCIL CHAIR ELECTION

Vice Chair Nieves reported that Chief Bryce Johnson has been nominated to serve as Chair of the APSC. No further nominations were made. It was moved and seconded to approve the nomination of Chief Johnson. The motion carried unanimously. Ballot election followed, with Chief Johnson being elected as the new Council Chair.

ADJOURN TO EXECUTIVE SESSION

The General Meeting was adjourned to Executive Session to address subjects that may tend to prejudice the reputation and character of individuals.

CALL BACK TO ORDER – GENERAL SESSION

Following the Executive Session, Chair Johnson called the General Meeting back to order.

FLAG SALUTE

A flag salute was conducted.

ROLL CALL

A roll call was conducted with the same Council Members and staff present.

AUDIENCE INTRODUCTIONS

Members of the audience introduced themselves:

Brad Johnson, Fairbanks PD

Josh Dossett, Ketchikan PD

Kris Sell, APOA State Board Vice President

Sherrie Daigle, DOC Special Assistant to the Commissioner

Bruce Busby, DOC Director of Institutions

Martin Culbreth, FBI

David Price, FBI

Chris Watchus, Wasilla PD

Jeff Laughlin, DPS, AST

William “Dave” McKillican, Hoonah PD

Sheldon Schmitt, Sitka PD

Sherrie Tinsley-Myers, UAS Law Enforcement Program

CONSENT AGENDA

Approval of Current Meeting Agenda

It was moved and seconded to accept the agenda as presented. The motion carried unanimously.

Approval of Past Minutes – March 10, 2016

It was moved and seconded to approve the minutes of the 121st Regular Meeting held March 10, 2016. The motion carried unanimously.

CERTIFICATION ACTIONS

Executive Session Case Decisions

Executive Director Griffiths gave the Executive Session report as follows:

There were two appeals of Executive Director determinations of disqualification for certifications:

Anthony Hoiby, Bristol Bay Borough: The Executive Director’s determination of disqualification was upheld with six Council Members voting “yes” (Nieves, Burton, Comer, Papasodora, Swihart, and Troglio) and five voting “no” (Belden, Hamon, Johnson, Sandahl, and Williams).

Fred Lamont, City of St. Mary’s: The Executive Director’s determination of disqualification was upheld with nine Council Members voting “yes” (Nieves, Belden, Burton, Hamon, Johnson, Sandahl, Swihart, Troglio, and Williams, and two voting “no.” (Comer and Papasodora)

Voluntary Surrender:

Aaron Parker, Galena: The Council voted unanimously to accept the surrender of his certification.

Revocation:

Joshua Tyler, Metlakatla: The Council voted unanimously to revoke his certification.

Andrew Reid, Bethel: The Council voted unanimously to revoke his certification.

Thomas Lee, Alaska Department of Corrections: The Council voted unanimously to revoke his certification with two abstentions (Belden and Williams)

Ronald Minter, Alaska Department of Corrections: The Council voted unanimously to revoke his certification with two abstentions (Belden and Williams).

Probable Cause Findings for Revocation:

Kristin Calugan, Alaska Department of Corrections: The Council voted unanimously to pursue revocation action with two abstentions (Belden and Williams).

James Oden, Anchorage Airport Police and Fire: The Council voted unanimously to pursue revocation action with one abstention (Papasodora).

Aaron Spencer, Sand Point: The Council voted unanimously to pursue revocation action.

Michael Dingman, Alaska Department of Corrections: The Council voted unanimously to pursue revocation action with two abstentions (Belden and Williams)..

VICE CHAIRMAN’S REPORT

Recognition of Outgoing Council Members

Vice Chair Nieves thanked outgoing Council members Gus Sandahl and Sheldon Schmitt for their years of service to the Council. Chief Sandahl was presented with a plaque with the inscription “In sincere appreciation for your many years of loyal and dedicated service. May of 2016.” Chief Schmitt was presented with his plaque last month.

Recognition of New Council Members

Vice Chair Nieves then welcomed new Council members Chief Bryce Johnson, Juneau Police Department; Chief Kelly Swihart, Petersburg Police Department; and, Chief John Papasodora, Nome Police Department.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Griffiths noted that he provided a written report to the Council members prior to the meeting, and the report is available online at the APSC website as well. The report includes an activities overview, the budget report, the training report, and planned activities.

Court Decisions

The Superior Court ruled in favor of the APSC that Trooper Joseph Hazelaar's certificate revocation was appropriate.

New Staff Introduction

Robert Heide, the new training coordinator, was introduced. Mr. Heide comes from the Department of Corrections, where he's held positions as a Probation Officer, a trainer, and others. He's hit the ground running and is a welcome addition to the APSC staff.

OLD BUSINESS

Draft Policy for Regulatory Compliance – Sanctions

A copy of the Draft Policy is in Council members' packets. Executive Director Griffiths noted this policy is designed to promote agencies' voluntary compliance with APSC regulations through education and communication. However, if there appears to be willful failure to comply with regulations after an agency has been notified of the requirements, this policy empowers the Council to withhold training funds from that agency.

It was moved and seconded to adopt the Policy for Regulatory Compliance – Sanctions as presented. The motion carried unanimously.

Police Regulations Changes

A copy of the proposed police regulation changes is in Council members' packets. Executive Director Griffiths noted that staff has compiled the recommended regulations amendments together with those that were published for public comment. A memo is attached which details each one of the changes to the originally proposed regulatory changes that highlights the reasoning used in making the changes. Staff recommends the Council adopt the amended regulation changes.

Discussion followed on several of the proposed Police regulation changes.

It was moved and second to change the wording in proposed amended regulation 13 AAC 85.040(c)(3) for an intermediate certificate to reflect a requirement of 2 years' minimum experience with a Bachelor's degree, replacing the 3 years as initially proposed. The motion carried unanimously.

It was moved and second to change the wording in proposed amended regulation 13 AAC 85.040(d)(3) for an advanced certificate to reflect a requirement of 6 years' minimum experience with a Bachelor's degree, replacing the 7 years as initially proposed. The motion carried unanimously.

It was moved and second to change the wording in proposed amended regulation 13 AAC 85.040(d)(3) for an advanced certificate to reflect a requirement of 4 years' minimum experience with a Master's degree, replacing the 6 years as initially proposed. The motion carried unanimously.

It was moved and seconded to add an effective date of January 1, 2017 to the proposed amendment to 13 AAC 85.060(b). The motion carried unanimously.

It was moved and seconded to correct the chart within 13 AAC 85.040(c)(3) to reflect the language of 13 AAC 85.040(c)(4) covering intermediate certificates: "and a minimum of 20 training hours for each year of police officer experience" . The motion carried unanimously.

It was moved and seconded to change the required training hours for advanced certificates under 13 AAC 85.040(d)(3) to specify: Master's degree plus 40 training hours, Bachelor's degree plus 80 training hours, Associate's degree plus 140 training hours, 11 years' experience and 45 education points plus 180 training hours, and 13 years' experience plus 220 training hours. The motion passed unanimously.

It was moved and seconded to accept the proposed Police regulation changes as amended. The motion carried unanimously.

Corrections Regulations Changes

Discussion followed on several of the proposed Corrections regulation changes.

It was moved and seconded to change the word "retardation" to "cognitive disability" in 13 AAC 97.080(a). The motion carried unanimously.

It was moved and seconded to accept the proposed Corrections regulation changes as amended. The motion carried unanimously.

NEW BUSINESS

Department of Law Presentation on the Open Meetings Act

Mr. Henderson noted that this will be moved to the December meeting agenda.

Private Policing Discussion

Executive Director Griffiths reported that late last year there began a fairly fervent lobbying effort to the Governor's office regarding the ability to hire

private security firms to perform police services in communities. APSC staff and Mr. Henderson have had discussions with the group promoting this idea. As current statutes and regulations do not allow for private police agencies, it was suggested to this group that they provide their recommendations for changes to existing law. They have done so, and these recommendations are currently under review. Council members then discussed various ways this issue has been dealt with in the past.

Contracted Police Services From Another Police Department

Executive Director Griffiths discussed how various police agencies are contracting with neighboring agencies to provide police services. APSC has no issue with that practice as long as all officers involved meet APSC accreditation standards.

PERSONS TO BE HEARD AND COUNCIL COMMENTS

Hoonah Police Department Chief McKillican discussed with the Council a problem that many of the smaller police agencies are having when hiring seasonal officers. Under current APSC terminology, officers hired on a seasonal basis aren't considered "full-time" and thus don't accumulate service time toward their certifications, which results in hiring difficulties in these smaller communities. He suggested the Council consider redefining the term "full-time" to match current Department of Labor standards.

Chief McKillican also suggested that APSC put together and monitor an on-call list of accredited police officers that are available to fill in for police agencies that find themselves in need of short-term staffing assistance.

Following discussion, the Council directed Executive Director Griffiths to develop recommendations on how APSC can address these requests to help police agencies in smaller communities with their staffing needs.

Chief McKillican thanked the Council for their consideration of his requests.

SUMMER TELECONFERENCE MEETING DATE - AUGUST 16, 2016

The Council set a summer teleconference meeting date of August 16, 2016, starting at 10:00 a.m. The next regularly scheduled APSC meeting will be December 6, 2016, at the Dimond Center in Anchorage.

ADJOURNMENT

There being no further business to come before the Council, it was moved and seconded to adjourn the meeting. The motion passed unanimously, and the meeting was adjourned at 2:36 p.m.

Minutes adopted and approved by Council on August 16, 2016



Executive Director's Report to Council

April 26, 2016

Activities:

We are pleased to announce that Robert Heide has joined the staff as our new Training Coordinator. Rob comes to us from DOC Probation & Parole in Juneau, where he served as a PO and the region's training officer. Rob's served as an instructor in the DOC Academy and is a certified instructor. He's qualified currently to teach Electronic Monitoring, Defensive Tactics, Methods of Instruction, Firearms, and Taser. Rob is also a professional ski instructor and rowing coach. Rob holds a BS in Architecture from University of Detroit Mercy, studied Finance at the University of Delaware, and is one semester away from completing his Masters of Public Administration from UAS.

The office has been dominated the past month by a major construction project on Whittier Street, just outside our windows. The city tore up the roadway, replaced water mains and street drains and is in the process of reconstructing the street and sidewalks. It's been an interesting challenge for us to manage our work schedule around heavy equipment, idling diesel trucks, chainsaws, compactors, and vibrating steamrollers. Needless to say we've had some challenging teleconferences, and have picked up more than one binder that vibrated off desks or shelves.

The Legislative session has occupied more of my time than I anticipated, and, with the extended session, this continues. The most impactful legislation in the works is:

- The Omnibus Crime Bill, SB91, which is still working its way through the process and is being frequently amended. Perhaps by our meeting date we can report on the final language, assuming it makes it through the process by then.
- HB77 passed the House, then the Senate Finance Committee and is now in the Senate Rules committee; this bill will mandate training for officers on disability awareness.
- HB 317, abolishing civil in rem forfeiture, passed the house and is now in the senate where it passed out of Judiciary and rests with the Finance Committee. The latest version of the bill is less onerous to public safety and will allow civil abatements to proceed and abandoned property to be disposed of.
- HB 205, when first introduced, proposed raising our training surcharge rates from 25% to 50%, depending upon the crime or violation. Since then, the bill was completely substituted with the House's version of the Omnibus Crime Bill, completely eliminating any discussion of APSC. The bill has generated significant comment from Law Enforcement, and has not advanced further in the House pending their action on SB91 which was passed on to the house and is now in the House Finance Committee. At this time HB205 is not expected to have a direct fiscal impact on APSC.

APSC's cases are now working their way through the system. Our herculean catch-up effort on backlogged cases has created considerable work for the Department of Law and the Office of

Administrative Hearings, where we now have 8 active cases pending hearings and one pending a decision. One challenge this creates is scheduling hearings around the availability of APSC staff, Administrative Law Judges, attorneys and officers. A result of this is that some of our hearings are being set well into the future; recently, one was set as far out as October, 2016. Kudos go to John Novak, Rob Henderson and John Skidmore for their ongoing support to APSC.

I travelled to Anchorage for several meetings with DOC, DPS and Anchorage PD to discuss and clarify their written comments provided regarding the proposed regulation changes. These were productive and resulted in proposed amended language detailed in my explanation memo for each regulation packet.

While in Anchorage, I met with AST Captain Randy Hahn, Assistant AG Robert Henderson, and representatives from WEKA, a private security firm, to discuss WEKA's ongoing proposal to provide Private Policing services. Currently such services are inconsistent with Alaska regulations and statutes; WEKA wants to change this to allow select companies to contract with communities or businesses to provide full (or a subset) police services. We had a constructive dialog and concluded the meeting with a request that they provide a formal proposal of what services/powers they felt were required and suggested statutory/regulatory changes, which they later partially provided. This item is listed in New Business on our meeting agenda for further discussion.

With the recent passage of the Girdwood police service district, and AST staffing reductions, the topic of contracting with another police department for police services has arisen. Our initial examination of statutes and regulations find them moot on the topic; in other words, we found no prohibition for the concept. In conversations with DOL and the Anchorage Municipal Attorney, many topics of concern were raised, not the least of which were liability, oversight, accountability and funding. This item is listed in New Business on our meeting agenda for further discussion.

Fiscal year to-date, APSC has processed/generated/sponsored:

Training Events Sponsored	78	Except Academies
Officers Directly Sponsored	342	Planned or completed
Officers Attending Courses	699	Sponsored & sponsored courses
Training Hours Delivered	17,068	Ex: Basic Academies, 2-Week & MCO
Academy Attendees	64	4 Full/1 Recertification/1 MCO attended & scheduled
Academy Training Hours Delivered and/or scheduled	33,507	Ex: APD Officers, Troopers, VPOs & VPSOs
Certificates issued	225	All Certs
Instructor Certifications	48	16 New & 32 for additional courses
Course Certifications	62	32 New & 30 recertified
New Investigations Initiated	32	12 closed, 15 to Council, 5 pending
OAH Full Hearings Held	21	Reported Quarterly

Sometime later this year, APSC is scheduled to move to new offices in the "Community Building," located next door to, and just below, the state courthouse in downtown Juneau. This schedule appears a bit ambitious as it relies upon the capitol building construction being completed first, then some minor remodeling of the building to accommodate DPS Headquarters on the third floor, APSC and CDVSA on the second floor and adult Probation & Parole on the first floor. This building

is secure; while visitors are welcome and encouraged, they will no longer be able to drop in, unannounced.

Finances:

Generally speaking, we are on good financial ground at this point in time. Our revenue forecast for the year is \$1.28M and revenue received as of April 26, 2016 is \$995K, with revenue from Anchorage and several other cities, still pending. We made one budget realignment in April to utilize personnel funds that would not be used and use them for training purposes. We have approved and funded a number of courses/officers for the remainder of the fiscal year, and tentatively approved several courses for FY17, for planning purposes. Below are actual expenses as of 4/26/16:

Budget Items*	Budgeted	Projected Cost	%Budget	To Date Cost	%Budget
Academies	\$327,500.00	\$410,690.16	125%	\$231,998.86	71%
APSC Meetings	\$67,350.00	\$22,210.40	33%	\$13,567.78	20%
Division Related	\$67,350.00	\$45,000.00	67%	\$38,234.62	57%
Hearings	\$37,500.00	\$37,500.00	100%	\$9,195.90	25%
Training	\$327,500.00	\$355,599.52	109%	\$217,849.01	67%
Personnel Costs	\$456,400.00	\$313,459.79	69%	\$227,628.46	50%
Total Non-Personnel	\$827,200.00	\$871,000.08	105%	\$510,846.17	62%
Grand Total	\$1,283,600.00	\$1,184,459.87	92%	\$1,249,320.80	97%

*Note that budget items can be reallocated within the budget year and we will soon do so.

The current budget for FY17 does not propose any change from FY16 funding. As our funding is directly related to surcharge revenue collected the previous year and we are currently on-track with estimates, this does not yet appear to be an immediate concern. Looking forward; the impact of reduced numbers of troopers and other officers, statewide, precipitated by the state's budgetary shortfall, may well have a trickle-down effect upon revenues and we should prepare for reductions in future years.

Training:

As mentioned above, APSC has sponsored 64 Academy attendees this year. These include; 37 officers in basic academies, 21 in the recertification academy and 6 Municipal Corrections Officers.

We have either sponsored training events or officer(s) to attend them on 78 occasions, thus far, through the end of the fiscal year. These include Skid Car, Firearms, Methods of Instruction, FTO, Interview and Interrogation, ChildFirst Forensics, Hostage Negotiations, Dispatcher Training, Train the Trainers in a variety of topics and a host of other courses. This provided sponsored training opportunities for at least 699 students, totaling 17,068 training hours delivered or scheduled for delivery before June 30, 2016.

Regulations:

Incorporating public comment, APSC staff has presented two packages, along with explanation memos addressing the proposed changes, for consideration and adoption at this meeting. We are reminded by DOL that we cannot receive testimony on the proposed regulations from the public at this meeting.

Policy & Procedure Development:

The Council in their last meeting directed me to draft a Policy & Procedure dealing with non-compliance with our regulations. Working with Council members Nieves and Burton as well as with Rob Henderson, with DOL, we present a draft to you at this meeting and recommend that the Council adopt this policy, as presented.

Planned Activities:

June 4-9: IADLEST Annual Conference in Grand Rapids, MI
June 27-August 5: Director's agency visits to all Southeast Alaska agencies, via boat.
December 6-9: Executive Dev. Conference, APSC, AACOP & FBINA meetings, Anchorage

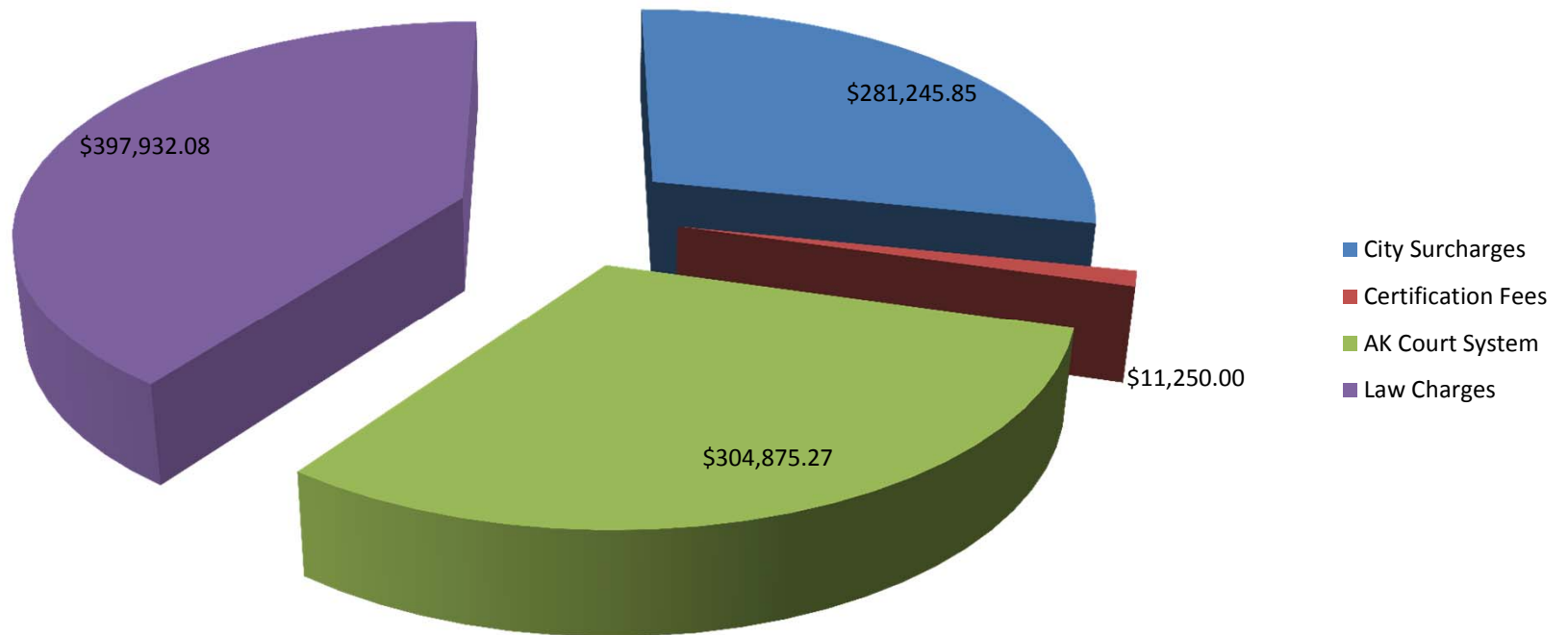
OAH Hearings Currently Scheduled:

June 1-3 Valent Maxwell
June 20-21 Victor Dillon
June 30 – July 5 Wesley McQuillin & William Kemper
Oct 3-21 Anthony Henry


TBD: Mark Harreus, John Waldron, and David Johnson

APSC Revenue

APSC FY16 Revenue to Date Budgeted Revenue: \$1.28M



As of April 26, 2016

 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

RECORD OF PUBLIC COMMENTS RECEIVED DEALING WITH PROPOSED CHANGES IN TITLE 13, PART 6, CHAPTER 85, OF THE ALASKA ADMINISTRATIVE CODE, RELATING TO MINIMUM STANDARDS FOR POLICE, PROBATION, PAROLE, CORRECTIONAL AND MUNICIPAL CORRECTIONAL OFFICERS

DATE: MAY 10, 2016

Note: To conserve paper, only the sections or subsections that received comment are included.

Proposed Regulation	Written Comments Received From	Summary of Comments	Agency Decision After Review of Comments
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AAC 85.210

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RECORD OF PUBLIC COMMENTS RECEIVED DEALING WITH PROPOSED CHANGES IN TITLE 13, PART 6, CHAPTER 85 AND 87, OF THE ALASKA ADMINISTRATIVE CODE,
RELATING TO MINIMUM STANDARDS FOR POLICE, PROBATION, PAROLE, CORRECTIONAL AND MUNICIPAL CORRECTIONAL OFFICERS

DATE: MAY 10, 2016

Note: To conserve paper, only the sections or subsections that received comment are included.

Proposed Regulation	Written Comments Received From	Summary of Comments	Agency Decision After Review of Comments
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AAC 85.215

RECORD OF PUBLIC COMMENTS RECEIVED DEALING WITH PROPOSED CHANGES IN TITLE 13, PART 6, CHAPTER 85, OF THE ALASKA ADMINISTRATIVE CODE, RELATING TO MINIMUM STANDARDS FOR POLICE, PROBATION, PAROLE, CORRECTIONAL AND MUNICIPAL CORRECTIONAL OFFICERS

DATE: MAY 10, 2016

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Proposed Regulation	Written Comments Received From	Summary of Comments	Agency Decision After Review of Comments
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AAC 85.230

RECORD OF PUBLIC COMMENTS RECEIVED DEALING WITH PROPOSED CHANGES IN TITLE 13, PART 6, CHAPTER 85, OF THE ALASKA ADMINISTRATIVE CODE, RELATING TO MINIMUM STANDARDS FOR POLICE, PROBATION, PAROLE, CORRECTIONAL AND MUNICIPAL CORRECTIONAL OFFICERS

DATE: MAY 10, 2016

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Proposed Regulation	Written Comments Received From	Summary of Comments	Agency Decision After Review of Comments
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AAC 85.235

RECORD OF PUBLIC COMMENTS RECEIVED DEALING WITH PROPOSED CHANGES IN TITLE 13, PART 6, CHAPTER 85, OF THE ALASKA ADMINISTRATIVE CODE, RELATING TO MINIMUM STANDARDS FOR POLICE, PROBATION, PAROLE, CORRECTIONAL AND MUNICIPAL CORRECTIONAL OFFICERS

DATE: MAY 10, 2016

Note: To conserve paper, only the sections or subsections that received comment are included.

Proposed Regulation	Written Comments Received From	Summary of Comments	Agency Decision After Review of Comments
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AAC 85.240

RECORD OF PUBLIC COMMENTS RECEIVED DEALING WITH PROPOSED CHANGES IN TITLE 13, PART 6, CHAPTER 85, OF THE ALASKA ADMINISTRATIVE CODE, RELATING TO MINIMUM STANDARDS FOR POLICE, PROBATION, PAROLE, CORRECTIONAL AND MUNICIPAL CORRECTIONAL OFFICERS

DATE: MAY 10, 2016

Note: To conserve paper, only the sections or subsections that received comment are included.

Proposed Regulation	Written Comments Received From	Summary of Comments	Agency Decision After Review of Comments
AAC 85.250 (d)	Mike Robbins ASEA	<p><u>"Double Jeopardy"</u>- It should not include use of an administrative proceeding under a collective bargaining agreement such as a disciplinary action. To submit a disciplinary determination to another administrative body of the employer (e.g., APSC) is at best double jeopardy for the employee.</p> <p><u>"Confidentiality"</u>- APSC is not given accessibility to personnel for public inspection. <u>"Just cause determination"</u>- This proposal attempts to circumvent that mandatory just cause/due process provision of PERA and would if adopted deny Probations Officers their right to a just cause grievance procedure as the final step in an administrative proceeding involving an allegations of misconduct arising in a disciplinary meeting. The provision should be clear that disciplinary proceedings resolved under provisions of a collective bargaining agreement are not subject to disclosure to APSC.</p>	
AAC 85.250 (d)	Brad Wilson ACOA	<p>ACOA objects the adoption of this regulation- it will undermine the authority of the DOC & the rights of the officers under PERA and CBA . Similar concerns as the ASEA for Prob Officers</p>	

RECORD OF PUBLIC COMMENTS RECEIVED DEALING WITH PROPOSED CHANGES IN TITLE 13, PART 6, CHAPTER 85, OF THE ALASKA ADMINISTRATIVE CODE, RELATING TO MINIMUM STANDARDS FOR POLICE, PROBATION, PAROLE, CORRECTIONAL AND MUNICIPAL CORRECTIONAL OFFICERS

DATE: MAY 10, 2016

Note: To conserve paper, only the sections or subsections that received comment are included.

Proposed Regulation	Written Comments Received From	Summary of Comments	Agency Decision After Review of Comments
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AAC 85.260

RECORD OF PUBLIC COMMENTS RECEIVED DEALING WITH PROPOSED CHANGES IN TITLE 13, PART 6, CHAPTER 85, OF THE ALASKA ADMINISTRATIVE CODE, RELATING TO MINIMUM STANDARDS FOR POLICE, PROBATION, PAROLE, CORRECTIONAL AND MUNICIPAL CORRECTIONAL OFFICERS

DATE: MAY 10, 2016

Note: To conserve paper, only the sections or subsections that received comment are included.

Proposed Regulation	Written Comments Received From	Summary of Comments	Agency Decision After Review of Comments
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AAC 85.270

RECORD OF PUBLIC COMMENTS RECEIVED DEALING WITH PROPOSED CHANGES IN TITLE 13, PART 6, CHAPTER 85, OF THE ALASKA ADMINISTRATIVE CODE, RELATING TO MINIMUM STANDARDS FOR POLICE, PROBATION, PAROLE, CORRECTIONAL AND MUNICIPAL CORRECTIONAL OFFICERS

DATE: MAY 10, 2016

Note: To conserve paper, only the sections or subsections that received comment are included.

Proposed Regulation	Written Comments Received From	Summary of Comments	Agency Decision After Review of Comments
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AAC 85.280

RECORD OF PUBLIC COMMENTS RECEIVED DEALING WITH PROPOSED CHANGES IN TITLE 13, PART 6, CHAPTER 87, OF THE ALASKA ADMINISTRATIVE CODE, RELATING TO MINIMUM STANDARDS FOR POLICE, PROBATION, PAROLE, CORRECTIONAL AND MUNICIPAL CORRECTIONAL OFFICERS

DATE: MAY 10, 2016

Note: To conserve paper, only the sections or subsections that received comment are included.

Proposed Regulation	Written Comments Received From	Summary of Comments	Agency Decision After Review of Comments
AAC 87.060(a)	DOC Training Academy	Add "training"; add bullets 1 & 2 to breakdown the time frames, hours and courses at the academy for correctional officers.	
AAC 87.060(b)	DOC Training Academy	Add "training"; add bullets 1 & 2 to breakdown the time frames, hours and courses at the academy for probation and parole officers.	

RECORD OF PUBLIC COMMENTS RECEIVED DEALING WITH PROPOSED CHANGES IN TITLE 13, PART 6, CHAPTER 87, OF THE ALASKA ADMINISTRATIVE CODE, RELATING TO MINIMUM STANDARDS FOR POLICE, PROBATION, PAROLE, CORRECTIONAL AND MUNICIPAL

CORRECTIONAL OFFICERS DATE: MAY 10, 2016

Note: To conserve paper, only the sections or subsections that received comment are included.

Proposed Regulation	Written Comments Received From	Summary of Comments	Agency Decision After Review of Comments
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AAC 87.080

Alaska Police Standards Council (APSC) Response to Questions Relevant to the Proposed Corrections, Probation, Parole, and Municipal Correctional Officer Regulations Relating to Basic Standards, Permanent Employment, Certification, Reciprocity, Personnel Reports, Academies and Training Records.

Here is a link to the Public Comment Notice:

<https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=180703>

Question 1.

13 AAC 85.210 (e) is amended to read:

(e) A probation, parole, or correctional officer must begin field training, using the Department of Corrections Field Training Manual, immediately after the date the officer is hired. The Field Training Manual must be completed and sent to the council within **twelve** [SIX] months after the date the officer began work with the department.

I was hoping to get more clarification on why this change is being considered. At first glance we were concerned that this may lead to a delay in important and necessary training to new recruits that could be vital to safety and security inside Alaska's corrections institutions. Is this change being made to reflect the current situation that exists? Training has been a significant topic of discussion over the last five months, including by Legislators in Juneau, so the extension of the completion of this training seemed potentially counter to a lot of that movement.

Council Response:

The requirement to start Field Training immediately upon hire is not changing. The Department of Corrections (DOC) requested this time change as some of their officers work a week on/week off schedule which may cause the time to complete the Field Training program to extend beyond six months, as the officers are not working every week. This change will allow DOC to complete the Field Training program within the proscribed time frame and is not intended to enable or encourage the delay of any necessary training.

Question 2.

13 AAC 85.250 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 85.270.

At first review this change is concerning and I was hoping to get a better idea why it is being added. I was also hoping to get some additional clarification on how the Council will interpret and apply this new language.

Council Response:

It had been brought to the Council's attention that agencies are only required to report misconduct when an employee resigns in lieu of discharge or is terminated. Currently an agency is not required to report sustained misconduct that may be cause for revocation if the misconduct does not result in termination or resignation in lieu of discharge. This proposed change addresses this by requiring an agency to report sustained misconduct which may result in revocation within 30 days of being sustained.

- If accepted, would this mean all discipline of any Officer, no matter what it was, will be sent to APSC? Does this include Letters of Warning?

Council Response:

Only sustained misconduct which may be cause for revocation shall be sent to APSC. If an officer received a letter of warning for sustained misconduct which may be cause for revocation, that would fall under this regulation and DOC shall notify APSC. A letter of warning received for conduct which is not cause for revocation would not be reported to APSC.

- What specifically would be covered under “cause for revocation”? Would it mean that only those items specifically covered under 13 AAC 85.270 (Revocation of Certificate), which include the below items would be sent to APSC?
 - “convicted of a misdemeanor crime of domestic violence”
 - “convicted of a felony, or of a misdemeanor crime”
 - “used marijuana”
 - “illegally used or possessed any other controlled substance”
 - “illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance”
 - “has been discharged, or resigned under threat of discharge”

Council Response:

The items listed under 13 AAC 85.270 are the causes for revocation which would be reported to APSC under this regulation. Please refer to the full text of 13 AAC 85.270 for all causes of revocation.

- From the list above, it would appear that only disciplines that include a felony charge, a drug offense, or included a discharge or resignation would be sent to APSC. Is that correct?

Council Response:

Any misconduct which falls under 13 AAC 85.270 shall be reported. Please refer to the full text of 13 AAC 85.270 for causes of revocation.

- If an Officer was terminated, but the determination was being challenged through the Grievance process or through the Courts would it still to be forwarded to APSC or would

APSC wait until a final determination was made prior to deciding on the Officer's certification?

Council Response:

The report of the sustained misconduct would be forward to APSC within 30 days, regardless of further proceedings by the employee or agency. APSC's administrative actions are independent from employment actions and proceedings. The following two regulations address this.

- *Denial of Certificate Regulation 13 AAC 85.260(f) reads: a personnel action or subsequent personnel action regarding a probation, parole, correctional, or municipal correctional officer by the officer's employer, including a decision resulting from an appeal of the employer's action, does not preclude the council from denying the officer's basic certificate under this section.*
 - *Revocation of Certificate Regulation 13 AAC 85.270(f) reads: a personnel action or subsequent personnel action regarding a probation, parole, correctional, or municipal correctional officer by the officer's employer, including a decision resulting from an appeal of the employer's action, does not preclude the council from revoking the officer's basic certificate under this section.*
- What if an Officer is found innocent by an Arbitrator or judge, will the revocation of the certificate be rescinded automatically?

Council Response:

No. An arbitrator or judge does not always look at the same issues in a case as the council. Thus, an officer may be found innocent by an arbitrator or judge and APSC may still revoke the officer's certification. This has occurred in the past and the courts have upheld the actions of APSC. Regulations do provide for an officer to appeal to the council to rescind a previous revocation; refer to 13 AAC 85.270 (d) for specific details and circumstances.



Date: April 26, 2016
To: APSC Council Members
From: R.E. Griffiths, Executive Director
RE: Proposed Changes to Published Corrections Regulations after Public Comment Period

Proposed Corrections Regulatory changes were accepted by the Council at their meeting on March 10, 2016. These proposed changes were published in March for public comment through April 25, 2016. Numerous constructive comments were received and have been compiled into a separate document presented to the Council. Several questions were posed by one commenter; these were answered when received and both questions and answers were published on the Public Notices web site on April 15, 2016.

On April 25, 2016, APSC received a lengthy list of comments from ASEA/AFSCME Local 52 and a second comment letter from ACOA. The comments are provided as part of the separate "Public Comments" file presented to the council: Summarizing their comments, there were two principle areas of concern: 1) Double Jeopardy, lack of due process, and violation of the collective bargaining agreement by APSC mandating the reporting of sustained disqualifying misconduct short of dismissal by the agency; and, 2) Definitions of "Moral Turpitude" and "Good Moral Character" reportedly contained within the disqualifying language of our regulations.

APSC has thoroughly reviewed ASEA/AFSCME and ACOA's comments, and have determined that most are already covered by existing regulations.

AS 44.62. *et. seq.* (ADMINISTRATIVE PROCEDURE ACT) ensures that an officer is provided due process in an APSC action.

ASEA/AFSCME Local 52 comments included references to 13 AAC 85.900(6), (7) and (10) as being examples of vague terminology including, "moral turpitude" (13 AAC 85.900(10)(C)). It is interesting to note that:

- 13 AAC 85.900(6) was repealed in 2007,
- 13 AAC 85.900(7), "good moral character" has been clearly defined and upheld in a number of Alaska OAH and court cases, and
- 13 AAC 85.900(10) was repealed in 2007.

The Council remains the decision-maker when the matter involves the determination of "good moral character:" "Good moral character" means the absence of acts or conduct that would cause a reasonable person to have substantial doubts about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States; for purposes of this standard, a determination of lack of "good moral character" may be based upon a consideration of all aspects of a person's character." This regulation has been in effect for some time, has withheld

Alaska court scrutiny, has never been exercised arbitrarily or capriciously, and is *not being changed in any way by the proposed regulatory changes.*

Based upon public comments received; the counsel of the Alaska Department of Law; and, further research by APSC that included face to face meetings with DOC directors, recruiters and DOC academy directors and trainers, Staff have prepared recommended regulatory language changes and incorporated them into a document to be considered as amendments, or a substitute, for the proposed published 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 to those originally approved and published:

13 AAC 85.210 Basic employment standards for probation, parole, and correctional officers

§(b)(4) Drug Use: Numerous comments from the published police regulations were received supporting discretionary language be implemented for exigent circumstances of drug use. Other comments addressed 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.

Input received from DOC indicates they also support this approach and agree that the standards under consideration for police should be applied to corrections as well. These proposed changes mirror the recommended changes to the police regulations to maintain consistency.

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 language¹:

(4) within the **five** [10] 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)(1)(E) Background documentation: This housekeeping change, identified by the DOL, is to be consistent with language in §(b)(6), to read:

(E) information as to whether the person

(i) has been denied certification, has had the person's basic certificate 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 85.270 or by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction; or ...

¹ Note that (b)(5) still prohibits marijuana use within one year.

13 AAC 85.215 Basic employment standards for municipal correctional officers:

The identical changes mentioned, above, for probation, parole and correctional officers are also recommended for municipal corrections officers; for the sake of brevity, they have not been repeated here.

§(c) Background investigation: The DOL identified some inconsistencies between requirements for background checks on probation, parole and correctional officers and those required for municipal correctional officers. DOL recommended consistency be maintained, thus the below recommended language accomplishes this goal with one notable exception; a psychological evaluation required for corrections, probation and parole officers is still not recommended by APSC Staff as a requirement for municipal corrections officers.

(2) a thorough personal-history investigation of the person must be conducted to determine character traits and habits indicative of moral character and fitness as a municipal correctional officer; the investigation must include a check of

(A) criminal history;

(B) wants and warrants;

(C) job references from **at least three** previous employers **unless the person has had less than three previous jobs**; and

(D) **at least two** personal references.

13 AAC 85-230 Certification of Correctional, Probation and Parole Officers:

No recommended changes to published draft regulations.

13 AAC 85-235 Certification of Municipal Correctional Officers:

No recommended changes to published draft regulations.

13 AAC 85-240 Waiver and reciprocity

No recommended changes to published draft regulations.

13 AAC 85-250 Personnel Reports and Training Records

No recommended changes to published draft regulations.

13 AAC 85-260 Denial of Certificate

§(b)(2) Drug use: For consistency between basic qualifications and certification standards, Staff recommends amending the proposed denial regulation to reflect the changes made to the basic standards regulation:

(b) The council will deny a basic certificate upon a finding that the applicant for the certificate ...

(2) has, after hire as a probation, parole, correctional, or municipal correctional 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) [FOR] **of** a probation, parole, or correctional officer does not meet the standards in 13 AAC 85.210;

(4) [FOR] **of** a municipal correctional officer does not meet the standards in 13 AAC 85.215; or

The recommended changes in (3) and (4) above are simply to improve readability of the regulations.

13 AAC 85.270 Revocation of certificate

§(a) Readability improvements to May revoke language: The DOL recommended we make some minor changes in §(a)(3) and (4) to improve readability of the regulations:

(a) The council **may** [WILL, IN ITS DISCRETION,] 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) [WHO] is a probation, parole, or correctional officer **and** does not meet the standards in 13 AAC 85.210(a) or (b); or

(4) [WHO] is a municipal correctional officer **and** does not meet the standards in 13 AAC 85.215(a) or (b).

§(b) Drug use in Shall revoke language: As with the denial regulation above, Staff recommends adopting language consistent with the drug use basic standards:

(2) has, after hire as a probation, parole, correctional, or municipal correctional 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 ...

13 AAC 85-280 Lapse of Certificates:

No recommended changes to published draft regulations.

13 AAC 87-060 Training Requirements for Correctional, Probation and Parole Officers:

DOC needs to re-structure their basic training system to balance their need to quickly hire and train new officers as well as assure new officers receive basic safety-related training as

soon as hired; Council member Belden mentioned this during our last meeting when the Council approved the draft changes for publication.

Like police agencies, DOC hires new officers and places them into their positions. They then send them to the next scheduled academy. Currently, an officer could be in an institution for several months before the next academy is scheduled, and they lack vital, high liability safety training until that time.

DOC proposed, and APSC staff agrees, that their training program should consist of an initial 40 hour training program that provides critical high liability safety training that must be completed within the first 30 days of employment. Officers would then have to attend the next scheduled academy and complete it within their probationary period. The topics of instruction have also been modified in the proposed language to reflect current issues and pending legislation.² At DOC's request, the probation and parole officer academy hours were increased to 200 hours to be on par with correctional officers and reflect their current course of instruction at these academies.

§(a): Correctional officer Training Program: APSC staff recommend that the Council approve the following amended language to the proposed regulation:

- (a) The basic **training** program of instruction for correctional officers must include:
 - (1) **an initial program of instruction, provided by the Department and completed within 30 days of hire that consists of a minimum of 40 hours and includes: cardiopulmonary resuscitation (CPR), blood borne pathogens and first aid instruction sufficient to qualify students for a council-approved basic first aid certificate; professional code of conduct & prohibition of sexual harassment, authorized employee property, core values of a correctional professional; use of force policy overview, avoiding offender set ups, Incident Command System, Prison Rape Elimination Act (PREA) and Suicide Awareness; and**
 - (2) **a correctional officer academy to be completed before the officer completes their probationary period that provides a minimum 200 hours of instruction in security procedures, custody, and supervision of inmates; use of force, firearms certification, and other less lethal weapons certification, and restraints; communication skills and techniques, report writing, and record keeping; officer safety, control techniques, mental health and suicide prevention, emergency procedures; diversity and disability awareness; [CARDIOPULMONARY RESUSCITATION (CPR), AND FIRST AID INSTRUCTION SUFFICIENT TO QUALIFY STUDENTS FOR A STANDARD RED CROSS FIRST AID CERTIFICATE, OR A COUNCIL-APPROVED EQUIVALENT; AND] legal issues, including the provisions of 22 AAC 05 and AS 33; and reentry and supervision standards.**

§(b): Probation and Parole officer Training Program: APSC staff recommend that the Council approve the following amended language to the proposed regulation:

² HB77 will likely pass this legislative session and it will mandate training in recognizing and dealing with people who have "Non-apparent disabilities" for all police, corrections, probation and parole officers.

(b) The basic **training** program of instruction for probation and parole officers must include:

(1) **an initial program of instruction, provided by the Department and completed within 30 days of hire that consists of a minimum of 40 hours and includes; cardiopulmonary resuscitation (CPR), blood borne pathogens and first aid instruction sufficient to qualify students for a council-approved basic first aid certificate; professional code of conduct & prohibition of sexual harassment, authorized employee property, core values of a correctional professional, use of force policy overview, avoiding offender set ups, Incident Command System, Prison Rape Elimination Act (PREA) and Suicide Awareness;**
and

(2) **A probation and parole officer academy to be completed before the officer completes their probationary period that provides** a minimum **200** [80] hours of instruction **on risk assessment, [IN] interviewing and counseling techniques; firearms familiarization and safety; [DEPARTMENTAL AND INTER-AGENCY RELATIONS AND COMMUNICATION;] overview of the criminal justice system; use of force, other less lethal weapons certifications; use of restraints, communication skills and techniques, report writing and record keeping; diversity, officer safety and security, control techniques; mental health and suicide prevention, diversity and disability awareness, legal issues, reentry and supervision standards;** [ASPECTS OF PROBATION AND PAROLE; WRITTEN COMMUNICATION FORMS AND TECHNIQUES;]techniques of supervision[; AND PERSONAL AND OFFICER SAFETY, SECURITY, FIRST AID]and emergency procedures.

13 AAC 87-080 Training Requirements for Municipal Correctional Officers:

DOC academy staff identified the need to include instruction on the Prison Rape Elimination Act (PREA) to the course of instruction given municipal correctional officers.

APSC staff recommends the following language be adopted in regulation:

§(a): Municipal Corrections Academy:

(a) The basic program of instruction for municipal correctional officers must include a minimum of 120 hours of instruction in security and search procedures, supervision of inmates, use of force and methods of self-defense, **disability awareness**, report writing, rights and responsibilities of inmates, fire and emergency procedures, domestic violence, communication skills and interpersonal relations, special needs inmates, recognition of the signs and symptoms of mental illness and retardation, substance abuse, physical deficiencies, suicide-prone behavior and suicide prevention, **Prison Rape Elimination Act (PREA)**, cross-cultural awareness, legal issues and liability, cardiopulmonary resuscitation (CPR), and first aid instruction sufficient to qualify students for a standard Red Cross first aid certificate or a council-approved equivalent.

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13 AAC 85.210 (a) is amended to read:

(a) A person may not be hired as a probation, parole, or correctional 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 probation, parole, or correctional officer;

(6) has taken the Department of Corrections' psychological screening examination and is mentally capable of performing the essential functions of the job of probation, parole, or correctional officer and is free from any emotional disorder that may adversely affect the person's performance as a probation, parole, or correctional officer.

13 AAC 85.210 (b) is amended to read:

(b) A person may not be hired as a probation, parole, or correctional officer if that person

(1) 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) has been convicted by a civilian court of this state, the United States, or another state or territory, or by a military court, during the 10 years immediately before the date of hire as a

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probation, parole, or correctional 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;

(3) 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;

(4) within the **five** [10] 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;**

(5) 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;

(6) has been denied certification, has had the person's basic certificate 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 85.270 or by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction; or

(7) is under suspension of a basic certificate 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.

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

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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. For purposes of determining whether a person meets the standards of (a) and (b) of this section,

(1) the following information must be provided:

(A) proof of age, citizenship status, and applicable education;

(B) fingerprints on two copies of FBI Applicant Card FD-258; both cards must be forwarded to the automated fingerprint identification section of the Department of Public Safety;

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

(D) a complete medical history report of the person; the report must be provided to a licensed physician, **nurse practitioner, or physician assistant** for use in conducting a physical examination of the person;

(E) information as to whether the person

(i) has been denied certification, has had the person's basic certificate 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 85.270 or by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction; or

(ii) is under suspension of a basic certificate 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;

(2) a thorough personal-history investigation of the person must be conducted to determine character traits and habits indicative of moral character and fitness as a probation, parole, or correctional officer; the investigation must include a check of

(A) criminal history;

(B) wants and warrants;

(C) job references from at least three previous employers unless the person has had less than three previous jobs;

(D) job references from all previous law enforcement or criminal justice system employers in the preceding 10 years; and

(E) at least two personal references; and

(3) the person must take the Department of Corrections' psychological screening examination and the person must undergo an examination by a licensed psychiatrist or psychologist.

13 AAC 85.210 (d) is amended to read:

(d) All information, documents, and reports provided or developed under (c) of this section must be placed in the permanent files of the Department of Corrections 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 90 days after the date of each hire:

(1) repealed 10/24/92;

(2) the medical examination form;

(3) the health questionnaire;

(4) the personal history statement;

(5) the psychological screening report; and

(6) verification of a psychological or psychiatric examination report.

(7) the compliance form to record the agency's compliance with (c)(1-3) above.

13 AAC 85.210 (e) is amended to read:

(e) A probation, parole, or correctional officer must begin field training, using the Department of Corrections Field Training Manual, immediately after the date the officer is hired. The Field Training Manual must be completed and sent to the council within **twelve** [SIX] months after the date the officer began work with the department.

13 AAC 85.210 (f) is amended to read:

(f) The information in the council's files regarding an applicant or a probation, parole, or correctional officer 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 (c) and (d) of this section relating to an applicant or a probation, parole, or correctional officer may be reviewed by the applicant or officer. Information that indicates that a person might not qualify for certification as an 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 correctional agency. An 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 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 officer or applicant.

(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

_____/_____/_____, Register ____)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.248

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13 AAC 85.215 (a) is amended to read:

(a) A person may not be hired as a municipal correctional 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 19 years of age or older;

(3) is of good moral character;

(4) is capable of reading and understanding operational rules and policies, and has demonstrated the ability to apply them;

(5) is [, AT THE TIME OF HIRE,] certified by a licensed physician, [LICENSED] physician's assistant, or [LICENSED AND CERTIFIED ADVANCED] nurse practitioner, on a medical record form supplied by the council, to be physically capable of performing the essential functions of the job of municipal correctional officer;

(6) is mentally and emotionally capable of performing the essential functions of the job of municipal correctional officer and is free from any emotional disorder that may adversely affect the person's performance as a municipal correctional officer.

13 AAC 85.215 (b) is amended to read:

(b) A person may not be hired as a municipal correctional officer if that person

(1) 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;

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(2) has been convicted by a civilian court of this state, the United States, or another state or territory, or by a military court, during the three years immediately before the date of hire as a municipal correctional 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;

(3) has been convicted by a civilian court of this state, the United States, or another state or territory, or by a military court, of the sale, manufacture, transport, or possession for purposes of sale, manufacture, or transport of a controlled substance;

(4) within the three 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;**

(5) has been denied certification, has had the person's basic certificate 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 85.270 or by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction; or

(6) is under suspension of a basic certificate 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.

13 AAC 85.215 (c) is amended to read:

(c) A person hired as a municipal correctional officer may not remain employed in that position without written confirmation from the municipality, submitted within **30** [90] days after the date of hire,

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that the person meets the standards of (a) and (b) of this section. The council will grant an extension of the 30 [90] day period, upon a written request by the municipality 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 a municipality concludes at the end of an investigation that a person does not meet the required standards, the person may not continue employment as a municipal correctional officer. For purposes of determining whether a person meets the standards of (a) and (b) of this section,

(1) the following information must be provided:

(A) proof of age, citizenship status, and applicable education;

(B) fingerprints on two copies of FBI Applicant Card FD-258; both cards must be forwarded to the automated fingerprint identification section of the Department of Public Safety;

(C) a complete personal history of the person on a form supplied or approved by the council;

(D) a complete medical history report of the person; the report must be provided to a licensed physician, [LICENSED] physician's assistant, or [LICENSED AND CERTIFIED ADVANCED] nurse practitioner for use in conducting a physical examination of the person;

(E) information as to whether the person

(i) has been denied certification, has had the person's basic certificate 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 85.270 or by the responsible certifying [LICENSING] agency of the issuing jurisdiction; or

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(ii) is under suspension of a basic certificate 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; and

(2) a thorough personal-history investigation of the person must be conducted to determine character traits and habits indicative of moral character and fitness as a municipal correctional officer; the investigation must include a check of

(A) criminal history;

(B) wants and warrants;

(C) job references from **at least three** previous employers **unless the person has had less than three previous jobs**; and

(D) **at least two** personal references.

13 AAC 85.215 (d) is amended to read:

(d) All information, documents, and reports provided or developed under (c) of this section must be placed in the permanent files of the municipality 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) medical examination form;

(2) health questionnaire;

(3) personal history statement.

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(4) the compliance Form to record the agency's compliance with (c)(1-2) above.

(Eff. 4/12/2001, Register 158; am 6/13/2002, Register 162; am 8/8/2007, Register 183; am 2/13/2010,

Register 193; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.248

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13 AAC 85.230 (e) is amended to read:

(e) The council will recognize college credits or degrees awarded by an institution of higher learning towards satisfaction, in whole or in part, of the minimum number of hours required under 13 AAC 87.060 (a), if

(1) those credits or degrees are shown, to the council's satisfaction, to provide instruction in subject areas described in 13 AAC 87.060 that is substantially equivalent to a training program that has received certification under 13 AAC 87.050; and

(2) the institution is accredited by **a regional or national accrediting agency recognized by the United States Secretary of Education** [THE NATIONAL ASSOCIATION OF POST-SCECONDARY EDUCATION]. (Eff. 8/8/90, Register 115; am 6/13/2002, Register 162; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.248

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13 AAC 85.235 (d) is amended to read:

(d) The council will recognize college credits or degrees awarded by an institution of higher learning towards satisfaction, in whole or in part, of the minimum number of hours required under 13 AAC 87.080 (a), if

(1) those credits or degrees are shown, to the council's satisfaction, to provide instruction in subject areas described in 13 AAC 87.080 that is substantially equivalent to the instruction required as part of a municipal correctional officer training program that has received certification under 13 AAC 87.075; and

(2) the institution is accredited **by a regional or national accrediting agency recognized by the United States Secretary of Education** [THE NATIONAL ASSOCIATION OF POST-SCECONDARY EDUCATION]. (Eff. 4/21/2001, Register 158; am 6/13/2002, Register 162; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.248

AS 18.65.285

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13 AAC 85.240 (a) is amended to read:

(a) The council **may** [WILL] waive part or all of the training required under 13 AAC 85.230(b)(1) or (c)(1) or 13 AAC 85.235(b)(1) if an applicant furnishes evidence to the council's satisfaction of successful completion of an equivalent training program.

13 AAC 85.240 (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. 8/8/90, Register 115; am 8/5/95, Register 135; am 4/12/2001, Register 158; am 3/31/2005, Register 173; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.248

AS 18.65.285

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13 AAC 85.250 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 85.270. (Eff. 8/8/90, Register 115; am 4/12/2001, Register 158; am 8/8/2007, Register 183; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.245

Editor's note: The forms required in 13 AAC 85.250 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].

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13 AAC 85.260 (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; 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 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 a felony or of a misdemeanor crime listed in 13 AAC 85.210(b)(2); or

(B) municipal correctional officer, has been convicted of a 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;

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(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) [FOR] of a probation, parole, or correctional officer does not meet the standards in 13 AAC 85.210;

(4) [FOR] 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 (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;

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(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. 8/8/90, 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 ____/____/____, 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

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13 AAC 85.270 (a) is amended to read:

(a) The council **may** [WILL, IN ITS DISCRETION,] 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) [WHO] is a probation, parole, or correctional officer **and** does not meet the standards in 13 AAC 85.210(a) or (b); or

(4) [WHO] 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 a felony, or of a misdemeanor crime listed in 13 AAC 85.210(b)(2); or

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(B) municipal correctional officer, has been convicted of a felony, or of a misdemeanor crime listed in 13 AAC 85.215(b)(2) or (b)(3);

(2) has, after hire as a probation, parole, correctional, or municipal correctional 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 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 ____/____/____, 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

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13 AAC 85.280 (b) is amended to read:

(b) A person may request reinstatement of a lapsed certificate after serving an additional 12-month probationary period. 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. 8/8/90, Register 115; am 8/5/95, Register 135; am 4/12/2001, Register 158; am 6/13/2002, Register 162; am 3/31/2005, Register 173; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.248

AS 18.65.285

13 AAC 87.060 (a) is amended to read:

(a) The basic **training** program of instruction for correctional officers must include:

(1) **an initial program of instruction, provided by the Department and completed within 30 days of hire that consists of a minimum of 40 hours and includes: cardiopulmonary resuscitation (CPR), blood borne pathogens and first aid instruction sufficient to qualify students for a council-approved basic first aid certificate; professional code of conduct & prohibition of sexual harassment, authorized employee property, core values of a correctional professional; use of force policy overview, avoiding offender set ups, Incident Command System, Prison Rape Elimination Act (PREA) and Suicide Awareness; and**

(2) **a correctional officer academy to be completed before the officer completes their probationary period that provides a minimum 200 hours of instruction in security procedures, custody, and supervision of inmates; use of force, firearms certification, and other less lethal weapons certification, and restraints; communication skills and techniques, report writing, and record keeping; officer safety, control techniques, mental health and suicide prevention, emergency procedures; diversity and disability awareness; [CARDIOPULMONARY RESUSCITATION (CPR), AND FIRST AID INSTRUCTION SUFFICIENT TO QUALIFY STUDENTS FOR A STANDARD RED CROSS FIRST AID CERTIFICATE, OR A COUNCIL-APPROVED EQUIVALENT; AND] legal issues, including the provisions of 22 AAC 05 and AS 33; and reentry and supervision standards.**

13 AAC 87.060 (b) is amended to read:

(b) The basic **training** program of instruction for probation and parole officers must include:

(1) an initial program of instruction, provided by the Department and completed within 30 days of hire that consists of a minimum of 40 hours and includes; cardiopulmonary resuscitation (CPR), blood borne pathogens and first aid instruction sufficient to qualify students for a council-approved basic first aid certificate; professional code of conduct & prohibition of sexual harassment, authorized employee property, core values of a correctional professional, use of force policy overview, avoiding offender set ups, Incident Command System, Prison Rape Elimination Act (PREA) and Suicide Awareness; and

(2) A probation and parole officer academy to be completed before the officer completes their probationary period that provides a minimum 200 [80] hours of instruction on risk assessment, [IN] interviewing and counseling techniques; firearms familiarization and safety;[DEPARTMENTAL AND INTER-AGENCY RELATIONS AND COMMUNICATION;] overview of the criminal justice system; use of force, other less lethal weapons certifications; use of restraints, communication skills and techniques, report writing and record keeping; diversity, officer safety and security, control techniques; mental health and suicide prevention, diversity and disability awareness, legal issues, reentry and supervision standards; [ASPECTS OF PROBATION AND PAROLE; WRITTEN COMMUNICATION FORMS AND TECHNIQUES;]techniques of supervision[; AND PERSONAL AND OFFICER SAFETY, SECURITY, FIRST AID]and emergency procedures.

(Eff. 8/8/90, Register 115; am ____/____/____, Register ____)

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13 AAC 87.080 (a) is amended to read:

(a) The basic program of instruction for municipal correctional officers must include a minimum of 120 hours of instruction in security and search procedures, supervision of inmates, use of force and methods of self-defense, **disability awareness**, report writing, rights and responsibilities of inmates, fire and emergency procedures, domestic violence, communication skills and interpersonal relations, special needs inmates, recognition of the signs and symptoms of mental illness and retardation, substance abuse, physical deficiencies, suicide-prone behavior and suicide prevention, **Prison Rape Elimination Act (PREA)**, cross-cultural awareness, legal issues and liability, cardiopulmonary resuscitation (CPR), and first aid instruction sufficient to qualify students for a standard Red Cross first aid certificate or a council-approved equivalent.

(Eff. 4/12/2001, Register 158; am _____/_____/_____, Register _____)

Authority: AS 18.65.220 AS 18.65.230 AS 18.65.242

RECORD OF PUBLIC COMMENTS RECEIVED DEALING WITH PROPOSED CHANGES IN TITLE 13, PART 6, CHAPTER 85, OF THE ALASKA ADMINISTRATIVE CODE, RELATING TO MINIMUM STANDARDS FOR POLICE, PROBATION, PAROLE, CORRECTIONAL AND MUNICIPAL CORRECTIONAL OFFICERS

DATE: MAY 10, 2016

Note: To conserve paper, only the sections or subsections that received comment are included.

Proposed Regulation	Written Comments Received From	Summary of Comments	Agency Decision After Review of Comments
AAC 85.010(a)(1)	John Eberhart Mayor - Fairbanks	Request that the change to be a US citizen only, does not get approved. Wants it left the way it currently is, in order to have foreign applicants to apply.	
AAC 85.010(a)(4)	Jesse Davis, Chief AAPF	Suggested a higher level of education (i.e. college) in lieu of high school. For older generations applying for a job, it may be harder for them to obtain high school diplomas/transcripts. Also, being an accredited home school is no guarantee of the quality of the education. Suggested removing "accredited".	
AAC 85.010(a)(4)	John Rockwell Public	I oppose the changes and urge you to remove the discriminatory language requiring a "state accredited" diploma from the proposal. Parents intending to homeschool their children are not required to register with the state or their local school district. Additionally, there are no requirements to notify, seek approval, test, file forms, or have any teacher qualifications. Alaska Stat. §14.30.010(b)(12).	
AAC 85.010(a)(4)	Nick Adkins Public	Please remove the discriminatory language requiring a "state accredited" diploma	
AAC 85.010(a)(4)	Jaimie Maly Public	I am NOT in favor of the proposed diploma requirement. Many homeschool graduates would do an outstanding job serving the citizens of Alaska as police officers.	
Proposed Regulation	Written Comments	Summary of Comments	Agency Decision After Review of Comments

	Received From		
AAC 85.010(a)(4)	Diane Warta Public	By including language requiring a "state accredited diploma" or a diploma "certified by a state or local school district" you are excluding Alaska students who have been legally home schooled in a family school which by state law had been granted a "legal exemption from compulsory public education".	
AAC 85.010(a)(4)	Tejas Public	Homeschool diplomas are accepted by everyone but not the police. This will just make it so any homeschooler that wants to become an Alaskan police officer doesn't. Please don't exclude homeschoolers. Fix your regulations.	
AAC 85.010(a)(4)	Pam Castenholz Public	I'm concerned specifically about the statement that requires a potential candidate to have an accredited high school degree. I am opposed to this because the leaves out many homeschool students. Please reconsider your position and rewrite the proposed policy.	
AAC 85.010(a)(4)	Michael Chambers Public	Please stop this change or revise the proposed code to ensure independent homeschoolers are allowed to be police officers. The current proposal would seemingly exclude independent homeschoolers from Alaska police careers, without them having to go through additional work of getting a GED.	
AAC 85.010(a)(4)	Tim Abbott Public	Remove the discriminatory language requiring a "state accredited" diploma from the proposal.	
AAC 85.010(a)(4)	Holly Szlarz Public	Please remove the discriminatory language requiring a "state accredited" diploma from the proposal.	
Proposed Regulation	Written Comments Received From	Summary of Comments	Agency Decision After Review of Comments
AAC 85.010(a)(4)	Sydney Wetzel	I urge you to leave the language as is with regard to high school	

	Public	qualifications. The new language would discriminate against homeschoolers	
AAC 85.010(a)(4)	Shelly Hughes Public	I urge you to remove the language requiring a "state accredited" or a diploma "certified by a state or...".	
AAC 85.010(a)(4)	Daniel Beasley Public	Homeschool graduates should be eligible to serve as police officers on the same basis as other high school graduates. Two alternatives: "(4) has a high school diploma, has completed a high school program of education under AS § 14.30.010(b), or has passed a General Educational Development (GED) test." "(4) has a high school diploma, including a homeschool diploma, or its equivalent, or has passed a General Educational Development (GED) test." or (4) has a high school diploma, has completed a secondary school education setting that is treated as a homeschool or private school under state law, or passed a General Educational Development (GED) test.	
AAC 85.010(b)(4)(B)	Rick Moore Public	Support for the changes.	
AAC 85.010(b)(4)(B)	Cynthia Moore Public	Support for the changes.	
AAC 85.010(b)(4)(B)	Mark Kraft Public	Support for the changes.	
AAC 85.010(b)(4)(B)	Larry O'Kelley Public	I am appalled at the idea we may relax any standards in which we screen potential police officers. "The council's logic was there are situations in a person's life where they get injured or hurt and they have access to a spouse's or a friend's pain medications, and they take it. Eight years later, they apply for a police position, or a corrections position, and they've been excluded because of that".	
Proposed Regulation	Written Comments	Summary of Comments	Agency Decision After Review of Comments

	Received From		
AAC 85.010 (b)(4)(B)	Kevin Fryslie APD	I would like to amend the proposed revision to include the following: (B) within the five [TEN] years before the date of hire, has illegally used a controlled substance, as defined by Federal Drug Schedules I, II, and/or III , other than marijuana, unless the person was under the age of 21 at the time of using the controlled substance or an exigent circumstance existed to justify the use of a controlled substance not specifically prescribed to the person. The purpose of defining a controlled substance as substances controlled by Federal Drug Schedules I, II, and/or III, is that there are several prescription drugs that have low potential for abuse and low risk of dependence, such as Ambien [Schedule IV] and other prescribed medications.	
AAC 85.010 (b)(4)(B)	Mark Kraft Public	I feel this is an important change to the current regulations as it maintains a high standard for persons seeking employment in law enforcement, but allows the hiring agencies to exercise some measure of discretion under certain circumstances.	
AAC 85.010 (c)(6)	Jesse Davis, Chief AAPF	There is no definitive pass/fail in a psychological exam. The psychologist report states the results of testing and interview with levels of concern, but it is up to the department to weigh that against all the other information obtained from polygraph, backgrounds, interviews, etc. The psychologist does not determine pass/fail of an applicant.	

RECORD OF PUBLIC COMMENTS RECEIVED DEALING WITH PROPOSED CHANGES IN TITLE 13, PART 6, CHAPTER 85, OF THE ALASKA ADMINISTRATIVE CODE, RELATING TO MINIMUM STANDARDS FOR POLICE, PROBATION, PAROLE, CORRECTIONAL AND MUNICIPAL CORRECTIONAL OFFICERS

DATE: MAY 10, 2016

Note: To conserve paper, only the sections or subsections that received comment are included.

Proposed Regulation	Written Comments Received From	Summary of Comments	Agency Decision After Review of Comments
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AAC 85.020

RECORD OF PUBLIC COMMENTS RECEIVED DEALING WITH PROPOSED CHANGES IN TITLE 13, PART 6, CHAPTER 85, OF THE ALASKA ADMINISTRATIVE CODE, RELATING TO MINIMUM STANDARDS FOR POLICE, PROBATION, PAROLE, CORRECTIONAL AND MUNICIPAL CORRECTIONAL OFFICERS

DATE: MAY 10, 2016

Note: To conserve paper, only the sections or subsections that received comment are included.

Proposed Regulation	Written Comments Received From	Summary of Comments	Agency Decision After Review of Comments
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AAC 85.040

RECORD OF PUBLIC COMMENTS RECEIVED DEALING WITH PROPOSED CHANGES IN TITLE 13, PART 6, CHAPTER 85, OF THE ALASKA ADMINISTRATIVE CODE, RELATING TO MINIMUM STANDARDS FOR POLICE, PROBATION, PAROLE, CORRECTIONAL AND MUNICIPAL CORRECTIONAL OFFICERS

DATE: MAY 10, 2016

Note: To conserve paper, only the sections or subsections that received comment are included.

Proposed Regulation	Written Comments Received From	Summary of Comments	Agency Decision After Review of Comments
AAC 85.050(b)	John Eberhart Public	Suggest adding Community Oriented Policing in view of the President's Task Force on 21st Century Policing.	
AAC 85.050	Kevin Spadofora APD	<p><u>Armed Flyer</u>- APD rarely fly armed, training that would be outside the scope of a basic police officer; <u>Bloodborne Pathogens</u>- APD provides 1 hour of training with 1st Aid/CPR-to increase it is unreasonable; <u>Crimes Against Children</u>- APD provides 4 hours- to increase is excessive-unless as a specialist; <u>Sex Crimes/Human Trafficking</u>- APD provides 5 hours of training on SA & 1 hour of HT-to increase is excessive-unless as a specialist; <u>Criminal Justice System/Criminal Law/Search & Seizure</u>- APD provides 27- to increase is excessive ; <u>Crime Scene Investigation</u> - APD provides 16-to increase is excessive; <u>Cultural Diversity</u>- APD provides 4-5 hours- to increase is excessive; <u>Disability awareness/Emotionally disturbed people</u>- "Emotionally disturbed people" is an extremely outdated and inappropriate term to describe any portion of our society, better articulated as Mental Health, intellectual, developmental and physical disability awareness, APD provides 40 hours; <u>Electronic evidence and identify theft</u>- APD provides 4 hours-to increase is excessive; <u>Ethics</u>- Repeat of Blue Courage?; <u>Shotgun</u>- We would recommend using the term "long gun" instead of Shotgun; <u>Hazardous Materials</u>- APD provides 1-2 hours-to increase is excessive; <u>Juvenile Procedures</u>- APD does not currently separate out specifically "juvenile procedures"- it is covered in various training topics; <u>Social Media</u>- this should be covered under Ethics. If the APSC regulations were added to our current Academy it would increase our 920-hour Academy to</p>	

		approximately 1131 hours (an addition of 211 hours).	
AAC 85.050	LeBlanc AST-ALET	<u>Controlled Substance</u> - add more hours; <u>Crimes Against Children</u> - less hours needed- not an area a new officer handles right away- more specialized; <u>Sex Crimes/Human Trafficking</u> - DPS provides 8 hours- not an area a new officer handles right away- more specialized; <u>Disability Awareness</u> - less hours; <u>Emotional Survival</u> - less hours; <u>Haz Mat</u> - area seldom dealt with by police-handled by fire dept-training not needed.	
AAC 85.050	Miller AST-ALET	<u>Bloodborne Path</u> - decrease to 2 hours; <u>Sex Crimes/Human Trafficking</u> - decrease to 8 hours; <u>Cultural Diversity</u> - change title to Community Oriented Policing and include Professional Police Communications-total 16 hours; <u>Disability Awareness</u> - instrucion on this included in other DPS topics; <u>DUI</u> - appropriate amount with drugged driving and mj; <u>Juvenile Procedures</u> - 4 hours is good; <u>Prof Comms</u> - same as Cult Div comment; <u>Social Media</u> - decrease to 4 hours; <u>Traffic Law</u> - increase to 40 hours.	
AAC 85.050	Sims AST-ALET	<u>Crimes Against Children</u> - already cover in other topics; <u>Sex Crimes</u> - instruct 16 hours now- not an area a new officer handles right away; <u>Cultural Diversity</u> - can be included with other topics; <u>Disability Awareness</u> - can be included with other topics; <u>HazMat</u> - decrease to 3-4 hours- handled by fire dept; <u>Juvenile Proc</u> - a bit much; It seems like with some of these they are trying to get too specific.	
AAC 85.050	Spitzer AST-ALET	<u>Armed Flyer</u> - increase to 3 hours; <u>Disability Awareness</u> - covered in CIT- but may need the 8 hours for this; <u>Emotionally Disturbed</u> - called CIT at academy-can combine the 2 classes for 16 hours;	

		<p><u>Handgun Practical</u>- increase to 40 hours; <u>Shotgun Practical</u>- increase to 24 hours; <u>Shotgun low light</u>- need flashlight forends if tasching; <u>Police Tools</u>- Radar would use this time up; <u>Prof Comms</u>- good with increase from 8.</p>	
AAC 85.050	<p>Viator AST-ALET</p>	<p><u>Cultural Diversity</u>- can be covered in 2-4 hours-8 is excessive; I'm amazed that there is no Health/Fitness/Nutrition required training. A large number of officer related deaths each year are due to poor health. It's part of our OPM so it should be required training.</p>	

RECORD OF PUBLIC COMMENTS RECEIVED DEALING WITH PROPOSED CHANGES IN TITLE 13, PART 6, CHAPTER 85, OF THE ALASKA ADMINISTRATIVE CODE, RELATING TO MINIMUM STANDARDS FOR POLICE, PROBATION, PAROLE, CORRECTIONAL AND MUNICIPAL CORRECTIONAL OFFICERS

DATE: MAY 10, 2016

Note: To conserve paper, only the sections or subsections that received comment are included.

Proposed Regulation	Written Comments Received From	Summary of Comments	Agency Decision After Review of Comments
AAC 85.060(a)(4)	John Eberhart Public	Suggest adding Community Oriented Policing in view of the President's Task Force on 21st Century Policing.	
AAC 85.060(a)(4)	Jesse Davis, Chief AAPF	I do not believe that Blue Courage should be a mandated class. It is merely one product among many.	

RECORD OF PUBLIC COMMENTS RECEIVED DEALING WITH PROPOSED CHANGES IN TITLE 13, PART 6, CHAPTER 85, OF THE ALASKA ADMINISTRATIVE CODE, RELATING TO MINIMUM STANDARDS FOR POLICE, PROBATION, PAROLE, CORRECTIONAL AND MUNICIPAL CORRECTIONAL OFFICERS

DATE: MAY 10, 2016

Note: To conserve paper, only the sections or subsections that received comment are included.

Proposed Regulation	Written Comments Received From	Summary of Comments	Agency Decision After Review of Comments
AAC 85.090(d)	Jesse Davis, Chief AAPF	This requirement is vague. It should require an allegation in which the department or other agency has initiated a formal investigation. I suggest that departments should make that determination first and then notify the council of those more serious allegations; departments also need to know which offenses the council would consider revocation-level offenses.	

RECORD OF PUBLIC COMMENTS RECEIVED DEALING WITH PROPOSED CHANGES IN TITLE 13, PART 6, CHAPTER 85, OF THE ALASKA ADMINISTRATIVE CODE, RELATING TO MINIMUM STANDARDS FOR POLICE, PROBATION, PAROLE, CORRECTIONAL AND MUNICIPAL CORRECTIONAL OFFICERS

DATE: MAY 10, 2016

Note: To conserve paper, only the sections or subsections that received comment are included.

Proposed Regulation	Written Comments Received From	Summary of Comments	Agency Decision After Review of Comments
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AAC 85.100

RECORD OF PUBLIC COMMENTS RECEIVED DEALING WITH PROPOSED CHANGES IN TITLE 13, PART 6, CHAPTER 85, OF THE ALASKA ADMINISTRATIVE CODE, RELATING TO MINIMUM STANDARDS FOR POLICE, PROBATION, PAROLE, CORRECTIONAL AND MUNICIPAL CORRECTIONAL OFFICERS

DATE: MAY 10, 2016

Note: To conserve paper, only the sections or subsections that received comment are included.

Proposed Regulation	Written Comments Received From	Summary of Comments	Agency Decision After Review of Comments
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AAC 85.110

RECORD OF PUBLIC COMMENTS RECEIVED DEALING WITH PROPOSED CHANGES IN TITLE 13, PART 6, CHAPTER 85, OF THE ALASKA ADMINISTRATIVE CODE, RELATING TO MINIMUM STANDARDS FOR POLICE, PROBATION, PAROLE, CORRECTIONAL AND MUNICIPAL CORRECTIONAL OFFICERS

DATE: MAY 10, 2016

Note: To conserve paper, only the sections or subsections that received comment are included.

Proposed Regulation	Written Comments Received From	Summary of Comments	Agency Decision After Review of Comments
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AAC 85.120

Alaska Police Standards Council (APSC) Response to Questions Relevant to the Proposed Police Regulations Relating to Police Officer Basic Standards, Permanent Employment, Certification, Reciprocity, Personnel Reports, and Training Records.

Here is a link to the Public Comment Notice:

<https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=179551>

Question 1.

Regarding 13 AAC 85.010(a)(4): Minimum qualifications, what does [or its equivalent] indicate? Is there an official list of what is equivalent?

Council Response:

[OR ITS EQUIVALENT] is proposed to be deleted from the regulations.

However, currently an equivalent to a high school diploma would be a home school diploma from a home school program recognized by the state the diploma was issued in, a home school diploma certified by a state or local school district as having met that state's high school graduation requirements or having passed a General Education Development (GED) test.

Information on the US Department of Education's Database of Accredited Postsecondary Institutions and Programs can be found at <http://ope.ed.gov/accreditation>

Question 2.

Regarding 13 AAC 85.010(a)(4): Minimum Qualifications, it appears the proposed language in this section could potentially restrict those who have been homeschooled from applying. Is this correct?

Council Response:

It is not the intention of the Council to prevent home school applicants from becoming police officers. The intent of this proposed change is to have a

regulation on the method used by APSC to verify applicants have met the minimum education requirement of a high school education.

Question 3:

Regarding 13 AAC 85.010(a)(4): Minimum Qualifications, is there a reason behind the Council's desire to change the current requirement that officers hold a high school diploma or GED?

Council Response:

APSC is attempting to make the regulation more specific in order to let applicants know what the required paperwork is in order to show they have met the minimum education requirement of a high school education.

Question 4:

Regarding 13 AAC 85.010(b)(4)(B): Minimum Qualifications, 85.100(b)(2)(B): Denial of Certificates, and 85.110(b)(2)(B): Revocation of Certificates, is there a way to differentiate between the scheduled substances? Is there a way to break this down by the Federal Drug Schedule?

Council Response:

Yes. Language could be adopted which states specifically which drug use would be considered under the above regulation. The current regulations and proposed language encompasses the use of any illegal drugs, any scheduled drugs, any controlled substances, and any prescription drugs.



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.

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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;

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(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.

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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

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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

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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,

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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:

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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-SSECONDARY 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:

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- (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

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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:

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(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

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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

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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;

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(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;

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(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

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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