

# 2017

Alaska Police  
Standards  
Council



## [APSC USER'S GUIDEBOOK]

This User Guide contains helpful information about the Alaska Police Standards Council, its forms and their various deadlines, and answers common questions posed to the Council and its staff. Included are current state statutes and relevant regulations.

Version Date: September 1, 2017

# APSC Guidebook

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## The Mission of APSC

The mission of the Alaska Police Standards Council is to produce and maintain a highly trained and positively motivated professional, capable of meeting contemporary law enforcement standards of performance.

## Core Services

- Determine certification eligibility for all police, probation/parole, and correctional officers and issue appropriate level of certificate to qualified officers.
- In cases of misconduct by a certified officer, make a determination whether certification should be revoked.
- Monitor compliance with current regulations and legislation.
- Develop, monitor, and revise law enforcement training and training requirements.
- Assist academies and departments with funding for academy training.
- Fund specialized and advanced training for departments.
- Provide smaller agencies across Alaska with assistance in obtaining pre-employment polygraph and psychological testing for officers.

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# APSC Guidebook

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## Table of Contents

Introduction.....	6
Council Duties, Members, and Meetings.....	6
Summary of required documentation and deadlines: .....	8
Getting police officers onboard or separated from your agency .....	8
Getting police officers trained and certified.....	9
Intermediate and Advanced Police Officer Certifications .....	9
Getting probation, parole, corrections & municipal corrections officers onboard or separated from your agency.....	10
Getting probation, parole, correctional, & municipal correctional officers trained and certified .....	11
Village Police Officers and Tribal Police Officers .....	11
Dealing with Home School & High School Diplomas .....	13
Providing College Transcripts.....	14
Records Requests:.....	14
<b>BACKGROUND INVESTIGATIONS &amp; REPORTING DISQUALIFIED APPLICANTS to APSC..</b>	<b>15</b>
Background Investigations:.....	15
Reporting Disqualified Applicants to APSC: .....	17
<b>FORMS &amp; INSTRUCTIONS .....</b>	<b>18</b>
F-1 (Compliance Form): .....	18
F-2A&B (Medical):.....	18
F-3 (Personal History): .....	18
F-4 (Personnel Action): .....	19
F-5 (Request for Basic Training): .....	19
F-6 (Course Completion): .....	20
F-7 (Application for Certification): .....	20
F-9 (Application for Instructor Certificate): .....	20
F-11 (Psychological Evaluation Form) .....	21
F-20 (Application for Course Certification): .....	21
F-23 (Field Training Completion): .....	21
Funding Assistance Request Form: .....	21
Records Request- Applicant/Employee Request: .....	22

# APSC Guidebook

---

Records Request- Agency Request: .....	22
Public Records Request:.....	22
Appendix A: ALASKA STATUTES .....	23
Sec. 18.65.130. Policy. ....	23
Sec. 18.65.140. Creation. ....	23
Sec. 18.65.150. Composition of council.....	23
Sec. 18.65.160. Appointment. ....	24
Sec. 18.65.170. Chairman and vice chairman. ....	24
Sec. 18.65.180. Holding another office.....	24
Sec. 18.65.190. Compensation and expenses.....	24
Sec. 18.65.200. Meetings.....	24
Sec. 18.65.210. Reports. [Repealed, Sec. 12 ch 19 SLA 1981]. ....	24
Sec. 18.65.220. Powers. ....	24
Sec. 18.65.225. Alaska police training fund. ....	25
Sec. 18.65.230. Training programs. ....	25
Sec. 18.65.240. Standards.....	25
Sec. 18.65.242. Standards for municipal correctional, correctional, probation, and parole officers. ...	26
Sec. 18.65.245. Denial or revocation of certificate of municipal correctional, correctional, probation, or parole officer. ....	27
Sec. 18.65.248. Employment of correctional, probation, and parole officers.....	27
Sec. 18.65.250. Financial assistance. [Repealed, Sec. 24 ch 22 SLA 2001]. ....	27
Sec. 18.65.260. Grants. ....	27
Sec. 18.65.270. Applicability of Administrative Procedure Act. ....	28
Sec. 18.65.280. Exemptions. ....	28
Sec. 18.65.285. Municipal correctional employees. ....	28
Sec. 18.65.290. Definitions. ....	28
APPENDIX B: APSC ADMINISTRATIVE CODE: REGULATIONS .....	30
13 AAC 85.005. Applicability .....	30
13 AAC 85.010. Basic standards for police officers.....	30
13 AAC 85.020. Permanent employment for police officers .....	33
13 AAC 85.030. Permanent appointment Repealed 8/10/80.....	33

# APSC Guidebook

---

13 AAC 85.040. Basic, intermediate, and advanced certificates .....	33
13 AAC 85.050. Basic police officer academy .....	36
13 AAC 85.060. Waiver and reciprocity .....	38
13 AAC 85.070. Law enforcement code of ethics Repealed 8/10/80.....	39
13 AAC 85.080. Discrimination prohibited Repealed 8/10/80. ....	39
13 AAC 85.090. Personnel reports.....	39
13 AAC 85.100. Determination of ineligibility and denial of certificates.....	40
13 AAC 85.110. Revocation of certificates.....	41
13 AAC 85.115. Effect on police officers of conviction of misdemeanor crime of domestic violence ...	43
13 AAC 85.120. Lapse of certificates.....	44
13 AAC 85.150. Definitions Redesignated as 13 AAC 85.900, 8/8/90. ....	44
13 AAC 85.200. Applicability .....	44
13 AAC 85.210. Basic employment standards for probation, parole, and correctional officers .....	44
13 AAC 85.215. Basic employment standards for municipal correctional officers .....	48
13 AAC 85.220. Permanent employment for probation, parole, correctional, and municipal correctional officers .....	51
13 AAC 85.230. Basic certificate for probation, parole, and correctional officers .....	52
13 AAC 85.235. Basic certificate for municipal correctional officers.....	53
13 AAC 85.240. Waiver and reciprocity .....	55
13 AAC 85.250. Personnel reports for probation, parole, correctional, and municipal correctional officers .....	55
13 AAC 85.260. Determination of ineligibility or denial of certificate.....	56
13 AAC 85.270. Revocation of certificate .....	58
13 AAC 85.275. Effect on probation, parole, correctional, and municipal correctional officers of conviction of misdemeanor crime of domestic violence.....	60
13 AAC 85.280. Lapse of certificates.....	60
13 AAC 85.900. Definitions .....	60
13 AAC 87.010. Certification of basic police training programs .....	62
13 AAC 87.020. Certification of other police training programs .....	64
13 AAC 87.030. Financial assistance .....	65
13 AAC 87.040. Certification of police instructors.....	65
13 AAC 87.050. Certification of basic probation, parole, and correctional officer training programs...	67

# APSC Guidebook

---

13 AAC 87.060. Probation, parole, and correctional officer training program requirements.....	68
13 AAC 87.070. Certification of probation, parole, and correctional instructors.....	70
13 AAC 87.075. Certification of municipal correctional officer training program.....	72
13 AAC 87.080. Municipal correctional officer training program requirements.....	73
13 AAC 87.085. Certification of municipal correctional instructors .....	75
13 AAC 87.090. Definitions .....	76
13 AAC 89.010. Basic standards for village police officers .....	76
13 AAC 89.020. Employment for village police officers.....	77
13 AAC 89.030. Certification of village police officers.....	77
13 AAC 89.040. Village police officer basic training program.....	78
13 AAC 89.050. Village public safety officer training program Repealed 10/18/1981.....	78
13 AAC 89.060. Extension and reciprocity.....	78
13 AAC 89.070. Denial, revocation, and lapse of certificates .....	78
13 AAC 89.080. Personnel reports and training records .....	79
13 AAC 89.140. Exemption .....	79
13 AAC 89.150. Definitions .....	80
Appendix C: About the National Decertification Index or NDI .....	81

# APSC Guidebook

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## Introduction

This guidebook is designed to provide useful tools and guidance in helping leaders train their officers through sponsored events and/or sponsored attendance at scheduled training courses or events. It will also assist agencies and their leaders in tracking their compliance with Alaska Police Standards statutes and regulations and to anticipate reporting deadlines and training milestones.

The guidebook consists of several chapters including relative ALASKA STATUTES and the Alaska Administrative Code: Alaska Police Standards Regulations as of September 1, 2017. The regulations in this Guidebook incorporate changes made by the council in 2017.

While this manual may be updated from time to time, users should verify the most current versions of statute or regulation by using the most current LexisNexis *Alaska Criminal and Traffic Law Manual*, or the state legislature's BASIS System at <http://www.akleg.gov/basis/statutes.asp> . Electronic copies of this document, as well as updates, current forms, training calendars and other news can always be found and downloaded from APSC's website at <http://dps.alaska.gov/apsc/> .

APSC's authority dates back to 1972, when the state legislature first established the Council to regulate police officers. The statutes were amended numerous times over the intervening years to add probation, parole, corrections and municipal corrections officers to our span of authority. They also removed village public safety officers (VPSOs) from our regulations and moved them to the Department of Public Safety. Village Police Officers (VPOs) remain under the authority of APSC and are distinctly different from VPSOs. APSC does not regulate Tribal Police Officers.

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. Regulations from 13 AAC 85.005 through 13 AAC 89.150 have been adopted, and modified regularly to remain relevant and progressive, with the ultimate goal of promoting professionalism and accountability among our criminal justice agencies and officers.

## Council Duties, Members, and Meetings

The council has thirteen members which serve for four year terms, appointed by the Governor. Per AS 18.65.150, the composition of the council is:

- four chief administrative officers or chiefs of police of local governments;
- the commissioner of public safety or a designee of the commissioner;
- the commissioner of corrections or a designee of the commissioner;
- two persons, each of whom has been certified for five years or more by the council under this chapter, one of whom serves as a police officer and one of whom serves as a probation officer, parole officer, municipal correctional officer, or correctional officer;
- one correctional administrative officer who is employed at the level of a deputy

# APSC Guidebook

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- director or higher; and
- four members of the public at large with at least two from the communities of 2,500 population or less

The council is required to meet twice a year. Generally the meetings are the first Tuesday in December in Anchorage and in April or May in conjunction with other professional meetings or conferences. The meetings follow the same general outline. The council may go into executive session to discuss subjects that may tend to prejudice the reputation and character of individual(s). Following executive session, the council will reconvene in general session which is open to the public. All decisions made by the council are done by majority vote, in the public meeting. Minutes of the council's most recent past meetings are available at <http://dps.alaska.gov/APSC/minutes.aspx>.

If you are interested in serving on the council, please refer to the Boards and Commissions website at <http://gov.alaska.gov/services/boards-and-commissions/>

For the latest training calendar, APSC forms or additional information please explore the APSC website at <http://dps.alaska.gov/apsc/>



# APSC Guidebook

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## Summary of required documentation and deadlines:

13 AAC 85.010 (a) requires that a police department determine a candidate meets the minimum qualifications at the time they are hired; 13 AAC 85.210 applies the same standard of hire to probation, parole, or correctional officers; and 13 AAC 85.215 applies it to municipal corrections officers.

Conducting a thorough background investigation; submitting fingerprint cards; verifying education, prior employment and references; having the applicant medically examined and mentally evaluated<sup>1</sup> should all be done before they are hired and begin work. The applicable APSC forms should be used during this process as it assures required information is collected and it simplifies the agency's submission of the hiring packet to APSC once the officer starts work.

## Getting police officers onboard or separated from your agency

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.

All of the above actions can be documented on APSC's Personnel Action Form (the F-4 Form) <http://dps.alaska.gov/APSC/docs/forms/f-4.pdf>

13 AAC 85.010 (c) and (d) provide that agencies have 30 days after hiring a police officer to report to APSC that the officer meets the minimum standards for a police officer by submitting required documentation. This is done with the following Forms<sup>2</sup>:

F-1	Compliance Form	<a href="http://dps.alaska.gov/APSC/docs/forms/F-1%20Compliance%20Form.pdf">http://dps.alaska.gov/APSC/docs/forms/F-1%20Compliance%20Form.pdf</a>
F-2A	Health Questionnaire	<a href="http://dps.alaska.gov/APSC/docs/forms/F-2A.pdf">http://dps.alaska.gov/APSC/docs/forms/F-2A.pdf</a>
F-2B	Medical Exam Report	<a href="http://dps.alaska.gov/APSC/docs/forms/F-2B.pdf">http://dps.alaska.gov/APSC/docs/forms/F-2B.pdf</a>

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<sup>1</sup> Note that 2016 regulatory changes mandate all police officers must have a psychological fitness for duty evaluation for duty before they are hired. Contact APSC if you have any questions or need assistance with complying with this requirement.

<sup>2</sup> If, for some reason, an individual form's link in this Guidebook does not work properly, please go to <http://dps.alaska.gov/APSC/forms.aspx>. For additional details on what each form is and how to complete it, refer to. *FORMS & INSTRUCTIONS*

# APSC Guidebook

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F-3	Personal History Statement	<a href="http://dps.alaska.gov/APSC/docs/forms/F-3.pdf">http://dps.alaska.gov/APSC/docs/forms/F-3.pdf</a>
F-11	Psychological Evaluation Form	<a href="http://dps.alaska.gov/APSC/docs/forms/F-11%20Psychological%20Form.pdf">http://dps.alaska.gov/APSC/docs/forms/F-11%20Psychological%20Form.pdf</a>

If your candidate has a home school diploma, please refer to *Dealing with Home School & High School Diplomas*.

If your candidate has a college degree, APSC will take notice that their college admission required high school graduation and a high school diploma is not required if certified college transcripts are submitted with their F-3 and other required documents; Refer to *Providing College Transcripts* for additional information.

## Getting police officers trained and certified

13 AAC 85.010 (e) provides that an agency has 6 months to enroll<sup>3</sup> a police officer in a basic training academy; they must have completed an academy, as well as a field training program, within the 12 months of being hired. Generally speaking, an agency should submit their request for basic training immediately after an officer is hired to ensure they are enrolled and can complete a basic training academy within the regulated time period. The most recent relevant Council forms and training guides are:

F-5	Application for Basic Training	<a href="http://dps.alaska.gov/APSC/docs/forms/f-5.pdf">http://dps.alaska.gov/APSC/docs/forms/f-5.pdf</a>
F-7	Application for Certification	<a href="http://dps.alaska.gov/APSC/docs/forms/f-7.pdf">http://dps.alaska.gov/APSC/docs/forms/f-7.pdf</a>
F-23	Field Training Final Report (Police Officers)	<a href="http://dps.alaska.gov/APSC/docs/forms/f-23.pdf">http://dps.alaska.gov/APSC/docs/forms/f-23.pdf</a>
FTM	Field Training Manual	<a href="http://dps.alaska.gov/APSC/docs/FTOM.pdf">http://dps.alaska.gov/APSC/docs/FTOM.pdf</a>

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. Any extension request should be submitted by the chief administrative officer of the agency, on agency letterhead, to APSC. APSC cannot extend this requirement beyond 19 months from date of hire.

## Intermediate and Advanced Police Officer Certifications

13 AAC 85.040 describes the various levels of police officer certification and the relative service time, education, and/or training required for each.

Other than for basic officer certification, APSC does not actively track officers' certification eligibility, as they are unique to each individual's combined experience, education and training. It is up to each officer and their agency to monitor certification eligibility and apply for more advanced levels when they become eligible. APSC staff

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<sup>3</sup> As used here, "enroll" means to have applied to APSC for basic training (F-5 Form) and been accepted and enrolled in the next available academy.

# APSC Guidebook

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members are always available to answer specific questions about eligibility and are happy to preview cases on an individual basis. The F-7, Application for Certification, is the required form to submit for each level of certification <http://dps.alaska.gov/APSC/docs/forms/f-7.pdf>

If an officer is relying upon college education and/or an awarded college degree or certificate program as part of their qualifications for their next level of certification, please refer to *Providing College Transcripts*.

## Getting probation, parole, corrections & municipal corrections officers onboard or separated from your agency

13 AAC 85.250 (a) provides that within 30 days after the date that a probation, parole, correctional, or municipal correctional officer is appointed by a correctional agency, the correctional agency shall notify the council.

13 AAC 85.210 (c) and (d) provide that the Alaska Department of Corrections certify that the officer meets the requirements of 13 AAC 85.210 (a) and (c); by submitting 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; 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.

The following forms should be used to report the hiring and document the eligibility of probation, parole, corrections & municipal corrections officers:

F-1	Compliance Form	<a href="http://dps.alaska.gov/APSC/docs/forms/F-1%20Compliance%20Form.pdf">http://dps.alaska.gov/APSC/docs/forms/F-1%20Compliance%20Form.pdf</a>
F-2A	Health Questionnaire	<a href="http://dps.alaska.gov/APSC/docs/forms/F-2A.pdf">http://dps.alaska.gov/APSC/docs/forms/F-2A.pdf</a>
F-2B	Medical Exam Report	<a href="http://dps.alaska.gov/APSC/docs/forms/F-2B.pdf">http://dps.alaska.gov/APSC/docs/forms/F-2B.pdf</a>
F-3	Personal History Statement	<a href="http://dps.alaska.gov/APSC/docs/forms/F-3.pdf">http://dps.alaska.gov/APSC/docs/forms/F-3.pdf</a>
F-4	Personnel Action Form	<a href="http://dps.alaska.gov/APSC/docs/forms/f-4.pdf">http://dps.alaska.gov/APSC/docs/forms/f-4.pdf</a>
F-11	Psychological Evaluation Form	<a href="http://dps.alaska.gov/APSC/docs/forms/F-11%20Psychological%20Form.pdf">http://dps.alaska.gov/APSC/docs/forms/F-11%20Psychological%20Form.pdf</a>

Note that a psychological fitness exam is not specifically required by regulation for a municipal corrections officer; however, the agency must certify that the officer 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.” APSC recommends that this be determined through a psychological fitness for duty exam and documented with an F-11 form.

# APSC Guidebook

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If your candidate has a home school diploma, please refer to *Dealing with Home School & High School Diplomas*.

## Getting probation, parole, correctional, & municipal correctional officers trained and certified

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. The municipal corrections officer must attend the Municipal Corrections Officer Training Academy, sponsored by APSC and AK DOC before the end of their 12 month probationary period. The F-5 form can be used to request attendance and sponsorship for this academy.

F-23C	Field Training Final Report (Correctional, Probation, Parole & Municipal Correctional Officers)	<a href="http://dps.alaska.gov/APSC/docs/forms/f-23c.pdf">http://dps.alaska.gov/APSC/docs/forms/f-23c.pdf</a>
	Corrections Officer Training Manual	Contact DOC for current copy.
	Municipal Corrections Officer Training Manual	Contact APSC for current copy.
F-5	Application for Basic Training	<a href="http://dps.alaska.gov/APSC/docs/forms/f-5.pdf">http://dps.alaska.gov/APSC/docs/forms/f-5.pdf</a>
F-7	Application for Certification	<a href="http://dps.alaska.gov/APSC/docs/forms/f-7.pdf">http://dps.alaska.gov/APSC/docs/forms/f-7.pdf</a>

13 AAC 85.220 provides that a probation, parole, corrections or municipal corrections officer may not be employed beyond 14 months by an agency without that officer obtaining certification, unless granted an extension of up to 6 months by the Council for specified reasons. Any extension request should be submitted by the chief administrative officer of the agency, on agency letterhead, to APSC. APSC cannot extend this requirement beyond 20 months from date of hire.

## Village Police Officers and Tribal Police Officers

13 AAC 89.010 (b) provides that only a village<sup>4</sup> can appoint a village police officer (VPO). A village shall notify APSC within 30 days of the date of hire of a VPO, except in those instances where a public record of the appointment would jeopardize the officer or the assignment.

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<sup>4</sup> 13 AAC 89.150 (3) - "Village" means a community off the interconnected Alaska road system, with a population of less than 1,000 persons based on the most recent federal census, which has been incorporated as provided in AS 29.18.

# APSC Guidebook

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Tribal police officers (TPO) are normally appointed by a village tribal council or unincorporated community and may have tribal public safety responsibilities.

TPOs do not qualify as “Police Officers” under Alaska law and do not have the authority of a police officer. TPOs are not regulated by the Alaska Police Standards Council. Additionally, tribal justice agencies do not qualify as police departments under current state statutes.<sup>5</sup>

In order to comply with the requirements of 13 AAC 89.020 and 89.080, before hiring an officer, the village must:

1. Conduct, or have conducted a basic [background investigation](#) to assure the officer is of good moral character<sup>6</sup>;
2. Submit two sets of fingerprint cards for the officer to APSC who will utilize the cards for a criminal background check;
3. Have the officer complete the F-2A form and be examined by a medical professional to assure they are physically fit for the duties of the position; and
4. Have the officer and appointing authorities complete and sign the remaining necessary forms and submit them to APSC. (Note that many of these forms require a notarized signature).

If an officer was hired without the above steps completed, all the steps will be required before they can/will be sent to a basic training academy. Officers who do not meet the above criteria or who submit incomplete documentation will not be authorized to attend state sponsored training or the basic training academy.

The VPO must attend a basic training academy within the first 12 months; however, this may be extended upon request of the chief administrative officer of the department or village. A village cannot employ an uncertified VPO beyond 12 months. Upon application (F-5 Form) APSC will assist with the costs of the basic training academy.

The employing agency must notify the council within 30 days following termination of an officer for any reason.

Forms used for reporting and documenting are:

F-1	Compliance Form	<a href="http://dps.alaska.gov/APSC/docs/forms/F-1%20Compliance%20Form.pdf">http://dps.alaska.gov/APSC/docs/forms/F-1%20Compliance%20Form.pdf</a>
F-2A	Health Questionnaire	<a href="http://dps.alaska.gov/APSC/docs/forms/F-2A.pdf">http://dps.alaska.gov/APSC/docs/forms/F-2A.pdf</a>
F-2B	Medical Exam Report	<a href="http://dps.alaska.gov/APSC/docs/forms/F-2B.pdf">http://dps.alaska.gov/APSC/docs/forms/F-2B.pdf</a>

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<sup>5</sup> The single exception to this is Metlakatla, which is the only Native Alaskan Reservation in Alaska. Metlakatla has voluntarily subjected themselves to state law and APSC regulations. Metlakatla officers are certified as Alaskan police officers and are recognized by the Alaska courts.

<sup>6</sup> Villages who are members of the AML/JIA should contact AML/JIA who will conduct a background check at no cost. For other villages, please contact APSC for a list of service providers who can conduct a basic background check for a reasonable fee.

# APSC Guidebook

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F-3	Personal History Statement	<a href="http://dps.alaska.gov/APSC/docs/forms/F-3.pdf">http://dps.alaska.gov/APSC/docs/forms/F-3.pdf</a>
F-4	Personnel Action Form	<a href="http://dps.alaska.gov/APSC/docs/forms/f-4.pdf">http://dps.alaska.gov/APSC/docs/forms/f-4.pdf</a>
F-5	Application for Basic Training	<a href="http://dps.alaska.gov/APSC/docs/forms/f-5.pdf">http://dps.alaska.gov/APSC/docs/forms/f-5.pdf</a>
F-7	Application for Certification	<a href="http://dps.alaska.gov/APSC/docs/forms/f-7.pdf">http://dps.alaska.gov/APSC/docs/forms/f-7.pdf</a>

Note that a psychological fitness exam is not required for a VPO.

## Dealing with Home School & High School Diplomas

13 AAC 85.010 (a) states; 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 has a state recognized high school diploma, *a diploma from a home school program recognized or certified by a state or by a local school district within a state as having met that state's graduation requirements*, or has passed a General Educational Development (GED) test. 13 AAC 85.210 has the exact same language for probation, parole and corrections officers. Village police officers and municipal corrections officers do not have to possess a high school diploma.

To validate an applicant's high school diploma, APSC requires a certified copy of the high school transcripts be sent to APSC from the school. Alternatively, if the hiring agency has already obtained their own certified copies of the transcripts from the school, the agency can copy them and 'recertify' them for APSC.

Alaska has long valued and supported the educational option of home schooling. Unfortunately, there is no 'certification' for homeschool programs, other than those actually conducted under the supervision of one of the many school districts. In this case, graduating students often receive a diploma from the school district rather than the home school itself. For those applicants who did graduate from an independent home school, APSC strives to assure their level of education meets minimum high school graduation requirements for their state to assure the officer's ability to complete a basic academy and excel in their chosen profession.

To have APSC recognize an applicant's independent home school diploma as meeting this standard, they must have their program of instruction evaluated by a school district or state department of education, as meeting the high school graduation requirements for that state. This is most often accomplished by having the applicant meet with a high school counsellor or principal in their nearest high school and providing them copies of the student records that document courses received and passing performance. APSC considers a letter from an official with the school district, certifying that the documented course of instruction meets state graduation requirements, as adequate evidence the applicant meets APSC's high school standard.

The review and certification process can take some time and effort on the part of the



# APSC Guidebook

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applicant. It can even take longer if local schools are on summer or holiday break. Applicants with independent home school diplomas should be encouraged to begin this process as soon as they apply to an agency in Alaska. As mentioned previously in this Guidebook, APSC will take notice of high school completion for those homeschooled applicants who have graduated with a college degree, provided the applicant submits certified copies of their college transcripts.

## Providing College Transcripts

For APSC to recognize college degrees achieved, college credit to apply toward certification, or to qualify an officer for instructor certification the certified transcripts should be sent directly from the institution to APSC. APSC does verify that the institution is recognized by the US Department of Education (<http://ope.ed.gov/accreditation/Search.aspx>) to assure the educational documentation is valid. Once transcripts are provided to APSC and are in an officer's file, they need not be provided again unless additional coursework has been added.

## Records Requests:

Generally speaking, all APSC records regarding officers, as well as certified trainers and courses are confidential pursuant to 13 AAC 85.010 (d), 13 AAC 85.210 (d), 13 AAC 85.215 (d), 13 AAC 89.080 (d) and a variety of State and Federal laws. Other than as described below, confidential records are released only by court order.

Officers may request copies of documents they've submitted to APSC as well as their training records using this form: [http://dps.alaska.gov/APSC/docs/forms/APSC\\_Records\\_Request-Employee\\_or\\_Applicant\\_Form.pdf](http://dps.alaska.gov/APSC/docs/forms/APSC_Records_Request-Employee_or_Applicant_Form.pdf). Once completed the form can be faxed, e-mailed or mailed to APSC.

Agencies wishing to inquire with APSC about an officer's suitability for hire should submit the following form: [http://dps.alaska.gov/APSC/docs/forms/APSC\\_Records\\_Request-Agency\\_Form.pdf](http://dps.alaska.gov/APSC/docs/forms/APSC_Records_Request-Agency_Form.pdf). Responses to this inquiry will vary depending upon the information in file:

- If an officer's file contains no adverse information, the requesting agency will be so advised;
- If an officer's file contains adverse information, the requesting agency may be provided with relevant records; they will also be directed to the source agency of that information and advised to contact the source agency for specific details;
- If APSC has revoked a certificate or determined an officer is ineligible for certification the requesting agency will be so advised.

Freedom of Information Act (FOIA) requests result only in the release of documents already publicly available; such as an Accusation or other documents filed with the Alaska Office of Administrative Appeals, a Certificate Revocation Decision and Order, or other official Council Decisions or Orders that may reside in an officer's file.

## BACKGROUND INVESTIGATIONS & REPORTING DISQUALIFIED APPLICANTS to APSC

### Background Investigations:

APSC has always required a thorough investigation into the background of applicants for certified positions to assure they meet the minimum requirements for certification and will adhere to professional ethics and community expectations.

At minimum, each agency should:

- (a) Obtain proof of age, citizenship status, and education. APSC requires a birth certificate or US Passport and high school transcripts (see *Dealing with Home School & High School Diplomas*, if appropriate).
- (b) Obtain fingerprints on two copies of FBI Applicant Card and forward both cards to the automated fingerprint identification section of the Department of Public Safety or APSC. Importantly, do not neglect to compare the response to these fingerprint submissions with the information supplied by the applicant.
- (c) Obtain a complete personal history of the person on a form supplied by the council; This is the NOTARIZED APSC Personal History Statement (F-3)
- (d) 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; At a minimum, this inquiry should include:
  - (1) criminal history, wants, and warrants; APSIN, NCIC, as well as DMV and III inquiries for each state the applicant formerly lived in (keep copies of all print outs in the applicant's file, and forward copies of any criminal history to APSC)
  - (2) verified job references from at least three previous employers unless the person has had less than three previous jobs;
  - (3) verified job references from all previous law enforcement or criminal justice system employers in the preceding 10 years. APSC strongly encourages agencies to contact all agencies an applicant may have applied previously to determine why an applicant may not have been selected for hire.
  - (4) at least two verified personal references;
  - (5) agencies are encouraged to adopt additional background investigative steps as they deem appropriate, these may include, but are not limited to, truth verification testing, interviews of past neighbors, developing and



# APSC Guidebook

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interviewing third party references and interviewing present and past family members. Our experience is that investing in a quality background investigation is well worth the effort.

- (e) Obtain a complete medical history report of the person. This report must be given to a licensed physician, advanced practice registered nurse, or physician assistant to use as a basis in conducting a physical examination of the person to determine their physical fitness for the position. These are APSC's Health Questionnaire (F-2a) and Medical Examination Report (F2b) forms.
- (f) For all positions other than a Village Police Officer or Municipal Corrections officer; require the person undergo an examination by a licensed psychiatrist or psychologist to determine they are mentally fit for the position. This step is documented by the psychiatrist or psychologist signing the Psychological Evaluation Form (F-11).
- (g) Through APSC, the [National Decertification Index](#), and by contacting all other relevant state standards and training organizations, determine whether the applicant:
  - (1) 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, revocation, or surrender has been rescinded by APSC or by the responsible certifying agency of the issuing jurisdiction; or
  - (2) is under suspension of a basic certification in another jurisdiction, for the period of the suspension, and whether the suspension has been rescinded by the responsible certifying agency of the issuing jurisdiction.

All of the above steps must be documented; documentation must be retained in agency files and, is subject to APSC inspection.

If any agency needs help or advice in conducting a competent background investigation they are strongly encouraged to contact APSC for assistance.

# APSC Guidebook

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## Reporting Disqualified Applicants to APSC:

In 2017, APSC adopted regulation changes designed to make it clear to officer applicants and self-pay applicants to police academies, that information they supplied on required APSC forms would be used to determine their eligibility, or disqualification from, certification, training and employment as an officer in Alaska. This was done to provide a mechanism for APSC to identify individual applicants who were determined to be temporarily or permanently disqualified for hire or certification based on past criminal conduct, illegal drug use, supplying false or misleading information on applications and forms, lying to background investigators, and/or a demonstrated lack of good moral character. Importantly, the changes also afforded an applicant due process to appeal a decision by APSC that they were found to be ineligible for employment, training, or certification.

The Council adopted regulations to encourage agencies to provide APSC with applicant's APSC forms and a description of their agency findings for those applicants they determined to be disqualified during their hiring process. This was done to reduce the likelihood a disqualified candidate might be hired by another agency following a less than thorough background investigation and to support a central repository for disqualified applicant information, thereby reducing the significant number of repetitive and redundant pre-employment screening and background investigations conducted by multiple agencies. Following due-process, once determined to be disqualified, individuals will be listed as disqualified in APSC files and the National Decertification Index (NDI): See "*Appendix C: About the National Decertification Index or NDI*"

In this instance, 'disqualification' does not mean the applicant merely did not meet agency requirements or that there were more qualified or experienced applicants, but rather their application, supporting documents, subsequent background investigation or admissions, or a physical or psychological evaluation determined that, based upon APSC standards, they were clearly disqualified. Normally, this would be due to past criminal conduct or convictions, admissions of illegal drug use within the past five years, supplying false or misleading information on applications and forms, lying to background investigators, demonstrated lack of good moral character, or lack of mental fitness for the position due to mental disorder, disease, or defect.

APSC Personal History Statement (F-3) forms specifically authorize agencies to report these findings to APSC. All agencies are **STRONGLY URGED** to report rejected and disqualified applicants (using the Personnel Action form, F-4) and to check with APSC very early in the recruitment process to assure potential applicants have not previously been determined disqualified by APSC.

# APSC Guidebook

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## FORMS & INSTRUCTIONS

All forms are available from: <http://dps.alaska.gov/APSC/forms.aspx>. Officers, applicants and agencies are strongly encouraged to use the latest forms from this website rather than relying upon older versions downloaded previously.

### F-1 (Compliance Form):

This form is essentially a checklist for an agency to certify that all the required pre-hire steps were taken to assure an officer is qualified for their position. It needs to be completed and submitted to APSC, along with the accompanying documents and forms, within 30 days of hire.

### F-2A&B (Medical):

The F-2A is a Health Questionnaire to be completed by the applicant and taken with them to be reviewed and signed by the medical professional conducting their medical examination. Note that when signing, the language states that the officer is signing under penalty of perjury that the information is true, but does not require their signature be notarized. A licensed physician, advanced practice registered nurse, or physician assistant must review and sign the form.

The F-2B is a Medical Examination Report to be completed and signed by a licensed physician, advanced practice registered nurse or physician assistant. The medical personnel must check the appropriate box on the last page to confirm the applicant can physically perform the duties of a police officer and sign the form. These forms are submitted with the hire packet.

If an officer is coming from another Alaskan agency, even with no break in service, new F-2A & B forms must be submitted within 30 days of hire.

### F-3 (Personal History):

This form is completed by the officer, ideally during the initial application process. It is an extremely important document that must be signed, notarized and submitted as part of the hire packet. Additional documents required to be submitted with the F-3 are a copy of a birth certificate or passport and DD-214 (if prior military). If naturalized, a Naturalization Certificate is required. An official high school transcript or GED transcript is required (see *Dealing with Home School & High School Diplomas*). The school should send the transcript directly to APSC. The F-3 form is submitted with, or before, the hire packet.

This form, the F-2A and F-2B, are also required for any individual who is not currently an officer applying to pay their own way through one of the APSC certified academies. Their application for attendance in an academy is subject to APSC review to determine if they are qualified and physically fit to become a certified officer in Alaska. Applicants who are not qualified, or will not be by the time they graduate from an academy, are not approved for attendance. APSC provides no financial support to individuals who are not already employed full time by an agency. Citizens interested in pursuing academy attendance are urged to work closely with the academy director,

# APSC Guidebook

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well in advance of the academy's scheduled start date, to assure all required documents are completed and approved by APSC.

Applicants should be encouraged to thoroughly complete this form with as much attention to detail as possible. Errors or omissions from the form are frequent causes for applicants not being hired or officers later being subject to APSC action against their certification. **Any box checked "yes" must have an explanation,** either in the associated space, the final page, or separate attachment. Often, applicants will check they've had fingerprints before, but omit why or where these were taken; forms submitted without explanations cause delays and may be returned to be completed.

Particular attention should be taken to any listing of prior criminal justice experience or certification. These should always be followed up by contacting those agencies during a background investigation and a check with the National Decertification Index (NDI): <https://www.iadlest.org/Projects/NDI20.aspx><sup>7</sup> and/or APSC. If your candidate was a former California peace officer and is no longer with a California agency, please contact APSC for additional guidance<sup>8</sup>.

If an officer is coming from another Alaskan agency, even with no break in service, a new F-3 form must be submitted within 30 days of hire.

## F-4 (Personnel Action):

This form must be submitted when ANY personnel action occurs with an officer, *including a sustained finding of misconduct that did not arise to the level of termination, but may disqualify them from maintaining their certification*<sup>9</sup>. If the action is a separation, there are explanatory 'boxes' in the separation section that **MUST** be completed, explaining the circumstances surrounding the separation. If the officer was terminated or resigned while under investigation, your agency recommends decertification, or you would not rehire the officer, you **MUST** provide a detailed explanation.

The F-4 is to be submitted to APSC by the agency within 30 days of hire, separation or sustained misconduct allegations that may disqualify them from certification.

## F-5 (Request for Basic Training):

This form is used when an agency is requesting APSC funding for training at either the Department of Public Safety Alaska Law Enforcement Academy (ALET) in Sitka, the University of Alaska-Fairbanks Community Technical College (CTC), the annual APSC-sponsored Recertification Academy or the municipal corrections officer academy.

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<sup>7</sup> If someone within your agency does not already have access to this free resource and they need access, they can sign up using this link. Note that not all states participate in this program, nor do all states certify officers. Also refer to *Appendix C: About the National Decertification Index or NDI*

<sup>8</sup> California has some interesting rules about decertification and it is best to discuss these with APSC before conducting a background check for a former California police officer.

<sup>9</sup> Please refer to regulations for basic qualifications and revocation of certificates for the appropriate position.

Out-of-state officers *may* only need to attend the APSC-sponsored Recertification Academy if they have graduated from an academy that meets APSC standards and are approved by the APSC Director. The Director should be contacted for a determination, since each situation is reviewed on an individual basis and it often takes time to research prior training academy curriculum.

Out-of-state or Alaska lateral chief hires are not required to attend academy training if they will be performing administrative duties only, *although they must receive mandatory domestic violence and disability awareness training* which is available at the annual Recertification Academy. If they anticipate that they will be involved with any “street/operational” duties, they should complete an appropriate academy and are encouraged to pursue APSC certification.

## **F-6 (Course Completion):**

This form is completed by an instructor upon completion of a training segment and is submitted to APSC for input into individual officer training records.

## **F-7 (Application for Certification):**

This form is used to apply for a Basic, Intermediate or Advanced Certificate. If it is determined that college is required for eligibility, official college transcripts<sup>10</sup> must be submitted unless they are already on file with APSC. The college should send the transcript directly to APSC. A \$50 check or money order must accompany the F-7 and the agency or department head must sign page 2.

### **CERTIFICATION REQUIREMENTS: (F-7):**

#### ***Basic Certificate Documentation Packet:***

Officer must apply following one year of continuous, full-time, paid employment with one Alaska agency. The application must have:

- Academy or Recertification Academy graduation certificate,
- F-23 signed by the chief administrative officer of the agency, and
- \$50 check payable to APSC

#### ***Intermediate & Advanced Police Certification Documentation Packet:***

Officers can apply for the next level of certification when they become eligible based on experience, education and training<sup>11</sup>. Note that to obtain Advanced Police Certification they must first be issued an Intermediate Certificate. The submission must include:

- \$50 check payable to APSC and
- Official college transcripts are required if not already on file with APSC

## **F-9 (Application for Instructor Certificate):**

This form is used to apply for instructor certification. Proof of completion of qualifying

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<sup>10</sup> See *Providing College Transcripts*

<sup>11</sup> For requirements please refer to [13 AAC 85.040. Basic, intermediate, and advanced certificates](#)

# APSC Guidebook

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training and education must be attached if the qualifying training course did not provide the proof directly to APSC or APSC does not already have these in the instructor's file. There are several categories of instructor certification, so please review the appropriate regulations in [13 AAC 87.040, 070](#), or [085](#).

## **F-11 (Psychological Evaluation Form)**

This form is submitted after the agency hires the applicant, following a pre-hire (conditional-hire) examination of an applicant by the examining psychiatrist or psychologist. It provides simple documentation that the examination found the applicant to be mentally capable of performing the essential functions of the job of police, probation, parole or corrections officer and that they appear free from any emotional disorder that may adversely affect the person's performance as an officer. APSC recommends this form be completed after the agency reviews a thorough and detailed psychological evaluation report and decides to employ the applicant. Submitting the doctor's detailed psychological report to APSC, along with the F-11, is not necessary and is discouraged in most cases.

A psychological exam and report are required for all police, corrections, probation and parole officers; this includes lateral hires from agencies where the officer was previously given a psychological evaluation. The evaluation form is recommended, but not required, for municipal corrections officers.

## **F-20 (Application for Course Certification):**

This form is used to request that APSC approve the content of the training for a specific course. A course lesson plan must be attached (outlines do not suffice). It is best to work with APSC in advance to assure the necessary documents are submitted along with the form. This form must be submitted with an F-9. Please note: APSC will recognize training courses or programs already certified by the National Certification Program (NCP) of IADLEST (<https://www.iadlest.org/> ) without subjecting the course to additional evaluation.

## **F-23 (Field Training Completion):**

This form is filled out upon completion of a minimum of 40 hours of field training with the hiring agency. This form is the last page of APSC's Field Training Manual and is available separately for those agencies that have their own manuals or systems. Do not send the entire Manual to APSC. The F-23 may be submitted to APSC at any time during the first 12 months from the date of hire and is required before a Basic Certificate can be issued.

## **Funding Assistance Request Form:**

An agency will use this form to request APSC funds to assist with training related events. (Do not use this form for academy assistance, use the F-5). Funds may be used to sponsor individual department members' travel, lodging, and tuition costs; cover the costs associated with bringing a course and trainers to the department or region; or, purchase materials for training events.



# APSC Guidebook

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Include a breakdown of the funding requested and provide documentation for preliminary travel costs for air, ferry, rental car, mileage, hotel, and registration fee. Also provide the names of the officers attending the training or the instructor's name. APSC does not pay per diem. The agency head needs to sign and print their name on the form. Each request is reviewed and either approved or disapproved by the Director based on current finances and the relative need for the training requested.

Generally speaking, APSC does not provide assistance to officers seeking college tuition support in pursuit of a degree. If tuition support is requested it should be for a specific course that is directly related to their criminal justice profession and should be submitted in advance of taking the course. APSC will not consider requests for tuition reimbursement for courses completed without having pre-approved the expense.

Whenever possible, travel arrangements for pre-approved training should be made by the officer or their agency. While APSC can make travel arrangements, the process is cumbersome, requires multiple levels of state approval, and often is more expensive and less flexible than if the officer or their department makes their own arrangements and is reimbursed by APSC.

## **Records Request- Applicant/Employee Request:**

This form is submitted to APSC by individuals requesting information from their own APSC file.

## **Records Request- Agency Request:**

This form is submitted to APSC by an agency seeking information on an officer who a department is considering for hire.

## **Public Records Request:**

APSC is a government agency and subject to the provisions of the Public Records Act, AS 40.25<sup>12</sup>. Many of APSC records are confidential and not subject to release under this act. Public Records may be requested online at: <http://dps.alaska.gov/PIO/PublicInformationRequest.aspx>

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<sup>12</sup> <http://www.akleg.gov/basis/statutes.asp#40.25>

# Appendix A: Alaska Statutes - APSC

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## Appendix A: ALASKA STATUTES

### Article 02. ALASKA POLICE STANDARDS COUNCIL

#### Sec. 18.65.130. Policy.

The administration of criminal justice affects the health, safety, and welfare of the people of this state and requires education and training of a professional quality. It is a primary public interest that applicants meet minimum standards for employment as police officers, probation and parole officers, and correctional officers, and that criminal justice education and training be made available to police officers, probation and parole officers, and correctional officers serving in a probationary capacity and police officers, probation and parole officers, and correctional officers already in regular service. It is of secondary public interest to encourage the establishment of preliminary training programs for persons seeking to become police officers, probation and parole officers, and correctional officers. Application of standards for employment and making education and training available for municipal correctional officers is also in the public interest.

#### Sec. 18.65.140. Creation.

There is created in the Department of Public Safety the Alaska Police Standards Council.

#### Sec. 18.65.150. Composition of council.

The council consists of the following persons:

- (1) four chief administrative officers or chiefs of police of local governments;
- (2) the commissioner of public safety or a designee of the commissioner;
- (3) the commissioner of corrections or a designee of the commissioner;
- (4) two persons, each of whom has been certified for five years or more by the council under this chapter, one of whom serves as a police officer and one of whom serves as a probation officer, parole officer, municipal correctional officer, or correctional officer;
- (5) one correctional administrative officer who is employed at the level of a deputy director or higher; and
- (6) four members of the public at large with at least two from the communities of 2,500 population or less.



# Appendix A: Alaska Statutes - APSC

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## **Sec. 18.65.160. Appointment.**

The commissioner of public safety or a designee and the commissioner of corrections or a designee shall serve during each commissioner's continuance in office. Other members of the council shall be appointed by the governor for staggered terms of four years, except that a member may not serve beyond the time the member holds the office that established eligibility for appointment. A vacancy on the council shall be filled for the remainder of a member's unexpired term in the same manner as the original appointment.

## **Sec. 18.65.170. Chairman and vice chairman.**

The council shall select its chairman and vice chairman annually.

## **Sec. 18.65.180. Holding another office.**

Membership on the council does not disqualify a member from holding any other public office or employment.

## **Sec. 18.65.190. Compensation and expenses.**

The members of the council receive no salary, but are entitled to per diem and travel expenses authorized by law for other boards and commissions.

## **Sec. 18.65.200. Meetings.**

The council shall meet at least twice a year. The chairman shall set the time and place of the meeting, either on the chairman's own motion or on written request by any three members of the council.

## **Sec. 18.65.210. Reports. [Repealed, Sec. 12 ch 19 SLA 1981].**

Repealed or Renumbered

## **Sec. 18.65.220. Powers.**

The council has the power to

- (1) adopt regulations for the administration of [AS 18.65.130](#) - 18.65.290;
- (2) establish minimum standards for employment as a police officer, probation officer, parole officer, municipal correctional officer, and correctional officer in a permanent or probationary position and certify persons to be qualified as police officers, probation officers, parole officers, municipal correctional officers, and correctional officers under [AS 18.65.130](#) - 18.65.290;
- (3) establish minimum criminal justice curriculum requirements for basic, specialized, and in-service courses and programs for schools operated by or for the state or a political subdivision of the state for the specific purpose of training police

## Appendix A: Alaska Statutes - APSC

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recruits, police officers, probation officers, parole officers, municipal correctional officers, and correctional officers;

(4) consult and cooperate with municipalities, agencies of the state, other governmental agencies, universities, colleges, and other institutions concerning the development of police officer, probation officer, parole officer, municipal correctional officer, and correctional officer training schools and programs of criminal justice instruction;

(5) employ an administrator and other persons necessary to carry out its duties under [AS 18.65.130](#) - 18.65.290;

(6) investigate when there is reason to believe that a police officer, probation officer, parole officer, municipal correctional officer, or correctional officer does not meet the minimum standards for employment; in connection with the investigation the council may subpoena persons, books, records, or documents related to the investigation and require answers in writing under oath to questions asked by the council or the administrator;

(7) charge and collect a fee of \$50 for processing applications for certification of police, probation, parole, municipal correctional, and correctional officers.

### **Sec. 18.65.225. Alaska police training fund.**

The Alaska police training fund is created in the general fund. The fund consists of appropriations made by the legislature to the fund. The legislature may appropriate to the fund the annual estimated balance in the accounts maintained under [AS 37.05.142](#) for money collected under [AS 12.25.195](#)(c), [AS 12.55.039](#), [AS 28.05.151](#), and AS 29.25.074. The legislature may make appropriations from the fund to (1) the Department of Public Safety for the Public Safety Training Academy, including Village Public Safety Officers, (2) the Alaska Police Standards Council to provide training for the law enforcement and corrections community of the state under [AS 18.65.230](#), and (3) municipalities that conduct their own police training programs. Nothing in this section creates a dedicated fund.

### **Sec. 18.65.230. Training programs.**

The council shall establish and maintain police training programs, probation and parole officer training programs, and correctional training programs through those agencies and institutions that the council considers appropriate.

### **Sec. 18.65.240. Standards.**

(a) A person may not be appointed as a police officer, except on a probationary basis, unless the person (1) has satisfactorily completed a basic program of police

## Appendix A: Alaska Statutes - APSC

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training approved by the council, which includes at least 12 hours of instruction regarding domestic violence as defined in [AS 18.66.990](#), and (2) possesses other qualifications the council has established for the employment of police officers, including minimum age, education, physical and mental standards, citizenship, moral character, and experience. The council shall prescribe the means of presenting evidence of fulfillment of these requirements.

(b) The council shall issue a certificate evidencing satisfaction of the requirements of (a) of this section to an applicant who satisfies those requirements or who satisfies the requirements of (a) (2) of this section and satisfactorily completes a program or course of instruction in another jurisdiction equivalent in content and quality to that required by the council for approved police education and training programs in this state.

(c) The council may deny or revoke the certificate of a police officer who does not meet the standards adopted under (a) (2) of this section.

### **Sec. 18.65.242. Standards for municipal correctional, correctional, probation, and parole officers.**

(a) The council shall establish qualifications for employment of persons as municipal correctional, correctional, probation, and parole officers, including

(1) minimum age, physical and mental standards, citizenship, moral character, and experience; and

(2) minimum education standards.

(b) The council shall

(1) prescribe the means of presenting evidence of fulfillment of the requirements set out in (a) of this section; and

(2) issue a certificate evidencing satisfaction of the requirements of (a) of this section to an applicant who

(A) satisfies the requirements of (a)(1) of this section; and

(B) meets the minimum education standards of (a)(2) of this section by satisfactorily completing a training program for municipal correctional, correctional, probation, or parole officers established under [AS 18.65.230](#), including training regarding domestic violence that contains the subjects set out in [AS 18.66.310](#)(d), or a course of instruction in another jurisdiction equivalent in content and quality to that required by the council for

## Appendix A: Alaska Statutes - APSC

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approved municipal correctional, correctional, probation, or parole officer education and training programs in this state.

(c) In the evaluation of applicants against the mental standards developed under (a) (1) of this section, the council shall use evaluation methods that do not discriminate against applicants of different ethnic origins.

### **Sec. 18.65.245. Denial or revocation of certificate of municipal correctional, correctional, probation, or parole officer.**

The council may

(1) deny a certificate to an applicant for a municipal correctional, correctional, probation, or parole officer certificate if the applicant does not meet the standards adopted by the council under AS 18.65.242(a);

(2) revoke the certificate of a municipal correctional, correctional, probation, or parole officer who, having been issued a certificate, fails to meet the standards adopted by the council under AS 18.65.242(a).

### **Sec. 18.65.248. Employment of correctional, probation, and parole officers.**

(a) A person may not be appointed as a municipal correctional, correctional, probation, or parole officer unless the person has a valid certificate issued by the council under [AS 18.65.242](#).

(b) The provisions of (a) of this section do not apply to a person employed on a probationary basis, except that employment on a probationary basis may not exceed the period authorized for probationary employment determined by the council.

### **Sec. 18.65.250. Financial assistance. [Repealed, Sec. 24 ch 22 SLA 2001].**

Repealed or Renumbered

### **Sec. 18.65.260. Grants.**

(a) The council may accept donations of property, both real and personal, and grants of money from a governmental unit or public agency, or from an institution or person. All money received by the council under this section shall be deposited in the state treasury to the account of the council.

(b) The council shall provide for and administer a funding program authorized in (a) of this section. In the administration of the program the council shall promote the most efficient and economical program for police training, including the maximum utilization of existing facilities and programs to avoid duplication.

# Appendix A: Alaska Statutes - APSC

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## **Sec. 18.65.270. Applicability of Administrative Procedure Act.**

[AS 18.65.150](#) - 18.65.290 shall be administered in compliance with AS 44.62 (Administrative Procedure Act).

## **Sec. 18.65.280. Exemptions.**

(a) The commissioner and deputy commissioner of public safety and the chief administrative officers of local police departments are exempt from the requirements of [AS 18.65.240](#). However, a person appointed chief of a local police department after July 1, 1981, who performs any operational duties, shall meet the requirements of AS 18.65.240(a)(1).

(b) A political subdivision with an established police training program meeting the requirements of [AS 18.65.220](#) (2) and (3) may exclude itself from the requirements of [AS 18.65.240](#) by ordinance. The exclusion has no effect on eligibility to receive federal or state grants.

## **Sec. 18.65.285. Municipal correctional employees.**

A municipality that employs persons in a municipal correctional facility may, by ordinance, require that those persons meet the requirements of [AS 18.65.130](#) - 18.65.290 that are applicable to municipal correctional officers.

## **Sec. 18.65.290. Definitions.**

In [AS 18.65.130](#) - 18.65.290,

(1) "chief administrative officer" means a chief of police or other official who is head of a police department in a political subdivision;

(2) "correctional facility" means a prison or jail owned, leased, or operated by the state that is designated by the commissioner of corrections for the custody, care, security, control, and discipline of prisoners;

(3) "correctional officer" means a person

(A) appointed by the commissioner of corrections whose primary duty under AS 33.30 is to provide custody, care, security, control, and discipline of persons charged or convicted of offenses against the state or held under authority of state law; or

(B) employed in a correctional facility in this state whose primary duty is to provide custody, care, security, control, and discipline of persons charged or convicted of offenses or held under authority of law;

(4) "council" means the Alaska Police Standards Council;

## Appendix A: Alaska Statutes - APSC

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(5) "municipal correctional officer" means a person who is employed full-time in a municipal correctional facility whose primary duty is to provide custody, care, security, control, and discipline of persons charged or convicted of offenses or held under authority of law; and the municipality has adopted an ordinance under [AS 18.65.285](#) making AS 18.65.130 - 18.65.290 applicable;

(6) "parole officer" means a person appointed by the commissioner of corrections or employed by a correctional facility in this state to perform the duties of supervising the parole of prisoners under AS 33.16;

(7) "police officer" means

(A) an employee of the state or a municipal police department with the authority to arrest and issue citations; detain a person taken into custody until that person can be arraigned before a judge or magistrate; conduct investigations of violations of and enforce criminal laws, regulations, and traffic laws; search with or without a warrant persons, dwellings, and other forms of property for evidence of a crime; and take other action consistent with exercise of these enumerated powers when necessary to maintain the public peace;

(B) an officer or employee of the Department of Transportation and Public Facilities who is stationed at an international airport and has been designated to have the general police powers authorized under AS 02.15.230(a);

(C) a University of Alaska public safety officer with general police powers authorized under [AS 14.40.043](#);

(8) "probation officer" means a person appointed by the commissioner of corrections or employed by a correctional facility in this state to perform the duties of a probation officer under AS 33.05.

# Appendix B: Alaska Administrative Code - APSC

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## APPENDIX B: APSC ADMINISTRATIVE CODE: REGULATIONS

### 13 AAC 85.005. Applicability

The requirements of 13 AAC 85.005 - 13 AAC 85.120 do not apply to village police officers identified in [13 AAC 89](#), except as specifically provided in 13 AAC 89.

### 13 AAC 85.010. Basic standards for police officers

- (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;
  - (2) is 21 years of age or older;
  - (3) is of good moral character;
  - (4) has a high school diploma recognized by a state, has a diploma from a home school program recognized or certified by a state or by a local school district within a state as having met that state's graduation requirements, or has passed a General Educational Development (GED) test;
  - (5) is certified by a licensed physician, advanced practice registered nurse, 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 licensed 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) A participating police department may not hire as a police officer a person
  - (1) who has been convicted of any 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 offenses, by a civilian court of this state, the United States, or another state or territory, or by a military court;
  - (3) who

## Appendix B: Alaska Administrative Code - APSC

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- (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, revocation, or surrender has been rescinded by the council under [13 AAC 85.110](#) or by the responsible certifying 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 agency of the issuing jurisdiction; or
- (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;
  - (B) within the five years before the date of hire, has illegally used a Schedule IA, IIA, IIIA, IVA, or VA controlled substance, unless
    - (i) the person was under the age of 21 at the time of using the controlled substance; or
    - (ii) an immediate, pressing or emergency medical circumstance existed to justify the use of a prescription Schedule IA, IIA, IIIA, IVA, or VA controlled substance not specifically prescribed to the person; or
  - (C) 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.
- (c) A participating police department has 30 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 grant an extension of the 30-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;



## Appendix B: Alaska Administrative Code - APSC

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- (3) obtain a complete personal history of the person on a form supplied 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, advanced practice registered nurse, 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; and
  - (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, revocation, or surrender has been rescinded by the council under [13 AAC 85.110](#) or by the responsible certifying 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 has been rescinded by the responsible certifying agency of the issuing jurisdiction.
- (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 days after the date of each hire:
- (1) the medical examination report
  - (2) the health questionnaire
  - (3) the Personal History Statement
  - (4) the psychological record form; and
  - (5) the compliance form to record the agency's compliance with (c)(1)-(7) of this section.
- (e) A police officer shall enroll in a council-certified basic police training academy within six months of the date of hire. A police officer shall complete a council-certified field training program, and verification of completion shall be sent, on a form supplied by the council, to the council within the probationary period specified in [13 AAC 85.040\(b\)\(3\)](#).

## Appendix B: Alaska Administrative Code - APSC

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- (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 be furnished by the council to a federal, state, or local law enforcement agency 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 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.
- (g) If the signature of an officer or applicant is required on a council form, the signature must be under oath or affirmation and must be accompanied by a statement by the officer or applicant that the information supplied is true, to the best of the signer's knowledge and acknowledging that information contained on the forms will be used by the council for purposes of determining the applicant's eligibility and qualifications for training, employment, and certification
- (h) The council will design and distribute forms to aid police departments in obtaining the information required in (c) of this section.

### **13 AAC 85.020. Permanent employment for police officers**

- (a) A participating police department may not grant a person permanent status as a police officer unless the person has a current basic certificate issued by the council under [13 AAC 85.040](#).
- (b) A participating police department may not employ a person as a police officer for more than 13 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.
- (c) The council may grant an extension for employment for longer than 13 months to allow a police officer to complete the necessary training based upon a written request for extension from the chief administrative officer of the participating police department. The council may grant an extension, one-time only, not to exceed six months.

### **13 AAC 85.030. Permanent appointment Repealed 8/10/80.**

### **13 AAC 85.040. Basic, intermediate, and advanced certificates**

- (a) The council will issue a basic, intermediate, or advanced certificate to a police officer meeting the standards set forth in (b), (c), or (d) of this section. No certificate will be issued unless documents required under 13 AAC 85.010(d) are submitted to the council.
- (b) To be eligible for the award of a basic certificate, an applicant must

## Appendix B: Alaska Administrative Code - APSC

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- (1) be a full-time paid police officer of a police department in this state;
- (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, within 13 months of the applicant's date of hire as a police officer in this state, a council-certified basic police officer academy meeting the standards of [13 AAC 85.050](#) or [13 AAC 85.060](#);
- (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, 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.

- (c) To be eligible for an intermediate certificate, an applicant must
  - (1) be a full-time paid police officer of a police department in this state;
  - (2) possess a basic certificate; and
  - (3) have acquired either or both of the following, subject to (h) of this section, and except that training hours earned while attending a basic police officer academy do not count towards an intermediate certificate:

# Appendix B: Alaska Administrative Code - APSC

(A) the following minimum number of years of experience as a police officer, minimum education points, and minimum training hours:

Minimum years of experience as a police officer	two	four	five	six
Minimum education points in college credit	Bachelor of arts (B.A.) or bachelor of science (B.S.) degree	Associate of arts (A.A.) or associate of science (A.S.) degree	45	None
Minimum training hours	40	80	100	120

(B) seven or more years of experience as a police officer and a minimum of 20 training hours for each year of police officer experience.

(d) To be eligible for an advanced certificate, an applicant must

- (1) be a full-time paid police officer of a police department in this state;
- (2) possess a basic and intermediate certificate; and
- (3) have acquired either or both of the following, subject to (h) of this section, and except that training hours earned while attending a basic police officer academy do not count towards an advanced certificate:

(A) the following minimum number of years of experience as a police officer, minimum education points, and minimum training hours:

Minimum years of experience as a police officer	Four	Six	Nine	11	13
Minimum education points in college credit	Master's degree	Bachelor of arts (B.A.) or bachelor of science (B.S.) degree	Associate of arts (A.A.) or associate of science (A.S.) degree	45	None
Minimum training hours	40	80	140	180	220

(B) 14 or more years of experience as a police officer and a minimum of 20 training hours for each year of police officer experience.

(e) Repealed 9/24/2016

(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 will be recognized by the council. College credits awarded for a basic police officer academy will not be recognized for education

## Appendix B: Alaska Administrative Code - APSC

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points toward an intermediate or advanced certificate. College credits awarded for advanced, supervisory, management, executive, or specialized law enforcement courses may be recognized by the council for either training or education points. Education points will be awarded on the following basis:

- (1) one-quarter college credit equals two-thirds of an education point;
  - (2) one semester college credit equals one education point.
- (g) All training must be documented and the course must have been completed successfully by the applicant.
- (h) After a basic certificate is awarded, a police officer must achieve the prescribed training hours towards the next level of certification. After an intermediate certificate is awarded, a police officer must achieve the prescribed training hours for an advanced certificate. The police officer may not count the same hours towards each subsequent level of certification.

### 13 AAC 85.050. Basic police officer academy

- (a) The basic police officer academy consists of a minimum of 650 continuous hours of instruction in basic law enforcement subjects.
- (b) The basic police officer academy must include the following topics of instruction:
- (1) the United States Department of Homeland Security, Transportation Security Administration, Law Enforcement Officer Flying Armed Training Course; **[No longer enforced as of 3/1/2017]**
  - (2) bloodborne pathogens
  - (3) ethics;
  - (4) constitutional law, civil rights and disability awareness;
  - (5) control tactics;
  - (6) Cardiopulmonary resuscitation (CPR), basic first aid, and use of and automated external defibrillator (AED);
  - (7) criminal investigation, including
    - (A) controlled substances;
    - (B) crimes against minors;
    - (C) sex crimes and human trafficking;
  - (8) the criminal justice system;
  - (9) criminal law and procedure;
  - (10) crime scene investigation;

## Appendix B: Alaska Administrative Code - APSC

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- (11) cultural diversity;
- (12) domestic violence;
- (13) driving under the influence, field sobriety training, and use of a scientific instrument to analyze a sample of a person's breath and determine the breath alcohol content of that sample;
- (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, including;
  - (A) classroom instruction;
  - (B) Handguns, practical instruction;
  - (C) Handguns, practical instruction, low-light operations;
  - (D) Long guns, practical instruction; and
  - (E) Long guns, practical instruction low-light operations ;
- (19) hazardous materials;
- (20) interview and interrogation;
- (21) juvenile law and procedures;
- (22) patrol procedures;
- (23) police tools, including TASER, oleoresin capsicum, baton, handcuffs, and radar;
- (24) professional communication;
- (25) radio procedures;
- (26) report writing;
- (27) search and seizure and search warrants;
- (28) social media;
- (29) traffic law and stops, including practical scenarios and accident investigation; and
- (30) use of force

## Appendix B: Alaska Administrative Code - APSC

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- (c) To receive credit for the basic police officer academy, a person must attend all sessions of the academy, except for absences approved by the academy commander, and be awarded a certificate of graduation by the academy commander. A person may not be certified for successful completion of the basic police academy if the person:
  - (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.
- (d) The council may refuse to authorize admission to any council-certified basic police officer academy for any civilian applicant 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.

### 13 AAC 85.060. Waiver and reciprocity

- (a) The council may 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;
  - (2) a 12-consecutive-month probationary period with the police department the applicant is employed with in this state at the time of the waiver request;
  - (3) a council-certified, department-supervised field training program; and
  - (4) a council-certified recertification police training academy that consists of a minimum of 80 hours of classroom and practical training and that includes the following topics of instruction:
    - (A) criminal laws of this state;
    - (B) control tactics;
    - (C) domestic violence;
    - (D) ethics;
    - (E) firearms;
    - (F) use of force;

## Appendix B: Alaska Administrative Code - APSC

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- (G) juvenile law and procedures in this state;
  - (H) laws of arrest in this state;
  - (I) traffic law in this state;
  - (J) laws in this state regarding detection of driving under the influence and enforcement; and
  - (K) recognizing and working with disabled persons
- (b) The council may enter into reciprocity agreements with states that regulate or supervise the quality of police training and that require a minimum of 400 hours of classroom and practical training for police officers. The council will not enter into a reciprocity agreement under this subsection after December 31, 2016.
- (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 years before the waiver was sought.
- (d) On or after January 1, 2017, the council may enter into reciprocity agreements with states that regulate or supervise the quality of police training and that require a minimum of 650 hours of classroom and practical training for police officers.

### **13 AAC 85.070. Law enforcement code of ethics Repealed 8/10/80.**

### **13 AAC 85.080. Discrimination prohibited Repealed 8/10/80.**

### **13 AAC 85.090. Personnel reports**

- (a) Within 30 days after the date that a police officer is appointed by a participating police department, the police department's chief administrative officer, or the chief administrative officer's designee, shall notify the council in writing, on a form provided by the council, of the appointment of the police officer, unless a public record of the appointment would jeopardize the police officer or the police officer's assignment.
- (b) A participating police department shall notify the council within 30 days after the date that a police officer is no longer employed by the police department. The notification to the council must state the reason the person is no longer employed as a police officer by the police department, including layoff of the officer, death of the officer, termination of the officer by the police department, or the officer's voluntary resignation. If the reason for the termination of employment is the voluntary resignation of the officer, the police department must disclose in the notification if the resignation was to avoid an adverse action by the police department. The police department must also disclose in the notification if any resignation or termination involved a finding or allegation of dishonesty, misconduct, or lack of good moral character.
- (c) A participating police department may not formally or informally agree not to report to the council under this section.



## Appendix B: Alaska Administrative Code - APSC

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- (d) within 30 days after the allegation being sustained by administrative review, a participating police department shall notify the council of an allegation of misconduct by an officer employed by that department if the misconduct alleged may be cause for revocation under [13 AAC 85.110](#).<sup>13</sup>

### **13 AAC 85.100. Determination of ineligibility and denial of certificates**

- (a) The council may deny a basic certificate or find a police officer job applicant or training applicant ineligible for certification upon a finding that the applicant
  - (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.
- (b) The council will deny a basic certificate or find a police officer job applicant or training applicant ineligible for certification upon a finding that the applicant
  - (1) has been convicted of a misdemeanor crime of domestic violence or, after hire as a police officer, has been convicted of any felony, or of a misdemeanor crime listed in [13 AAC 85.010\(b\)\(2\)](#);
  - (2) has, after hire as a police officer,
    - (A) used marijuana;
    - (B) illegally used or possessed any Schedule IA, IIA, IIIA, IVA or VA controlled substance, unless an immediate, pressing, or emergency medical circumstance existed to justify the use of a prescription Schedule IA, IIA, IIIA, IVA or VA controlled substance not specifically prescribed to the person; or
    - (C) illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance;
  - (3) does not meet the standards in [13 AAC 85.010\(a\)](#) or(b); or
  - (4) has been discharged, or resigned under threat of discharge, from employment as a police officer in this state or any other state or territory for cause for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States or

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<sup>13</sup> 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>

## Appendix B: Alaska Administrative Code - APSC

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

- (c) The executive director may act on an application for certification, consistent with standards and qualifications adopted by the council and consistent with AS 18.65.130 - 18.65.290. The executive director may deny an application, or find a police officer job applicant or training applicant ineligible for certification, if the applicant does not satisfy those requirements. An applicant aggrieved by the decision of the executive director may petition for review of that decision by the council. The council's review of that decision is controlled by the Administrative Procedure Act.
- (d) If a person has been denied a basic certificate under this section, or has been found ineligible for certification as police officer by the council, the person may petition the council for rescission of the denial after one year following the date of the denial. The petitioner must state in writing the reasons why the denial should be rescinded. A denial may be rescinded for the following reasons:
  - (1) newly discovered evidence that by due diligence could not have been discovered before the effective date of the denial;
  - (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.
- (e) If a petition for rescission is based on one or more of the reasons set out in (d) of this section, a hearing on the petition for rescission will be held before a hearing officer or the council. Following the hearing, the council will decide whether to rescind the denial, and will state on the record at the hearing, or in writing, the reasons for the decision. If the denial is rescinded, the petitioner is eligible for hire by a participating police department, but must serve the full probationary period required under [13 AAC 85.040](#)(b)(3) before reapplying for certification.
- (f) A personnel action or subsequent personnel action regarding a police officer by the police officer's employer, including a decision resulting from an appeal of the employer's action, does not preclude the council from denying the police officer's basic certificate under this section.
- (g) In this section, "discharged" includes a termination initiated by the police officer's employer because the officer does not meet the standards in [13 AAC 85.010](#)(a) or (b).

### **13 AAC 85.110. Revocation of certificates**

- (a) The council may revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate
  - (1) falsified or omitted information required to be provided on an application for certification at any level, or in supporting documents;

## Appendix B: Alaska Administrative Code - APSC

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- (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 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).
- (b) The council will revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate
  - (1) has been convicted of a misdemeanor crime of domestic violence or, after hire as a police officer, has been convicted of a felony, or of a misdemeanor crime listed in [13 AAC 85.010](#)(b)(2);
  - (2) has, after hire as a police officer,
    - (A) used marijuana;
    - (B) illegally used or possessed any Schedule IA, IIA, IIIA, IVA or VA controlled substance, unless an immediate, pressing or emergency medical circumstance existed to justify the use of a prescription 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 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.
- (c) The executive director of the council may initiate proceedings under the [Administrative Procedure Act](#) for the revocation of a certificate issued by the council when the revocation complies with AS 18.65.130 - 18.65.290 and 13 AAC 85.005 - 13 AAC 85.120.
- (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 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;

## Appendix B: Alaska Administrative Code - APSC

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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.
- (e) If a petition for rescission is based on one or more of the reasons set out in (d) of this section, a hearing on the petition for rescission will be held before a hearing officer or the council. Following the hearing, the council will decide whether to rescind the revocation, and will state on the record at the hearing, or in writing, the reasons for the decision. If the revocation is rescinded, the petitioner is eligible for hire by a participating police department, but must serve the full probationary period required under [13 AAC 85.040\(b\)\(3\)](#) before applying for reinstatement of a basic, intermediate, or advanced certificate.
- (f) A personnel action or subsequent personnel action regarding a police officer by the police officer's employer, including a decision resulting from an appeal of the employer's action, does not preclude the council from revoking the police officer's basic, intermediate, or advanced certificate under this section.
- (g) In this section, "discharged" includes a termination initiated by the police officer's employer because the officer does not meet the standards in [13 AAC 85.010\(a\)](#) or (b).

### **13 AAC 85.115. Effect on police officers of conviction of misdemeanor crime of domestic violence**

Notwithstanding [13 AAC 85.010](#) (b)(1), [13 AAC 85.100](#)(b)(1), or [13 AAC 85.110](#)(b)(1), a police department may hire a person, and the council is not required to deny or revoke certification of a person, if the person clearly and convincingly establishes that, in connection with a conviction for a misdemeanor crime of domestic violence, the person

- (1) was not represented by counsel and did not, by guilty plea or otherwise, knowingly and intelligently waive the right to counsel;
- (2) was entitled to a jury trial, did not receive a jury trial, and did not, by guilty plea or otherwise, knowingly and intelligently waive the right to a jury trial; or
- (3) is not currently under any condition of an expungement, conviction set aside, pardon, or restoration of civil rights that expressly provides the person may not ship, transport, possess, or receive firearms, and the conviction
  - (A) has been expunged or set aside;
  - (B) is for an offense for which the person has been pardoned; or
  - (C) is for an offense for which the person has had civil rights restored that were lost upon the conviction.

# Appendix B: Alaska Administrative Code - APSC

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## 13 AAC 85.120. Lapse of certificates

- (a) A basic, intermediate, or advanced certificate lapses if the holder is not employed as a police officer with a police department in this or another state or territory for a period of 12 consecutive months. For purposes of this subsection, "not employed" includes a suspension for disciplinary reasons.
- (b) A person may request reinstatement of a lapsed certificate after serving an additional 12-month probationary period. A person shall attend a council-certified recertification academy described in 13 AAC 85.060(a)(4) as a condition of reinstatement if the person's certificate has been lapsed for 12 consecutive months or longer. A certificate expires if it has been lapsed for more than four years.

## 13 AAC 85.150. Definitions Redesignated as 13 AAC 85.900, 8/8/90.

## 13 AAC 85.200. Applicability

- (a) The requirements of 13 AAC 85.200 - 13 AAC 85.280, other than 13 AAC 85.215 and 13 AAC 85.235, apply to probation, parole, and correctional officers hired or rehired by the Department of Corrections on or after February 8, 1991 and those previously hired officers who seek to become certified after August 8, 1990. The requirements of 13 AAC 85.215 and 13 AAC 85.235 do not apply to probation, parole, and correctional officers.
- (b) The requirements of 13 AAC 85.215 and 13 AAC 85.235 apply to municipal correctional officers hired or rehired by a municipality on or after October 12, 2001 and those previously hired officers who seek to become certified after April 12, 2001.
- (c) The requirements of 13 AAC 85.200 - 13 AAC 85.280, other than 13 AAC 85.210 and 13 AAC 85.230, apply only to municipal correctional officers employed by a municipality that has adopted an ordinance under AS 18.65.285. The requirements of 13 AAC 85.210 and 13 AAC 85.230 do not apply to municipal correctional officers.

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

- (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 ;
  - (2) is 21 years of age or older;
  - (3) is of good moral character;
  - (4) has a high school diploma recognized by a state, has a diploma from a home school program recognized or certified by a state or by a local school district within a state as having met that state's graduation

## Appendix B: Alaska Administrative Code - APSC

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- requirements, or has passed a General Educational Development (GED) test;
- (5) is certified by a licensed physician, advanced practice registered nurse, 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.
- (b) A person may not be hired as a probation, parole, or correctional officer if that person
- (1) has been convicted of any 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 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 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 years before the date of hire, has illegally used a Schedule IA, IIA, IIIA, IVA or VA controlled substance, unless
    - (A) the person was under the age of 21 at the time of using the controlled substance; or
    - (B) an immediate, pressing or emergency medical circumstance existed to justify the use of a prescription Schedule IA, IIA, IIIA, IVA or VA controlled substance not specifically prescribed to the person;
  - (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, revocation, or surrender has been rescinded by the council under [13 AAC 85.270](#) or by the responsible certifying agency of the issuing jurisdiction; or

## Appendix B: Alaska Administrative Code - APSC

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- (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 agency of the issuing jurisdiction.
- (c) A person hired as a probation, parole, or correctional officer may not remain employed in that position without written confirmation from the Department of Corrections, submitted within 90 days after the date of hire, that the person meets the standards of (a) and (b) of this section. The council will grant an extension of the 90 day period, upon a written request by the Department of Corrections that explains the reason the extension is necessary, and if the council determines that the person will probably be able to meet the standards by the end of the extension period. If the Department of Corrections concludes at the end of an investigation that a person does not meet the required standards, the person may not continue employment as a probation, parole, or correctional officer and the Department shall notify the council on a form provided by the council. For purposes of determining whether a person meets the standards of (a) and (b) of this section,
  - (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 by the council;
    - (D) a complete medical history report of the person; the report must be provided to a licensed physician, advanced practice registered nurse, 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, revocation, or surrender, has been rescinded by the council under [13 AAC 85.270](#) or by the responsible certifying 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, has been rescinded by the responsible certifying 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



## Appendix B: Alaska Administrative Code - APSC

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- 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.
- (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) the medical examination report;
  - (2) the health questionnaire;
  - (3) the personal history statement;
  - (4) the psychological screening report; and
  - (5) verification of a psychological or psychiatric examination report; and
  - (6) the compliance form to record the agency's compliance with (c)(1)-(3) of this section.
- (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 12 months after the date the officer began work with the department.
- (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

## Appendix B: Alaska Administrative Code - APSC

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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 be furnished by the council to a correctional agency. An officer or applicant may not review information in the council's files that 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.

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

### **13 AAC 85.215. Basic employment standards for municipal correctional officers**

- (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 ;
  - (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 certified by a licensed physician, advanced practice registered nurse, or physician's assistant 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.
- (b) A person may not be hired as a municipal correctional officer if that person
  - (1) has been convicted of any 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 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

## Appendix B: Alaska Administrative Code - APSC

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- in serious physical injury to another person, or of two or more DUI 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, unless
    - (A) the person was under the age of 21 at the time of using the controlled substance; or
    - (B) an immediate, pressing, or emergency medical circumstance existed to justify the use of a prescription Schedule IA, IIA, IIIA, IVA or VA controlled substance not specifically prescribed to the person;
  - (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, revocation, or surrender has been rescinded by the council under [13 AAC 85.270](#) or by the responsible certifying 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 agency of the issuing jurisdiction.
- (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 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 30 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;

## Appendix B: Alaska Administrative Code - APSC

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- (C) a complete personal history of the person on a form supplied by the council;
- (D) a complete medical history report of the person; the report must be provided to a licensed physician, advanced practice registered nurse, or physician's 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, revocation, or surrender has been rescinded by the council under [13 AAC 85.270](#) or by the responsible 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 has been rescinded by the responsible certifying 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.
- (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 days after the date of each hire:
  - (1) The medical examination report;
  - (2) The health questionnaire;
  - (3) The personal history statement; and

## Appendix B: Alaska Administrative Code - APSC

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- (4) the compliance form to record the agency's compliance with (c)(1) and (2) of this section.
- (e) A municipal correctional officer must begin field training, using the Department of Corrections Municipal Correctional Officers Field Training Manual, immediately after the date the officer is hired. The Municipal Correctional Officers Field Training Manual must be completed and sent to the council within six months after the date the officer began work with the municipality.
- (f) Except if the employing municipality by ordinance makes that information public, the information in the council's files regarding an applicant or a municipal 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 13 AAC 85.200 - 13 AAC 85.280. However, training records and the documents listed in (c) and (d) of this section relating to an applicant or a municipal correctional officer may be reviewed by the applicant or the 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 be furnished by the council to a correctional agency. An officer or applicant may not review information in the council's files that 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.
- (g) If the signature of the officer or applicant is required on a council form, the signature must be under oath or affirmation and must be accompanied by a statement by the officer or applicant that the information supplied is true, to the best of the person's knowledge.

### **13 AAC 85.220. Permanent employment for probation, parole, correctional, and municipal correctional officers**

- (a) A person may not be granted permanent status as a
  - (1) probation, parole, or correctional officer unless the person has a current basic certificate issued by the council under [13 AAC 85.230](#); or
  - (2) municipal correctional officer unless the person has a current basic certificate issued by the council under [13 AAC 85.235](#).
- (b) Unless an extension is granted under (c) of this section, a person may not be employed for more than 14 consecutive months as a
  - (1) probation, parole, or correctional officer without a current basic certificate issued by the council under [13 AAC 85.230](#); or
  - (2) municipal correctional officer without a current basic certificate issued by the council under [13 AAC 85.235](#).
- (c) The council will grant an extension for employment for longer than 14 months if the chief administrative officer of the correctional agency makes a written request

## Appendix B: Alaska Administrative Code - APSC

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for extension. 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 extension may not exceed six months.

### **13 AAC 85.230. Basic certificate for probation, parole, and correctional officers**

- (a) The council will issue a basic certificate to a probation, parole, or correctional officer meeting the standards set out in this section. No certificate will be issued unless documents required under 13 AAC 85.210 are submitted to the council.
- (b) To be eligible for the award of a basic correctional officer certificate, an applicant must
  - (1) successfully complete the Department of Corrections basic correctional officer training program meeting the standards set out in [13 AAC 87.050](#) and field training required by [13 AAC 85.210](#);
  - (2) be a full-time, paid correctional officer of a correctional agency in Alaska;
  - (3) have worked 12 consecutive months as a correctional officer on a probationary status with the correctional agency where the applicant is employed at the time of application for certification;
  - (4) meet the basic employment standards set out in [13 AAC 85.210](#); and
  - (5) attest and subscribe to the correctional, probation, and parole officer Code of Ethics.
- (c) To be eligible for the award of a basic probation or parole officer certificate, an applicant must
  - (1) successfully complete the Department of Corrections basic probation and parole officer training program meeting the standards set out in 13 AAC 87.050 and field training required by [13 AAC 85.210](#);
  - (2) be a full-time, paid probation or parole officer of the Department of Corrections;
  - (3) have worked 12 consecutive months on a probationary status with the Department of Corrections as a probation or parole officer; and
  - (4) meet the basic employment standards set out in [13 AAC 85.210](#); and
  - (5) attest and subscribe to the correctional, probation, and parole officer Code of Ethics.
- (d) The correctional, probation, and parole officer Code of Ethics is:

As a correctional, probation, or parole officer, my fundamental duty is to respect the dignity and individuality of all people, to provide professional and

## Appendix B: Alaska Administrative Code - APSC

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compassionate service, and to be unfailingly honest. I will not discriminate against any person on the basis of race, religion, color, national origin, sex, age, physical or mental disability, marital status, changes in marital status, or pregnancy or parenthood, and will respect and protect the civil and legal rights of all inmates, probationers, and parolees. I will respect the right of the public to be safeguarded from criminal activity, and will be diligent in recording and making available for review all case information that could contribute to sound decisions affecting the public safety, or an inmate, probationer, or parolee. I will maintain the integrity of private information, and will neither seek personal data beyond that needed to perform my duties, nor reveal case information to anyone not having a proper professional use for the information. In making public statements, I will clearly distinguish between those that are my personal views and those that are made on behalf of the agency. I will not use my official position to secure privileges or advantages for myself, and will not accept any gift or favor that implies an obligation inconsistent with the objective exercise of my professional duties. I will not act in my official capacity in any matter in which I have a personal interest that could in the least degree impair my objectivity. I will not engage in undue familiarity with inmates, probationers, or parolees. I will report any corrupt or unethical behavior of a fellow correctional, probation, or parole officer that could affect either an inmate, probationer, or parolee, or the integrity of the agency, but will not make statements critical of colleagues or other criminal justice agencies unless the underlying facts are verifiable. I will respect the importance of, and cooperate with, all elements of the criminal justice system, and will develop relationships with colleagues to promote mutual respect for the profession and improvement of the quality of service provided.

- (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.

### **13 AAC 85.235. Basic certificate for municipal correctional officers**

- (a) The council will issue a basic certificate to a municipal correctional officer meeting the standards set out in this section. The council will not issue a certificate unless documents required under [13 AAC 85.215](#) are submitted to the council.
- (b) To be eligible for the award of a basic municipal correctional officer certificate, an applicant must



## Appendix B: Alaska Administrative Code - APSC

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- (1) successfully complete the Department of Corrections basic municipal correctional officer training program meeting the standards set out in [13 AAC 87.075](#) and field training required by [13 AAC 85.215](#);
  - (2) be a full time, paid municipal correctional officer employed by a correctional agency in the state;
  - (3) have worked 12 consecutive months as a municipal correctional officer on a probationary status with the municipality where the applicant is employed at the time of application for certification;
  - (4) meet the minimum employment standards set out in [13 AAC 85.215](#); and
  - (5) attest and subscribe to the municipal correctional officer Code of Ethics.
- (c) The municipal correctional officer Code of Ethics is: As a municipal correctional officer, my fundamental duty is to respect the dignity and individuality of all people, to provide professional and compassionate service, and to be unfailingly honest. I will respect the right of the public to be safeguarded from criminal activity, and will be diligent in recording and making available for review all case information that could contribute to sound decisions affecting the public safety, or an inmate. I will not unlawfully discriminate against any person on the basis of race, religion, color, national origin, gender, sexual orientation, age, physical or mental disability, marital status, changes in marital status, or pregnancy or parenthood, and will respect the civil and legal rights of all inmates. I will maintain the integrity of private information, and will neither seek personal data beyond that needed to perform my duties, nor reveal case information to anyone not having a proper professional use for the information. In making public statements, I will clearly distinguish between those that are my personal views and those that are made on behalf of the agency. I will not use my official position to secure privileges or advantages for myself, and will not accept any gift or favor that implies an obligation inconsistent with the objective exercise of my professional duties. I will not act in my official capacity in any matter in which I have a personal interest that could in the least degree impair my objectivity. I will not engage in undue familiarity with inmates. I will report any corrupt or unethical behavior of a fellow municipal correctional officer that could affect either an inmate or the integrity of the agency, but will not make statements critical of colleagues or other criminal justice agencies unless the underlying facts are verifiable. I will respect the importance of, and cooperate with, all elements of the criminal justice system, and will develop relationships with colleagues to promote mutual respect for the profession and improvement of the quality of service provided.
- (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

## Appendix B: Alaska Administrative Code - APSC

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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.

### **13 AAC 85.240. Waiver and reciprocity**

- (a) The council may 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.
- (b) The council may enter into reciprocity agreements for certification with states that regulate or supervise the quality of probation, parole, correctional, or municipal correctional officer training and that require training standards for probation, parole, correctional, or municipal correctional officers equivalent to the standards set by the council.
- (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 years before the waiver was sought.

### **13 AAC 85.250. Personnel reports for probation, parole, correctional, and municipal correctional officers**

- (a) Within 30 days after the date that a probation, parole, correctional, or municipal correctional officer is appointed by a correctional agency, the correctional agency shall notify the council in writing, on a form provided by the council, of the appointment of the officer.
- (b) A correctional agency shall notify the council within 30 days after the date that a probation, parole, correctional, or municipal correctional officer is no longer employed by the correctional agency. The notification to the council must state the reason the person is no longer employed as an officer by the correctional agency, including layoff of the officer, death of the officer, termination of the officer by the agency, or the officer's voluntary resignation. If the reason for the termination of employment is the voluntary resignation of the officer, the correctional agency must disclose in the notification if the resignation was to avoid an adverse action by the correctional agency. The correctional agency must also disclose in the notification if any resignation or termination involved a finding or allegation of dishonesty, misconduct, or a lack of good moral character.
- (c) A correctional agency may not formally or informally agree not to report to the council under this section.
- (d) Within 30 days after the allegation being sustained by administrative review, a correctional agency shall notify the council of an allegation of misconduct by an

## Appendix B: Alaska Administrative Code - APSC

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officer employed by that agency, if the misconduct alleged may be cause for revocation under [13 AAC 85.270](#)<sup>14</sup>.

### 13 AAC 85.260. Determination of ineligibility or denial of certificate

- (a) The council may deny a basic certificate or find a correctional, probation, parole or municipal corrections officer job applicant ineligible for certification upon a finding that the applicant
  - (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 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.
  
- (b) The council will deny a basic certificate or find a correctional, probation, parole or municipal corrections officer job applicant ineligible for certification upon a finding that the applicant
  - (1) has been convicted of a misdemeanor crime of domestic violence, or after hire as a
    - (A) probation, parole, or correctional officer, has been convicted of any felony, or of a misdemeanor crime listed in [13 AAC 85.210\(b\)\(2\)](#); or
    - (B) municipal correctional officer, has been convicted of any felony, or of a misdemeanor crime listed in [13 AAC 85.215\(b\)\(2\)](#) or (3);
  - (2) has, after hire as a probation, parole, correctional, or municipal correctional officer,
    - (A) used marijuana;
    - (B) illegally used or possessed any Schedule IA, IIA, IIIA, IVA or VA controlled substance, unless an immediate, pressing, or emergency medical circumstance existed to justify the use of a prescription Schedule IA, IIA, IVA, or VA controlled substance not specifically prescribed to the person; or

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<sup>14</sup> 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>.

## Appendix B: Alaska Administrative Code - APSC

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- (c) illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance;
  - (3) does not meet the standards in [13 AAC 85.210](#);
  - (4) 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 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.
- (c) The executive director may act on an application for certification, consistent with standards and qualifications adopted by the council and consistent with AS 18.65.130 - 18.65.290. The executive director may deny an application, or find a correctional, probation, parole, or municipal corrections officer job applicant ineligible for certification, if the applicant does not satisfy those requirements. An applicant aggrieved by the decision of the executive director may petition for review of that decision by the council. The council's review of that decision is controlled by the Administrative Procedure Act.
- (d) If a person has been denied a basic certificate or found to be ineligible for certification under this section, the person may petition the council for rescission of the denial after one year following the date of the denial. The petitioner must state in writing the reasons why the denial should be rescinded. A denial may be rescinded for the following reasons:
  - (1) newly discovered evidence that by due diligence could not have been discovered before the effective date of the denial;
  - (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.
- (e) If a petition for rescission is based on one or more of the reasons set out in (d) of this section, a hearing on the petition for rescission will be held before a hearing officer or the council. Following the hearing, the council will decide whether to rescind the denial, and will state on the record at the hearing, or in writing, the reasons for the decision. If the denial is rescinded, the applicant is eligible for hire by a correctional agency, but must serve the full probationary period required under [13 AAC 85.230](#) or [13 AAC 85.235](#), as applicable, before reapplying for certification.
- (f) A personnel action or subsequent personnel action regarding a probation, parole, correctional, or municipal correctional officer by the officer's employer, including a

## Appendix B: Alaska Administrative Code - APSC

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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.

- (g) In this section, "discharged" includes a termination initiated by the probation, parole, correctional, or municipal correctional officer's employer because the officer does not meet the standards in [13 AAC 85.210](#)(a) or (b).

### **13 AAC 85.270. Revocation of certificate**

- (a) The council may revoke a basic certificate upon a finding that the holder of the certificate
- (1) falsified or omitted information required to be provided on an application for certification, or in supporting documents;
  - (2) has been discharged, or resigned under threat of discharge, from employment as a probation, parole, correctional, or municipal correctional officer in this state or any other state or territory for inefficiency, incompetence, or some other reason that adversely affects the ability and fitness of the officer to perform job duties or that is detrimental to the reputation, integrity, or discipline of the correctional agency where the officer worked;
  - (3) is a probation, parole, or correctional officer and does not meet the standards in [13 AAC 85.210](#) (a) or (b); or
  - (4) is a municipal correctional officer and does not meet the standards in [13 AAC 85.215\(a\) or \(b\)](#).
- (b) The council will revoke a basic certificate upon a finding that the holder of the certificate
- (1) has been convicted of a misdemeanor crime of domestic violence or, after hire as a
    - (A) probation, parole, or correctional officer, has been convicted of any felony, or of a misdemeanor crime listed in [13 AAC 85.210](#) (b)(2); or
    - (B) municipal correctional officer, has been convicted of any felony, or of a misdemeanor crime listed in [13 AAC 85.215](#) (b)(2) or (3);
  - (2) has, after hire as a probation, parole, correctional, or municipal correctional officer,
    - (A) used marijuana;
    - (B) illegally used or possessed a Schedule IA, IIA, IIIA, IVA or VA controlled substance, unless an immediate, pressing or emergency medical circumstance existed to justify the use of a

## Appendix B: Alaska Administrative Code - APSC

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- prescription Schedule IA, IIA, IIIA, IVA or VA controlled substance not specifically prescribed to the person; or
- (c) illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance; or
- (3) has been discharged, or resigned under threat of discharge, from employment as a probation, parole, correctional, or municipal correctional officer in this state or any other state or territory for 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.
- (c) The executive director of the council may initiate proceedings under the [Administrative Procedure Act](#) for the revocation of a certificate issued by the council when the revocation complies with AS 18.65.130 - 18.65.290 and 13 AAC 85.200 - 13 AAC 85.280.
- (d) If a basic certificate was revoked under this section, the former probation, parole, correctional, or municipal correctional 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. The council may rescind a revocation for the following reasons:
- (1) newly discovered evidence that by due diligence could not have been discovered before the effective date of the revocation;
- (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.
- (e) If a petition for rescission is based on one or more of the reasons set out in (d) of this section, a hearing on the petition for rescission will be held before a hearing officer or the council. Following the hearing, the council will decide whether to rescind the revocation, and will state on the record at the hearing, or in writing, the reasons for the decision. If the revocation is rescinded, the petitioner is eligible for hire by a correctional agency, but must serve the full probationary period required under [13 AAC 85.230](#) or [13 AAC 85.235](#), as applicable, before applying for reinstatement of a basic certificate.
- (f) 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.

## Appendix B: Alaska Administrative Code - APSC

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- (g) In this section, "discharged" includes a termination initiated by the probation, parole, correctional, or municipal correctional officer's employer because the officer does not meet the standards in [13 AAC 85.210](#)(a) or (b).

### **13 AAC 85.275. Effect on probation, parole, correctional, and municipal correctional officers of conviction of misdemeanor crime of domestic violence**

Notwithstanding [13 AAC 85.210](#) (b)(1), [13 AAC 85.215](#)(b)(1), [13 AAC 85.260](#)(b)(1), or [13 AAC 85.270](#) (b)(1), a person may be hired, and the council is not required to deny or revoke certification of a person, if the person clearly and convincingly establishes that, in connection with a conviction for a misdemeanor crime of domestic violence, the person

- (1) was not represented by counsel and did not, by guilty plea or otherwise, knowingly and intelligently waive the right to counsel;
- (2) was entitled to a jury trial, did not receive a jury trial, and did not, by guilty plea or otherwise, knowingly and intelligently waive the right to a jury trial; or
- (3) is not currently under any condition of an expungement, conviction set aside, pardon, or restoration of civil rights that expressly provides the person may not ship, transport, possess, or receive firearms, and the conviction
  - (A) has been expunged or set aside;
  - (B) is for an offense for which the person has been pardoned; or
  - (C) is for an offense for which the person has had civil rights restored that were lost upon the conviction.

### **13 AAC 85.280. Lapse of certificates**

- (a) A basic certificate lapses if the holder is not employed as a probation, parole, correctional, or municipal correctional officer with a correctional agency for a period of 12 consecutive months. For purposes of this subsection, "not employed" includes a suspension for disciplinary reasons.
- (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 if it has been lapsed for more than four years.

### **13 AAC 85.900. Definitions**

In this chapter,

- (1) "controlled substance" means a controlled substance as defined in AS 11.71.900;
- (2) "correctional agency" means the Department of Corrections or a municipality that has adopted an ordinance under AS 18.65.285 that requires a person employed at a municipal correctional facility to meet the requirements of AS 18.65.130 - 18.65.290;



## Appendix B: Alaska Administrative Code - APSC

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- (3) "correctional officer" has the meaning given in AS 18.65.290;
- (4) "council" means the Alaska Police Standards Council;
- (5) "felony" means a crime classified as a felony in Alaska at the time the crime was committed; a conviction in another jurisdiction by a civilian or military court is a felony conviction if the crime has elements similar to those of a felony under Alaska law at the time the offense was committed; a completed suspended imposition of sentence, expungement of record, or a pardon does not remove a felony conviction from a person's record;
- (6) repealed 8/8/2007;
- (7) "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;
- (8) "imitation controlled substance" means an imitation controlled substance as defined in AS 11.73.099;
- (9) "misdemeanor" means a crime classified as a misdemeanor in Alaska at the time the crime was committed; a crime committed in another jurisdiction for which there was a conviction in that jurisdiction by a civilian or military court is a misdemeanor conviction if the crime has elements similar to those of a misdemeanor under Alaska law at the time the offense was committed; for purposes of determining whether, under this paragraph, a crime is to be considered a misdemeanor or whether a conviction is to be considered a misdemeanor conviction, an offense punishable as a misdemeanor in Alaska or under the law of another jurisdiction that results in a completed suspended imposition of sentence, expungement of record, or a pardon is a misdemeanor conviction unless the offense was committed by the person before the age of 21;
- (10) repealed 8/8/2007;
- (11) "parole officer" has the meaning given in AS 18.65.290;
- (12) "participating police department" includes the Alaska Department of Public Safety and a police department of any political subdivision of the state that has not excluded itself under the provision of AS 18.65.280(b);
- (13) "police department" means a civil force of police officers organized by the state or a political subdivision of the state whose basic purpose and function is to maintain peace and order and to prevent and investigate criminal offenses;
- (14) "probation officer" has the meaning given in AS 18.65.290;
- (15) "probationary period" means employment as a police, probation, parole, correctional, or municipal correctional officer for a period of 12 consecutive

## Appendix B: Alaska Administrative Code - APSC

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- months with a single police department or a single correctional agency; separation of less than 91 consecutive days will be considered unbroken;
- (16) "serious physical injury" means serious physical injury as defined in AS 11.81.900;
- (17) "undue familiarity" means developing, or attempting to develop, an intimate, personal, or financial relationship, or otherwise failing to maintain an appropriate professional relationship;
- (18) "DUI offense" means an offense AS 28.35.030 or another law or ordinance with substantially similar elements, or and offense of refusal to submit to a chemical test under AS 28.35.032 or another law or ordinance with substantially similar elements;
- (19) repealed 8/8/2007;
- (20) "crime of domestic violence" means an offense that has, as an element, the use or attempted use of force, or the threatened use of a deadly weapon, and the offense was committed by a person against a victim, both of whom are described in 18 U.S.C. 921(a) (33)(A)(ii), as that provision read on March 17, 1998;
- (21) "criminal justice activity" has the meaning given in AS 12.62.900;
- (22) "deadly weapon" has the meaning given in AS 11.81.900(b);
- (23) "expunged" means that the central repository for criminal history records, in the jurisdiction in which a conviction was issued, has destroyed or sealed the record of conviction so that the record is not available for dissemination for any criminal justice activity;
- (24) "force" has the meaning given in AS 11.81.900(b);
- (25) "jurisdiction" means a state, territory, or commonwealth of the United States;
- (26) "municipal correctional officer" has the meaning given in AS 18.65.290;
- (27) "crime of dishonesty" means a crime under AS 11.46, or a crime under a similar statute or ordinance of this state or another jurisdiction;
- (28) "crime of moral turpitude" means a felony and any other crime that contains reckless, knowing, or intentional as the culpable mental element;
- (29) "surrendered" means to have voluntarily relinquished a certificate issued under AS 18.65 and this chapter, or a similar provision of the law of the issuing jurisdiction, to avoid possible revocation of the certificate.

### **13 AAC 87.010. Certification of basic police training programs**

- (a) An institution which offers a program of instruction in basic law enforcement subjects which meets the requirements of the classroom phase of the basic

## Appendix B: Alaska Administrative Code - APSC

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program provided for in [13 AAC 85.050](#)(a) and (b) or [13 AAC 89.040](#), and to qualify students for a police officer basic certificate under [13 AAC 85.040](#)(b) or a village police officer certificate under [13 AAC 89.030](#), shall apply for certification by the council and shall comply with the requirements of this chapter.

- (b) An application for certification under this section shall be submitted on a form prescribed by the council and must be accompanied by the following information, where applicable:
- (1) the name of the institution, its governing body and its instructors;
  - (2) institution policy and regulations with respect to leave, absences, class cuts, make-up work, tardiness, and interruptions for unsatisfactory attendance;
  - (3) institution policy and regulations with respect to standards of progress required of students, including the policy or regulation setting out the grading system of the institution, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress, the probationary period, if any, allowed by the institution, and conditions of re-entrance for those students dismissed for unsatisfactory progress;
  - (4) institution policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct;
  - (5) a detailed schedule of fees, charges for tuition, books, supplies, tools, student activities, service charges, rentals, deposits, and all other charges;
  - (6) a description of the available space, facilities, and equipment; and
  - (7) an outline for each course which is part of the program, describing the content, skill to be achieved, and approximate classroom hours to be spent on each topic.
- (c) The council will, in its discretion, approve an institution's application for certification of a program of instruction as meeting the requirements of the classroom phase of the basic program provided for in [13 AAC 85.050](#)(a) and (b) or [13 AAC 89.040](#), if the institution and program meet the following criteria:
- (1) the courses, curriculum, and instruction are adequate in content, quality, and length to provide students with the education and training necessary to become successful, knowledgeable, and effective police officers;
  - (2) the program of instruction meets the requirements of [13 AAC 85.050](#)(a) and (b) or [13 AAC 89.040](#);
  - (3) the institution has adequate space, equipment, instructional materials, and instructor personnel to provide training of good quality;

## Appendix B: Alaska Administrative Code - APSC

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- (4) the directors and administrators have adequate training and experience, and the instructors are certified under [13 AAC 87.040](#);
  - (5) a copy of the program outline, schedule of tuition, fees and other charges, regulations pertaining to absences, grading policy, and rules of operation and conduct are furnished to students upon enrollment;
  - (6) adequate records are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced;
  - (7) written examinations are required of each student in those courses for which written examinations are appropriate, and practical tests are required in those courses such as firearms training where practical tests are appropriate;
  - (8) the institution gives its students, upon successful completion of the program, a certificate indicating that the program of instruction was satisfactorily completed;
  - (9) a certificate of successful completion is not awarded by the institution except in compliance with [13 AAC 85.050](#)(c);
  - (10) the institution is financially sound and capable of fulfilling its commitments for training; and
  - (11) the institution furnishes the council, within seven days after the completion of each program, a roster of those students who attended at least 90 percent of the classes offered (in class hours), and the roster must show the full name, rank, department, and examination scores for each student completing the program, and must be signed by the institution director or coordinator.
- (d) An institution is subject to periodic inspection by the council or its representatives to assure compliance with this section.

### **13 AAC 87.020. Certification of other police training programs**

- (a) The council will, in its discretion, certify programs of instruction designed to provide police officers with continuing education and training in supervisory, mid-management, executive, specialized and in-service subjects.
- (b) An application by an institution for certification of a program of instruction under this section must be submitted on a form prescribed by the council and must be accompanied by the information specified in [13 AAC 87.010](#)(b)(1) - (b)(7).
- (c) The council will, in its discretion, approve the application of an agency or institution for certification of a program of instruction, if the program meets the following criteria:

## Appendix B: Alaska Administrative Code - APSC

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- (1) the courses, curriculum and instruction are adequate in content, quality and length to satisfy one or more of the purposes specified in (a) of this section;
- (2) the agency or institution and program are in compliance with the requirements of [13 AAC 87.010](#).
- (d) The institution shall be subject to periodic inspection by the council or its representatives to assure compliance with this section.

### **13 AAC 87.030. Financial assistance**

- (a) No agency or institution will receive financial assistance from the council for a police training program unless the program is certified by the council under this chapter.
- (b) No agency or institution will receive financial assistance from the council for a police training program unless it is made available to all qualified police officers, except that the agency or institution may limit class size. An agency or institution of the state or a municipality which maintains a police training program primarily for training its own police officers may give preference to its own officers in enrollment.

### **13 AAC 87.040. Certification of police instructors**

- (a) The council will certify instructors considered qualified to teach in one or more of the prescribed training courses on the basis of the standards provided in this section.
- (b) Instructors are eligible for certification if they meet the following minimum qualifications in the areas of education, training, and experience:
  - (1) A person applying for certification to teach police subjects, including patrol, investigation, or the use of firearms must have
    - (A) a high school diploma or its equivalent;
    - (B) three years' experience as a police officer;
    - (C) 40 hours of verified training in each subject to be taught;
    - (D) 40 hours of instructor development training approved by the council, including training in the areas of communication, psychology of learning, techniques of instruction, use of instructional aids, preparation and use of lesson plans, preparing and administering tests, teaching resources, and motivation; and
    - (E) a recommendation by the director of a training program certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#), or by the applicant's police department head;

## Appendix B: Alaska Administrative Code - APSC

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- (2) A person applying for certification to teach general subjects, including management, human relations, or administration, must have
  - (A) a baccalaureate degree;
  - (B) three years' experience in the subject to be taught; and
  - (C) a recommendation by the director of a training program certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#).
- (c) The council will, in its discretion, waive any part of the requirements of (b) of this section if it finds that a person, although not meeting all of the eligibility requirements, is otherwise qualified to be an instructor.
- (d) The director of a training program certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#) must supervise all instructors to ensure that instructional excellence is maintained.
- (e) Instructor certification will, in the council's discretion, be revoked whenever an instructor is found by the council to be no longer qualified. Revocation of instructor certification will be considered by the council if
  - (1) an instructor is terminated or asked to resign, or resigns instead of discharge for cause by his employer;
  - (2) there is a recommendation to revoke certification by the director of a training program certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#) or by the instructor's employer for failure to provide adequate instruction; or
  - (3) the holder of the instructor certificate falsified or omitted information required to be provided on an application for certification or on supporting documents.
- (f) Repealed 10/18/81.
- (g) A person who is currently certified or licensed by the State of Alaska or a nationally recognized certifying body need not be certified by the council to teach police officers in the subject for which the person is certified or licensed.
- (h) The director of a training program certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#) must furnish the council documentary verification of the certification or licensure of a person specified in (g) of this section before council approval as an instructor will be considered.
- (i) An instructor certificate becomes inactive if the holder of the certificate does not instruct at least one course certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#) during a period of three consecutive years.
- (j) An inactive instructor certificate may be reactivated upon written request of the director of a training program certified under [13 AAC 87.010](#) or [13 AAC 87.020](#),

## Appendix B: Alaska Administrative Code - APSC

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or of the applicant's police department head, following the applicant's instruction of at least one course certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#) under direct supervision of a currently certified instructor.

- (k) An instructor used on a one-time basis for a specialized subject area of a training program may be classified as a guest lecturer. Requirements for application and certification as an instructor do not apply to a guest lecturer. A guest lecturer is defined as a person who, by reason of position or experience, can make a worthwhile contribution to a training program. A guest lecturer must be experienced in a specialized area and the instruction limited to that area of experience.

### **13 AAC 87.050. Certification of basic probation, parole, and correctional officer training programs**

- (a) The Department of Corrections shall
- (1) establish a program of instruction to qualify students for probation, parole, and correctional officer certificates under [13 AAC 85.230](#);
  - (2) apply for certification of the program of instruction by the council;
  - (3) provide information to the council showing that the requirements for certification of the program have been met; and
  - (4) comply with the requirements of this chapter.
- (b) The council will approve the Department of Corrections' application for certification of a program of instruction as meeting the requirements of the training program provided for in [13 AAC 85.230](#), upon a showing that the program meets the following minimum standards:
- (1) the program of instruction meets the requirements of [13 AAC 87.060](#), and the courses, curriculum, and instruction are adequate in content, quality, and length to provide students with the education and training necessary to become successful, knowledgeable, and effective probation, parole, or correctional officers;
  - (2) the directors and administrators have adequate training and experience, and all full-time instructors have been certified under [13 AAC 87.070](#);
  - (3) a copy of the rules of operation, program outline, and policies pertaining to absences, grading, conduct, and conditions for dismissal for unsatisfactory conduct, is provided to each student upon enrollment;
  - (4) adequate records are kept to show attendance and grades, and satisfactory standards relating to attendance, progress, and conduct are enforced in accordance with the requirements of [13 AAC 87.060](#);
  - (5) written examinations are required of each student in those courses for which written examinations are appropriate, and practical tests are



## Appendix B: Alaska Administrative Code - APSC

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- required in those courses such as firearms training where practical tests are appropriate; and
- (6) the Department of Corrections gives students, upon successful completion of the program, a certificate indicating that the program of instruction was satisfactorily completed.
  - (c) Within 10 working days after the completion of each program, the Department of Corrections shall provide the council with a roster of those students who attended at least 90 percent of the classes offered (in class hours), and the roster must show the full name, rank, and examination scores for each student completing the program.
  - (d) The program of instruction for probation, parole, and correctional officers is subject to periodic inspection by the council or its representatives to assure compliance with this section.
  - (e) The council will, in its discretion, certify additional training courses for probation, parole, and correctional officers, offered by the Department of Corrections, designed to provide for continuing education, and supervisory, mid-management, executive, specialized, and in-service training.

### **13 AAC 87.060. Probation, parole, and correctional officer training program requirements**

- (a) The basic training program of instruction for correctional officers must include
  - (1) an initial program of instruction, that is provided by the Department of Corrections and that a correctional officer must complete within 30 days after the date of hire; the program consists of a minimum of 40 hours of instruction and must include the following topics of instruction:
    - (A) cardiopulmonary resuscitation (CPR), blood borne pathogens, and first aid instruction sufficient to qualify the correctional officer for a council-approved basic first aid certificate;
    - (B) professional code of conduct, including prohibition of sexual harassment and core values of a correctional professional;
    - (C) use of force policy overview,
    - (D) avoiding offender set-ups;
    - (E) incident command system;
    - (F) the federal Prison Rape Elimination Act (PREA);
    - (G) suicide awareness; and
    - (H) authorized employee property; and

## Appendix B: Alaska Administrative Code - APSC

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- (2) a correctional officer academy that the correctional officer must complete before the officer completes their probationary period; the correctional officer academy consists of a minimum 200 hours of instruction and must include the following topics of instruction:
  - (A) security procedures, custody, and supervision of inmates;
  - (B) use of force, firearms certification, other less lethal weapons certification, and use of restraints;
  - (C) communication skills and techniques, report writing, and record keeping;
  - (D) officer safety and security, control techniques, mental health and suicide prevention, and emergency procedures;
  - (E) diversity and disability awareness;
  - (F) legal issues, including the provisions of [22 AAC 05](#) and [AS 33](#); and
  - (G) reentry and supervision standards.
  
- (b) The basic training program of instruction for probation and parole officers must include:
  - (1) an initial program of instruction, that is provided by the Department of Corrections and that a probation or parole officer must complete within 30 days after the date of hire; the program consists of a minimum of 40 hours of instruction and must include the following topics of instruction:
    - (A) cardiopulmonary resuscitation (CPR), blood borne pathogens and first aid instruction sufficient to qualify students for a council-approved basic first aid certificate;
    - (B) professional code of conduct, including prohibition of sexual harassment and core values of a correctional professional;
    - (C) use of force policy overview;
    - (D) avoiding offender set-ups;
    - (E) incident command system;
    - (F) the federal Prison Rape Elimination Act (PREA);
    - (G) suicide awareness;
    - (H) authorized employee property; and
  
  - (2) a probation and parole officer academy that a probation or parole officer must complete before completing the probation or parole officer's

## Appendix B: Alaska Administrative Code - APSC

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probationary period; the probation and parole officer academy consists of a minimum 200 hours of instruction and must include the following topics of instruction:

- (A) risk assessment;
  - (B) interviewing and counseling techniques;
  - (C) firearms familiarization and safety;
  - (D) overview of the criminal justice system;
  - (E) use of force, other less lethal weapons certifications, and use of restraints;
  - (F) communication skills and techniques, report writing and record keeping;
  - (G) officer safety and security, control techniques, mental health and suicide prevention, and emergency procedures;
  - (H) diversity and disability awareness;
  - (I) legal issues, reentry, and supervision standards; and
  - (J) techniques of supervision.
- (c) To receive credit for the probation, parole, or correctional officer training program for purposes of certification under [13 AAC 85.230](#), a person must attend all sessions of the course, except for absences approved by the head of the program, and be awarded a certificate of graduation by the head of the program. A person may not be certified for successful completion of the probation, parole, or correctional officer training program if the person
- (1) has excused absences exceeding 10 percent of the total hours of instruction;
  - (2) fails to achieve a passing grade of 70 percent or higher in each block of 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 program.

### **13 AAC 87.070. Certification of probation, parole, and correctional instructors**

- (a) Except as provided in (d) of this section, an instructor in the probation, parole, or correctional officer training program must be certified by the council as qualified to provide instruction to probation, parole, or correctional candidates for certification under [13 AAC 85.230](#).

## Appendix B: Alaska Administrative Code - APSC

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- (b) The council will certify an instructor who meets the following minimum qualifications in the following areas of education, training, and experience:
  - (1) A person applying for certification to teach probation, parole, or correctional subjects must meet the following minimum criteria:
    - (A) a high school diploma or its equivalent if seeking to teach correctional subjects, or a baccalaureate degree if seeking to teach probation or parole subjects;
    - (B) three years of experience in probation, parole, or corrections;
    - (C) 40 hours of verified training in each subject to be taught;
    - (D) at least 40 hours of instructor development training approved by the council, including training in the areas of communication, psychology of learning, techniques of instruction, use of instructional aids, preparation and use of lesson plans, preparing and administering tests, teaching resources, and motivation; and
    - (E) the recommendation of the director of the Department of Corrections training program established under [13 AAC 87.050](#).
  - (A) A person applying for certification to teach general subjects, including management, administration, or human relations must have a baccalaureate degree;
    - (B) at least three years of experience in the subject to be taught;
    - (C) 40 hours of verified training in each subject to be taught; and
    - (D) the recommendation of the director of the Department of Corrections' training program established under [13 AAC 87.050](#).
- (c) The council will, in its discretion, waive any part of the requirements of (b) of this section if it finds that a person is qualified to be an instructor based upon education, training, or experience, despite the person's inability to meet the specific requirements of (b) of this section.
- (d) An instructor used on a one-time basis for a specialized subject area of a training program may be classified as a guest lecturer. Requirements for application and certification as an instructor do not apply to a guest lecturer. A guest lecturer is defined as a person who, by reason of position or experience, can make a worthwhile contribution to a training program. A guest lecturer must be experienced in a specialized area, and the instruction limited to that area of experience.
- (e) The director of the Department of Corrections training program shall supervise all instructors to ensure instructional excellence is maintained.

## Appendix B: Alaska Administrative Code - APSC

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- (f) Instructor certification will, in the council's discretion, be revoked if an instructor is found by the council to be no longer qualified. Revocation of instructor certification will be considered by the council if
  - (1) the instructor is terminated, is asked to resign, or resigns instead of discharge for cause by the Department of Corrections;
  - (2) there is a recommendation to revoke certification by the Department of Corrections for failure of the instructor to provide adequate instruction; or
  - (3) the holder of the instructor certificate falsified or omitted required information on any application for certification or on supporting documents.
- (g) A person who is currently certified or licensed by the State of Alaska or a nationally recognized certifying body need not be certified by the council to teach probation, parole, or correctional officer candidates in the subject for which the person is certified or licensed.
- (h) The director of the Department of Corrections training program must furnish the council documentary verification of the certification or licensure of a person described in (g) of this section before council approval as an instructor will be considered.
- (i) An instructor certificate becomes inactive if the holder of the certificate does not instruct at least one course certified by the council during an interval of three consecutive years.
- (j) An inactive instructor certificate may be reactivated upon written request of the Department of Corrections following the applicant's instruction of at least one course, certified by the council, under direct supervision of a currently certified instructor.

### **13 AAC 87.075. Certification of municipal correctional officer training program**

- (a) The council will issue certification for a program of instruction to qualify students for municipal correctional officer certificates under [13 AAC 85.235](#) if the Department of Corrections
  - (1) develops the program and applies for certification; and
  - (2) provides information to the council showing that the minimum standards set out in (b) of this section have been met.
- (b) The council will approve the Department of Corrections' application for certification of a program of instruction as meeting the requirements of the training program provided for in [13 AAC 85.235](#), upon a showing that the program meets the following minimum standards:

## Appendix B: Alaska Administrative Code - APSC

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- (1) the program of instruction meets the requirements of [13 AAC 87.080](#) and the courses, curriculum, and instruction are adequate in content, quality, and length to provide students with the education and training necessary to become successful, knowledgeable, and effective municipal correctional officers;
  - (2) the directors and administrators have adequate training and experience, and each full-time instructor has been certified under [13 AAC 87.085](#);
  - (3) a copy of the rules of operation, program outline, and policies pertaining to absences, grading, conduct, and conditions for dismissal for unsatisfactory conduct, is provided to each upon enrollment;
  - (4) adequate records are kept to show attendance and grades, and satisfactory standards relating to attendance, progress, and conduct are enforced in accordance with the requirements of [13 AAC 87.080](#);
  - (5) written examinations are required for each student in those courses for which written examinations are appropriate, and practical tests are required in those courses where practical tests are appropriate;
  - (6) the Department of Corrections gives students, upon successful completion of the program, a certificate indicating that the program of instruction was satisfactorily completed.
- (c) Within 10 working days after the completion of each program, the council shall be provided with a roster, expressed in class hours, of those students who attended at least 90 percent of the classes offered. The roster must show the full name, rank, employing agency, and examination scores for each student completing the program.
- (d) The program of instruction for municipal correctional officers is subject to periodic inspection by the council or the council's representatives to assure compliance with this section.
- (e) The council will certify any additional training courses for municipal correctional officers that are
- (1) offered by the Department of Corrections; and
  - (2) designed, to the council's satisfaction, to provide for continuing education or supervisory, mid-management, executive, specialized, or in-service training.

### **13 AAC 87.080. Municipal correctional officer training program requirements**

- (a) The basic program of instruction for municipal correctional officers must include a minimum of 120 hours of instruction and must include the following topics of instruction;
- (1) security and search procedures,

## Appendix B: Alaska Administrative Code - APSC

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- (2) supervision of inmates;
  - (3) use of force and methods of self-defense;
  - (4) diversity and disability awareness;
  - (5) report writing;
  - (6) rights and responsibilities of inmates;
  - (7) fire and emergency procedures;
  - (8) domestic violence;
  - (9) communication skills and interpersonal relations;
  - (10) special needs inmates;
  - (11) recognition of the signs and symptoms of mental illness and cognitive disability;
  - (12) substance abuse;
  - (13) physical deficiencies;
  - (14) suicide-prone behavior and suicide prevention;
  - (15) the federal Prison Rape Elimination Act (PREA);
  - (16) cross-cultural awareness;
  - (17) legal issues and liability;
  - (18) cardiopulmonary resuscitation (CPR); and,
  - (19) first aid instruction sufficient to qualify students for a standard Red Cross first aid certificate or a council-approved equivalent.
- (b) To receive credit for the municipal correctional officer training program for purposes of certification under [13 AAC 85.235](#), a person must attend all sessions of the course, except for absences approved by the head of the program, and be awarded a certificate of graduation by the head of the program. A person may not be certified for successful completion of the municipal correctional officer program if the person
- (1) has excused absences exceeding 10 percent of the total hours of instruction;
  - (2) fails to achieve a passing grade of 70 percent or higher in each block of instruction; or
  - (3) fails to achieve a cumulative average of 70 percent or higher.



# Appendix B: Alaska Administrative Code - APSC

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## 13 AAC 87.085. Certification of municipal correctional instructors

- (a) Except as provided in (d) of this section, an instructor in the municipal correctional officer training program must be certified by the council as qualified to provide instruction to municipal correctional candidates for certification under [13 AAC 85.235](#).
- (b) The council will certify an instructor who meets the following minimum qualifications in the following areas of education, training, and experience:
  - (1) a person applying for certification to teach municipal correctional subjects must meet the following minimum criteria:
    - (A) a high school diploma or its equivalent;
    - (B) at least three years' experience in corrections;
    - (C) at least 40 hours of verified training in each subject to be taught;
    - (D) at least 40 hours of instructor development training approved by the council, including training in the areas of communication, psychology of learning, techniques of instruction, use of instructional aids, preparation and use of lesson plans, preparing and administering tests, teaching resources, and motivation; and
    - (E) the recommendation of the director of the Department of Corrections training program certified under [13 AAC 87.075](#).
  - (2) A person applying for certification to teach general subjects, including management, administration, or human relations must have
    - (A) at least three years of experience in the subject to be taught;
    - (B) a baccalaureate degree;
    - (C) at least 40 hours of verified training in each subject to be taught; and
    - (D) the recommendation of the director of the Department of Corrections' training program certified under [13 AAC 87.075](#).
- (c) The council will waive any part of the requirements of (b) of this section if the council finds that a person is qualified to be an instructor based upon education, training, or experience, despite the person's inability to meet the specific requirements of (b) of this section.
- (d) Notwithstanding (a) and (b) of this section, an instructor used on a one-time basis for a specialized subject area of a training program may be classified as a guest lecturer if that person

## Appendix B: Alaska Administrative Code - APSC

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- (1) by reason of position or experience, can make a worthwhile contribution to a training program; and
  - (2) is experienced in a specialized area, and the instruction limited to that area of experience.
- (e) The director of the training program shall supervise each instructor to ensure instructional excellence is maintained.
- (f) Instructor certification may be revoked if the council finds an instructor to be no longer qualified. The council will consider revocation of instructor certification if
  - (1) the instructor is terminated, is asked to resign, or resigns under threat of discharge for cause by the Department of Corrections;
  - (2) the Department of Corrections recommends revocation for failure of the instructor to provide adequate instruction; or
  - (3) the holder of the instructor certificate falsified or omitted required information on any application for certification or on supporting documents.
- (g) A person who is currently certified or licensed by this state or a nationally recognized certifying body need not be certified by the council to teach municipal correctional officer candidates in the subject for which the person is certified or licensed.
- (h) Documentary verification of the certification or licensure of a person described in (g) of this section must be provided to the council before council approval as an instructor will be considered.
- (i) An instructor certificate becomes inactive if the holder of the certificate does not instruct at least one course certified by the council during an interval of three consecutive years.
- (j) An inactive instructor certificate may be reactivated upon written request of the Department of Corrections following the applicant's instruction of at least one course, certified by the council, under direct supervision of a currently certified instructor.

### **13 AAC 87.090. Definitions**

In this chapter "council" means the Alaska Police Standards Council.

### **13 AAC 89.010. Basic standards for village police officers**

- (a) The basic standards for a village police officer are that the person
  - (1) is 19 years of age or older;
  - (2) is a citizen of the United States or a resident alien who has demonstrated an intent to become a citizen of the United States;

## Appendix B: Alaska Administrative Code - APSC

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- (3) is of good moral character; misdemeanor convictions, other than minor traffic offenses, during the 10 years before application will, in the council's discretion, be considered by the council in determining moral character;
  - (4) has not been convicted of a felony or been incarcerated, placed on probation, or placed on parole after conviction of a felony, by a court of the United States or of any state or territory during the 10 years before application; a felony conviction in another jurisdiction for an offense which is not a felony in Alaska does not necessarily bar certification unless the felony conviction was for a crime of dishonesty or a crime which resulted in serious physical injury or a threat of serious physical injury; and
  - (5) has no physical or mental condition that would adversely affect the person's performance as a police officer.
- (b) Only a village may appoint a person as a village police officer.
  - (c) A person whose certificate has been revoked by the council is not eligible for hire as a village police officer by a village unless the person's certificate has been reinstated by the council.

### 13 AAC 89.020. Employment for village police officers

- (a) Before appointing an applicant to a permanent position as a village police officer, a village shall
  - (1) obtain proof of the applicant's age and citizenship;
  - (2) review and evaluate the applicant's personal history and medical history statements; and
  - (3) review and evaluate responses to fingerprint record checks by the Department of Public Safety and the Federal Bureau of Investigation.
- (b) A village may not employ a village police officer for a period of more than 12 consecutive months unless the officer has been certified under [13 AAC 89.030](#).
- (c) Termination as a village police officer for less than 90 consecutive days will be considered unbroken service for purposes of (b) of this section and [13 AAC 89.030](#) (a)(1).

### 13 AAC 89.030. Certification of village police officers

- (a) The council will issue a certificate as a village police officer to an applicant who
  - (1) is, at the time of application, a full-time paid village police officer employed by a village and has satisfactorily completed 12 consecutive months of probation as a village police officer with that village immediately before application;
  - (2) meets the requirements of [13 AAC 89.010](#);

## Appendix B: Alaska Administrative Code - APSC

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- (3) successfully completes a training program meeting the requirements of [13 AAC 89.040](#); and
  - (4) attests that he subscribes to the Law Enforcement Code of Ethics set out in [13 AAC 85.040\(b\)\(5\)](#).
- (b) Repealed 1/15/95.

### **13 AAC 89.040. Village police officer basic training program**

- (a) A village police officer basic training program must consist of at least 48 hours of instruction and include
- (1) 10 hours of first aid instruction sufficient to qualify students for a standard Red Cross first aid certificate or the equivalent;
  - (2) instruction in the administration of justice, criminal law, fire fighting, crime scene investigation, arrest procedures, and, if the officer is to be armed while on duty, instruction on the use of firearms; and
  - (3) instruction concerning problems unique to the administration of justice in a rural community.
- (b) A person shall attend all sessions of the training required in (a) of this section, except for absences approved by the director of the program. A person who is absent for over 10 percent of the total hours of instruction or who does not satisfactorily complete the first aid training or the firearms training, when required, will not be considered to have completed the training required by (a) of this section.

### **13 AAC 89.050. Village public safety officer training program Repealed 10/18/1981.**

### **13 AAC 89.060. Extension and reciprocity**

- (a) The council will, in its discretion, upon written application from a village, grant an extension for obtaining certification to an officer if the officer is unable to complete the required training within the first 12 months of employment due to illness, injury, or other emergency, or if the officer is unable to complete training because of temporary understaffing in his department.
- (b) The council will, in its discretion, accept other police officer training that equals or exceeds that required in [13 AAC 89.040](#) in partial or complete substitution for the training required in that regulation.

### **13 AAC 89.070. Denial, revocation, and lapse of certificates**

- (a) The council will, in its discretion, deny or revoke a village police officer certificate upon a finding that the officer
- (1) falsified or intentionally omitted information on an application or other document required to be filed for certification;

## Appendix B: Alaska Administrative Code - APSC

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- (2) has been discharged, has been asked to resign, or has resigned in place of discharge from a police department; or
- (3) does not meet the requirements of [13 AAC 89.010\(a\)](#).
- (b) The holder of a certificate shall immediately return the certificate to the council upon notification of revocation.
- (c) A certificate lapses if the holder is not employed as a full-time village police officer for 12 consecutive months.
- (d) A person may request reinstatement of a lapsed certificate after serving an additional probationary period as required by the council. The council will, in its discretion, require supplemental training as a condition of reinstatement.

### **13 AAC 89.080. Personnel reports and training records**

- (a) Within 30 days of the date of hire of a village police officer, the hiring authority shall notify the council on a form supplied by the council, except in those instances where a public record of the appointment would jeopardize the officer or the assignment. The employing agency shall notify the council within 30 days following termination of an officer for any reason.
- (b) Before completion of the basic training program required in [13 AAC 89.030\(a\)\(3\)](#), each village police officer must be fingerprinted on two Federal Bureau of Investigations applicant cards (FD-258) and shall, on a form supplied by the council,
  - (1) complete a personal history statement;
  - (2) complete a medical history statement; and
  - (3) attest that the officer subscribes to the Law Enforcement Code of Ethics set out in [13 AAC 85.040\(b\)\(5\)](#).
- (c) The documents required by (b) of this section must be forwarded to the council. The fingerprint cards will be forwarded by the council to the Department of Public Safety and the Federal Bureau of Investigation for record checks. The documents required by this section, following evaluation by the council, will be forwarded to the officer's hiring authority for review, evaluation, and permanent retention.
- (d) 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 those statutes; however, a village police officer may review the officer's own records.

### **13 AAC 89.140. Exemption**

The provisions of this chapter do not apply to a village which has enacted an ordinance which specifically excludes it from [AS 18.65.130](#) - 18.65.290 if the village maintains a police training program which equals or exceeds the requirements of [13 AAC 89.040](#)

# Appendix B: Alaska Administrative Code - APSC

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and whose instructors are certified under [13 AAC 87.040](#).

## **13 AAC 89.150. Definitions**

In this chapter

- (1) "certificate" means a certificate described in [13 AAC 89.030](#);
- (2) "council" means the Alaska Police Standards Council;
- (3) "village" means a community off the interconnected Alaska road system, with a population of less than 1,000 persons based on the most recent federal census, which has been incorporated as provided in AS 29.18.

# Appendix A: The National Decertification Index

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## Appendix C: About the National Decertification Index or NDI

The purpose of the National Decertification Index (NDI) is to serve as a national registry of certificate or license revocation actions relating to officer misconduct. The records contained in the NDI are provided by participating state government agencies and should be verified with the contributing authority. Inclusion in the database does not necessarily preclude any individual from appointment as an officer.

The President’s Task Force on 21<sup>st</sup> Century Policing recommended that the US Department of justice support the expansion of the “National Register of Decertified Officers with the goal of covering all agencies within the United States and its territories<sup>15</sup>.”

As of the date of this document The NDI contained **22,199** actions reported by **42** states.

The NDI is maintained by the International Association of Directors of Law Enforcement Standards and Training<sup>16</sup> (IADLEST). IADLEST is an international organization of training managers and executives dedicated to the improvement of public safety personnel and serves as the national forum of Peace Officer Standards and Training (POST) agencies, boards, and commissions as well as statewide training academies throughout the United States. Alaska is an active participant in IADLEST and user of the NDI. Individuals requiring access to the NDI can contact APSC or begin the enrollment process at <https://www.iadlest.org/Projects/NDI20.aspx>

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<sup>15</sup> [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf) May, 2015 at PG 29.

<sup>16</sup> <https://www.iadlest.org/Home.aspx>