

Register _____, _____ 2015, Department of Public Safety

13 AAC 85.010 (a) is amended to read:

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

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

(2) is 21 years of age or older;

(3) is of good moral character;

(4) has a **state accredited** high school **or state accredited home school** diploma, [OR ITS EQUIVALENT,] or has passed a General Educational Development (GED) test;

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

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

13 AAC 85.010 (b) is amended to read:

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

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

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

(3) who

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basic certificate, in this state or another jurisdiction, unless the denial, [OR] revocation, **or surrender** has been rescinded by the council under 13 AAC 85.110 or by the responsible licensing agency of the issuing jurisdiction; or

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of a basic certification in another jurisdiction, for the period of the suspension, unless the suspension has been rescinded by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction;

(4) who

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

(B) within the **five** [TEN] years before the date of hire, has illegally used a controlled substance other than marijuana, unless the person was under the age of 21 at the time of using the controlled substance **or an exigent circumstance existed to justify the use of a controlled substance not specifically prescribed to the person;**

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

13 AAC 85.010 (c) is amended to read:

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

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

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

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

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

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

(6) require the person to undergo an examination by a licensed psychiatrist or **licensed psychologist**, approved by the council. [, IF A PREVIOUS PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION HAS INDICATED A PAST OR PRESENT PERSONALITY DEFECT OR MENTAL PROBLEM];

(7) determine whether the person

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

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

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13 AAC 85.010 (d) is amended to read:

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

(1) the Medical Exam Form;

(2) the Health Questionnaire;

(3) the Personal History Statement;

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

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

13 AAC 85.010 (e) is amended to read:

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

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

13 AAC 85.010 (f) is amended to read:

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

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

13 AAC 85.010 (h) is amended to read:

(h) The council will [, IN ITS DISCRETION,] design and distribute forms to aid police departments in obtaining the information required in (c) of this section. Eff. 8/10/73, Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91; am 3/16/89, Register 109; am 8/8/90, Register 115; am 10/24/92, Register 124; am 8/5/95, Register 135; am 7/15/98, Register 147; am 2/20/99, Register 149; am 8/16/2000, Register 155; am 3/25/2001, Register 157; am 8/8/2007, Register 183; am 2/13/2010, Register 193; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.240