

NOTICE OF PROPOSED CHANGES ON POLICE OFFICER STANDARDS
IN THE REGULATIONS OF THE ALASKA POLICE STANDARDS COUNCIL

BRIEF DESCRIPTION

The Alaska Police Standards Council proposes to adopt regulation changes in Title 13 of the Alaska Administrative Code, dealing with basic police standards and certification of police officers.

The Alaska Police Standards Council proposes to adopt regulation changes in Title 13 of the Alaska Administrative Code, dealing with the basic standards, permanent employment, and certification of police officers, and APSC reciprocity and personnel reports and training records, including the following:

13 AAC 85.010 is proposed to be changed to update and clarify basic standards, establish a requirement for police officer applicants to pass a psychological exam prior to being hired.

13 AAC 85.020 is proposed to be changed to update and clarify requirements for permanent employment as a police officer.

13 AAC 85.040 is proposed to be changed to bring certification standards in-line and current with national model standards.

13 AAC 85.050 is proposed to be changed to increase the minimum required hours and identify specific required courses of instruction to be taught at the basic police officer academy.

13 AAC 85.060 is proposed to be changed to specify and standardize curriculum for APSC approved reciprocity police training academies.

13 AAC 85.090 is proposed to be changed to require departments to notify APSC of alleged misconduct by an officer if the alleged misconduct may be cause for revocation under 13 AAC 85.110.

13 AAC 85.100 is proposed to be changed for update and clarification.

13 AAC 85.110 is proposed to be changed to allow for exigent use of a prescription medication not prescribed to that person.

13 AAC 85.120 is proposed to be changed to require attendance at a

recertification (refresher academy) if a person has been separated from service as a police officer for between 2 and 4 years, and requires attendance at a full basic police officer training academy if a person has been separated from service as a police officer for five years or longer.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alaska Police Standards Council at P.O. Box 111200, Juneau, AK 99811. Additionally, the Alaska Police Standards Council will accept comments by facsimile at 907-465-3263 and by electronic mail at wendy.menze@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the comment link. All comments must be received no later than 4:00 pm on April 1, 2016.

You may submit written questions relevant to the proposed action to Sarah Hieb at sarah.hieb@alaska.gov or P.O. Box 111200, Juneau, AK 99811. The questions must be received at least 10 days before the end of the public comment period. The Alaska Police Standards Council will aggregate its response to substantially similar questions and make the questions and response available the Alaska Police Standards Council website <http://www.dps.alaska.gov/apsc> and on the Alaska Online Public Notice System. The Alaska Police Standards Council may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Wendy Menze at 907-465-4378 no later than March 11, 2016 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System, posted on the Alaska Police Standards Council website <http://www.dps.alaska.gov/apsc> and by contacting Wendy Menze at 907-465-4378, wendy.menze@alaska.gov or P.O. Box 111200, Juneau, AK 99811.

After the public comment period ends, the Alaska Police Standards Council will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of

the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.**

Statutory Authority: AS 18.65.220

Statutes Being Implemented, Interpreted, or Made Specific: AS 18.65.240; AS 18.65.230; AS 18.65.270

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: December 21, 2015

Bob Griffiths, Executive Director

ADDITIONAL REGULATION NOTICE INFORMATION

(AS 44.62.190(d))

1. Adoption agency: Alaska Police Standards Council
2. General subject of regulation: Basic police standards, permanent employment, and certification of police officers and police academy reciprocity and personnel reports and training records.
3. Citation of regulation (may be grouped): 13 AAC 85 Article 1.
4. Department of Law file number: JU2015200562
5. Reason for the proposed action:
 - () Compliance with federal law or action (identify):
 - () Compliance with new or changed state statute
 - () Compliance with federal or state court decision (identify):
 - (X) Development of program standards
 - () Other (identify):
6. Appropriation/Allocation: Zero.
7. Estimated annual cost to comply with the proposed action to:
 - A private person: The current regulations require a new hire have a psychological exam only when it is determined to be necessary. The amended regulation would require a psychological exam for every new hire. The exam is paid for either by the municipality or the applicant. According to APSC records, the base cost of psychological exam varies from \$350 to \$700. This does not take into account any travel costs to get an applicant to the location of the exam.
 - Another state agency: The current regulations require a new hire have a psychological exam only when it is determined to be necessary. The amended regulation would require a psychological exam for every new hire. There are three state agencies affected by these regulations: Department of Public Safety (Alaska State Troopers and Alaska Wildlife Troopers), Department of Transportation (Airport police officers) and the University of Alaska (University police officers). All three agencies currently require all applicants/new hires to have a psychological exam and the agencies pay for the exam. This regulation would not change their current practice. According to APSC records, the base cost of psychological exam varies from \$350 to \$700. This does not take into account any travel costs to get an applicant to the location of the exam.
 - A municipality: The current regulations require a new hire have a psychological exam only when it is determined to be necessary. The amended regulation would require a psychological exam for every new hire. While some municipalities already require a psychological exam for their new hires, some municipalities do not; thus this amended

regulation would affect some municipalities. The exam is paid for either by the municipality or the applicant. According to APSC records, the base cost of psychological exam varies from \$350 to \$700. This does not take into account any travel costs for rural communities to get an applicant to the location of the exam.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2016	Subsequent Years
Operating Cost	\$ 0	\$ 0
Capital Cost	\$ 0	\$ 0
1002 Federal receipts	\$ 0	\$ 0
1003 General fund match	\$ 0	\$0
1004 General fund	\$ 0	\$ 0
1005 General fund/program	\$ 0	\$ 0
Other (identify)	\$ 0	\$ 0

9. The name of the contact person for the regulation:

Name: Bob Griffiths

Title: Executive Director

Address: APSC, PO Box 111200, Juneau, AK 99811

Telephone: (907)465-4378

E-mail address: bob.griffiths@alaska.gov

10. The origin of the proposed action:

Staff of state agency

Federal government

General public

Petition for regulation change

X Other (identify): Council members recognized the need for regulation update.

11. Date: December 16, 2015

Prepared by: *Sarah Hieb*

Name: Sarah Hieb

Title: Administrative Investigator

Telephone: (907)465-6296

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

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13 AAC 85.020 (b) is amended to read:

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

13 AAC 85.020 (c) is amended to read:

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

Authority: AS 18.65.220 AS 18.65.240

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

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

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

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

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

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

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

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

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

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

*The phrase in parentheses may be omitted.

13 AAC 85.040 (c) is amended to read:

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

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

(2) possess a basic certificate; and

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

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

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[_____]							
Minimum years as a police officer	2	4	4	5	6	7	8

Minimum training	APSC basic	45	38	30	23	15	
points	police training	(900)	(750)	(600)	(460)	(300)	
	program						

Minimum	BA or	AA or					
education	BS	AS					
points in college	degree	degree	45	38	30	23	15
credits							
_____]							

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

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

13 AAC 85.040 (d) is amended to read:

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

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

(2) possess a basic **and intermediate** certificate; and

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

MINIMUM YEARS EXPERIENCE	6 years	7 years	9 years	11years	13 years
EDUCATION	Masters degree	Bachelor degree	Associate degree	45 points	None
TRAINING	+ 80 Training hours	+120 Training hours	+160 Training hours	+200 Training hours	+240 Training hours

[_____]

Minimum years as a police officer 4 6 9 9 10 11 12

Minimum training APSC basic police 45 40 35 30
 training program (900) (800) (700) (600)

Minimum Masters BA or AA or
 education degree BS AS
 points in college degree degree 45 40 35 30

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credits]

13 AAC 85.040 (e) is amended to read:

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

13 AAC 85.040 (f) is amended to read:

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

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

(2) one semester college credit equals one education point.

13 AAC 85.040 (g) is amended to read:

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

Authority: AS 18.65.220 AS 18.65.240

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

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

13 AAC 85.050 (a) is amended to read:

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

13 AAC 85.050 (b) is amended to read:

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

(1) Armed flier – 2 hours

(2) Bloodborne Pathogens – 8 hours

(3) Blue Courage – 8 hours

(4) Constitutional law – 16 hours

(5) Control tactics – 40 hours

(6) CPR/Basic First Aid/AED – 8 hours

(7) Criminal investigation

(A) Controlled substances – 8 hours

(B) Crimes against children – 8 hours

(C) Sex crimes/human trafficking – 24 hours

(8) Criminal justice system – 16 hours

(9) Criminal law – 24 hours

(10) Crime scene investigation – 24 hours

(11) Cultural diversity – 8 hours

(12) Disability awareness – 8 hours

(13) Domestic violence – 36 hours

(14) DUI/field sobriety testing/datamaster – 40 hours

(15) Electronic evidence and identity theft – 8 hours

(16) Emergency vehicle operations

(A) Classroom – 8 hours

(B) Practical – 40 hours

(17) Emotional survival, police stress and trauma – 8 hours

(18) Emotionally disturbed people – 8 hours

(19) Ethics – 8 hours

(20) Firearms – 68 hours (to include):

(A) Classroom – 8 hours

(B) Handgun practical – 36 hours

(C) Handgun low light operations – 4 hours

(D) Shotgun practical – 16 hours

(E) Shotgun – low light operations – 4 hours

(21) Hazardous materials - 8 hours

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(22) Interview and interrogation – 16 hours

(23) Juvenile procedures – 8 hours

(24) Patrol procedures – 8 hours

(25) Police tools (may include TASER, oleoresin capsicum, baton, handcuffs, radar etc.) – 40 hours

(26) Professional communication – 12 hours

(27) Radio procedures – 4 hours

(28) Report writing – 16 hours

(29) Search and seizure/search warrants – 24 hours

(30) Social media – 8 hours

(31) Traffic law, stops, practicals, accident investigation – 36 hours

(32) Use of force – 16 hours

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

13 AAC 85.050 (c) is amended to read:

(c) To receive credit for the basic police **officer academy** [TRAINING ACADEMY], a person must attend all sessions of the **academy** [COURSE], except for absences approved by the **academy commander** [SCHOOL DIRECTOR OR COORDINATOR], and be awarded a certificate of graduation by the **academy commander**. [DIRECTOR OR COORDINATOR OF

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THE PROGRAM.] A person may not be certified for successful completion of the basic police **officer academy** [TRAINING PROGRAM] 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**. [PROGRAM]

13 AAC 85.050 (d) is amended to read:

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

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

Authority: AS 18.65.220 AS 18.65.230 AS 18.65.240

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13 AAC 85.060 (a) is amended to read:

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

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

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

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

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

(A) Alaska criminal code – 16 hours;

(B) Control tactics – 6 hours

(C) Domestic violence – 12 hours

(D) Blue Courage/ethics – 8 hours

(E) Firearms – 8 hours

(F) Use of force – 4 hours

(G) Alaska juvenile procedures – 4 hours

(H) Alaska laws of arrest – 2 hours

(I) Alaska traffic law – 4 hours, and

(J) Alaska laws related to DUI detection and enforcement – 8 hours

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

13 AAC 85.060 (b) is amended to read:

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

13 AAC 85.060 (c) is amended to read:

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

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

Authority: AS 18.65.220 AS 18.65.240

Register _____, _____ 2015, Department of Public Safety

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

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

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

(d) A participating police department shall notify the council of an allegation of misconduct by an officer employed by their department within 30 days of the allegation if the misconduct alleged may be cause for revocation under 13 AAC 85.110. Eff. 8/10/73, Register 47; am 9/17/76, Register 59; am 8/10/80, Register 75; am 9/23/84, Register 91; am 8/8/2007, Register 183; am ____/____/____, Register ____

Authority: AS 18.65.220 AS 18.65.240

Editor's note: The forms required in 13 AAC 85.090 are available from the Alaska Police Standards Council, Department of Public Safety, P.O. Box 111200, Juneau, AK 99811-1200 or on the council's website at <http://www.dps.state.ak.us/apsc/forms.aspx>.

13 AAC 85.100 (a) is amended to read:

(a) The council **may** [WILL, in its discretion,] deny a basic certificate upon a finding that the applicant for the certificate

(1) falsified or omitted information required to be provided on the application for certification or on supporting documents;

(2) has been discharged, or resigned under threat of discharge, from employment as a police officer in this state or any other state or territory for cause for inefficiency, incompetence, or some other reason that adversely affects the ability and fitness of the police officer to perform job duties or that is detrimental to the reputation, integrity, or discipline of the police department where the police officer worked.

13 AAC 85.100 (b) is amended to read:

(b) The council **will** [shall] deny a basic certificate upon a finding that the applicant for the certificate

(1) has been convicted of a misdemeanor crime of domestic violence or, after hire as a police officer, has been convicted of a felony, or of a misdemeanor crime listed in 13 AAC 85.010(b) (2);

(2) has, after hire as a police officer,

(A) used marijuana;

(B) illegally used or possessed any other controlled substance **unless an exigent circumstance existed at the time to justify the use of a prescription medication not specifically prescribed to the person;** or

(C) illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance;

(3) does not meet the standards in 13 AAC 85.010(a) or (b); or

(4) has been discharged, or resigned under threat of discharge, from employment as a police officer in this state or any other state or territory for cause for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States or that is detrimental to the integrity of the police department where the police officer worked.

13 AAC 85.100 (d) is amended to read:

(d) If a person has been denied a basic certificate under this section, the person may petition the council for rescission of the denial after one year following the date of the denial. The petitioner must state in writing the reasons why the denial should be rescinded. A denial **may** [WILL, IN THE DISCRETION OF THE COUNCIL,] be rescinded for the following reasons:

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

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

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(3) conditions or circumstances have changed so that the basis for the denial no longer exists. Eff. 8/10/80, Register 75; am 9/23/84, Register 91; am 8/8/90, Register 115; am 10/24/92, Register 124; am 9/6/96, Register 139; am 7/15/98, Register 147; am 8/8/2007, Register 183; am_____/_____/_____, Register_____

Authority: AS 18.65.220 AS 18.65.240 AS 18.65.270

13 AAC 85.110 (a) is amended to read:

(a) The council **may** [WILL, IN ITS DISCRETION], revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate

(1) falsified or omitted information required to be provided on an application for certification at any level, or in supporting documents;

(2) has been discharged, or resigned under threat of discharge, from employment as a police officer in this state or any other state or territory for cause for inefficiency, incompetence, or some other reason that adversely affects the ability and fitness of the police officer to perform job duties or that is detrimental to the reputation, integrity, or discipline of the police department where the police officer worked; or

(3) does not meet the standards in 13 AAC 85.010(a) or (b).

13 AAC 85.110 (b) is amended to read:

(b) The council shall revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate

(1) has been convicted of a misdemeanor crime of domestic violence or, after hire as a police officer, has been convicted of a felony, or of a misdemeanor crime listed in 13 AAC 85.010(b) (2);

(2) has, after hire as a police officer,

(A) used marijuana;

(B) illegally used or possessed any other controlled substance **unless an exigent circumstance existed at the time to justify the use of a prescription medication not specifically prescribed to the person;** or

(C) illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance; or

(3) has been discharged, or resigned under threat of discharge, from employment as a police officer in this state or any other state or territory for cause for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States or that is detrimental to the integrity of the police department where the police officer worked.

13 AAC 85.110 (d) is amended to read:

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

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

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

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(3) conditions or circumstances have changed so that the basis for the revocation no longer exists. Eff. 9/23/84, Register 91; am 8/8/90, Register 115; am 10/24/92, Register 124; am 9/6/96, Register 139; am 7/15/98, Register 147; am 8/8/2007, Register 183; am ____/____/____. Register _____

Authority: AS 18.65.220 AS 18.65.240 AS 18.65.270

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13 AAC 85.120(b) is amended to read:

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

Authority: AS 18.65.220 AS 18.65.240