

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 standards and certification of correctional, probation/parole, and municipal correctional officers.

The Alaska Police Standards Council proposes to adopt regulation changes in Title 13 of the Alaska Administrative Code, dealing with the correctional, probation/parole, and municipal correctional officer basic standards, permanent employment, certificates, reciprocity, personnel records, denials, revocations, lapses of certifications, and academy curriculum, including the following:

13 AAC 85.210 is proposed to be changed to update and clarify basic standards for correctional and probation/parole officers.

13 AAC 85.215 is proposed to be changed to update and clarify basic standards for municipal correctional officers.

13 AAC 85.230 is proposed to be changed to bring certification standards in-line and current with national model standards.

13 AAC 85.235 is proposed to be changed to bring certification standards in-line and current with national model standards.

13 AAC 85.240 is proposed to be changed to update and clarify requirements for reciprocity training programs.

13 AAC 85.250 is proposed to be changed to require departments to notify APSC of sustained misconduct by an officer if the sustained misconduct may be cause for revocation under 13 AAC 85.270.

13 AAC 85.260 is proposed to be changed to allow for emergency use of a prescription medication not prescribed to that person.

13 AAC 85.270 is proposed to be changed to allow for emergency use of a prescription medication not prescribed to that person.

13 AAC 85.280 is proposed to be changed to expire a certificate if it has been lapsed for more than four years.

13 AAC 87.060 is proposed to be changed to add disability awareness training to academy curriculum.

13 AAC 87.080 is proposed to be changed to add disability awareness training to academy curriculum.

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 25, 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 April 15, 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 18.65.230; AS 18.65.242; AS 18.65.245; AS 18.65.248, AS 18.65.270, AS 18.65.285

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

DATE: March 16, 2016

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 correctional, probation/parole, and municipal correctional officer basic standards, permanent employment, certificates, reciprocity, personnel records, denials, revocations, lapses of certifications, and academy curriculum
3. Citation of regulation (may be grouped): 13 AAC 85 Article 2 and 13 AAC 87 Article 2.
4. Department of Law file number: Pending

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):
 - Development of program standards
 - Other (identify):

6. Appropriation/Allocation: Zero.

7. Estimated annual cost to comply with the proposed action to:
- A private person: There is no estimated cost to comply with these regulation changes.

Another state agency: There is no estimated cost to comply with these regulation changes.

A municipality: There is no estimated cost to comply with these regulation changes.

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: March 11, 2016

Prepared by: *Sarah Hieb*

Name: Sarah Hieb

Title: Administrative Investigator

Telephone: (907)465-6296

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13 AAC 85.210 (a) is amended to read:

(a) A person may not be hired as a probation, parole, or correctional officer unless the person meets the following minimum qualifications **at the time of hire**:

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

(2) is 21 years of age or older;

(3) is of good moral character;

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

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

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

13 AAC 85.210 (b) is amended to read:

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

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

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

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probation, parole, or correctional officer, of a crime of dishonesty or crime of moral turpitude, of a crime that resulted in serious physical injury to another person, or of two or more **DUI or** DWI offenses;

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

(4) within the **five** [10] years before the date of hire, has illegally used a 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;**

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

(6) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, unless the denial, [OR] revocation, **or surrender** has been rescinded by the council under 13 AAC 85.270 or by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction; or

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

13 AAC 85.210 (c) is amended to read:

(c) A person hired as a probation, parole, or correctional officer may not remain employed in that position without written confirmation from the Department of Corrections, submitted within 90 days after the date of hire, that the person meets the standards of (a) and (b) of this section. The council will grant an extension of the 90-day period, upon a written request by the Department of Corrections that explains the reason the extension is necessary, and if the council determines that the person will

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probably be able to meet the standards by the end of the extension period. If the Department of Corrections concludes at the end of an investigation that a person does not meet the required standards, the person may not continue employment as a probation, parole, or correctional officer. For purposes of determining whether a person meets the standards of (a) and (b) of this section,

(1) the following information must be provided:

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

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

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

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

(E) information as to whether the person

(i) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, and whether the denial or revocation, if any, has been rescinded by the council under 13 AAC 85.270 or by the responsible certifying [LICENSING] agency of the issuing jurisdiction; or

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

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

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(A) criminal history;

(B) wants and warrants;

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

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

(E) at least two personal references; and

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

13 AAC 85.210 (d) is amended to read:

(d) All information, documents, and reports provided or developed under (c) of this section must be placed in the permanent files of the Department of Corrections and must be available for examination, at any reasonable time, by representatives of the council. A copy of any criminal record discovered and of the following completed council forms must be sent to the council within 90 days after the date of each hire:

(1) repealed 10/24/92;

(2) the medical examination form;

(3) the health questionnaire;

(4) the personal history statement;

(5) the psychological screening report; and

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

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

13 AAC 85.210 (e) is amended to read:

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

13 AAC 85.210 (f) is amended to read:

(f) The information in the council's files regarding an applicant or a probation, parole, or correctional officer is confidential, and available only for use by the council in carrying out the requirements of AS 18.65.130 - 18.65.290 and the regulations adopted under AS 18.65.130 - 18.65.290. However, training records and the documents listed in (c) and (d) of this section relating to an applicant or a probation, parole, or correctional officer may be reviewed by the applicant or officer. Information that indicates that a person might not qualify for certification as an officer, or that adversely reflects upon a person's ability to be a competent officer may [WILL, IN THE COUNCIL'S DISCRETION,] be furnished by the council to a correctional agency. An officer or applicant may not review information in the council's files which was supplied to the council with the understanding that the information or the source of the information would remain confidential, except that any information that serves as the basis for a decision to deny or revoke certification will be revealed to the officer or applicant.

(Eff. 8/8/90, Register 115; am 10/24/92, Register 124; am 8/5/95, Register 135; am 7/15/98, Register 147; am 2/20/99, Register 149; am 8/16/2000, Register 155; am 3/25/2001, Register 157; am 4/12/2001, Register 158; am 8/8/2007, register 183; am 2/13/2010, Register 193; am

_____/_____/_____, Register ____)

Authority: AS 18.65.220 AS 18.65.248 AS 18.65.242

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13 AAC 85.215 (a) is amended to read:

(a) A person may not be hired as a municipal correctional officer unless the person meets the following minimum qualifications at the time of hire:

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

(2) is 19 years of age or older;

(3) is of good moral character;

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

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

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

13 AAC 85.215 (b) is amended to read:

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

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

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

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

(4) within the three years before the date of hire, has illegally used a 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;**

(5) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, unless the denial, [OR] revocation, **or surrender** has been rescinded by the council under 13 AAC 85.270 or by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction; or

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

13 AAC 85.215 (c) is amended to read:

(c) A person hired as a municipal correctional officer may not remain employed in that position without written confirmation from the municipality, submitted within **30** [90] days after the date of hire, that the person meets the standards of (a) and (b) of this section. The council will grant an extension of

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the 30 [90] day period, upon a written request by the municipality that explains the reason the extension is necessary, and if the council determines that the person will probably be able to meet the standards by the end of the extension period. If a municipality concludes at the end of an investigation that a person does not meet the required standards, the person may not continue employment as a municipal correctional officer. For purposes of determining whether a person meets the standards of (a) and (b) of this section,

(1) the following information must be provided:

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

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

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

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

(E) information as to whether the person

(i) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, and whether the denial or revocation, if any, has been rescinded by the council under 13 AAC 85.270 or by the responsible certifying [LICENSING] agency of the issuing jurisdiction; or

(ii) is under suspension of a basic certificate in another jurisdiction, for the period of the suspension, and whether the suspension, if any, has been rescinded by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction; 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 previous employers; and
- (D) personal references.

13 AAC 85.215 (d) is amended to read:

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

- (1) medical examination form;
- (2) health questionnaire;
- (3) personal history statement.

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

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(Eff. 4/12/2001, Register 158; am 6/13/2002, Register 162; am 8/8/2007, Register 183; am 2/13/2010,
Register 193; am _____/_____/_____, Register _____)

Authority: AS 18.65.220 AS 18.65.248 AS 18.65.242

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13 AAC 85.230 (e) is amended to read:

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

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

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

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.248

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13 AAC 85.235 (d) is amended to read:

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

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

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

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.248

AS 18.65.285

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13 AAC 85.240 (a) is amended to read:

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

13 AAC 85.240 (c) is amended to read:

(c) Notwithstanding (a) of this section, the council will not grant a waiver if the applicant was previously issued a certificate that lapsed more than **five** [10] years before the waiver was sought. (Eff. 8/8/90, Register 115; am 8/5/95, Register 135; am 4/12/2001, Register 158; am 3/31/2005, Register 173; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.248

AS 18.65.285

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13 AAC 85.250 is amended by adding a new subsection to read:

(d) A participating agency shall notify the council of an allegation of misconduct by an officer employed by their department within 30 days of the allegation being sustained by administrative review, if the misconduct alleged may be cause for revocation under 13 AAC 85.270. (Eff. 8/8/90, Register 115; am 4/12/2001, Register 158; am 8/8/2007, Register 183; am ____/____/____, Register ____)

Authority: AS 18.65.220

AS 18.65.245

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13 AAC 85.260 (a) is amended to read:

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

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

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

13 AAC 85.260 (b) is amended to read:

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

(1) has been convicted of a misdemeanor crime of domestic violence, or after hire as a

(A) probation, parole, or correctional officer, has been convicted of a felony or of a misdemeanor crime listed in 13 AAC 85.210(b)(2); or

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

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

(A) used marijuana;

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(B) illegally used or possessed any other 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) for a probation, parole, or correctional officer does not meet the standards in 13 AAC 85.210;

(4) for a municipal correctional officer does not meet the standards in 13 AAC 85.215; or

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

13 AAC 85.260 (d) is amended to read:

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

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

(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. 8/8/90, Register 115; am 10/24/92, Register 124; am 9/6/96, Register 139; am 7/15/98, Register 147; am 4/12/2001, Register 158; am 8/8/2007, Register 183; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.245

AS 18.65.248 AS 18.65.270 AS 18.65.285

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13 AAC 85.270 (a) is amended to read:

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

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

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

(3) who is a probation, parole, or correctional officer does not meet the standards in 13 AAC 85.210(a) or (b); or

(4) who is a municipal correctional officer does not meet the standards in 13 AAC 85.215(a) or (b).

13 AAC 85.270 (b) is amended to read:

(b) The council will revoke a basic certificate upon a finding that the holder of the certificate

(1) has been convicted of a misdemeanor crime of domestic violence or, after hire as a

(A) probation, parole, or correctional officer, has been convicted of a felony, or of a misdemeanor crime listed in 13 AAC 85.210(b)(2); or

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

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

(A) used marijuana;

(B) illegally used or possessed any other 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 probation, parole, correctional, or municipal correctional officer in this state or any other state or territory for cause for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States or that is detrimental to the integrity of the correctional agency where the officer worked.

(Eff. 8/8/90, Register 115; am 10/24/92, Register 124; am 9/6/96, Register 139; am 7/15/98, Register 147; am 4/12/2001, Register 158; am 8/8/2007, Register 183; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.245

AS 18.65.248 AS 18.65.270 AS 18.65.285

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13 AAC 85.280 (b) is amended to read:

(b) A person may request reinstatement of a lapsed certificate after serving an additional 12-month probationary period. The council may require supplemental training as a condition of reinstatement. A certificate **expires** [WILL NOT BE REINSTATED] if it has been lapsed for more than **four** [10] years. (Eff. 8/8/90, Register 115; am 8/5/95, Register 135; am 4/12/2001, Register 158; am 6/13/2002, Register 162; am 3/31/2005, Register 173; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.248

AS 18.65.285

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13 AAC 87.060 (a) is amended to read:

(a) The basic program of instruction for correctional officers must include a minimum 200 hours of instruction in security procedures, custody, and supervision of inmates; use of force, firearms, and other weapons, and restraints; communication skills, report writing, and record keeping; emergency procedures; **disability awareness**; cardiopulmonary resuscitation (CPR), and first aid instruction sufficient to qualify students for a standard Red Cross first aid certificate, or a council-approved equivalent; and legal issues, including the provisions of 22 AAC 05 and AS 33.

13 AAC 87.060 (b) is amended to read:

(b) The basic program of instruction for probation and parole officers must include a minimum 80 hours of instruction in interviewing and counseling techniques; firearms familiarization and safety; departmental and inter-agency relations and communication; overview of the criminal justice system; legal aspects of probation and parole; written communication forms and techniques; techniques of supervision; **disability awareness**; and personal and office safety, security, first aid and emergency procedures.

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

Authority: AS 18.65.220 AS 18.65.230 AS 18.65.242

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13 AAC 87.080 (a) is amended to read:

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

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

Authority: AS 18.65.220 AS 18.65.230 AS 18.65.242