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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Robyn Ramos, Department of Public Safety

FROM: Scott Meriwether, Office of the Lieutenant Governor
465.4081 

DATE: August 25, 2016

RE: Filed Permanent Regulations: Alaska Police Standards Council

Regulations re: basic standards, permanent employment, certificates, and reciprocity for police officers (13 AAC 85.010 - 13 AAC 85.060; 13 AAC 85.090(d); 13 AAC 85.100(a),(b),(d); 13 AAC 85.110(a),(b),(d); 13 AAC 85.120(b); 13 AAC 85.900(18))

Attorney General File:	JU2015200562
Regulation Filed:	August 25, 2016
Effective Date:	September 24, 2016
Print:	219, October 2016

cc with enclosures: Linda Miller, Department of Law
Dianne Blumer, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF ALASKA POLICE STANDARDS COUNCIL

The attached twenty-three (23) pages of regulations, dealing with 13 AAC 85.010 - 85.120, and 85.900, regarding police officer basic standards, permanent employment, certification, reciprocity, records, basic police academies, and definitions, are certified to be a correct copy of the regulation changes that the Alaska Police Standards Council adopted at its August 16, 2016 meeting, under the authority of AS 18.65.220, AS 18.65.240, and AS 18.65.270 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Alaska Police Standards Council paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 8/17/16




Robert Griffiths, Executive Director, APSC

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on

August 25, 2016 at 11:16 A.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor

Effective: September 24, 2016

Register: 219, October 2016

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 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 ITS EQUIVALENT,] or has passed a General Educational Development (GED) test;

(5) is [, AT THE TIME OF HIRE,] 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.

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** [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 **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, unless the suspension has been rescinded by the responsible **certifying** [LICENSING] 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** [TEN] years before the date of hire, has illegally used a **Schedule IA, IIA, IIIA, IVA, or VA** controlled substance [OTHER THAN MARIJUANA], 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.

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-day [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, **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 [, APPROVED BY THE COUNCIL, IF A PREVIOUS PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION HAS INDICATED A PAST OR PRESENT PERSONALITY DEFECT OR MENTAL PROBLEM]; **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, [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.

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 examination report [MEDICAL EXAM FORM];
- (2) the health questionnaire [HEALTH QUESTIONNAIRE];
- (3) the personal history statement [PERSONAL HISTORY STATEMENT];

[AND]

- (4) the psychological record form; and

- (5) the compliance form to record an agency's compliance with (c)(1) - (7) of

this section [A VERIFICATION OF A PSYCHOLOGICAL OR PSYCHIATRIC EXAMINATION REPORT, WHEN THE EXAMINATION IS MANDATORY].

13 AAC 85.010(e) is repealed and readopted to read:

(e) A police officer shall enroll in a council-certified basic police officer academy within six months after 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).

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 federal, state, or local 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 that [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.

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 9/24/2016 Register 219)

Register 219, October 2016

PUBLIC SAFETY

Authority: AS 18.65.220

AS 18.65.240

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 a police officer to complete the necessary training based upon a written request for extension from [IF] the chief administrative officer of the participating police department. The council may grant an extension one time only, not to [MAKES A WRITTEN REQUEST 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. (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 9/24/2016, Register 219)

Authority: AS 18.65.220

AS 18.65.240

13 AAC 85.040(b)(1) is amended to read:

(1) be a full-time paid police officer of a police department in **this state**
[ALASKA];

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

(4) have successfully completed, **within 13 months after the applicant's date of hire as a police officer in this state, a council-certified 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;

13 AAC 85.040(c) is repealed and readopted 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 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:

(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.

13 AAC 85.040(d) is repealed and readopted to read:

(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 certificate and an 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 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.

13 AAC 85.040(e) is repealed:

(e) Repealed 9/24/2016.

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 officer academy [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 courses may [WILL, IN THE COUNCIL'S DISCRETION,] 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.

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.

13 AAC 85.040 is amended by adding a new subsection to read:

(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. (Eff.

Register 219, October 2016

PUBLIC SAFETY

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 9/24/2016, Register 219)

Authority: AS 18.65.220

AS 18.65.240

13 AAC 85.050 is amended to read:

13 AAC 85.050. Basic police officer academy [TRAINING PROGRAM]. (a) The basic police officer academy [TRAINING PROGRAM] consists of a minimum of 650 continuous [40 HOURS OF SUPERVISED FIELD TRAINING AS PRESCRIBED IN THE ALASKA POLICE STANDARDS COUNCIL FIELD TRAINING MANUAL AND AT LEAST 400] hours of instruction in basic law enforcement subjects.

(b) The basic police officer academy [TRAINING PROGRAM] 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 [10 HOURS OF FIRST AID INSTRUCTION SUFFICIENT TO QUALIFY STUDENTS FOR A STANDARD RED CROSS FIRST AID CERTIFICATE OR A COUNCIL-APPROVED EQUIVALENT]; [AND]

(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 an automated external defibrillator (AED);

(7) criminal investigation, including

(A) controlled substances;

(B) crimes against minors; and

(C) sex crimes and human trafficking;

(8) the criminal justice system;

(9) criminal law and procedure;

(10) crime scene investigation;

(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 in 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 [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].

(c) To receive credit for the basic police officer academy [TRAINING PROGRAM], a person must attend all sessions of the academy [COURSE], except for absences approved by

the **academy commander** [SCHOOL DIRECTOR OR COORDINATOR], and be awarded a certificate of graduation by the **academy commander** [DIRECTOR OR COORDINATOR OF THE PROGRAM]. A person may not be certified for successful completion of the basic police **officer academy** [TRAINING PROGRAM] if the person

(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].

(d) The council **may** [WILL, IN ITS DISCRETION,] refuse to authorize admission to **any council-certified 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 9/24/2016, Register 219)

Authority: AS 18.65.220 AS 18.65.230 AS 18.65.240

13 AAC 85.060(a) is amended to read:

(a) The council **may** [WILL, IN ITS DISCRETION,] waive part or all of the basic police **officer academy** [TRAINING] requirements if an applicant furnishes satisfactory

evidence that the applicant has successfully completed

(1) an equivalent basic police officer academy [TRAINING PROGRAM];

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

(3) a council-certified, department-supervised [THE COUNCIL'S] 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 in this state;

(B) control tactics;

(C) domestic violence;

(D) ethics;

(E) firearms;

(F) use of force;

(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 [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 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.**

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.

13 AAC 85.060 is amended by adding a new subsection to read:

(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. (Eff. 8/10/73, Register 47; am

Register 219, October 2016

PUBLIC SAFETY

8/10/80, Register 75; am 9/23/84, Register 91; am 10/24/92, Register 124; am 8/5/95, Register 135; am 8/16/2000, Register 155; am 3/31/2005, Register 173; am 9/24/2016, Register 219)

Authority: AS 18.65.220 AS 18.65.240

The section heading of 13 AAC 85.090 is changed 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) 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. (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 9/24/2016, Register 219)

Authority: AS 18.65.220 AS 18.65.240

Editor's note: The forms required in 13 AAC 85.090 are available from the Alaska Police Standards Council, Department of Public Safety, P.O. Box 111200, Juneau, AK 99811-1200 or on the council's website at <http://www.dps.alaska.gov/APSC/forms.aspx> [HTTP://WWW.DPS.STATE.AK.US/APSC/FORMS.ASPX].

As of Register 204 (January 2013), the regulations attorney made a technical revision under AS 44.62.125(b)(6), to 13 AAC 85.090(b).

The introductory language of 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

...

The introductory language of 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

...

13 AAC 85.100(b)(1) is amended to read:

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

13 AAC 85.100(b)(2)(B) is amended to read:

(B) illegally used or possessed **a Schedule IA, IIA, IIIA, IVA, or VA** [ANY OTHER] 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

The introductory language of 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:

...

(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 9/24/2016, Register 219)

Authority: AS 18.65.220 AS 18.65.240 AS 18.65.270

The introductory language of 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

...

The introductory language of 13 AAC 85.110(b) is amended to read:

(b) The council will [SHALL] revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate

...

13 AAC 85.100(b)(1) is amended to read:

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

13 AAC 85.110(b)(2)(B) is amended to read:

(B) illegally used or possessed a Schedule IA, IIA, IIIA, IVA, or VA [ANY OTHER] 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

The introductory language of 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:

...

(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 9/24/2016, Register 219)

Authority: AS 18.65.220 AS 18.65.240 AS 18.65.270

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 a council-certified recertification academy described in 13 AAC 85.060(a)(4)** [THE COUNCIL MAY REQUIRE SUPPLEMENTAL TRAINING] as a condition of reinstatement **if the person's certificate has been lapsed for 12 consecutive months or longer**. 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 9/24/2016, Register 219)

Authority: AS 18.65.220 AS 18.65.240

13 AAC 85.900(18) is amended to read:

(18) "**DUI** [DWI] offense" means **an offense** [OF OPERATING A MOTOR VEHICLE, AIRCRAFT, OR WATERCRAFT WHILE INTOXICATED] under AS 28.35.030 or another law or ordinance with substantially similar elements, or **an offense** of refusal to submit to a chemical test under AS 28.35.032 or another law or ordinance with substantially similar elements;

(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 9/6/96, Register 139; am 7/15/98, Register 147; am 3/25/2001, Register 157; am 4/12/2001, Register 158; am 6/13/2002, Register 162; am 8/8/2007, Register 183; am 2/13/2010, Register 193; am 9/24/2016, Register 219)

Register 29, October 2016

PUBLIC SAFETY

Authority: AS 18.65.220

AS 18.65.242

AS 18.65.290


AS 18.65.240


AS 18.65.285

MEMORANDUM

State of Alaska Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Thru: Susan R. Pollard 
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Date: August 24, 2016

File No.: JU2015200562

Tel. No.: 465-3600

Re: Regulations re: basic standards,
permanent employment, certificates,
and reciprocity for police officers
(13 AAC 85.010 - 13 AAC 85.060;
13 AAC 85.090(d); 13 AAC
85.100(a), (b), (d); 13 AAC 85.110(a),
(b), (d); 13 AAC 85.120(b); 13 AAC
85.900(18))

We have reviewed the attached regulations from the Alaska Police Standards Council against the statutory standards of the Administrative Procedure Act. The regulations bring up to date requirements and procedures regarding basic standards, permanent employment, certificates, and reciprocity for police officers.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

We request that these regulations be filed on the same date as the Alaska Police Standards Council regulations regarding basic standards, permanent employment, certificates, and reciprocity for probation and parole officers and municipal and state corrections officers (Department of Law file number JU2016200230), so that the regulations in both projects share the same effective date.

Hon. Byron Mallott, Lieutenant Governor
Our file: JU2015200562

August 24, 2016
Page 2

The December 27, 2015 public notice and the August 17, 2016 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SCW


cc w/enc: (via email)

Robert E. "Bob" Griffiths, Executive Director
Alaska Police Standards Council

MEMORANDUM

State of Alaska Department of Law


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Executive Director
Alaska Police Standards Council

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Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Date: August 24, 2016

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85.100(a), (b), (d); 13 AAC 85.110(a),
(b), (d); 13 AAC 85.120(b); 13 AAC
85.900(18))

Under AS 44.62.060, we have reviewed the attached changes by the Alaska Police Standards Council and approve the regulations for filing by the lieutenant governor.

You might wish to contact the lieutenant governor's office to confirm the filing date and effective date of the attached regulations changes.

The December 27, 2015 public notice and the August 17, 2016 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SCW

cc w/enc: (via email)

Robyn Ramos, Regulations Contact
Department of Public Safety

Sarah Hieb
Alaska Police Standards Council
Department of Public Safety

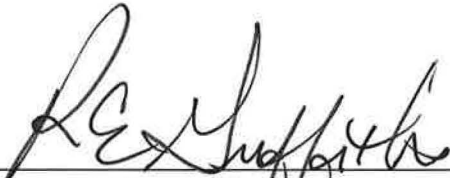
Robert E. Henderson, Chief Assistant Attorney General
Criminal Division, Office of Special Prosecutions

AFFIDAVIT OF ALASKA POLICE STANDARDS COUNCIL ACTION

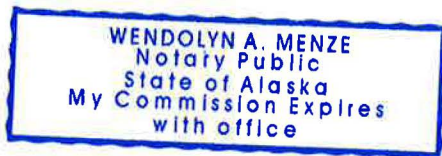
I, Robert Griffiths, Executive Director for the Alaska Police Standards Council, being duly sworn, state the following:

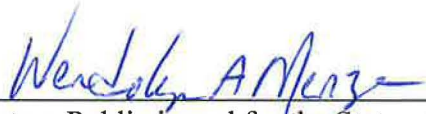
The attached motion dealing with 13 AAC 85.010 - 85.120, and 85.900, regarding police officer basic standards, permanent employment, certification, reciprocity, records, basic police academies, and definitions was passed by the Alaska Police Standards Council during its August 16, 2016 meeting.

Date: August 22, 2016


Robert Griffiths, Executive Director

Subscribed and sworn to before me at Juneau on August 22, 2016.




Notary Public in and for the State of Alaska

Alaska Police Standards Council Meeting
August 16, 2016
Excerpt from Unapproved Minutes

Council member Berni Troglio moved and member John Papasodora seconded the following motion:

"I move to re-adopt the Police Regulations as amended (as written in the August 2, 2016, draft regulations)."

The motion carried unanimously.

Council member Carrie Belden moved and member Ronda Wallace seconded the following motion:

"I move to re-adopt the Corrections Regulations as amended (as written in the August 2, 2016, draft regulations)."

The motion carried unanimously.

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Sarah Hieb, Administrative Investigator, of Alaska Police Standards Council, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 13 AAC 85.010 - 85.120, regarding basic standards, permanent employment, certificates, reciprocity, records and basic police officer academies, has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the State Affairs Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review committee, and the legislative council.

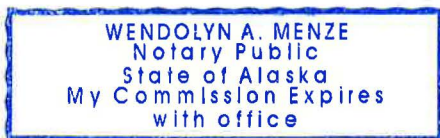
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: April 7, 2016



Sarah Hieb, Administrative Investigator, APSC

Subscribed and sworn to before me at Juneau on April 7, 2016.


Notary Public in and for the State of Alaska.

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

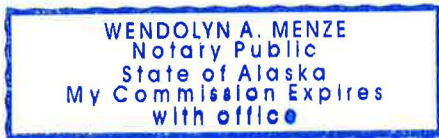
I, Robert Griffiths, Executive Director for the Alaska Police Standards Council, being duly sworn, state the following:

In compliance with AS 44.62.215, the Alaska Police Standards Council has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Alaska Police Standards Council regulation on basic standards, permanent employment, certificates, reciprocity, records and basic academies for police officers.

Date: May 10, 2016


Robert Griffiths, Executive Director, APSC

Subscribed and sworn to before me at Juneau on May 10, 2016.




Notary Public in and for the State of Alaska

**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):
- ☒ 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

268351
0001377389
\$448.22

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Emma Dunlap
being first duly sworn on oath deposes and
says that he/she is a representative of the
Alaska Dispatch News, a daily newspaper.
That said newspaper has been approved
by the Third Judicial Court, Anchorage,
Alaska, and it now and has been published
in the English language continually as a
daily newspaper in Anchorage, Alaska, and
it is now and during all said time was
printed in an office maintained at the
aforesaid place of publication of said
newspaper. That the annexed is a copy of
an advertisement as it was published in
regular issues (and not in supplemental
form) of said newspaper on

December 27, 2015

and that such newspaper was regularly
distributed to its subscribers during all of
said period. That the full amount of the fee
charged for the foregoing publication is not
in excess of the rate charged private
individuals.

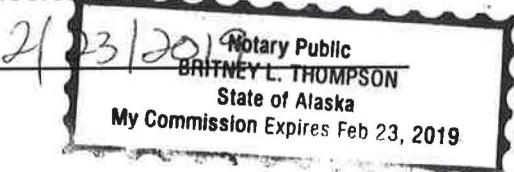
Signed

Emma Dunlap

Subscribed and sworn to before me
this 28th day of December, 2015

Britney L. Thompson

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES



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