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Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Robyn Ramos
Department of Public Safety

FROM: Scott Meriwether, Office of the Lieutenant Governor 465.4081 

DATE: August 3, 2017

RE: Filed Permanent Regulations: Alaska Police Standards Council

Alaska Police Standards Council regulations re: certification, denial of certification, and revocation regarding police officer applicants, police officer trainee applicants, and probation, parole, correctional, and municipal correctional officer applicant (13 AAC 85.010(g); 13 AAC 85.100; 13 AAC 85.110(a),(b); 13 AAC 85.210(c),(g); 13 AAC 85.260; 13 AAC 85.270(a),(b))

Attorney General File:	JU2017200026
Regulation Filed:	8/2/2017
Effective Date:	9/1/2017
Print:	223, October 2017

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF ALASKA POLICE STANDARDS COUNCIL

The attached eleven (11) pages of regulations, dealing with 13 AAC 85.010 - 85.270, regarding council authority, basic officer standards, and applicant notice are certified to be a correct copy of the regulation changes that the Alaska Police Standards Council adopted at its July 25, 2017, 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.

Although no public comments were received, 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:

July 25, 2017



Robert Griffiths, Executive Director, APSC

FILING CERTIFICATION

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

August 2, 2017 at 1450 .m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor

Effective:

September 1, 2017

Register:

223, October 2017

13 AAC 85.010(g) is amended to read:

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

(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; am 9 / 1 / 2017, Register 223)

Authority: AS 18.65.220 AS 18.65.240

13 AAC 85.100(a) is amended to read:

13 AAC 85.100. Determination of ineligibility and denial [DENIAL] of certificates.

(a) The council may deny a basic certificate or find a police officer job applicant or training applicant ineligible for certification upon a finding that the applicant [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 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 deny a basic certificate or find a police officer job applicant or training applicant ineligible for certification 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 any felony, or of a misdemeanor crime listed in 13 AAC 85.010(b)(2);

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

(A) used marijuana;

(B) illegally used or possessed any Schedule IA, IIA, IIIA, IVA, or VA controlled substance, unless an immediate, pressing, or emergency medical circumstance existed to justify the use of a prescription Schedule IA, IIA, IIIA, IVA, or VA controlled substance not specifically prescribed to the person; or

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

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

(4) has been discharged, or resigned under threat of discharge, from employment

as a police officer in this state or any other state or territory [FOR CAUSE] for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States or that is detrimental to the integrity of the police department where the police officer worked.

13 AAC 85.100(c) is amended to read:

(c) The executive director may act on an application for certification, consistent with standards and qualifications adopted by the council and consistent with AS 18.65.130 - 18.65.290. The executive director may deny an application, or find a police officer job applicant or training applicant ineligible for certification, if the applicant does not satisfy those requirements. An applicant aggrieved by the decision of the executive director may petition for review of that decision by the council. The council will [COUNCIL'S] review [OF] that decision under AS 44.62 ([IS CONTROLLED BY THE] Administrative Procedure Act).

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, or has been found ineligible for certification as police officer by the council, the person may petition the council for rescission of the denial after one year following the date of the denial. The petitioner must state in writing the reasons why the denial should be rescinded. A denial may be rescinded for the following reasons:

• • •

(Eff. 8/10/80, Register 75; am 9/23/84, Register 91; am 8/8/90, Register 115; am 10/24/92,

Register 223, October 2017

PUBLIC SAFETY

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; am 9 / 1 / 2017, Register 223)

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 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 will revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate

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

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

(A) used marijuana;

(B) illegally used or possessed any Schedule IA, IIA, IIIA, IVA, or VA controlled substance, unless an immediate, pressing, or emergency medical circumstance existed to justify the use of a prescription Schedule IA, IIA, IIIA, IVA, or VA controlled substance not specifically prescribed to the person; or

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

(3) has been discharged, or resigned under threat of discharge, from employment as a 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.

(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; am 9/1/2017, Register 223)

Authority: AS 18.65.220 AS 18.65.240 AS 18.65.270

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

• • •

13 AAC 85.210(g) is amended to read:

(g) If the signature of the officer or applicant is required on a council form, the signature must be under oath or affirmation and must be accompanied by a statement by the officer or applicant that the information supplied is true, to the best of the person's knowledge **and acknowledging that the council will use the information on the forms for purposes of determining the applicant's eligibility for employment and certification.** (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 9/24/2016, Register 219; am 9 / 1 / 2017, Register 223)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.248

13 AAC 85.260(a) is amended to read:

13 AAC 85.260. Determination of ineligibility and denial [DENIAL] of certificate.

(a) The council may deny a basic certificate or find a probation, parole, correctional, or municipal correctional officer job applicant ineligible for certification 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 or find a probation, parole, correctional, or municipal correctional officer job applicant ineligible for certification 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 any felony, or of a misdemeanor crime listed in 13 AAC 85.010(b)(2); or

(B) municipal correctional officer, has been convicted of any felony, or of

a misdemeanor crime listed in 13 AAC 85.215(b)(2) or (3);

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

(A) used marijuana;

(B) illegally used or possessed any Schedule IA, IIA, IIIA, IVA, or VA controlled substance, unless an immediate, pressing, or emergency medical circumstance existed to justify the use of a prescription Schedule IA, IIA, IIIA, IVA, or VA controlled substance not specifically prescribed to the person; or

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

(3) [OF A PROBATION, PAROLE, OR CORRECTIONAL OFFICER] does not meet the standards in 13 AAC 85.210;

(4) [OF 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(c) is amended to read:

(c) The executive director may act on an application for certification, consistent with standards and qualifications adopted by the council and consistent with AS 18.65.130 - 18.65.290. The executive director may deny an application **or find a probation, parole, correctional, or municipal correctional officer job applicant ineligible for certification**, if the applicant does not satisfy those requirements. An applicant aggrieved by the decision of the executive director may petition for review of that decision by the council. The **council will** [COUNCIL'S] review [OF] that decision **under AS 44.62** ([IS CONTROLLED BY THE] Administrative Procedure Act).

The introductory language of 13 AAC 85.260(d) is amended to read:

(d) If a person has been denied a basic certificate **or found to be ineligible for certification** under this section, the person may petition the council for rescission of the denial after one year following the date of the denial. The petitioner must state in writing the reasons why the denial should be rescinded. A denial may be rescinded for the following reasons:

...

(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 9/24/2016, Register 219; am 9 / 1 / 2017 Register 223)

Authority:	AS 18.65.220	AS 18.65.245	AS 18.65.270
	AS 18.65.242	AS 18.65.248	AS 18.65.285

13 AAC 85.270(a) is amended to read:

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

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

(2) has been discharged, or resigned under threat of discharge, from employment as a probation, parole, correctional, or municipal correctional officer in this state or any other state or territory [FOR 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) is a probation, parole, or correctional officer and does not meet the standards in 13 AAC 85.210(a) or (b); or

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

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 any felony, or of a misdemeanor crime listed in 13 AAC 85.210(b)(2); or

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

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

(A) used marijuana;

(B) illegally used or possessed a Schedule IA, IIA, IIIA, IVA, or VA controlled substance, unless an immediate, pressing or emergency medical circumstance existed to justify the use of a prescription Schedule IA, IIA, IIIA, IVA, or VA controlled substance not specifically prescribed to the person; or

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

(3) has been discharged, or resigned under threat of discharge, from employment as a probation, parole, correctional, or municipal correctional officer in this state or any other state or territory [FOR 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 9/24/2016, Register 219; am 9 / 1 / 2017, Register 223)

Authority:	AS 18.65.220	AS 18.65.245	AS 18.65.270
	AS 18.65.242	AS 18.65.248	AS 18.65.285

MEMORANDUM


State of Alaska Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: August 1, 2017

File No.: JU2017200026

Tel. No.: 465-3600

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

Re: Alaska Police Standards Council
regulations re: certification, denial of
certification, and revocation regarding
police officer applicants, police officer
trainee applicants, and probation,
parole, correctional, and municipal
correctional officer applicants
(13 AAC 85.010(g); 13 AAC 85.100;
13 AAC 85.110(a), (b); 13 AAC
85.210(c), (g); 13 AAC 85.260;
13 AAC 85.270(a), (b))

We have reviewed the attached regulations from the Alaska Police Standards Council against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated August 1, 2017 from the Regulations Attorney. The regulations bring up to date requirements and procedures regarding certification, denial of certification, and revocation regarding police officer applicants, police officer trainee applicants, and probation, parole, correctional, and municipal correctional officer applicants.

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.

Hon. Byron Mallott, Lieutenant Governor
Our file: JU2017200026

August 1, 2017
Page 2

The January 25, 2017 public notice and the July 25, 2017 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

Robyn Ramos, Regulations Contact
Department of Public Safety

Sarah Hieb
Alaska Police Standards Council
Department of Public Safety

Andrew Peterson, Assistant Attorney General
Criminal Division, Office of Special Prosecutions

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: August 1, 2017

FILE NO.: JU2017200026

TELEPHONE NO.: (907) 465-3600

FROM: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation/Regulations Section

SUBJECT: Specific delegation of authority regarding regulations review on Alaska Police Standards Council regulations re: certification, denial of certification, and revocation regarding police officer applicants, police officer trainee applicants, and probation, parole, correctional, and municipal correctional officer applicants (13 AAC 85.010(g); 13 AAC 85.100; 13 AAC 85.110(a), (b); 13 AAC 85.210(c), (g); 13 AAC 85.260; 13 AAC 85.270(a), (b))

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

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

NOTICE OF PROPOSED CHANGES IN POLICE, PROBATION, PAROLE, CORRECTIONS,
AND MUNICIPAL CORRECTIONS 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 the basic standards for police, probation, parole, corrections, and municipal corrections officers.

Pursuant to the authority in AS 18.65.220 (1) & (2), the Alaska Police Standards Council proposes to adopt regulation changes in Title 13 of the Alaska Administrative Code, dealing with the clarification of the council's authority, basic officer standards, applicant notice, denial of certification, and revocation of certification, including the following:

- (1) 13 AAC 85.010 is proposed to be changed to clarify that information submitted to the Council will be utilized by the council to determine a police officer applicant's eligibility and qualifications for employment and training, as well as for certification.
- (2) 13 AAC 85.100 is proposed to be changed to update and clarify that the council may make a finding of a police applicant's ineligibility for training, hiring, or certification based upon information submitted to the council.
- (3) 13 AAC 85.110 is proposed to be changed to clarify and remove redundant language describing conduct for which the council may discretionarily or mandatorily revoke a police officer's certification.
- (4) 13 AAC 85.210 is proposed to be changed to require the Department of Corrections notify the Council if they determine an officer does not meet minimum standards and clarifying that information submitted to the Council will be used for determination of an applicant's eligibility for employment and certification as a probation, parole or correctional officer.
- (5) 13 AAC 85.260 is proposed to be changed to clarify that the council may make a finding that an applicant for probation, parole, corrections, or municipal corrections officer employment or certification is not eligible, based upon information submitted to the council.
- (6) 13 AAC 85.270 is proposed to be changed to clarify and remove redundant language describing conduct for which the council may discretionarily or mandatorily revoke a probation, parole, correctional, or municipal corrections officer's certification.

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 Wendy Menze 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. The comments must be received no later than 4:29 pm on March 3, 2017.

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.state.ak.us/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 February 21, 2017 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 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(1) & (2)

Statutes Being Implemented, Interpreted, or Made Specific: N/A

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

DATE: January 20, 2017



Executive Director

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))¹

1. Adopting agency: Alaska Police Standards Council
2. General subject of regulation: Basic Police, Parole, Probation, Corrections, and Municipal Correction Officer Standards
3. Citation of regulation (may be grouped): 13 AAC 85
4. Department of Law file number, if any: JU2017200026

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: Zero

Another state agency: Zero

A municipality: Zero

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

	Initial Year FY <u>17</u>	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>

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

Name: Bob Griffiths
Title: Executive Director
Address: PO Box 111200, Juneau AK 99811
Telephone: 907-465-4378
E-mail address: bob.griffiths@alaska.gov

10. The origin of the proposed action:

X Staff of state agency
Federal government
General public
Petition for regulation change
Other (identify): _____

11. Date: January 20, 2017

Prepared by: Sarah Hieb
Name: Sarah Hieb
Title: Administrative Investigator
Telephone: 907-465-6296

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

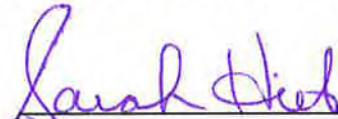
I, Sarah Hieb, Administrative Investigator, of Alaska Police Standards Council, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 13 AAC 85.010 - 85.270 regarding council authority, basic officer standards, and applicant notice, 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.

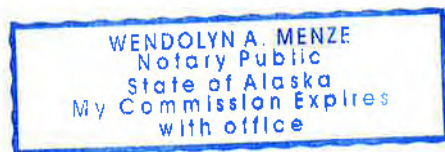
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the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

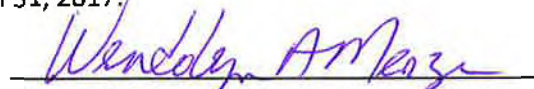
Date: March 31, 2017



Sarah Hieb, Administrative Investigator, APSC

Subscribed and sworn to before me at Juneau on March 31, 2017.





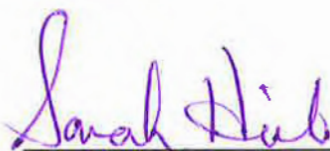
Notary Public in and for the State of Alaska.

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

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

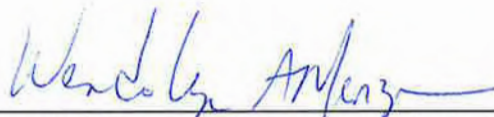
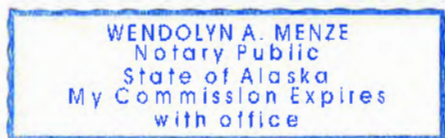
The Alaska Police Standards Council did not receive any factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Alaska Police Standards Council regulation on the council's authority, basic officer standards, applicant notice, denial of certification, and revocation of certification.

Date: March 7, 2017



Sarah Hieb, Administrative Investigator

Subscribed and sworn to before me at Juneau on March 7, 2017.



Notary Public in and for the State of Alaska

268351
0001399214
\$408.38

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

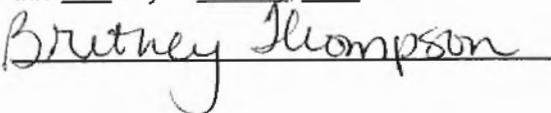
January 25, 2017

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



Subscribed and sworn to before me
this 25th day of January, 2017



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

2/23/2019
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

NOTICE OF PROPOSED CHANGES IN POLICE, PROBATION, PAROLE, CORRECTIONS, AND MUNICIPAL CORRECTIONS OFFICER STANDARDS IN THE REGULATIONS OF THE ALASKA POLICE STANDARDS COUNCIL

Pursuant to the authority in AS 18.65.220 (1) & (2), the Alaska Police Standards Council proposes to adopt regulation changes in Title 13 of the Alaska Administrative Code, dealing with the clarification of the council's authority, basic officer standards, applicant notice, denial of certification, and revocation of certification, including the following:

- (1) 13 AAC 85.010 is proposed to be changed to clarify that information submitted to the Council will be utilized by the council to determine a police officer applicant's eligibility and qualifications for employment and training, as well as for certification.
- (2) 13 AAC 85.100 is proposed to be changed to update and clarify that the council may make a finding of a police applicant's ineligibility for training, hiring, or certification based upon information submitted to the council.
- (3) 13 AAC 85.110 is proposed to be changed to clarify and remove redundant language describing conduct for which the council may discretionarily or mandatorily revoke a police officer's certification.
- (4) 13 AAC 85.210 is proposed to be changed to require the Department of Corrections notify the Council if they determine an officer does not meet minimum standards and clarifying that information submitted to the Council will be used for determination of an applicant's eligibility for employment and certification as a probation, parole or correctional officer.
- (5) 13 AAC 85.260 is proposed to be changed to clarify that the council may make a finding that an applicant for probation, parole, corrections, or municipal corrections officer employment or certification is not eligible, based upon information submitted to the council.
- (6) 13 AAC 85.270 is proposed to be changed to clarify and remove redundant language describing conduct for which the council may discretionarily or mandatorily revoke a probation, parole, correctional, or municipal corrections officer's certification.

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 Wendy Menze 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. The comments must be received no later than 4:29 pm on March 3, 2017.

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.state.ak.us/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 February 21, 2017 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 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(1) & (2)
Statutes Being Implemented, Interpreted, or Made Specific: N/A

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

DATE: January 20, 2017, Bob Griffiths, Executive Director

Published: January 25, 2017

AFFIDAVIT OF COUNCIL ACTION

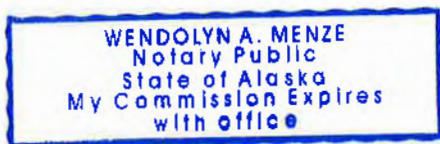
I, Robert E. Griffiths, Executive Director for the Alaska Police Standards Council, being duly sworn, state the following:

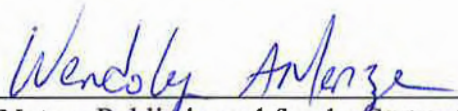
The attached motion dealing with changes to the regulations of the Alaska Police Standards Council, file number JU2017200026, was passed by the Council during its July 25, 2017, meeting.

Date: July 25, 2017


Robert E. Griffiths, Executive Director

Subscribed and sworn to before me at Juneau, Alaska on July 25, 2017.




Notary Public in and for the State of Alaska

Alaska Police Standards Council Meeting
July 25, 2017
Excerpt from Unapproved Minutes

Council member Kelly Swihart moved and member Luis Nieves seconded the following motion:

"I move to adopt the regulation changes before us today."

The motion carried unanimously.