

Alaska Police Standards Council (APSC) Response to Questions Regarding Proposed Changes in Regulations Relating to Police, Village Police, Probation, Parole, Corrections, and Municipal Corrections Officer Standards.

Here is a link to the Public Comment Notice:

<https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=196481>

The following questions were received by APSC prior to January 6, 2020:

Question: Regarding the proposed changes adding the requirement that officers notify APSC of an address change:

1. Was there discussion on how that notification would take place? Who would do it? Could the departments integrate it into their systems? Right now, the relationship our officers have with APSC is rather passive and most communications come from the department on their behalf.
2. What, if any consequence is identified if the employee fails to update APSC of an address change?

Answer:

Address information provided by or through an officer's agency will be utilized as the officer or applicant's mailing address, however it will be the officer and/or applicant's responsibility to assure APSC has their current contact information. Officers and Applicants can securely and easily update their contact information by using online web-forms linked through APSC's [website](#), by mail, or by e-mail notice to APSC.

The consequences of not keeping APSC informed of current contact information could be that an individual may not receive official notices sent by certified mail from APSC to their last known address regarding administrative actions impacting their certification status.

Question: What is the difference between the federal definition of Crime of Domestic Violence (DV) and the proposed adoption of the state's definition of a DV crime?

Answer:

This is a complex question that cannot be addressed with a simple answer; however, in most cases it means: State DV statutes apply to specific crimes involving violence or threats that are perpetrated against a household member, which includes siblings and parents, or even roommates. (See [AS 18.66.990\(3\)](#)).

Federal DV crimes do not refer to the term “household member;” instead, they include violence or threatened violence committed against a spouse, intimate partner or a child (See [18 U.S.C § 922 \(g\)\(9\)](#) and [18 U.S.C. § 921\(a\)\(33\)\(A\)\(ii\)](#)). State crimes include violence committed by a child against a parent, whereas federal definitions do not. There are a few crimes, such as certain Disorderly Conduct convictions under state statute that meet the federal definition of a DV crime but are excluded from state DV crimes.

The intent of this regulatory change is to eliminate any perceived ambiguity between state and federal Domestic Violence definitions when determining Alaska’s standards for police and correctional officers.

Question: It looks like the proposed changes to 13 AAC 89.010 are going to make it more stringent to qualify as a Village Police Officer (VPO) than it would be to qualify for a regular police officer. Specifically, the proposed changes will create a barrier to qualification if a person has ever been convicted of the enumerated crimes instead of the barrier only looking back ten years from the time of application.

Answer:

The legislature charged APSC with implementing their policy; “...It is a primary public interest that applicants meet minimum standards for employment as police officers, probation and parole officers, and correctional officers, and that criminal justice education and training be made available to police officers...” (AS 18.65.130)

Current regulation 13 AAC 85.010(b) prohibits anyone ever convicted of a felony or a crime of domestic violence from being hired as a police officer. Additionally, it prohibits the hire of anyone convicted within the past 10 years of a misdemeanor crime of dishonesty or moral turpitude, or that resulted in serious physical injury to another person. In application, police departments simply do not hire individuals with these convictions, regardless of when they occurred.

The Council's intent is to more closely align minimum qualifications regarding citizenship and past criminal conduct by applicants for police and village police officer positions. Hopefully, the changes will clarify minimum standards for VPO's based upon prior findings and decisions made by the council as they've applied their judgement in previous discretionary adjudications. VPO standards for other qualifications, such as age and education remain much lower than those for Police Officers.

The changes are not meant to create barriers; rather, they are intended to set minimum professional standards for the protection of the public, regardless of where in Alaska they live or travel.

Questions received after January 6, 2020 will be addressed in future notices.

The period for written Questions ends January 21, 2020, to allow time for the agency to answer them prior to the end of the comment period. To be considered, comments must be submitted by 4:29 p.m. on January 31, 2020.