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Lieutenant Governor  
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Juneau, Alaska 99811  
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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:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** May 18, 2020

**RE:** Filed Permanent Regulations: Alaska Police Standards

Alaska Police Standards Council regulations re: address changes, village police officers (VPOs), and the definition of "domestic violence" (13 AAC 85.090(e); 13 AAC 85.250(e); 13 AAC 85.900(20); 13 AAC 89)

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Attorney General File:	2019200895
Regulation Filed:	5/18/2020
Effective Date:	6/17/2020
Print:	234, July 2020

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF ALASKA POLICE STANDARDS COUNCIL

The attached nine pages of regulations, dealing with basic standards for Village Police Officers, adding a requirement that all officers maintain a current mailing address with the Council, and modifying the definition of "crime of domestic violence," are certified to be a correct copy of the regulation changes that the Alaska Police Standards Council adopted at its May 7, 2020 meeting, under the authority of AS 18.65.220 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: May 8, 2020



Digitally signed by Robert E  
Griffiths  
Date: 2020.05.08 15:04:50 -08'00'

Robert Griffiths, Executive Director

*April Simpson for*

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

May 18<sup>th</sup>, 2020 at 11:11 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

*for* April Simpson  
Lieutenant Governor *Kevin Meyer*

Effective: June 17, 2020.

Register: 234, July 2020.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,  
designate the following state employees to perform the Administrative Procedures Act  
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have  
signed and affixed the Seal of the State of  
Alaska, in Juneau, on December 11th,  
2018.**



A handwritten signature in blue ink, appearing to read "K. Meyer", is written over a horizontal dotted line.

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

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

(e) An officer certified by the council or serving in a position requiring certification by the council shall maintain a current, valid mailing address on file with the council. The most recent mailing address on file with the council is the address that the council will use for official communications and notifications. An officer shall notify the council, in writing, of a change of the officer's address not later than 30 days after the change. (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; am 6 / 17 / 2020, Register 234)

**Authority:** AS 18.65.220 AS 18.65.240

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

(e) An officer certified by the council or serving in a position requiring certification by the council shall maintain a current, valid mailing address on file with the council. The most recent mailing address on file with the council is the address that the council will use for official communications and notifications. An officer shall notify the council, in writing, of a change of the officer's address not later than 30 days after the change. (Eff. 8/8/90, Register 115; am 4/12/2001, Register 158; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am 6 / 17 / 2020, Register 234)

**Authority:** AS 18.65.220 AS 18.65.248 AS 18.65.285  
AS 18.65.245

Register 234, July 2020 PUBLIC SAFETY

13 AAC 85.900(20) is amended to read:

(20) "crime of domestic violence" has the meaning given in AS 18.66.990

[MEANS AN OFFENSE THAT HAS, AS AN ELEMENT, THE USE OR ATTEMPTED USE OF FORCE, OR THE THREATENED USE OF A DEADLY WEAPON, AND THE OFFENSE WAS COMMITTED BY A PERSON AGAINST A VICTIM, BOTH OF WHOM ARE DESCRIBED IN 18 U.S.C. 921(a)(33)(A)(ii), AS THAT PROVISION READ ON MARCH 17, 1998];

(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; am 4/6/2018, Register 226; am 6 / 17 / 2020, Register 234 )

**Authority:** AS 18.65.220 AS 18.65.242 AS 18.65.290  
AS 18.65.240 AS 18.65.285

**Editor's note:** Before Register 115, 13 AAC 85.900 was numbered as 13 AAC 85.150.

The history note for 13 AAC 85.900 contains the history of the definition section under its former number.

[THE REFERENCE SET OUT IN 13 AAC 85.900(20) TO "BY A PERSON AGAINST A VICTIM, BOTH OF WHOM ARE DESCRIBED IN 18 U.S.C. 921(a)(33)(A)(ii), AS THAT PROVISION READ ON MARCH 17, 1998" IS A REFERENCE TO THE COMMISSION OF THE OFFENSE "BY A CURRENT OR FORMER SPOUSE, PARENT, OR GUARDIAN OF

THE VICTIM, BY A PERSON WITH WHOM THE VICTIM SHARES A CHILD IN COMMON, BY A PERSON WHO IS COHABITING WITH OR HAS COHABITED WITH THE VICTIM AS A SPOUSE, PARENT, OR GUARDIAN, OR BY A PERSON SIMILARLY SITUATED TO A SPOUSE, PARENT, OR GUARDIAN OF A VICTIM."]

13 AAC 89.010 is amended to read:

**13 AAC 89.010. Basic standards for village police officers.** (a) The basic standards for a village police officer are that the person

(1) is 19 years of age or older;

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

(3) is of good moral character; in determining good moral character, the council may consider misdemeanor convictions, other than minor traffic offenses, during the 10 years before application [WILL, IN THE COUNCIL'S DISCRETION, BE CONSIDERED BY THE COUNCIL IN DETERMINING MORAL CHARACTER];

(4) has never [NOT] been convicted of a felony or been incarcerated, placed on probation, or placed on parole after conviction of a felony, by a court of the United States or of any state or territory [DURING THE 10 YEARS BEFORE APPLICATION]; a felony conviction in another jurisdiction for an offense that [WHICH] is not a felony in this state [ALASKA] does not necessarily bar certification unless the felony conviction was for a crime of dishonesty or a crime that [WHICH] resulted in serious physical injury or a threat of serious physical injury; [AND]

(5) has no physical or mental condition that would adversely affect the person's performance as a police officer;

**(6) has never been convicted of**

**(A) a crime of domestic violence in this state or a similar law of another jurisdiction; or**

**(B) a crime that is a sex offense in this state as defined in AS 12.63.100 or a similar law of another jurisdiction; and**

**(7) during the 12 months preceding hire or appointment, has not illegally used controlled substances other than marijuana.**

(b) **A village may only appoint or hire a person to serve as a village police officer if the person meets the basic standards listed in (a) of this section.** Only a village may appoint **or hire** a person as a village police officer.

(c) A person **who was denied certification or** whose certificate has been revoked by the council is not eligible for **appointment or** hire as a village police officer by a village unless the person's certificate has been reinstated by the council. (Eff. 10/18/81, Register 80; am 1/15/95, Register 133; am 6 / 17 / 2020, Register 234)

**Authority:** AS 18.65.220      **AS 18.65.230**      AS 18.65.240

13 AAC 89.020(a) is amended to read:

(a) Before appointing **or hiring** an applicant to a permanent position as a village police officer, a village shall

(1) obtain proof of the applicant's age and citizenship;

(2) review and evaluate the applicant's personal history and medical history statements and ensure that the applicant meets the standards in 13 AAC 89.010; [AND]

(3) review and evaluate the report of criminal justice information under AS 12.62 and the national criminal history record check obtained under AS 18.65.240; and

(4) contact the council to confirm the applicant's eligibility for appointment and certification [RESPONSES TO FINGERPRINT RECORD CHECKS BY THE DEPARTMENT OF PUBLIC SAFETY AND THE FEDERAL BUREAU OF INVESTIGATION].

13 AAC 89.020(c) is amended to read:

(c) **Separation** [TERMINATION] as a village police officer for less than 90 consecutive days will be considered unbroken service for purposes of (b) of this section and 13 AAC 89.030(a)(1). (Eff. 10/18/81, Register 80; am 1/15/95, Register 133; am 6 / 17 / 2020, Register 234)

Authority: AS 18.65.220      AS 18.65.230      AS 18.65.240

13 AAC 89.040 is repealed and readopted to read:

**13 AAC 89.040. Village police officer basic training program.** (a) A village police officer basic training program must consist of at least 80 hours of instruction and include instruction regarding

- (1) alcohol and drug interdiction;
- (2) arrest procedures;



- (3) constitutional rights and administration of justice;
- (4) crime scene investigation;
- (5) criminal complaints;
- (6) criminal law and procedure;
- (7) defensive tactics and use of force;
- (8) disability awareness, in compliance with the requirements of AS 18.65.220;
- (9) domestic violence, in compliance with the requirements of AS 18.65.240;
- (10) procedures regarding persons suspected of driving under the influence;
- (11) ethics and cultural diversity;
- (12) fire prevention and fire extinguishers;
- (13) first aid;
- (14) interview techniques;
- (15) juvenile procedures;
- (16) patrol procedures;
- (17) police tools such as oleoresin capicum, baton, and handcuffs;
- (18) report writing and police notebooks;
- (19) search and rescue;
- (20) search-and-seizure and evidence procedures; and
- (21) sexual assault, in compliance with the requirements of AS 18.65.240.

(b) A person shall attend all sessions of the training required in (a) of this section, unless the director of the program approves a person's absence. A person who is absent for over 10 percent of the total hours of instruction will not be considered to have completed the training

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required in (a) of this section. (Eff. 10/18/81, Register 80; am 4/6/2018, Register 226; am 6 / 17 / 2020, Register 234)

**Authority:** AS 18.65.220 AS 18.65.230 AS 18.65.240

13 AAC 89.080 is amended by adding a new subsection to read:

(e) A village police officer certified by the council or serving in a position requiring certification by the council shall maintain a current, valid mailing address on file with the council. The most recent mailing address on file with the council is the address that the council will use for official communications and notifications. An officer shall notify the council, in writing, of a change of the officer's address not later than 30 days after the change. (Eff. 10/18/81, Register 80; am 1/15/95, Register 133; am 6 / 17 / 2020, Register 234)

**Authority:** AS 18.65.220 AS 18.65.240

18 AAC 89.150 is repealed and readopted to read:

**13 AAC 89.150. Definitions.** In this chapter,

- (1) "certificate" means a certificate described in 13 AAC 89.030;
- (2) "controlled substance" has the meaning given in AS 11.71.900;
- (3) "council" means the Alaska Police Standards Council;
- (4) "crime of dishonesty" means a crime under AS 11.46, or a crime under a similar statute or ordinance of this state or another jurisdiction;
- (5) "crime of domestic violence" has the meaning given in AS 18.66.990;
- (6) "driving under the influence" means an offense 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;

(7) "expungement" means that the central repository for criminal history records, in the jurisdiction in which a conviction was issued, has destroyed or sealed the record of conviction so that the record is not available for dissemination for any criminal justice activity;

(8) "felony" means a crime classified as a felony in this state at the time the crime was committed; a conviction in another jurisdiction by a civilian or military court is a felony conviction if the crime has elements similar to those of a felony under the law of this state at the time the offense was committed; a completed suspended imposition of sentence, expungement of record, or a pardon does not remove a felony conviction from a person's record;

(9) "force" has the meaning given in AS 11.81.900(b);

(10) "good moral character" means the absence of acts or conduct that would cause a reasonable person to have substantial doubts about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States; for purposes of this standard, a determination of lack of "good moral character" may be based upon a consideration of all aspects of a person's character;

(11) "jurisdiction" means a state, territory, or commonwealth of the United States;

(12) "marijuana" has the meaning given in AS 11.71.900;

(13) "misdemeanor" means a crime classified as a misdemeanor in this state at the time the crime was committed; a crime committed in another jurisdiction for which there was

a conviction in that jurisdiction by a civilian or military court is a misdemeanor conviction if the crime has elements similar to those of a misdemeanor under the law of this state at the time the offense was committed; for purposes of determining whether, under this paragraph, a crime is to be considered a misdemeanor or whether a conviction is to be considered a misdemeanor conviction, an offense punishable as a misdemeanor in this state or under the law of another jurisdiction that results in a completed suspended imposition of sentence, expungement of record, or a pardon is a misdemeanor conviction unless the offense was committed by the person before 21 years of age;

(14) "serious physical injury" has the meaning given in AS 11.81.900(b);

(15) "village" means a community that

(A) is off the interconnected state road system;

(B) has a population of less than 2,000 persons based on the most recent federal census; and

(C) has been incorporated as provided in AS 29.05. (Eff. 10/18/81,

Register 80; am 6 / 17 / 2020, Register 234)

**Authority:** AS 18.65.220 AS 18.65.240

# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Kevin Meyer  
Lieutenant Governor

**Date:** May 14, 2020

**File No.:** 2019200895

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

**Tel. No.:** 465-3600

**From:** Seven C. Weaver *SCW*  
Senior Assistant Attorney General  
Legislation and Regulations Section

**Re:** Alaska Police Standards Council  
regulations re: address changes,  
village police officers (VPOs), and  
the definition of "domestic violence"  
(13 AAC 85.090(e); 13 AAC  
85.250(e); 13 AAC 85.900(20);  
13 AAC 89)

The Department of Law has reviewed the attached regulations of the Alaska Police Standards Council against the statutory standards of the Administrative Procedure Act. Based upon our review, 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. The regulations were adopted by the Alaska Police Standards Council after the close of the public comment period. The regulations update requirements for the supplying of addresses by police, probation, parole, correctional, and municipal correctional officers, update the definition of "domestic violence" as it relates to those individuals, and comprehensively update the requirements and procedures regarding village police officers (VPOs), including address requirements and a definition of "domestic violence" that correspond to what applies to the other regulated individuals.

Please be aware of two attorney general opinions, one from 1977 and the other from 1984, that may affect the reach of any regulations for village police officers. The definition of "police officer" in AS 18.65.290 is, in most cases, "an employee of the state or a municipal police department." AS 18.65.290(8)(A). The 1977 attorney general concludes that a police department is "an organized civil force whose basic purpose and function is to maintain peace and order and to prevent and investigate criminal offenses." 1977 Op. Att'y Gen. 36, at 7-8 (Sept. 18), 1977 WL 22059 (Alaska A.G.), at 2; *see also* 13 AAC 85.900 (definition of "police department"). The officers must also perform a full range of police duties, defined in AS 18.65.290(8)(A). Working from these definition of "police officer" and "police department," the 1984 opinion states that most, albeit perhaps not all, village police officers are not "police officers" and are outside the reach of Alaska Police Standards Council regulation. *See* 1984 Op.

Att'y Gen. (366-259-84; July 1), 1984 WL 61090 (Alaska A.G.), at 2. Because some second class cities at the time had organized police departments, the 1984 opinion advised that the regulation of village police officers was legal with regard to those communities, and recommended that the council retain regulations in 13 AAC 89. *See id.* at 2-3. But please be aware that the regulations may have limited reach. The council's executive director is aware of the two attorney general opinions.

The December 24, 2019 public notice and the May 8, 2020 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: Hon. Amanda Price, Commissioner  
Department of Public Safety

R. E. "Bob" Griffiths, Executive Director  
Alaska Police Standards Council  
Department of Public Safety

Robyn Ramos, Regulations Contact  
Department of Public Safety

Sarah Hieb  
Alaska Police Standards Council  
Department of Public Safety

Stephanie Galbraith-Moore, Assistant Attorney General  
Criminal Division Central Office

NOTICE OF PROPOSED CHANGES IN POLICE, VILLAGE POLICE, PROBATION,  
PAROLE, CORRECTIONS, MUNICIPAL AND 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 basic standards for Village Police Officers, adding a requirement that all officers maintain a current mailing address with the Council and modifying the definition of "crime of domestic violence."

Pursuant to the authority in AS 18.65.220 (1), (2), (3), & (8), the Alaska Police Standards Council proposes to adopt regulation changes in Title 13 of the Alaska Administrative Code, dealing with a requirement for officers and applicants to maintain a current mailing address with the Council; realigning the definition of "crime of domestic violence" with Alaska statutes; clarifying requirements for hiring and training of Village Police officers; increasing the size of a 'village' eligible to hire Village Police Officers from 1000 population to 2000 residents; and, adding definitions to Village Police Officer regulations for "crime of domestic violence" and "good moral character." including the following:

- (1) 13 AAC 85.090 and 250 propose changes to add a requirement that an officer keep APSC advised of their current mailing address;
- (2) 13 AAC 85.900 is proposed to change the definition of "crime of domestic violence" to that defined in AS 18.66.990; and,
- (3) 13 AAC 89.010 – 150 propose changes to Village Police Officer regulations including:
  - a) US Citizenship required before hire;
  - b) Clarifying that any felony conviction or a conviction for a domestic violence or a sexual offense defined under AS 12.63.100(7) disqualifies an individual from being hired as a Village Police Officer.
  - c) Adds the illegal use of controlled substances within the past year as a disqualifier (excluding marijuana use).
  - d) A village cannot hire probationary or temporary individuals who do not meet the minimum qualifications.
  - e) Clarifies that an individual who was denied certification or found ineligible for certification is ineligible for hire.
  - f) Requires a village to determine that an applicant meets minimum qualifications and confirm their eligibility with APSC before hire.
  - g) Replaces the VPO training requirements with new, more specific requirements consistent with current academy curriculum and with state statutory requirements such as mandatory training in domestic violence, sexual assault, and dealing with disabled individuals.
  - h) Adding the requirement for Village Police Officers to keep a current address on file with APSC.
  - i) Increases the population size of a "Village" from 1000 residents to 2000;
  - j) Adding definitions to Village Police Officer regulations for "crime of domestic violence" and "good moral character."

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](mailto: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 January 31, 2020.

You may submit written questions relevant to the proposed action to Sarah Hieb at [sarah.hieb@alaska.gov](mailto: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 <https://dps.alaska.gov/APSC/Home> 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 January 24, 2020, 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](mailto: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), (3), & (8)

Statutes Being Implemented, Interpreted, or Made Specific: AS 18.65.220, 230, 240, 242, & 270

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

DATE: December 16, 2019.



Executive Director



ADDITIONAL REGULATION NOTICE INFORMATION(AS 44.62.190(d))

1. Adoption agency: Alaska Police Standards Council
2. General subject of regulation: Clarifying basic standards for Village Police Officers, adding a requirement that all officers maintain a current mailing address with the Council and modifying the definition of "crime of domestic violence."
3. Citation of regulation: 13 AAC 85.090 through 13 AAC 89.150
4. Department of Law file number: 2019200895
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: No impact.
  - Another state agency: No impact
  - A municipality: No impact

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

	Initial Year FY 2020	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)465-5523

E-mail address: [bob.griffiths@alaska.gov](mailto:bob.griffiths@alaska.gov)

## 10. The origin of the proposed action:

Staff of state agency

Federal government

General public

Petition for regulation change

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

## 11. Date: December 18, 2019

Prepared by:



Name: Bob Griffiths

Title: Executive Director

Telephone: (907)465-5523

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

I, Robert Griffiths, Executive Director, 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 Title 13 of the Alaska Administrative Code dealing with basic standards for Village Police Officers, adding a requirement that all officers maintain a current mailing address with the Council and modifying the definition of "crime of domestic violence" has been given by being

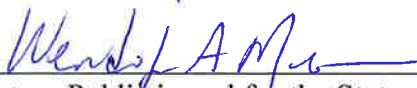
- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (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).

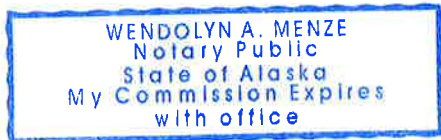
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: March 6, 2020

  
\_\_\_\_\_  
Robert Griffiths

Subscribed and sworn to before me at Juneau, Alaska on March 6, 2020.

  
\_\_\_\_\_  
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:

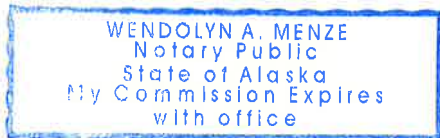
The Alaska Police Standards Council did not receive any factual or other substantive information that was submitted in writing or orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Alaska Police Standards Council regulation on basic standards for Village Police Officers, a requirement that all officers maintain a current mailing address with the Council, and a modification the definition of "crime of domestic violence."

Date: March 6, 2020

Robert Griffiths  
Robert Griffiths, Executive Director

Subscribed and sworn to before me at Juneau, Alaska on  
March 6, 2020  
(date)

Wendolyn A. Menze  
Notary Public in and for the State of Alaska



# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 268351  
PO Box 111200, JUNEAU, AK 99811

Order #: W0012828

Cost: \$537.88

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily 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 afore-said 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

12/24/2019

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 24th day of December 2019.

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

MY COMMISSION EXPIRES

7/14/2020

STATE OF ALASKA  
NOTARY  
PUBLIC  
Jada L. Nowling

### NOTICE OF PROPOSED CHANGES IN POLICE, VILLAGE POLICE, PROBATION, PAROLE, CORRECTIONS, MUNICIPAL AND 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 basic standards for Village Police Officers, adding a requirement that all officers maintain a current mailing address with the Council and modifying the definition of "crime of domestic violence."

Pursuant to the authority in AS 18.65.220 (1), (2), (3), & (8), the Alaska Police Standards Council proposes to adopt regulation changes in Title 13 of the Alaska Administrative Code, dealing with a requirement for officers and applicants to maintain a current mailing address with the Council; realigning the definition of "crime of domestic violence" with Alaska statutes; clarifying requirements for hiring and training of Village Police officers; increasing the size of a "village" eligible to hire Village Police Officers from 1000 population to 2000 residents; and, adding definitions to Village Police Officer regulations for "crime of domestic violence" and "good moral character," including the following:

- (1) 13 AAC 85.090 and 250 propose changes to add a requirement that an officer keep APSC advised of their current mailing address;
- (2) 13 AAC 85.900 is proposed to change the definition of "crime of domestic violence" to that defined in AS 18.66.990; and,
- (3) 13 AAC 89.010 - 150 propose changes to Village Police Officer regulations including:
  - a) US Citizenship required before hire;
  - b) Clarifying that any felony conviction or a conviction for a domestic violence or a sexual offense defined under AS 12.63.100(7) disqualifies an individual from being hired as a Village Police Officer;
  - c) Adds the illegal use of controlled substances within the past year as a disqualifier (excluding marijuana use);
  - d) A village cannot hire probationary or temporary individuals who do not meet the minimum qualifications;
  - e) Clarifies that an individual who was denied certification or found ineligible for certification is ineligible for hire;
  - f) Requires a village to determine that an applicant meets minimum qualifications and confirm their eligibility with APSC before hire;
  - g) Replaces the VPO training requirements with new, more specific requirements consistent with current academy curriculum and with state statutory requirements such as mandatory training in domestic violence, sexual assault, and dealing with disabled individuals;
  - h) Adding the requirement for Village Police Officers to keep a current address on file with APSC;
  - i) Increases the population size of a "village" from 1000 residents to 2000;
  - j) Adding definitions to Village Police Officer regulations for "crime of domestic violence" and "good moral character."

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](mailto: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 January 31, 2020.

You may submit written questions relevant to the proposed action to Sarah Hieb at [sarah.hieb@alaska.gov](mailto: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 <https://dps.alaska.gov/APSC/Home> 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 January 24, 2020, 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](mailto: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), (3), & (8)  
Statutes Being Implemented, Interpreted, or Made Specific: AS 18.65.220, 230, 240, 242, & 270

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

DATE: December 16, 2019  
By: /s/ Robert E. Griffiths  
Executive Director

Published: December 24, 2019

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Police Standards Council

## AFFIDAVIT OF COUNCIL ACTION

I, Robert Griffiths, Executive Director for the Alaska Police Standards Council, under penalty of perjury, state the following:

The attached motion dealing with regulation changes in Title 13 of the Alaska Administrative Code dealing with basic standards for Village Police Officers, adding a requirement that all officers maintain a current mailing address with the Council and modifying the definition of "crime of domestic violence," was passed by the Alaska Police Standards Council during its May 7, 2020 meeting.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: May 8, 2020



Digitally signed by Robert E  
Griffiths  
Date: 2020.05.08 15:30:08 -08'00'

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Robert Griffiths, Executive Director

State of Alaska  
Juneau, Alaska

Alaska Police Standards Council  
May 7, 2020 Excerpt from Unapproved Minutes

Old Business:

- a. Regulation changes – Re-adopting edited regulations Project 2019200895

Council member Jennifer Winkelman, moved and council member Steve Dutra seconded the following motion:

"I move to adopt the proposed changes to regulations, as edited by the Department of Law, from the previous version adopted by the council during our last meeting."

The motion carried unanimously.