



Alaska Police Standards Council
139th Regular Meeting Agenda
December 1, 2020 1200
Statewide Teleconference*

GENERAL SESSION AGENDA

1. Call to Order & Roll Call
2. Audience Introductions – please announce yourself if you have called in.
3. Approval of agenda
4. Approval of past minutes – August 26, 2020
5. Persons to be heard:
6. Council Chair's Report: Justin Doll
7. Executive Director's Report: Bob Griffiths - Written
8. Old Business:
 - a. Regulation Changes:
 1. Formal Adoption of Final Emergency Regulations
 2. Discussion Drafts for Suspension, Certificate Levels, and In-Service Training
 3. Emergency adjustment of reporting deadlines
9. New Business:
 - a. Agency "Credentialling" pursuant to USDOJ directives.
10. Adjourn to Executive Session to address subjects that may tend to prejudice the reputation and character of individual(s) and for deliberations on adjudicatory proceedings in APSC Cases: 2018-20, 2019-05, 2019-10, 2019-20, 2019-24, 2019-22, 2019-25, 2019-45, 2019-39, 2020-05, 2020-10, and 2020-14.
11. Call back to order – General Session
12. Roll Call
13. Business arising from Executive Session (individual decisions voted in open session)
 - a) Action to accept surrendered certification(s) and findings of disqualification
 - b) Council consideration of probable cause to initiate revocation action
 - c) Certificate revocation actions
14. Persons to be heard and Council comments
15. Scheduling of future meetings
16. Adjournment:

STATE OF ALASKA
Alaska Police Standards Council
Minutes of the 138th Regular Meeting
August 26, 2020
Statewide Teleconference

1. CALL TO ORDER

Chair Doll called the 138th Regular Meeting of the Alaska Police Standards Council to order on August 26, 2020, at 12:00 p.m. A roll call was conducted as follows:

APSC Members Present

Chair Justin Doll, Chief, Anchorage PD
Vice-Chair Kelly Goode, Deputy Commissioner, DOC
Michael Craig, Public Member
Steve Dutra, Chief, North Pole PD
David Knapp, Sergeant, Correctional Officer IV DOC
Ed Mercer, Chief, Juneau PD
Leon Morgan, Deputy Commissioner, DPS
Wendi Shackelford, Public Member
Joe White, Chief, Ketchikan PD
Jen Winkelman, Director of Probation/Parole, DOC

APSC Members Absent

Rebecca Hamon, Public Member
Shane Nicholson, Sergeant, Kodiak AWT
Dan Weatherly, Public Member

APSC Administrative Staff Present

Robert Griffiths, Executive Director
Wendy Menze, Administrative Assistant
Sarah Hieb, Administrative Investigator
Rob Heide, Training Coordinator

Department of Law Representatives Present

Jack McKenna, Department of Law
Stephanie Galbraith, Department of Law
John Skidmore, Department of Law
Kaci Schroeder, Department of Law

2. AUDIENCE INTRODUCTIONS

Greg Russell, Retired Chief
Joshua Wilson, ACOA
Randi Breager, DPS
April Wilkerson, DOC
Tabitha Timmerman, DOC
Tim Putney, Chief, Kodiak
Megan Stencel
Kimberly Clark

3. APPROVAL OF AGENDA

Executive Director Griffiths asked that the agenda be amended to include consideration of a regulation change dealing with U.S. nationals under Agenda Item 9, New Business.

It was moved by Winkelman and seconded by Shackelford to approve the amended agenda. The motion passed with unanimous consent.

4. APPROVAL OF PAST MINUTES – May 7, 2020

It was moved by Shackelford and seconded by Morgan to approve the minutes of the 137th Regular Meeting held May 7, 2020. The motion passed with unanimous consent.

5. PERSONS TO BE HEARD

There were no persons to be heard.

6. COUNCIL CHAIR'S REPORT

Chair Doll noted there has been a lot of discussion this summer about the behavior of law enforcement officers, standards for law enforcement officers, and enforcement of those standards, which will be addressed in more detail under Agenda Item 9. Chair Doll expressed his appreciation for the fact that Alaska has a Police Standards Council that has the legal

authority to review officer conduct and make decisions regarding police certificates and encouraged his fellow Council members to join him in taking a more active role in educating the public on the Council's responsibility as an independent reviewer of officer conduct.

7. EXECUTIVE DIRECTOR'S REPORT

The August 26, 2020, Executive Director's Report to Council was distributed to Council members prior to the meeting and is available online.

ED Griffiths began with reporting that Chief Nancy Reeder from Fairbanks has stepped down, so currently there is that vacancy. Unalaska Chief John Lucking recently lost his wife to cancer, and ED Griffiths noted APSC's thoughts and prayers go out to Chief Lucking and his family.

ED Griffiths reported there are three potential changes that APSC may wish to make in its regulations that will help address some of the concerns being seen on a national basis regarding police accountability, training, etc. These include: 1, adopting certificate suspension as an intermediate sanction for less egregious misconduct or failure to meet training requirements; 2, setting minimum in-service training requirements for all disciplines to retain certification, to include annually mandated APSC certified refresher training in high liability areas; and 3, establishing supervisory and management/executive level certification and associated training/education/experience standards to encourage career development.

Chair Doll noted that as Mr. Skidmore will be addressing these matters under Agenda Item 9, discussion will be postponed until after Mr. Skidmore's presentation.

8. OLD BUSINESS

a. COVID-19 Pandemic Response Adjustment of Enforcement Deadlines

ED Griffiths reported that at the last Council meeting, based upon the global COVID-19 pandemic and the Governor's emergency declaration, staff was authorized to relax enforcement of specific regulatory requirements by extending deadlines beyond those specified in regulation.

This choice was made rather than undertaking emergency regulatory changes. Deadlines for DOC's compliance with background check requirements and medical examinations have been temporarily extended from 90 to 180 days. In addition, pre-hire medical fitness-for-duty examination deadlines have been waived for all officers, provided that a medical exam should be done as soon as possible and required before attending a basic academy. ED Griffiths noted that DOC and other agencies have been able to adapt and by now most documents are being received well within the 90-day deadline in most cases.

This temporary extension to 180 days will expire in September, and unless DOC or other agencies feel the need to extend it further, ED Griffiths recommended it be allowed to expire. April Wilkerson from DOC noted the extension has greatly assisted them in getting some of their vacancies filled. They started the calendar year, right before COVID, with just over 90 correctional officer vacancies, and they are down to just 50 vacancies currently. She asked that DOC be given the opportunity to discuss internally whether the extension to 180 days needs to be continued, and they will get back with the Council on this. She reported that currently DOC is still having difficulty in getting some of the background investigations completed due to COVID closure issues.

Responding to questions, ED Griffiths noted it is within the Council's authority to adopt an emergency regulation and then subsequently file with the intent of turning it into a permanent regulation change, if the Council so desires. Following discussion, Chair Doll recommended the Council let the temporary extension expire in September and wait to hear back from DOC before taking any further action on this matter. The matter will remain under Old Business on the agenda for the next Council meeting, and ED Griffiths was directed to prepare a proposed regulation change for the Council's consideration that will provide the necessary flexibility for the Executive Director to make these kinds of situational decisions in the future.

9. NEW BUSINESS

- a. John Skidmore, Deputy Attorney General, on national LE concerns regarding use of force, officer certification, and training.**

b. Consideration of regulatory project supporting certificate suspensions, mandatory annual in-service training requirements, and adoption of supervisory/management level certification.

Mr. Skidmore introduced himself and gave the Council a snapshot of his background, including his experience with law enforcement and his former advisory role to the Council. In particular, he noted that in his work with Special Prosecutions one of the changes made involved officer-involved shooting cases that resulted in a death or a serious physical injury. Previously these cases were handled by local DA's offices but are now all referred to the Office of Special Prosecutions so that they would have a consistent analysis and approach to avoid any conflicts that could occur with local offices.

Mr. Skidmore noted that there has been a great deal of national attention given to law enforcement agencies. While many of the recommendations that have been made in Congress or in the Lower 48 are for things that are actually already in place in Alaska, proposals for changes to Alaska's law enforcement agencies may be coming up in the next Legislative session, and Mr. Skidmore recommended APSC not be caught off guard but be proactive regarding some of these concerns.

One area of potential concern involves VPSOs, who currently are regulated by the Department of Public Safety, not by APSC. Thus, the minimum qualifications for police and law enforcement developed by APSC do not apply to VPSOs, and this is an area he encouraged APSC to look into.

Another area of potential concern involves officer certification. Currently APSC has the authority to decertify officers following adjudicatory proceedings, but other state POSTs can also choose to suspend officers' certifications, thereby allowing more immediate action to be taken when deemed necessary. Also, other states require new officers be reported by agencies within a short period of time after being hired, where Alaska allows up to 30 days, and Mr. Skidmore discussed how this could be potentially problematic.

Mr. Skidmore noted the Council has been provided extensive information on other states' rules and regulations regarding these issues and encouraged the Council to review it and consider possible regulation or statutory changes that could improve Alaska's law enforcement structure.

Mr. Skidmore next discussed the topic of officers' use of force, which has also been getting a great deal of national attention lately. While the FBI has certain reporting requirements nationally in place, he recommended that APSC consider developing reporting requirements on the use of force in Alaska to provide correct data and transparency to the public.

While in-service training is regularly performed in Alaska, it is not currently mandatory, and this is another area Mr. Skidmore recommended APSC investigate when considering proposed regulatory changes. Mandatory in-service training could also include training in high-liability areas, such as de-escalation and crisis intervention.

Mr. Skidmore noted that although all officer-involved shootings are now referred to the Office of Special Prosecutions, this is currently a policy decision and not in statute. He recommended APSC consider making this a regulatory change as it might be brought up in the next Legislative session.

Lastly, Mr. Skidmore requested APSC review the materials he provided regarding the makeup of other states' police regulatory bodies and consider whether or not APSC should increase demographic diversity in its Council composition.

Following extensive discussion it was decided that these matters should be thoroughly reviewed before the next Council meeting in December, with proposed action items to be included in the agenda. Areas of concern to be addressed include: 1, instituting a certificate suspension option; mandating in-service training requirements, to include training on de-escalation and crisis intervention; supervisory and management/executive level certification to encourage career development; and including VPSO standards and certification under APSC's authority; and 2, composition of the Council and mandated statewide use-of-force reporting.

Chair Doll asked if any Council members wished to volunteer to focus on these areas and bring their suggestions back to the Council at the December meeting. Mike Craig and Deputy Commissioner Morgan volunteered to address the issues included in No. 1 above, and Director Winkelman and Wendi Shackelford volunteered to address the issues included in No. 2 above.

Additionally, Chair Doll encouraged all Council members to thoroughly review the materials provided by both ED Griffiths and Mr. Skidmore and provide their thoughts, comments, and suggestions to ED Griffiths, who will then collate them and bring them to the next Council meeting.

c. Issue involving U.S. Nationals

ED Griffiths reported that while citizens of all other U.S. territories are considered U.S. citizens, citizens of American Samoa and Swains Island are still considered U.S. nationals. U.S. nationals can apply for U.S. citizenship, but this often takes time. This matter has come to APSC's attention as two recently-hired corrections officers have been having difficulty in receiving their citizenship due to COVID delays.

Chair Doll noted that ED Griffiths has provided the Council with draft language proposing an emergency regulation be adopted to allow the recognition of U.S. nationals as U.S. citizens, to be followed up with a permanent regulation change. The necessity for an emergency regulation at this time is to provide DOC the ability to retain the two U.S. nationals recently hired as their time to prove U.S. citizenship is about to expire, as well as allow other agencies to hire U.S. nationals during this time of COVID delays.

It was moved by White and seconded by Morgan to find an emergency exists regarding the hiring of U.S. nationals due to COVID delays and to adopt the draft emergency regulation language presented by ED Griffiths. A roll call vote was taken, and the motion passed unanimously.

10. ADJOURN TO EXECUTIVE SESSION

It was moved by Morgan and seconded by White to adjourn to Executive Session to address subjects that may tend to prejudice the reputation and character of individuals and for deliberations on adjudicatory proceedings in APSC cases: 2018-15, 2019-32, 2019-36, 2019-39, 2020-01, 2020-03, 2020-17, 2020-18, 2020-19, and 2020-20. The motion passed with unanimous consent.

11. CALL BACK TO ORDER – GENERAL SESSION

Following deliberations during Executive Session, Chair Doll called the General Session back to order.

12. ROLL CALL

A roll call vote was conducted, and all members present at the start of the meeting remained in attendance.

Chair Doll asked for a motion to extend the meeting time until 4:45.

It was moved by Shackelford and seconded by Mercer to extend the Council meeting until 4:45 or until the conclusion of business. The motion passed with unanimous consent.

13. BUSINESS ARISING FROM EXECUTIVE SESSION

2018-15 Rob Carlson: It was moved by Dutra and seconded by Mercer that the Council affirm its prior decision and not accept the proposed settlement. A roll call vote was taken, and the motion passed unanimously with four recusals: Goode, Knapp, Shackelford, and Winkelman.

2019-32 David Atteberry: It was moved by Shackelford and seconded by White to adopt the Executive Director's finding of disqualification for certification as a police officer. A roll call vote was taken, and the motion passed unanimously with one recusal: Morgan.

2019-36 James Lester: It was moved by Knapp and seconded by Dutra to revoke the officer's police certification. A roll call vote was taken, and the motion passed unanimously.

2020-01: It was moved by Morgan and seconded by Mercer to accept the Executive Director's withdrawal of findings of disqualification for certification as a police officer. A roll call vote was taken, and the motion passed unanimously.

2019-39 Lorena Williams: It was moved by Mercer and seconded by Shackelford that the APSC has determined there is probable cause to move forward with revocation proceedings. A roll call vote was taken, and the motion passed unanimously.

2020-03 Aaron Henderson: It was moved by Morgan and seconded by Craig that the APSC revoke the officer's certification. A roll call vote was taken, and the motion passed unanimously with two recusals: Goode and Winkelman.

2020-17 Kimberly Clark: It was moved by Shackelford and seconded by Dutra to adopt the Executive Director's finding of disqualification for certification as a correctional officer. A roll call vote was taken, and the motion passed Yes votes: Doll, Dutra, Mercer, Morgan, Shackelford, White. No votes: Craig. Recusal votes: Goode, Knapp, and Winkelman^[RG1].

2020-18: It was moved by Shackelford and seconded by Morgan to adopt the Executive Director's finding of disqualification for certification as a correctional officer. A roll call vote was taken^[RG2], and the motion failed-Yes votes: Shackelford. No votes: Craig, Doll, Dutra, Knapp, Mercer, Morgan, White. Recusal votes: Goode and Winkelman.

2020-19 Dakota Ashburn: It was moved by Dutra and seconded by Mercer to adopt the Executive Director's finding of disqualification for certification as a correctional officer. A roll call vote was taken, and the motion passed unanimously with two recusals: Goode and Winkelman.

2020-20: It was moved by Shackelford and seconded by Morgan to adopt the Executive Director's finding of disqualification for certification as a correctional officer. A roll call vote was taken^[t], and the motion failed. Yes votes: Dutra, Knapp, Shackelford, White. No votes: Craig, Doll, Mercer, Morgan. Recusal votes: Goode and Winkelman.

14. PERSONS TO BE HEARD AND COUNCIL COMMENTS

There were no persons to be heard. Chair Doll requested Council comments be withheld due to the length of the meeting.

15. SCHEDULING OF FUTURE MEETINGS

Chair Doll requested ED Griffiths and his staff coordinate with Council members to determine the next scheduled meeting date in December.

16. ADJOURNMENT

There being no further business to come before the Council, it was moved by Morgan and seconded by Winkelman to adjourn the meeting. The motion passed by unanimous consent, and the meeting was adjourned at 4:28 p.m.

DRAFT



Alaska Police Standards Council
138th Regular Meeting Agenda
August 26, 2020 1200
Statewide Teleconference*

GENERAL SESSION AGENDA

1. Call to Order & Roll Call
2. Audience Introductions – please announce yourself if you have called in.
3. Approval of agenda
4. Approval of past minutes – May 7, 2020
5. Persons to be heard:
6. Council Chair's Report: Justin Doll
7. Executive Director's Report: Bob Griffiths - Written
8. Old Business:
 - a. COVID-19 - adjustment of enforcement deadlines and on-line training enhancements
9. New Business:
 - a. John Skidmore, Deputy Attorney General, on national LE concerns regarding use of force, officer certification and training.
 - b. Consideration of regulatory project supporting certificate suspensions, mandatory annual in-service training requirements, and adoption of supervisory/management level certification.
10. Adjourn to Executive Session to address subjects that may tend to prejudice the reputation and character of individual(s) and for deliberations on adjudicatory proceedings in APSC Cases: 2018-15, 2019-32, 2019-36, 2019-39, 2020-01, 2020-03, 2020-1, 2020-18, 2020-19, and 2020-20.
11. Call back to order – General Session
12. Roll Call
13. Business arising from Executive Session (individual decisions voted in open session)
 - a) Action to accept surrendered certification(s) and findings of disqualification
 - b) Council consideration of probable cause to initiate revocation action
 - c) Certificate revocation actions
14. Persons to be heard and Council comments
15. Scheduling of future meetings
16. Adjournment:



Executive Director's Report to Council

December 1, 2020

Activities:

Since our August 2020 council meeting: (as of 11/20/2020)

- In response to the global COVID-19 pandemic APSC continues remote operations; our office is closed. Brief weekly coordinated trips to the office allow continued issuance of certifications, mail processing, and manual file updates.
- Deputy AG John Skidmore, Police Chief Bob Baty of Sitka, representing Alaska Association of Chiefs of Police (AACOP), and the Executive Director presented virtually before the Alaska Municipal League's annual conference on *Strengthening Public Safety: Updating Standards for Law Enforcement* During the week of 11/16/2020.
- APSC received and processed 140 formal records or public information requests. This does not include many routine agency background or officer training records requests, which are received and routinely handled daily.
- APSC staff evaluated 53 officers' training records to determine if they qualified for Alaska reciprocity or "lateral entry" for another Alaska agency.
- Office of Administrative Status Hearings (OAH) suspended all in-person hearings due to the Pandemic. Multiple telephonic status and case planning conferences were held since our August meeting. All fact-finding hearings previously set before December have been postponed until next calendar year.
- Sarah Hieb continued her guiding and training efforts toward departmental staff entering their own officers' training into ACADIS. Any agency wishing to use the system for their departmental training records is encouraged to contact Sarah.
- ACADIS provided APSC and Crime Lab staff training in the use of the Learning Management System and Sarah is now engaged in the implementation of that module in addition to ACADIS "Personal Portal" and "Online Testing."
- APSC received, processed, and responded to 15 new complaints from members of the public regarding perceived officer misconduct or allegations of misconduct by another criminal justice agency. Each of these were referred to the officer's employing agency to address, or to local officials to address. All complainants were notified or responded to in writing.
- Training Coordinator Rob Heide delivered a virtual 40-hour Methods of Instruction course to Kotzebue PD.
- APSC Staff continued with its ongoing misconduct investigations; in the time since our August meeting we opened eight new cases and closed seven existing investigations (including those closed by final action taken at our last meeting). We now have 30 active cases, five of which are active with OAH and 15 involve criminal charges pending trials or other resolution.

Statistics:

Fiscal year 2021 (As of 11/20/2020):

Training Events Sponsored by APSC	2	Except Academies (all held/planned FY21 – Reflects COVID-19 Cancellations)
Officers Attending Sponsored Courses	15	Non-academy sponsored and hosted courses held or planned for FY20
Sponsored Training Hours Delivered	800	Excluding Academies
Academy Attendees	93	ALET 20-02, Reciprocity/Lateral, CO, MCO, VPO and APD not including VPSOs
Academy training hours (projected)	42,722	Reciprocity/Lateral, ALET 19-02 & 20-01, MCO, VPO, and APD
Certificates issued	415	All Certifications
Officer Certifications	96	Basic, Intermediate & Advanced
Instructor Certifications	29	Including Renewals
Course Certifications	290	Including Renewals and online courses
Reciprocity Evaluations	111	For training waivers and lateral hires
New Investigations Initiated	12	
Investigations Closed	11	30 cases now open; 5 with OAH; 15 pending criminal prosecution
OAH Hearings Held	7	Includes status conferences.

Administrative Hearings & Appeals:

Case Status:

- Luis Nieves, AST; APSC Case 2018-10; OAH # 19-0140-POC; Case filed with OAH, hearing date set aside pending resolution of a civil suit.
- Kevin Nushart, DOC; APSC Case 2018-13; OAH # 19-0405-POC; Fact-finding hearing now re-set and undetermined due to COVID exposure of one of the principals.
- Robert Carlson, DOC Probation/Parole; APSC Case 2018-15; OAH # 18-1040-POC; fact-finding hearing postponed with no date currently set.
- David L Russell, AST; APSC Case 2019-16; OAH # 20-0182-POC; Telephonic hearing now set for the week of December 14, 2020.
- Charles D Jetton, AST; APSC Case 2019-35; OAH # 20-0160-POC; Hearing set for the week of January 11, 2021.
- Lorena Williams, Yakutat; APSC Case 2019-39; Officer was served the accusation and has failed to respond. Council to consider revocation at this meeting.
- Paul Secor, AST; APSC Case 2020-10; Accusation was served on the officer with no response. Council to consider revocation at this meeting.
- Kimberly Clark, DOC; APSC Case 2020-17; The Statement of Issues (accusation) was served on the officer on November 7, but she failed to respond within deadlines. Council to formally disqualify at this meeting.

Council and Command Changes across the state:

- Rick Sweet was named Acting Police Chief in Fairbanks.
- Eric Hurtado was appointed Police Chief in Hoonah.
- David Anderson was named Chief in Sand Point.
- Jerry Reddick was named Acting Chief in Skagway.
- Jim Capra was appointed as Police Chief in Yakutat.

Regulations:

Emergency regulations adopted at our last meeting were published and questions and comments received. Those comments were distributed to council members for their consideration and they are included again in this meeting packet. The Department of Law has advised that the council now needs to formally adopt the emergency regulation as permanent. The appropriate motion would be; "I move that, after consideration of the public comments and questions received, the council permanently adopt the emergency regulations passed at our August meeting regarding the eligibility of United States Nationals."

As discussed in our August council meeting, staff were directed to develop some discussion drafts for proposed changes in regulations addressing suspension of officer certificates; in-service training requirements; and adding certification levels for supervisory, management and executive levels of experience while reconciling disparities between police and corrections levels of certification. During the meeting, council also directed the Executive Director to formulate proposed regulatory language to help the council address future statewide/national emergencies impacting police and corrections agencies compliance with APSC reporting and training requirements.

Included in this meeting packet for your consideration are individual documents addressing the first three areas of regulatory changes. Should the council choose to proceed with these drafts they would be consolidated into one set of proposed changes reflecting any modifications proposed during the meeting. The final drafts will be in the proper format for submission and publication. The department of law has provided some input into draft language but has not yet evaluated the entire set of potential changes. Their review will be sought on the final package of draft changes. Staff efforts to develop proposed changes providing the council with increased adaptability in emergency circumstances are still under way and not yet ready for presentation.

Issues:

COVID-19 & Training Delivery:

Like most state agencies, APSC was forced to migrate staff to remote, "socially distanced," operations. We have found that we can still be quite productive operating this way with only occasional trips to the office to process mail and issue certifications. This has increased the time to process some officer certifications and records requests, but most are completed the same week received. We anticipate these steps will be in place for the foreseeable future.

APSC continues to seek ways we can accomplish our mission of supporting professionalism among public safety officers through training standards, sponsorship, and delivery. Sponsored training events continue to be cancelled due to the pandemic. Some events were re-scheduled for November and December, but they have again been delayed due to the recent surge in cases. We have been unable to proceed with any of the funded Critical Incident Team training efforts.

Officers have still been able to take advantage of their own agency's in-service training and APSC is seeing increased reporting of in-service training. The state crime lab is actively developing a Breath Alcohol Operator course for the ACADIS learning management system (LMS) that will allow officers to electronically take the required course and renew their operator certification. APSC staff will

either develop internally or outsource development of additional courses as necessary to assure they are available when needed.

Our goal is to begin populating the LMS with a collection of courses that can be used by any agency or officer. APSC anticipates developing annual training to address recent changes in law and/or court decisions that impact officers. Other agencies could do the same with their policies or procedures; use-of-force policies, for example. We are actively soliciting every interested agency to contribute their courses, and hopefully share appropriate courses with others. APSC has offered to collaborate with the International Directors of Law Enforcement Standards and Training (IADLEST) who, along with IACP, is developing standardized curriculum for *Duty to Intervene: Peer Intervention* training program.

APSC continues its role as information disseminator for enforcement information, officer wellness, and other matters important to police operations and community health in the pandemic. Our apologies to those of you subjected to multiple APSC e-mails a week, but we want to make sure that important information is distributed as rapidly as possible.

USDOJ Agency "Credentialing:"

On October 28, 2020, with no advanced notice or consultation, USDOJ announced that as of 1/31/2021, in order to receive any discretionary DOJ grant funds every recipient agency had to be "credentialed" (or actively pursuing credentialing) by their state's accreditation body as meeting the following criteria:

"...there are two Safe Policing Principles that Independent Credentialing Bodies Must Consider When Assessing Certification of Applying Law Enforcement Agencies:

1. Adherence to Applicable Laws: The applying agency maintains use of force policies that adhere to all applicable federal, state, and local laws.

2. Prohibition of Choke Holds: The applying agency maintains use of force policies that prohibit the use of choke holds, except in situations where the use of deadly force is allowed by law.

These principles are required. In addition, there are specific requirements related to data collection and reporting by the credentialing bodies.

Within the guidance document, there are also additional Safe Policing Principles that Independent Credentialing Bodies Should Consider When Assessing Certification of Applying Law Enforcement Agencies. Note that the following principles are not required for agencies to be certified as eligible for DOJ funding, however, certifying bodies may consider them in conducting their own work. While these principles are not required, credentialing agencies should consider whether the applying agency incorporates the following safe policing principles within its policies and procedures:

Use of Force and De-escalation Techniques

- *Termination of Use of Force Policies*
- *Duty to Intervene Policies*
- *Training Protocols on Use of Force and De-Escalation*
- *Appropriate Medical Care Policies*
- *Warn Before Shooting Policies*
- *Shooting at or from a Moving Vehicle Policies*
- *Warning Shots Policies*
- *No-Knock Warrant Policies*

Performance Management Tools

- *Early Intervention Systems policies, procedures, and training protocols*
- *Hiring of Personnel policies, procedures, and training protocols*
- *Community Engagement*
- *Community engagement plans that address the particular needs of the community*

This directive was a result of Presidential Executive Order 13929.

Alaska has no accreditation agency or program so USDOJ announced that Alaska Police Standards Council would be the state's credentialing body. They also named several independent credentialing bodies including CALEA, Oregon's accreditation program (which Juneau and Soldotna already participate in) and IADLEST.

APSC's statutory authority does not include accrediting agencies nor does it provide for us to direct policy or practice for any agency beyond hiring and training standards for officers. We also lack adequate personnel resources to conduct reviews of all our participating agencies' policies and procedures. We sought guidance from the Attorney General's Office, who is still researching the matter, considering the outcome from the national election. They pointed out that authority of an executive order does not carry the weight of law and is subject to change with the new administration.

We are unclear on which ongoing or future grants this may impact; I may have additional information by the time we meet on December 1st. Currently, we are directing concerned agencies to IADLEST or one of the other independent credentialing agencies.

Finances:

APSC's budget for FY2021 is about \$1.38M. Currently, we anticipate having adequate revenue from last year's unspent funds, grant funds from the Alaska Mental Health Lands Trust, and this year's court surcharge funds to meet this amount.

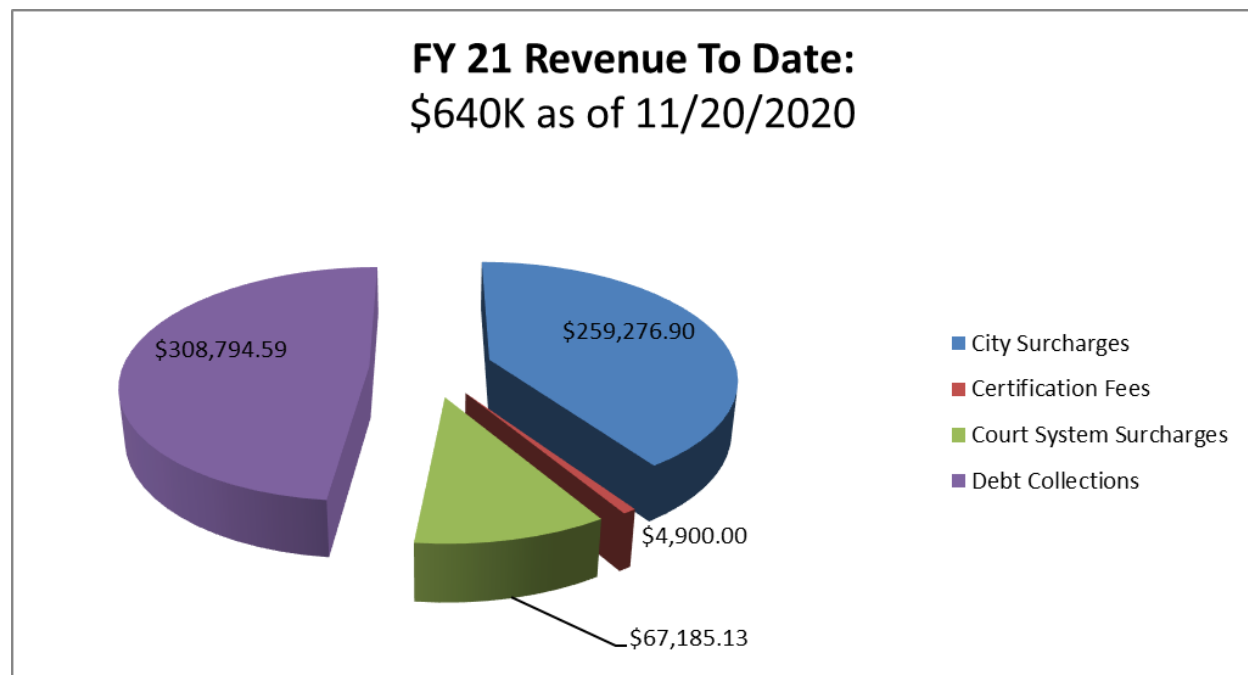
Unfortunately, with most of our sponsored training being cancelled or postponed we are not able to expend funds on in-person training other than in a few instances. Based upon decisions of the council regarding annual officer training requirements, we will likely choose to pursue funding the development of on-line courses that can be utilized statewide by all officers at no cost. We may also wish to communicate to the legislature the need to again fund basic academy attendance for municipal officers. Two years ago, as state revenues began to plunge, the legislature inserted intent language to the contrary in our annual budget.

Our anticipated grant award from the Alaska Mental Health Lands Trust was received and now reflected as a separate line item in our budget. This grant is to deliver Crisis Intervention Team training to rural areas of the state. We are planning for this training but have no firm dates set due to COVID-19 travel restrictions and communities discouraging travel there.

FY2021 Actual & Projected Revenue & Budget

Revenue Sources	Revenue	%
City Surcharges	\$259,276.90	40.50%
Certification Fees	\$4,900.00	0.77%
Court System Surcharges	\$67,185.13	10.50%
Debt Collections	\$308,794.59	48.24%
Total Collected Revenue	\$640,156.62	100.00%
Actual Carry over from FY20	\$825,819.51	
Grand Total of Currently Available Revenue	\$1,465,976.13	
Projected FY 21 Program Receipts	\$1,000,000.00	
Progress Actual vs projected YTD	64%	39%
Projected actual cash to spend (NTE annual budget)	\$1,825,819.51	

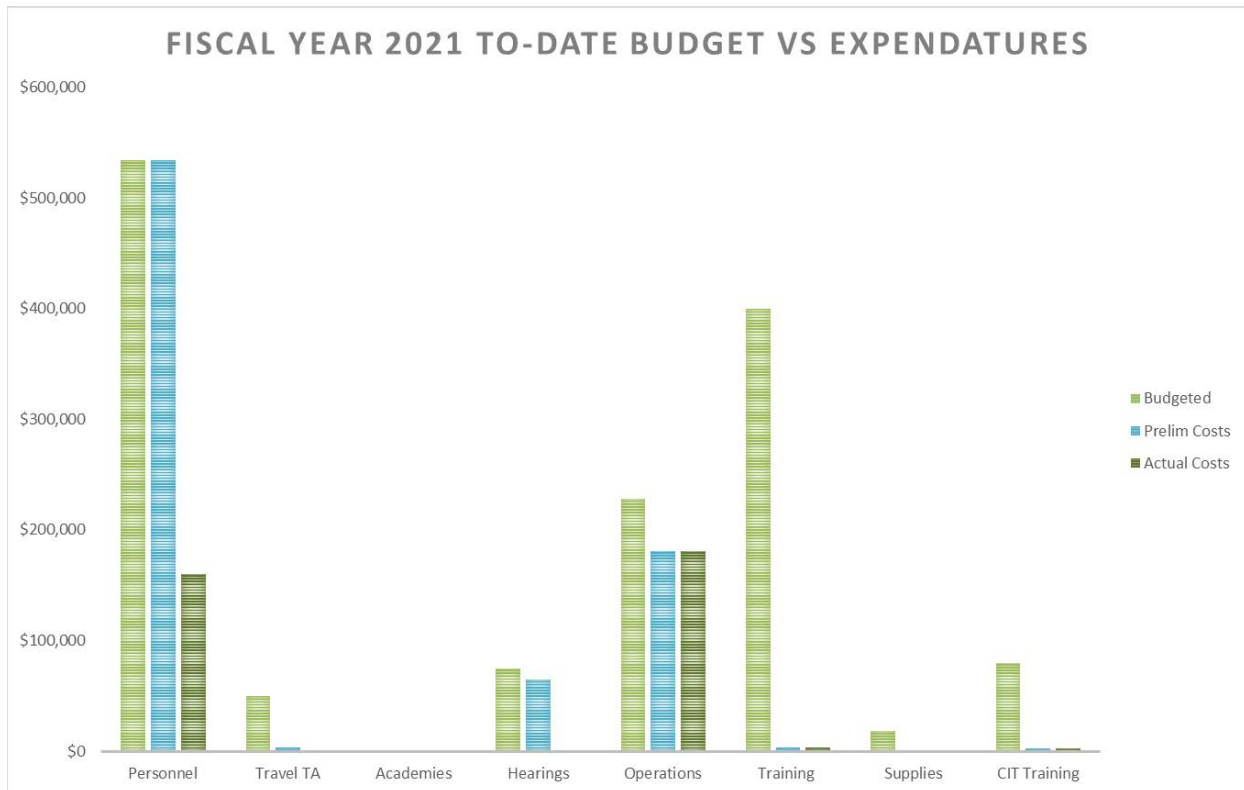
As of 11/20/2020



APSC Executive Director's Report to the Council December 1, 2020

2021 IRIS Budget Lines	Item	Budgeted	Prelim Costs	% Budget	Actual Costs	% Budget
125003000- 1000	Authorized by Legislature	\$533,900				
Current Budget	Personnel	\$533,900	\$534,200	100%	\$160,024	30%
125003000- 2000	Authorized by Legislature	\$101,800	\$3,300	3%		
Current Budget	Travel TA	\$50,000	\$3,300	7%	\$413	1%
125003000- 3000	Services Authorized by Legislature	\$632,000				
Current Budget	Academies	\$0	\$0	0%	\$0	0%
Current Budget	Hearings	\$75,000	\$65,000	87%	\$0	0%
Current Budget	Operations	\$228,300	\$181,229	79%	\$181,229	79%
Current Budget	Training	\$400,000	\$3,550	1%	\$3,430	1%
Current Budget	Total "Services"	\$703,300	\$249,779	36%	\$184,660	26%
125003000- 4000	Authorized by Legislature	\$37,500				
Current Budget	Supplies	\$18,000	\$552	3%	\$552	3%
125003000- 7000	Grant from MHTrust	\$80,000				
125003000- 9000	CIT Training	\$80,000	\$2,375	3%	\$2,375	3%
Totals	Projected real budget	\$1,385,200	\$790,207	57%	\$348,024	25%
FY21 Authorized Budget	Legislative spending authority.	\$1,385,200				
Actual Revenue to date	Actual Rev. vs Prelim/Actual Expenses	\$1,465,976	\$675,769		\$1,117,952	

As of 11/20/2020



Planned Activities:

Staff Travel Planned: All staff travel has been cancelled until further notice. The only planned travel for staff and council members was to attend two in-person council meetings this year and for the ED or Investigator to appear at scheduled OAH hearings. With council meetings continuing to be held virtually, and OAH hearings continued due to COVID, we are not expending any travel funds at this time.

Week of December 14: David Russell OAH Fact Finding Hearing (Telephonic)

Week of January 11: Charles Jetton OAH Fact Finding Hearing (Anchorage)

APSC Council Meeting Dates:

- Proposed meeting dates, times, and location: Virtual meeting March 2 (Tuesday), 3 or 4. Noon to 4:30. Anticipated agenda would include discussion and adoption of regulatory amendments selecting in the December meeting.

The emergency amendment of 13 AAC 85.010(a)(1) is made permanent 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 United States National; (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; am / / , Register)

Authority: AS 18.65.220 AS 18.65.240

The emergency amendment of 13 AAC 85.210(a)(1) is made permanent to read:

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

(1) is a citizen of the United States or a United States National; (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; am / / , Register)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.248

The emergency amendment of 13 AAC 85.215(a)(1) is made permanent to read:

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

(1) is a citizen of the United States or a United States National; (Eff. 4/12/2001, Register 158; am 6/13/2002, Register 162; am 8/8/2007, Register 183; am 2/13/2010, Register 193; am 9/24/2016, Register 219; am / / , Register)

Authority: AS 18.65.220 AS 18.65.248
AS 18.65.242 AS 18.65.285

The emergency amendment of 13 AAC 89.010(a)(2) is made permanent to read:

(2) is a citizen of the United States or a United States National; (Eff: 10/18/81, Register 80; am 1/15/95, Register 133; am 6/17/2020, Register 234; am / / , Register)

Authority: AS 18.65.220 AS 18.65.230 AS 18.65.240

Alaska Police Standards Council (APSC) Response to Questions Regarding 13 AAC 85, 89 Emergency Regulations: Alaska Police Standards Council - United States Nationals

Here is a link to the Public Comment Notice: <http://notice.alaska.gov/199316>

The following question was received by APSC prior to September 30, 2020:

Question: “Please explain these regulations and why they have been put forth. Why are you including US nationals? What does that exactly mean? How is this different from what we are doing now? This is completely separate from the federal branch, military etc correct? Thanks for your explanation.”

Answer: Previously, Alaska Police Standards regulations required an applicant be a “United States Citizen” to be eligible for hire in any APSC certifiable position. Recently, the Council learned this regulatory language precluded the hiring of United States Nationals (U.S. Nationals) born in certain Territories of the United States (American Samoa and Swains Island). The Council found that it was not its intent to exclude US Nationals from hire or certification as officers, when adopting regulatory changes in 2016. This exclusion unreasonably limits the applicant pool in times when more applicants are drastically needed. In the last year, APSC learned of interested applicants who were found ineligible only because of their status as a U.S. National.

The Alaska Police Standards Council found that, in an effort to immediately increase the pool of applicants, and quickly correct an unintended policy restriction, the regulations should be immediately updated to include United States Nationals as applicants eligible to be hired to APSC certifiable positions.

This regulation change does not involve; “federal branch, military, etc.”

The period for written questions ended September 30, 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 October 9, 2020.

Alaska Police Standards Council (APSC) Public Comments Received Regarding Changes in 13 AAC 85.010, 13 AAC 85.210, 13 AAC 85.215 and 13 AAC 89.010: inclusion of US Nationals

Here is a link to the Public Comment Notice: <http://notice.alaska.gov/199316>

The following Comments were received by APSC prior to the close of the comment period on October 9, 2020:

Comment:

"I noticed the proposed changes while perusing APSC trainings for continuing education. I wish to express my support for the changes, as it provides both a wider potential pool of qualified APSC and police position candidates and provides for a path to citizenship for qualified individuals that wish to remain a member of our nation's populace."

The Council found this comment to be substantive information that was relevant to the accuracy, coverage, or other aspect of the regulation and considered it in adoption of the permanent regulation.

Comment:

"These proposed regulations are very concerning on multiple levels. And should not be signed by Lt. Governor as drafted 1) for the failure of this council to effectively produce budget content; passively unfunding Law Enforcement. Costly burdens are as follows: man hours redirected from evidence backlog to complete abundance of international background checks, linguistics and interpreters needed to properly validate data compiled, more bad actors due to inefficient backgrounds by unskilled staff performing duty, language proficiency testing, academy travel costs, training hours, personnel interpreters, retirement/pensions... 2) for lack of targeted recruitment of skilled professionals thus far, including those reluctant to travel here because they are carrying student loan debt. Why doesn't the APSC work more closely with Ak Commission on Postsecondary Ed, USA Dep of Ed and focus hiring incentives on recruiting those current eligible for credential, from our own tribes, and locally grown grads. Why not develop a Public Service Student

Loan Forgiveness program, recruiting and retaining skilled Public Safety professionals already eligible without massive regulation change. 3) for known history of Alaska Police Standards Council habitually granted police credential to frauds/bad actors at a higher rate than other States, whom have caused Alaskas People harm while limited to US Citizens; displaying APSC illpreparedness in handling more complex background checks all together. 4) for failing to include other agency impacts. 5) for isolated nature in which these regulation changes were drafted. 6) for failure to achieve lawful quorum transparently. 7) for the State of Alaska Statute of Limitations on investigating forgery as 10 years, including vital records forgery. 8) APSC currently issues police credential to officers that simply disallow crime reporting on whim, while Executive Director Griffiths investigates such misconduct he declares no report writing on vital record forgery is not his issues, its officer discretion, while Leon Morgan refers reporter to Chief Doll, APSC Chair for personnel issue with Exec Director Griffiths, both (Griffiths and Morgan) ignore the facts and documents evidence illustrating vital records forgery from 1978. With this known standard of disregard on vital record forgery, what is the standard at which the vital records of US Nationals will be validated in offering police credential in international background checks?"

The Council found this comment to be irrelevant to the regulation. It was not considered in the adoption of the permanent regulation.

Summary of DRAFT proposed regulatory changes regarding APSC Suspension of Certification

The intent of these changes is to improve agency reporting to APSC; specify that conviction for a “sex crime” bars employment and certification; include certificate suspension as an optional sanction for officer misconduct or non-compliance with regulations; clarify that an officer who has had their certification suspended by APSC is prohibited from working in an official capacity while the suspension is in effect; add clarification language to certificate denial and revocation language to specify some of the misconduct that the council previously found clearly demonstrates a lack of “good moral character”; provides for the immediate suspension of an officer’s certification under specific narrow conditions; and, includes “duty to intervene” as a basic academy instructional topic for all officers.

NOTE: the attached regulations were edited using track changes to help understand the context of the proposed changes. They are for discussion purposes only and are NOT in the proper format for submission or formal publication.

Summary of Proposed draft changes:

Throughout the regulations, all references to deadlines for reporting information to APSC have been clarified to mean “business days.” In every instance where the regulations refer to the council revoking certification, changes have been made to state, “suspend or revoke,” except for language that proscribes rescission of the council’s previous decision to revoke certification.

Amend 13 AAC 85.010 Basic Standards for Police Officers to:

- include conviction for “a crime that is a sex offense in this state as defined in AS 12.63.100 or a similar law of another jurisdiction” as disqualifying an individual from hire and certification as a police officer”. This change is consistent with the changes made in early 2020 to the qualifications for Village Police Officer.
- clarifying that use of marijuana within one year of hire is a disqualifier, regardless of the age the individual was at the time of use. This plugs a loophole that allowed a 20 year old to smoke marijuana and, a day later after turning 21, being hired as a police officer; and
- decreasing the time period a police agency has to report a newly hired officer and supply documents demonstrating they meet minimum standards to 10 business days from 30 days.

Amend 12 AAC 85.020 Permanent employment for police officers by adding a section that states:

- “(d) A participating police department shall not assign any police duties, nor allow an officer to perform law enforcement duties, during any period which the officer’s certification has been suspended by the council.

Amend 13 AAC 85.050 Basic Police officer academy to include the mandatory training topic:

- “constitutional law, civil rights, **and officer duty to intervene;**”

Amend 13 AAC 85.090 Personnel reports to:

- shorten reporting deadlines for new hire, termination, and sustained misconduct from 30 days to “10 business days;”

Summary of DRAFT proposed regulatory changes regarding APSC Suspension of Certification

- Add language requiring an agency report any arrest or criminal charges filed against and officer within 10 business days; and
- Mandate that any police officer arrested or criminally charged in any jurisdiction must report the fact to their employing agency within three business days.

Amends 13 AAC 85.100. Determination of ineligibility and denial of certificates by adding the following conduct that **may** result in the council finding an individual ineligible for certification or training:

- “(a)(3) [If the officer] has, after hire as a police officer,
 - (A) lied or falsified official written or verbal communications or records;
 - (B) violated the law enforcement code of ethics;
 - (C) has negligently used unreasonable force against another or knowingly failed to intervene in the unreasonable use of force by another officer
 - (D) harassed or intimidated another person;
 - (E) engaged in inappropriate sexual activity while on duty;
 - (F) participated in an inappropriate relationship, sexual or otherwise, with a person who the officer knows or should have known is a victim, witness, defendant, or informant in an ongoing investigation or adjudication;
 - (G) unlawfully converted, or engaged in the unauthorized use of, the employing agency’s property, equipment, or funds;
 - (H) knowingly disclosed confidential information or information that may compromise an official investigation;
 - (I) fails to report to the employing agency within three business days of being arrested or charged with a criminal offense; or
 - (J) fails to respond or to respond truthfully to questions related to an investigation or legal proceeding.
- And strikes disqualification language in Section (b)(1) as being unnecessary:

“(1) [an individual is ineligible who] has been convicted of a misdemeanor crime of domestic violence ~~or, after hire as a police officer,~~ or has been convicted of any felony, or of a misdemeanor crime listed in 13 AAC 85.010(b)(2);”

13 AAC 85.110 Revocation of Certificates will be amended to:

- Include “Suspend or” in front of each reference to revoking a certificate;
- Add language to section (a) to specify some of the specific misconduct the council may act to suspend or revoke a certificate, to read:

“(3) has, after hire as a police officer,
 - (A) lied or falsified official written or verbal communications or records;
 - (B) violated the law enforcement code of ethics;
 - (C) has negligently used unreasonable force against another or knowingly failed to intervene in the unreasonable use of force by another officer;
 - (D) harassed or intimidated another person;
 - (E) engaged in inappropriate sexual activity while on duty;

Summary of DRAFT proposed regulatory changes regarding APSC Suspension of Certification

- (F) participated in an inappropriate relationship, sexual or otherwise, with a person who the officer knows or should have known is a victim, witness, defendant, or informant in an ongoing investigation or adjudication;
 - (G) unlawfully converted, or engaged in the unauthorized use of, the employing agency's property, equipment, or funds;
 - (H) knowingly disclosed confidential information or information that may compromise an official investigation;
 - (I) fails to report to the employing agency within three business days of being arrested or charged with a criminal offense;
 - (J) fails to respond or to respond truthfully to questions related to an investigation or legal proceeding;
 - (K) fails to complete minimum training requirements proscribed by the council; or
- adds a new section to read:
 - (d) "Subject to the provisions of the Administrative Procedures Act, the executive director shall have cause to immediately suspend the certification of any officer who:
 - a. is under indictment for, is charged with, or who has been convicted of the commission of any felony;
 - b. is subject to an order of another state, territory, or the federal government or any peace officer licensing authority suspending or revoking a police officer certificate or license; or
 - c. presents a clear and present danger to the public health or safety if authorized to exercise police authority.

13 AAC 85.210. Basic employment standards for probation, parole, and correctional officers is amended to specify that a person may not be hired if they have been convicted of "a crime that is a sex offense in this state as defined in AS 12.63.100 or a similar law of another jurisdiction" This section is also amended to require reporting of hire and eligibility to APSC within 30 business days rather than 90.

13 AAC 85.215. Basic employment standards for municipal correctional officers is amended to exclude from hire and certification as municipal corrections officer anyone convicted of, "a crime that is a sex offense in this state as defined in AS 12.63.100 or a similar law of another jurisdiction"

13 AAC 85.220. Permanent employment for probation, parole, correctional, and municipal correctional officers is amended by adding the following section:

- "A participating agency shall not assign any probation, parole, correctional, or municipal correctional duties, nor allow an officer to perform those duties, during any period which the officer's certification has been suspended by the council."

13 AAC 85.250 Personnel reports is amended to add in the same reporting requirement as for police officers: "(e) A participating agency shall notify the council within 10 business days of an officer being arrested or charged with any misdemeanor or felony crime. Any corrections, probation, parole or municipal corrections officer, regardless of their certification status, who is arrested or charged with any

Summary of DRAFT proposed regulatory changes regarding APSC Suspension of Certification

misdemeanor or felony crime in this state or any other jurisdiction must notify their employing agency no later than three business days after their arrest or a criminal charge being filed.”

13 AAC 85.260. Determination of ineligibility or denial of certificate for correctional, probation, parole, or municipal corrections officers is amended by adding the following subsection to the council’s discretionary disqualification of an officer who:

- “(3) has, after hire as a probation, parole, correctional, or municipal correctional officer,
 - (A) lied or falsified official written or verbal communications or records;
 - (B) violated the correctional, probation, and parole officer code of ethics, or the municipal correctional officer code of ethics;
 - (C) has negligently used unreasonable force against another or knowingly failed to intervene in the unreasonable use of force by another officer
 - (D) harassed or intimidated another person;
 - (E) engaged in inappropriate sexual activity while on duty;
 - (F) participated in an inappropriate relationship, sexual or otherwise, with a person who the officer knows or should have known is a victim, witness, defendant, informant in an ongoing investigation or adjudication; or who was formerly or is presently in the custody of the Alaska Department of Corrections.
 - (G) unlawfully converted, or engaged in the unauthorized use of, the employing agencies property, equipment, or funds;
 - (H) knowingly disclosed confidential information or information that may compromise an official investigation;
 - (I) fails to report to the employing agency within five business days of being arrested or charged with a criminal offense;
 - (J) fails to respond or to respond truthfully to questions related to an investigation or legal proceeding; or

Amends 13 AAC 85.270. Revocation of certificate and adds new sections to read:

- “The council may **suspend or** revoke a basic certificate upon a finding that the holder of the certificate ...
 - (5) has, after hire as a probation, parole, correctional, or municipal correctional officer,
 - (A) lied or falsified official written or verbal communications or records;
 - (B) violated the correctional, probation, and parole officer code of ethics, or the municipal correctional officer code of ethics;
 - (C) has negligently used unreasonable force against another or knowingly failed to intervene in the unreasonable use of force by another officer
 - (D) harassed or intimidated another person;
 - (E) engaged in inappropriate sexual activity while on duty;
 - (F) participated in an inappropriate relationship, sexual or otherwise, with a person who the officer knows or should have known is a victim, witness, defendant,

Summary of DRAFT proposed regulatory changes regarding APSC Suspension of Certification

informant in an ongoing investigation or adjudication; or who was formerly or is presently in the custody of the Alaska Department of Corrections.

(G) unlawfully converted, or engaged in the unauthorized use of, the employing agencies property, equipment, or funds;

(H) knowingly disclosed confidential information or information that may compromise an official investigation;

(I) fails to report to the employing agency within five business days of being arrested or charged with a criminal offense;

(J) fails to respond or to respond truthfully to questions related to an investigation or legal proceeding; or

(K) fails to complete minimum training requirements proscribed by the council;

...

- (d) Subject to the provisions of the Administrative Procedures Act, the executive director shall have cause to immediately suspend the certification of any officer who:

(1) is under indictment for, is charged with, or who has been convicted of the commission of any felony;

(2) is subject to an order of another state, territory, or the federal government or any peace officer licensing authority suspending or revoking the officer's probation, parole, correctional, or municipal correctional officer certificate or license; or

(3) presents a clear and present danger to the public health or safety if authorized authority as a probation, parole, correctional, or municipal correctional officer.

Amends 13 AAC 85.900 Definitions, to include the following:

- “(30) “suspension” of certification means the temporary or conditional termination of an officer’s certification and authority to act in their official capacity. Suspension may be for a set time-period or may be conditioned upon the officer’s compliance with conditions established by the council.

13 AAC 87.040 Certification of instructors is amended to provide for the council to suspend instructor certification as well as revoke it (Section e) and includes cause for suspension or revocation when the instructor: “(4) fails to report to the council within five business days of being arrested or charged with any criminal offense in Alaska or any other jurisdiction.”

Amends 13 AAC 87.060. Basic training program to include the following topical requirement in the basic academy:

- for correctional officers; “(a)(2)(F) legal issues, including the provisions of 22 AAC 05 and AS 33; **constitutional law, civil rights, and officer duty to intervene**; and”
- for probation and parole officers; “(b)(2)(l) **constitutional law, civil rights, officer duty to intervene**, legal issues, reentry, and supervision standards; and”

Summary of DRAFT proposed regulatory changes regarding APSC Suspension of Certification

Amends 13 AAC 87.080. Municipal correctional officer academy requirements to include the following instructional requirement:

- “(a)(17) **constitutional law, civil rights, officer duty to intervene**, legal issues and liability; “

Amends 13 AAC 89.020. Employment for village police officers to add a section that reads:

- “(d) A participating village may not assign any police duties, nor allow a village police officer to perform law enforcement duties, during any period which the officer’s certification has been suspended by the council.

Amends 13 AAC 89.070. Denial revocation, and lapse of village police officer certificates to include suspension as an option and by adding the following section:

- “(b) Subject to the provisions of the Administrative Procedures Act, the executive director shall have cause to immediately suspend the certification of any officer who:
 - (1) is under indictment for, is charged with, or who has been convicted of the commission of any felony;
 - (2) is subject to an order of another state, territory, or the federal government or any peace officer licensing authority suspending or revoking a police officer certificate or license; or
 - (3) presents a clear and present danger to the public health or safety if authorized police authority.

Amends 13 AAC 89.150. Definitions by adding a new definition for “suspension:”

- “(15) “suspension” of certification means the temporary or conditional termination of an officer’s certificate and authority to act in their official capacity. Suspension may be for a set time-period or may be conditioned upon the officer’s compliance with conditions established by the council.”

Appendix A: Alaska Statutes - APSC

Contents

Appendix B: APSC Administrative Code: Regulations	3
13 AAC 85.005. Applicability	3
13 AAC 85.010. Basic standards for police officers.....	3
13 AAC 85.020. Permanent employment for police officers	6
13 AAC 85.030. Permanent appointment Repealed 8/10/80.....	7
13 AAC 85.040. Basic, intermediate, and advanced certificates	7
13 AAC 85.050. Basic police officer academy	9
13 AAC 85.060. Waiver and reciprocity	11
13 AAC 85.070. Law enforcement code of ethics Repealed 8/10/80.....	12
13 AAC 85.080. Discrimination prohibited Repealed 8/10/80.	12
13 AAC 85.090. Personnel reports.....	12
13 AAC 85.100. Determination of ineligibility and denial of certificates.....	13
13 AAC 85.110. Suspension or Revocation of certificates	15
13 AAC 85.115. Effect on police officers of conviction of misdemeanor crime of domestic violence ...	18
13 AAC 85.120. Lapse of certificates.....	19
13 AAC 85.150. Definitions Redesignated as 13 AAC 85.900, 8/8/90.	19
13 AAC 85.200. Applicability	19
13 AAC 85.210. Basic employment standards for probation, parole, and correctional officers.....	19
13 AAC 85.215. Basic employment standards for municipal correctional officers	23
13 AAC 85.220. Permanent employment for probation, parole, correctional, and municipal correctional officers	26
13 AAC 85.230. Basic certificate for probation, parole, and correctional officers	27
13 AAC 85.235. Basic certificate for municipal correctional officers.....	28
13 AAC 85.240. Waiver and reciprocity	30
13 AAC 85.250. Personnel reports for probation, parole, correctional, and municipal correctional officers	30
13 AAC 85.260. Determination of ineligibility or denial of certificate.....	31
13 AAC 85.270. Revocation of certificate	34
13 AAC 85.275. Effect on probation, parole, correctional, and municipal correctional officers of conviction of misdemeanor crime of domestic violence.....	37

Appendix A: Alaska Statutes - APSC

13 AAC 85.280. Lapse of certificates.....	37
13 AAC 85.900. Definitions	37
13 AAC 87.010. Certification of basic training programs.....	40
13 AAC 87.020. Certification of other training programs	42
13 AAC 87.030. Financial assistance	42
13 AAC 87.040. Certification of instructors	42
13 AAC 87.050. Repealed 4/6/2018.....	44
13 AAC 87.060. Basic training program	44
13 AAC 87.070. Repealed 4/6/2018.....	47
13 AAC 87.075. Repealed 4/6/2018.....	47
13 AAC 87.080. Municipal correctional officer academy requirements.....	47
13 AAC 87.085. Repealed 4/6/2018.....	48
13 AAC 87.090. Definitions	48
13 AAC 89.010. Basic standards for village police officers	48
13 AAC 89.020. Employment for village police officers.....	49
13 AAC 89.030. Certification of village police officers.....	50
13 AAC 89.040. Village police officer basic training program.....	50
13 AAC 89.050. Village public safety officer training program Repealed 10/18/1981.....	51
13 AAC 89.060. Extension and reciprocity.....	51
13 AAC 89.070. Denial, suspension, revocation, and lapse of certificates	51
13 AAC 89.080. Personnel reports and training records	52
13 AAC 89.140. Exemption	53
13 AAC 89.150. Definitions	53

Appendix B: APSC Administrative Code: Regulations

13 AAC 85.005. Applicability

The requirements of 13 AAC 85.005 - 13 AAC 85.120 do not apply to village police officers identified in [13 AAC 89](#), except as specifically provided in 13 AAC 89.

13 AAC 85.010. Basic standards for police officers

- (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 United States National;
 - (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 has passed a General Educational Development (GED) test;
 - (5) is 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.
- (b) A participating police department may not hire as a police officer a person
- (1) -who has been convicted of any felony or a misdemeanor crime of domestic violence **or a crime that is a sex offense in this state as defined in AS 12.63.100 or a similar law of another jurisdiction** 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 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~~-public safety certification revoked, or has surrendered the person's ~~basic~~-public safety certificate, in this state or another jurisdiction, unless the denial, revocation, or surrender has been rescinded by the council under [13 AAC 85.110](#) or by the responsible certifying agency of the issuing jurisdiction; or
 - (B) is under suspension of a ~~basic~~-public safety certification in another jurisdiction, for the period of the suspension, unless the suspension has been rescinded by the responsible certifying 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 years before the date of hire, has illegally used a Schedule IA, IIA, IIIA, IVA, or VA controlled substance, 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.~~
- (c) A participating police department has ~~30~~-10 business 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 grant an extension of the 30-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 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; and
 - (7) determine whether the person
 - (A) has been denied certification, has had the person's ~~basic~~-public safety certification revoked, or has surrendered the person's ~~basic~~-public safety certificate, in this state or another jurisdiction, and whether the denial, revocation, or surrender has been rescinded by the council under [13 AAC 85.110](#) or by the responsible certifying agency of the issuing jurisdiction; or
 - (B) is under suspension of a ~~basic~~-public safety certification in another jurisdiction, for the period of the suspension, and whether the suspension has been rescinded by the responsible certifying agency of the issuing jurisdiction.
- (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~~-**10 business** days after the date of each hire:
- (1) the medical examination report
 - (2) the health questionnaire
 - (3) the Personal History Statement
 - (4) the psychological record form; and
 - (5) the compliance form to record the agency's compliance with (c)(1)-(7) of this section.
- (e) A police officer shall enroll in a council-certified basic police training academy within six months of 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\(b\)\(3\)](#).

- (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 be furnished by the council to a federal, state, or local law enforcement agency that has hired or is considering hiring the person. A police officer or applicant may not review information in the council's files which was supplied to the council with the understanding that the information or the source of the information would remain confidential, except that any information that serves as the basis for a decision to deny or revoke certification will be revealed to the police officer or applicant.
- (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 information contained on the forms will be used by the council for purposes of determining the applicant's eligibility and qualifications for training, employment, and certification.
- (h) The council will design and distribute forms to aid police departments in obtaining the information required in (c) of this section.

13 AAC 85.020. Permanent employment for police officers

- (a) A participating police department may not grant a person permanent status as a police officer unless the person has a current basic certificate issued by the council under [13 AAC 85.040](#).
- (b) A participating police department may not employ a person as a police officer for more than 13 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.
- (c) The council may grant an extension for employment for longer than 13 months to allow a police officer to complete the necessary training based upon a written request for extension from the chief administrative officer of the participating police department. The council may grant an extension, one-time only, not to exceed six months. **[Discuss other extension options]**
- (d) **A participating police department shall not assign any police duties, nor allow an officer to perform law enforcement duties, during any period which the officer's certification has been suspended by the council.**

13 AAC 85.030. Permanent appointment Repealed 8/10/80.

13 AAC 85.040. Basic, intermediate, and advanced certificates

- (a) The council will issue a basic, intermediate, or advanced certificate to a police officer meeting the standards set forth in (b), (c), or (d) of this section. No certificate will be issued unless documents required under 13 AAC 85.010(d) are submitted to the council.
- (b) To be eligible for the award of a basic certificate, an applicant must
 - (1) be a full-time paid police officer of a police department in this state;
 - (2) meet the standards of [13 AAC 85.010](#)(a) and (b);
 - (3) have worked 12 consecutive months on a probationary basis with the police department where the officer is employed at the time of application for certification;
 - (4) have successfully completed, within 13 months of the applicant's date of hire as a police officer in this state, a council-certified basic police officer academy meeting the standards of [13 AAC 85.050](#) or [13 AAC 85.060](#);
 - (5) attest and subscribe to the law enforcement Code of Ethics as follows:

As a law enforcement officer, my fundamental duty is to serve all people; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all people to liberty, equality, and justice. I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others.

Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty. I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities. I will recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself (before God)* to my chosen profession . . . law enforcement.

*The phrase in parentheses may be omitted.

- (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.
- (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 and 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's 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.
 - (e) Repealed 9/24/2016
 - (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 will be recognized by the council. College credits awarded for a basic police officer academy 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 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.
 - (g) All training must be documented and the course must have been completed successfully by the applicant.
 - (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.

13 AAC 85.050. Basic police officer academy

- (a) The basic police officer academy consists of a minimum of 650 continuous hours of instruction in basic law enforcement subjects.
- (b) The basic police officer academy must include the following topics of instruction:
 - (1) disability awareness in compliance with the requirement of AS 18.65.220
 - (2) bloodborne pathogens
 - (3) ethics;
 - (4) constitutional law, ~~and~~ civil rights, **and officer duty to intervene**;
 - (5) control tactics;
 - (6) Cardiopulmonary resuscitation (CPR), basic first aid, and use of and automated external defibrillator (AED);
 - (7) criminal investigation, including
 - (A) controlled substances;
 - (B) crimes against minors;

-
- (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 of 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 capicum, 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
- (c) To receive credit for the basic police officer academy, a person must attend all sessions of the academy, except for absences approved by the academy commander, and be awarded a certificate of graduation by the academy commander. A person may not be certified for successful completion of the basic police academy 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.
- (d) The council may refuse to authorize admission to any council-certified basic police officer academy for any civilian applicant 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.

13 AAC 85.060. Waiver and reciprocity

- (a) The council may waive part or all of the basic police training academy requirements if an applicant furnishes satisfactory evidence that the applicant has successfully completed
- (1) an equivalent basic police training academy;
 - (2) a 12-consecutive-month probationary period with the police department the applicant is employed with in this state at the time of the waiver request;
 - (3) a council-certified, department-supervised 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 of 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 compliance with the requirements of AS 18.65.220
- (b) 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.
 - (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 years before the waiver was sought.
 - (d) Repealed 4/6/2018.

13 AAC 85.070. Law enforcement code of ethics Repealed 8/10/80.

13 AAC 85.080. Discrimination prohibited Repealed 8/10/80.

13 AAC 85.090. Personnel reports

- (a) Within **30-10 business** days after the date that a police officer is appointed by a participating police department, the police department's chief administrative officer, or the chief administrative officer's designee, shall notify the council in writing, on a form provided by the council, of the appointment of the police officer, unless a public record of the appointment would jeopardize the police officer or the police officer's assignment.
- (b) A participating police department shall notify the council within **30-10 business** days after the date that a police officer is no longer employed by the police department. The notification to the council must state the reason the person is no longer employed as a police officer by the police department, including layoff of the officer, death of the officer, termination of the officer by the police department, or the officer's voluntary resignation. If the reason for the termination of employment is the voluntary resignation of the officer, the police department must disclose in the notification if the resignation was to avoid an adverse action by the police department. The police department must also disclose in the notification if

any resignation or termination involved a finding or allegation of dishonesty, misconduct, or lack of good moral character.

- (c) A participating police department may not formally or informally agree not to report to the council under this section.
- (d) within ~~30~~**10 business** 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](#).¹
- (e) **A participating police department shall notify the council within 10 business days of an officer being arrested or charged with any misdemeanor or felony crime. Any police officer, regardless of their certification status, who is arrested or charged with any misdemeanor or felony crime in this state or any other jurisdiction must notify their employing agency no later than three business days after their arrest or a criminal charge being filed.**
- ~~(e)~~**(f)** 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 **business** days after the change.

13 AAC 85.100. Determination of ineligibility and 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
 - (1) falsified or omitted information required to be provided on the application for certification or on 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 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) **has, after hire as a police officer,**
 - (A) **lied or falsified official written or verbal communications or records;**
 - (B) **violated the law enforcement code of ethics;**

¹ 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 <https://dps.alaska.gov/APSC/Agency-Forms>

- (C) **has negligently used unreasonable force against another or knowingly failed to intervene in the unreasonable use of force by another officer;**
- (D) **harassed or intimidated another person;**
- (E) **engaged in inappropriate sexual activity while on duty;**
- (F) **participated in an inappropriate relationship, sexual or otherwise, with a person who the officer knows or should have known is a victim, witness, defendant, or informant in an ongoing investigation or adjudication;**
- (G) **unlawfully converted, or engaged in the unauthorized use of, the employing agency's property, equipment, or funds;**
- (H) **knowingly disclosed confidential information or information that may compromise an official investigation;**
- (I) **fails to report to the employing agency within three business days of being arrested or charged with a criminal offense; or**
- ~~(J)~~ **fails to respond or to respond truthfully to questions related to an investigation or legal proceeding.**

(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

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

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.

- (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's review of that decision is controlled by the Administrative Procedure Act.
- (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:
 - (1) newly discovered evidence that by due diligence could not have been discovered before the effective date of the denial;
 - (2) the denial was based on a mistake of fact or law, or on fraudulent evidence; or
 - (3) conditions or circumstances have changed so that the basis for the denial no longer exists.
- (e) If a petition for rescission is based on one or more of the reasons set out in (d) of this section, a hearing on the petition for rescission will be held before a hearing officer or the council. Following the hearing, the council will decide whether to rescind the denial, and will state on the record at the hearing, or in writing, the reasons for the decision. If the denial is rescinded, the petitioner is eligible for hire by a participating police department, but must serve the full probationary period required under [13 AAC 85.040\(b\)\(3\)](#) before reapplying for certification.
- (f) A personnel action or subsequent personnel action regarding a police officer by the police officer's employer, including a decision resulting from an appeal of the employer's action, does not preclude the council from denying the police officer's basic certificate under this section.
- (g) In this section, "discharged" includes a termination initiated by the police officer's employer because the officer does not meet the standards in [13 AAC 85.010\(a\)](#) or (b).

13 AAC 85.110. Suspension or Revocation of certificates

- (a) The council may **suspend or** 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 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) **has, after hire as a police officer,**
 - (A) **lied or falsified official written or verbal communications or records;**
 - (B) **violated the law enforcement code of ethics;**
 - (C) **has negligently used unreasonable force against another or knowingly failed to intervene in the unreasonable use of force by another officer;**
 - (D) **harassed or intimidated another person;**
 - (E) **engaged in inappropriate sexual activity while on duty;**
 - (F) **participated in an inappropriate relationship, sexual or otherwise, with a person who the officer knows or should have known is a victim, witness, defendant, or informant in an ongoing investigation or adjudication;**
 - (G) **unlawfully converted, or engaged in the unauthorized use of, the employing agency's property, equipment, or funds;**
 - (H) **knowingly disclosed confidential information or information that may compromise an official investigation;**
 - (I) **fails to report to the employing agency within three business days of being arrested or charged with a criminal offense;**
 - (J) **fails to respond or to respond truthfully to questions related to an investigation or legal proceeding;**
 - (K) **fails to complete minimum training requirements proscribed by the council; or**

~~(2)~~(4) does not meet the standards in [13 AAC 85.010](#)(a) or (b).

- (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 medication not specifically prescribed to the person; or
 - (C) illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance; or
 - (3) has been discharged, or resigned under threat of discharge, from employment as a police officer in this state or any other state or territory 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.
- (c) The executive director of the council may initiate proceedings under the [Administrative Procedure Act](#) for the **suspension or** revocation of a certificate issued by the council when the **suspension or** revocation complies with AS 18.65.130 - 18.65.290 and 13 AAC 85.005 - 13 AAC 85.120.
- (d) **Subject to the provisions of the Administrative Procedures Act, the executive director shall have cause to immediately suspend the certification of any officer who:**
- (1) **is under indictment for, is charged with, or who has been convicted of the commission of any felony;**
 - (2) **is subject to an order of another state, territory, or the federal government or any peace officer licensing authority suspending or revoking a police officer certificate or license; or**
 - (3) **presents a clear and present danger to the public health or safety if authorized to exercise police authority.**
- ~~(d)~~(e) 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 be rescinded for the following reasons:
- (1) newly discovered evidence that by due diligence could not have been discovered before the effective date of the revocation;

-
- (2) the revocation was based on a mistake of fact or law, or on fraudulent evidence; or
 - (3) conditions or circumstances have changed so that the basis for the revocation no longer exists.
- ~~(e)~~(f) If a petition for rescission is based on one or more of the reasons set out in (d) of this section, a hearing on the petition for rescission will be held before a hearing officer or the council. Following the hearing, the council will decide whether to rescind the revocation, and will state on the record at the hearing, or in writing, the reasons for the decision. If the revocation is rescinded, the petitioner is eligible for hire by a participating police department, but must serve the full probationary period required under [13 AAC 85.040](#)(b)(3) before applying for reinstatement of a basic, intermediate, or advanced certificate.
- ~~(f)~~(g) A personnel action or subsequent personnel action regarding a police officer by the police officer's employer, including a decision resulting from an appeal of the employer's action, does not preclude the council from **suspending or** revoking the police officer's basic, intermediate, or advanced certificate under this section.
- ~~(g)~~(h) In this section, "discharged" includes a termination initiated by the police officer's employer because the officer does not meet the standards in [13 AAC 85.010](#)(a) or (b).

13 AAC 85.115. [GBE(1)] **Effect on police officers of conviction of misdemeanor crime of domestic violence**

Notwithstanding [13 AAC 85.010](#) (b)(1), [13 AAC 85.100](#)(b)(1), or [13 AAC 85.110](#)(b)(1), a police department may hire a person, and the council is not required to deny or revoke certification of a person, if the person clearly and convincingly establishes that, in connection with a conviction for a misdemeanor crime of domestic violence, the person

- (1) was not represented by counsel and did not, by guilty plea or otherwise, knowingly and intelligently waive the right to counsel;
- (2) was entitled to a jury trial, did not receive a jury trial, and did not, by guilty plea or otherwise, knowingly and intelligently waive the right to a jury trial; or
- (3) is not currently under any condition of an expungement, conviction set aside, pardon, or restoration of civil rights that expressly provides the person may not ship, transport, possess, or receive firearms, and the conviction
 - (A) has been expunged or set aside;
 - (B) is for an offense for which the person has been pardoned; or
 - (C) is for an offense for which the person has had civil rights restored that were lost upon the conviction.

13 AAC 85.120. Lapse of certificates

- (a) A basic, intermediate, or advanced certificate lapses if the holder is not employed as a police officer with a police department in this or another state or territory for a period of 12 consecutive months. For purposes of this subsection, "not employed" includes a suspension for disciplinary reasons.
- (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) as a condition of reinstatement if the person's certificate has been lapsed for 12 consecutive months or longer. A certificate expires if it has been lapsed for more than four years.

13 AAC 85.150. Definitions Redesignated as 13 AAC 85.900, 8/8/90.

13 AAC 85.200. Applicability

- (a) The requirements of 13 AAC 85.200 - 13 AAC 85.280, other than 13 AAC 85.215 and 13 AAC 85.235, apply to probation, parole, and correctional officers hired or rehired by the Department of Corrections on or after February 8, 1991 and those previously hired officers who seek to become certified after August 8, 1990. The requirements of 13 AAC 85.215 and 13 AAC 85.235 do not apply to probation, parole, and correctional officers.
- (b) The requirements of 13 AAC 85.215 and 13 AAC 85.235 apply to municipal correctional officers hired or rehired by a municipality on or after October 12, 2001 and those previously hired officers who seek to become certified after April 12, 2001.
- (c) The requirements of 13 AAC 85.200 - 13 AAC 85.280, other than 13 AAC 85.210 and 13 AAC 85.230, apply only to municipal correctional officers employed by a municipality that has adopted an ordinance under AS 18.65.285. The requirements of 13 AAC 85.210 and 13 AAC 85.230 do not apply to municipal correctional officers.

13 AAC 85.210. Basic employment standards for probation, parole, and correctional officers

- (a) A person may not be hired as a probation, parole, or correctional officer unless the person meets the following minimum qualifications at the time of hire:
 - (1) is a citizen of the United States or a United States National;
 - (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 has passed a General Educational Development (GED) test;

-
- (5) is 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 probation, parole, or correctional officer;
 - (6) has taken the Department of Corrections' psychological screening examination and is mentally capable of performing the essential functions of the job of probation, parole, or correctional officer and is free from any emotional disorder that may adversely affect the person's performance as a probation, parole, or correctional officer.
- (b) A person may not be hired as a probation, parole, or correctional officer if that person
- (1) has been convicted of any felony or a misdemeanor crime of domestic violence, **or a crime that is a sex offense in this state as defined in AS 12.63.100 or a similar law of another jurisdiction**, by a civilian court of this state, the United States, or another state or territory, or by a military court;
 - (2) has been convicted by a civilian court of this state, the United States, or another state or territory, or by a military court, during the 10 years immediately before the date of hire as a probation, parole, or correctional officer, of a crime of dishonesty or crime of moral turpitude, of a crime that resulted in serious physical injury to another person, or of two or more DUI offenses;
 - (3) has illegally manufactured, transported, or sold a controlled substance, unless the person was under the age of 21 at the time of the act and the act occurred more than 10 years before the date of hire;
 - (4) within the five years before the date of hire, has illegally used a Schedule IA, IIA, IIIA, IVA or VA controlled substance, unless
 - (A) the person was under the age of 21 at the time of using the controlled substance; or
 - (B) 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;
 - (5) within the one year before the date of hire, has used marijuana, unless the person was under the age of 21 at the time of using marijuana;
 - (6) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, unless the denial, revocation, or surrender has been rescinded by the council under [13 AAC 85.270](#) or by the responsible certifying agency of the issuing jurisdiction; or

-
- (7) is under suspension of a basic certificate in another jurisdiction, for the period of the suspension, unless the suspension has been rescinded by the responsible certifying agency of the issuing jurisdiction.
- (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~~ **30 business** 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 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,
- (1) the following information must be provided:
- (A) proof of age, citizenship status, and applicable education;
 - (B) fingerprints on two copies of FBI Applicant Card FD-258; both cards must be forwarded to the automated fingerprint identification section of the Department of Public Safety;
 - (C) a complete personal history of the person on a form supplied by the council;
 - (D) a complete medical history report of the person; the report must be provided to a licensed physician, advanced practice registered nurse, or physician assistant for use in conducting a physical examination of the person;
 - (E) information as to whether the person
 - (i) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, and whether the denial, revocation, or surrender, has been rescinded by the council under [13 AAC 85.270](#) or by the responsible certifying agency of the issuing jurisdiction; or
 - (ii) is under suspension of a basic certificate in another jurisdiction, for the period of the suspension, and whether the suspension, has been rescinded by the responsible certifying agency of the issuing jurisdiction;
- (2) a thorough personal history investigation of the person must be conducted to determine character traits and habits indicative of moral character and

fitness as a probation, parole, or correctional officer; the investigation must include a check of

- (A) criminal history;
 - (B) wants and warrants;
 - (C) job references from at least three previous employers unless the person has had less than three previous jobs;
 - (D) job references from all previous law enforcement or criminal justice system employers in the preceding 10 years; and
 - (E) at least two personal references; and
- (3) the person must take the Department of Corrections' psychological screening examination and the person must undergo an examination by a licensed psychiatrist or psychologist.
- (d) All information, documents, and reports provided or developed under (c) of this section must be placed in the permanent files of the Department of Corrections and must be available for examination, at any reasonable time, by representatives of the council. A copy of any criminal record discovered and of the following completed council forms must be sent to the council within ~~90~~ **30 business** days after the date of each hire:
- (1) the medical examination report;
 - (2) the health questionnaire;
 - (3) the personal history statement;
 - (4) the psychological screening report; and
 - (5) verification of a psychological or psychiatric examination report; and
 - (6) the compliance form to record the agency's compliance with (c)(1)-(3) of this section.
- (e) A probation, parole, or correctional officer must begin field training, using the Department of Corrections Field Training Manual, immediately after the date the officer is hired. The Field Training Manual must be completed and sent to the council within 12 months after the date the officer began work with the department.
- (f) The information in the council's files regarding an applicant or a probation, parole, or correctional officer is confidential, and available only for use by the council in carrying out the requirements of AS 18.65.130 - 18.65.290 and the regulations adopted under AS 18.65.130 - 18.65.290. However, training records and the documents listed in (c) and (d) of this section relating to an applicant or a probation, parole, or correctional officer may be reviewed by the applicant or officer. Information that indicates that a person might not qualify for certification as an

officer, or that adversely reflects upon a person's ability to be a competent officer may be furnished by the council to a correctional agency. An officer or applicant may not review information in the council's files that 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, **suspend**, or revoke certification will be revealed to the officer or applicant.

- (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 information contained on the forms will be used by the council for purposes of determining the applicant's eligibility for employment and certification.

13 AAC 85.215. Basic employment standards for municipal correctional officers

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

- (1) is a citizen of the United States or a United States National;
- (2) is 19 years of age or older;
- (3) is of good moral character;
- (4) is capable of reading and understanding operational rules and policies, and has demonstrated the ability to apply them;
- (5) is certified by a licensed physician, advanced practice registered nurse, or physician's assistant on a medical record form supplied by the council to be physically capable of performing the essential functions of the job of municipal correctional officer;
- (6) is mentally and emotionally capable of performing the essential functions of the job of municipal correctional officer and is free from any emotional disorder that may adversely affect the person's performance as a municipal correctional officer.

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

- (1) has been convicted of any felony or a misdemeanor crime of domestic violence, **or a crime that is a sex offense in this state as defined in AS 12.63.100 or a similar law of another jurisdiction**, by a civilian court of this state, the United States, or another state or territory, or by a military court;
- (2) has been convicted by a civilian court of this state, the United States, or another state or territory, or by a military court, during the three years immediately before the date of hire as a municipal correctional officer, of a

-
- crime of dishonesty or crime of moral turpitude, of a crime that resulted in serious physical injury to another person, or of two or more DUI offenses;
- (3) has been convicted by a civilian court of this state, the United States, or another state or territory, or by a military court, of the sale, manufacture, transport, or possession for purposes of sale, manufacture, or transport of a controlled substance;
 - (4) within the three years before the date of hire, has illegally used a Schedule IA, IIA, IIIA, IVA or VA controlled substance, unless
 - (A) the person was under the age of 21 at the time of using the controlled substance; or
 - (B) 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;
 - (5) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, unless the denial, revocation, or surrender has been rescinded by the council under [13 AAC 85.270](#) or by the responsible certifying agency of the issuing jurisdiction; or
 - (6) is under suspension of a basic certificate in another jurisdiction, for the period of the suspension, unless the suspension has been rescinded by the responsible certifying agency of the issuing jurisdiction.
- (c) A person hired as a municipal correctional officer may not remain employed in that position without written confirmation from the municipality, submitted within 30 **business** 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 30 day period, upon a written request by the municipality that explains the reason the extension is necessary, and if the council determines that the person will probably be able to meet the standards by the end of the extension period. If a municipality concludes at the end of an investigation that a person does not meet the required standards, the person may not continue employment as a municipal correctional officer. For purposes of determining whether a person meets the standards of (a) and (b) of this section,
- (1) the following information must be provided:
 - (A) proof of age, citizenship status, and applicable education;
 - (B) fingerprints on two copies of FBI Applicant Card FD-258; both cards must be forwarded to the automated fingerprint identification section of the Department of Public Safety;
 - (C) a complete personal history of the person on a form supplied by the council;

-
- (D) a complete medical history report of the person; the report must be provided to a licensed physician, advanced practice registered nurse, or physician's assistant for use in conducting a physical examination of the person;
 - (E) information as to whether the person
 - (i) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, and whether the denial, revocation, or surrender has been rescinded by the council under [13 AAC 85.270](#) or by the responsible licensing agency of the issuing jurisdiction; or
 - (ii) is under suspension of a basic certificate in another jurisdiction, for the period of the suspension, and whether the suspension has been rescinded by the responsible certifying agency of the issuing jurisdiction; and
 - (2) a thorough personal history investigation of the person must be conducted to determine character traits and habits indicative of moral character and fitness as a municipal correctional officer; the investigation must include a check of
 - (A) criminal history;
 - (B) warrants and warrants;
 - (C) job references from at least three previous employers unless the person has had less than three previous jobs; and
 - (D) at least two personal references.
 - (d) All information, documents, and reports provided or developed under (c) of this section must be placed in the permanent files of the municipality and must be available for examination, at any reasonable time, by representatives of the council. A copy of any criminal record discovered and of the following completed council forms must be sent to the council within 30 **business** days after the date of each hire:
 - (1) The medical examination report;
 - (2) The health questionnaire;
 - (3) The personal history statement; and
 - (4) the compliance form to record the agency's compliance with (c)(1) and (2) of this section.

-
- (e) A municipal correctional officer must begin field training, using the Department of Corrections Municipal Correctional Officers Field Training Manual, immediately after the date the officer is hired. The Municipal Correctional Officers Field Training Manual must be completed and sent to the council within six months after the date the officer began work with the municipality.
 - (f) Except if the employing municipality by ordinance makes that information public, the information in the council's files regarding an applicant or a municipal correctional officer is confidential, and available only for use by the council in carrying out the requirements of AS 18.65.130 - 18.65.290 and 13 AAC 85.200 - 13 AAC 85.280. However, training records and the documents listed in (c) and (d) of this section relating to an applicant or a municipal correctional officer may be reviewed by the applicant or the officer. Information that indicates that a person might not qualify for certification as an officer, or that adversely reflects upon a person's ability to be a competent officer may be furnished by the council to a correctional agency. An officer or applicant may not review information in the council's files that 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, **suspend**, or revoke certification will be revealed to the officer or applicant.
 - (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.

13 AAC 85.220. Permanent employment for probation, parole, correctional, and municipal correctional officers

- (a) A person may not be granted permanent status as a
 - (1) probation, parole, or correctional officer unless the person has a current basic certificate issued by the council under [13 AAC 85.230](#); or
 - (2) municipal correctional officer unless the person has a current basic certificate issued by the council under [13 AAC 85.235](#).
- (b) Unless an extension is granted under (c) of this section, a person may not be employed for more than 14 consecutive months as a
 - (1) probation, parole, or correctional officer without a current basic certificate issued by the council under [13 AAC 85.230](#); or
 - (2) municipal correctional officer without a current basic certificate issued by the council under [13 AAC 85.235](#).
- (c) The council will grant an extension for employment for longer than 14 months if the chief administrative officer of the correctional agency 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. **[Discuss optional other extensions like police officers.]**

- (d) **A participating agency shall not assign any probation, parole, correctional, or municipal correctional duties, nor allow an officer to perform those duties, during any period which the officer's certification has been suspended by the council.**

~~(e)~~ (e)

13 AAC 85.230. Basic certificate for probation, parole, and correctional officers

- (a) The council will issue a basic certificate to a probation, parole, or correctional officer meeting the standards set out in this section. No certificate will be issued unless documents required under 13 AAC 85.210 are submitted to the council.
- (b) To be eligible for the award of a basic correctional officer certificate, an applicant must
- (1) successfully complete the Department of Corrections basic correctional officer training program meeting the standards set out in [13 AAC 87.010](#) and field training required by [13 AAC 85.210](#);
 - (2) be a full-time, paid correctional officer of a correctional agency in Alaska;
 - (3) have worked 12 consecutive months as a correctional officer on a probationary status with the correctional agency where the applicant is employed at the time of application for certification;
 - (4) meet the basic employment standards set out in [13 AAC 85.210](#); and
 - (5) attest and subscribe to the correctional, probation, and parole officer Code of Ethics.
- (c) To be eligible for the award of a basic probation or parole officer certificate, an applicant must
- (1) successfully complete the Department of Corrections basic probation and parole officer training program meeting the standards set out in [13 AAC 87.010](#) and field training required by [13 AAC 85.210](#);
 - (2) be a full-time, paid probation or parole officer of the Department of Corrections;
 - (3) have worked 12 consecutive months on a probationary status with the Department of Corrections as a probation or parole officer; and
 - (4) meet the basic employment standards set out in [13 AAC 85.210](#); and

-
- (5) attest and subscribe to the correctional, probation, and parole officer Code of Ethics.
- (d) The correctional, probation, and parole officer Code of Ethics is:
- As a correctional, probation, or parole officer, my fundamental duty is to respect the dignity and individuality of all people, to provide professional and compassionate service, and to be unfailingly honest. I will not discriminate against any person on the basis of race, religion, color, national origin, sex, age, physical or mental disability, marital status, changes in marital status, or pregnancy or parenthood, and will respect and protect the civil and legal rights of all inmates, probationers, and parolees. I will respect the right of the public to be safeguarded from criminal activity, and will be diligent in recording and making available for review all case information that could contribute to sound decisions affecting the public safety, or an inmate, probationer, or parolee. I will maintain the integrity of private information, and will neither seek personal data beyond that needed to perform my duties, nor reveal case information to anyone not having a proper professional use for the information. In making public statements, I will clearly distinguish between those that are my personal views and those that are made on behalf of the agency. I will not use my official position to secure privileges or advantages for myself, and will not accept any gift or favor that implies an obligation inconsistent with the objective exercise of my professional duties. I will not act in my official capacity in any matter in which I have a personal interest that could in the least degree impair my objectivity. I will not engage in undue familiarity with inmates, probationers, or parolees. I will report any corrupt or unethical behavior of a fellow correctional, probation, or parole officer that could affect either an inmate, probationer, or parolee, or the integrity of the agency, but will not make statements critical of colleagues or other criminal justice agencies unless the underlying facts are verifiable. I will respect the importance of, and cooperate with, all elements of the criminal justice system, and will develop relationships with colleagues to promote mutual respect for the profession and improvement of the quality of service provided.
- (e) The council will recognize college credits or degrees awarded by an institution of higher learning towards satisfaction, in whole or in part, of the minimum number of hours required under [13 AAC 87.060](#) (a), if
- (1) those credits or degrees are shown, to the council's satisfaction, to provide instruction in subject areas described in [13 AAC 87.060](#) that is substantially equivalent to a training program that has received certification under [13 AAC 87.010](#); and
 - (2) the institution is accredited by a regional or national accrediting agency recognized by the United States Secretary of Education.

13 AAC 85.235. Basic certificate for municipal correctional officers

- (a) The council will issue a basic certificate to a municipal correctional officer meeting the standards set out in this section. The council will not issue a certificate unless documents required under [13 AAC 85.215](#) are submitted to the council.

-
- (b) To be eligible for the award of a basic municipal correctional officer certificate, an applicant must
- (1) successfully complete the Department of Corrections basic municipal correctional officer training program meeting the standards set out in [13 AAC 87.010](#) and field training required by [13 AAC 85.215](#);
 - (2) be a full time, paid municipal correctional officer employed by a correctional agency in the state;
 - (3) have worked 12 consecutive months as a municipal correctional officer on a probationary status with the municipality where the applicant is employed at the time of application for certification;
 - (4) meet the minimum employment standards set out in [13 AAC 85.215](#); and
 - (5) attest and subscribe to the municipal correctional officer Code of Ethics.
- (c) The municipal correctional officer Code of Ethics is: As a municipal correctional officer, my fundamental duty is to respect the dignity and individuality of all people, to provide professional and compassionate service, and to be unfailingly honest. I will respect the right of the public to be safeguarded from criminal activity, and will be diligent in recording and making available for review all case information that could contribute to sound decisions affecting the public safety, or an inmate. I will not unlawfully discriminate against any person on the basis of race, religion, color, national origin, gender, sexual orientation, age, physical or mental disability, marital status, changes in marital status, or pregnancy or parenthood, and will respect the civil and legal rights of all inmates. I will maintain the integrity of private information, and will neither seek personal data beyond that needed to perform my duties, nor reveal case information to anyone not having a proper professional use for the information. In making public statements, I will clearly distinguish between those that are my personal views and those that are made on behalf of the agency. I will not use my official position to secure privileges or advantages for myself, and will not accept any gift or favor that implies an obligation inconsistent with the objective exercise of my professional duties. I will not act in my official capacity in any matter in which I have a personal interest that could in the least degree impair my objectivity. I will not engage in undue familiarity with inmates. I will report any corrupt or unethical behavior of a fellow municipal correctional officer that could affect either an inmate or the integrity of the agency, but will not make statements critical of colleagues or other criminal justice agencies unless the underlying facts are verifiable. I will respect the importance of, and cooperate with, all elements of the criminal justice system, and will develop relationships with colleagues to promote mutual respect for the profession and improvement of the quality of service provided.
- (d) The council will recognize college credits or degrees awarded by an institution of higher learning towards satisfaction, in whole or in part, of the minimum number of hours required under [13 AAC 87.080](#) (a), if

-
- (1) those credits or degrees are shown, to the council's satisfaction, to provide instruction in subject areas described in [13 AAC 87.080](#) that is substantially equivalent to the instruction required as part of a municipal correctional officer training program that has received certification under [13 AAC 87.010](#); and
 - (2) the institution is accredited by a regional or national accrediting agency recognized by the United States Secretary of Education.

13 AAC 85.240. Waiver and reciprocity

- (a) The council may waive part or all of the training required under [13 AAC 85.230](#)(b)(1) or (c)(1) or [13 AAC 85.235](#)(b)(1) if an applicant furnishes evidence to the council's satisfaction of successful completion of an equivalent training program.
- (b) The council may enter into reciprocity agreements for certification with states that regulate or supervise the quality of probation, parole, correctional, or municipal correctional officer training and that require training standards for probation, parole, correctional, or municipal correctional officers equivalent to the standards set by the council.
- (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 years before the waiver was sought.

13 AAC 85.250. Personnel reports for probation, parole, correctional, and municipal correctional officers

- (a) Within 30 **business** days after the date that a probation, parole, correctional, or municipal correctional officer is appointed by a correctional agency, the correctional agency shall notify the council in writing, on a form provided by the council, of the appointment of the officer.
- (b) A correctional agency shall notify the council within 30 **business** days after the date that a probation, parole, correctional, or municipal correctional officer is no longer employed by the correctional agency. The notification to the council must state the reason the person is no longer employed as an officer by the correctional agency, including layoff of the officer, death of the officer, termination of the officer by the agency, or the officer's voluntary resignation. If the reason for the termination of employment is the voluntary resignation of the officer, the correctional agency must disclose in the notification if the resignation was to avoid an adverse action by the correctional agency. The correctional agency must also disclose in the notification if any resignation or termination involved a finding or allegation of dishonesty, misconduct, or a lack of good moral character.
- (c) A correctional agency may not formally or informally agree not to report to the council under this section.
- (d) Within 30 **business** days after the allegation being sustained by administrative review, a correctional agency shall notify the council of an allegation of misconduct

by an officer employed by that agency, if the misconduct alleged may be cause for **suspension or** revocation under [13 AAC 85.270](#)².

- (e) **A participating agency shall notify the council within 10 business days of an officer being arrested or charged with any misdemeanor or felony crime. Any probation, parole, correctional, or municipal correctional officer, regardless of their certification status, who is arrested or charged with any misdemeanor or felony crime in this state or any other jurisdiction must notify their employing agency no later than three business days after their arrest or a criminal charge being filed.**

~~(d)~~

- ~~(e)~~(f) 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 **business** days after the change.

13 AAC 85.260. Determination of ineligibility or denial of certificate

- (a) The council may deny a basic certificate or find a correctional, probation, parole, or municipal corrections officer job applicant ineligible for certification upon a finding that the applicant
 - (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 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) **has, after hire as a probation, parole, correctional, or municipal correctional officer,**
 - (A) **lied or falsified official written or verbal communications or records;**
 - (B) **violated the correctional, probation, and parole officer code of ethics, or the municipal correctional officer code of ethics;**

² The forms required in 13 AAC 85.250 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 <https://dps.alaska.gov/APSC/Home> .

- (C) **has negligently used unreasonable force against another or knowingly failed to intervene in the unreasonable use of force by another officer;**
- (D) **harassed or intimidated another person;**
- (E) **engaged in inappropriate sexual activity while on duty;**
- (F) **participated in an inappropriate relationship, sexual or otherwise, with a person who the officer knows or should have known is a victim, witness, defendant, informant in an ongoing investigation or adjudication; or who was formerly or is presently in the custody of the Alaska Department of Corrections.**
- (G) **unlawfully converted, or engaged in the unauthorized use of, the employing agencies property, equipment, or funds;**
- (H) **knowingly disclosed confidential information or information that may compromise an official investigation;**
- (I) **fails to report to the employing agency within three business days of being arrested or charged with a criminal offense;**
- (J) **fails to respond or to respond truthfully to questions related to an investigation or legal proceeding; or**

~~(2)~~(3)

- (b) The council will deny a basic certificate or find a correctional, probation, parole or municipal corrections officer job applicant ineligible for certification upon a finding that the applicant
- (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 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, IVA, 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 85.210](#);
 - (4) 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 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.
- (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 correctional, probation, parole, or municipal corrections 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's review of that decision is controlled by the Administrative Procedure Act.
- (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:
- (1) newly discovered evidence that by due diligence could not have been discovered before the effective date of the denial;
 - (2) the denial was based on a mistake of fact or law, or on fraudulent evidence; or
 - (3) conditions or circumstances have changed so that the basis for the denial no longer exists.
- (e) If a petition for rescission is based on one or more of the reasons set out in (d) of this section, a hearing on the petition for rescission will be held before a hearing officer or the council. Following the hearing, the council will decide whether to rescind the denial, and will state on the record at the hearing, or in writing, the reasons for the decision. If the denial is rescinded, the applicant is eligible for hire by a correctional agency, but must serve the full probationary period required under [13 AAC 85.230](#) or [13 AAC 85.235](#), as applicable, before reapplying for certification.

-
- (f) A personnel action or subsequent personnel action regarding a probation, parole, correctional, or municipal correctional officer by the officer's employer, including a decision resulting from an appeal of the employer's action, does not preclude the council from denying the officer's basic certificate under this section.
 - (g) In this section, "discharged" includes a termination initiated by the probation, parole, correctional, or municipal correctional officer's employer because the officer does not meet the standards in [13 AAC 85.210](#)(a) or (b).

13 AAC 85.270. Revocation of certificate

- (a) The council may **suspend or** 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 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 \(b\)](#).
 - (5) **has, after hire as a probation, parole, correctional, or municipal correctional officer,**
 - (A) **lied or falsified official written or verbal communications or records;**
 - (B) **violated the correctional, probation, and parole officer code of ethics, or the municipal correctional officer code of ethics;**
 - (C) **has negligently used unreasonable force against another or knowingly failed to intervene in the unreasonable use of force by another officer;**
 - (D) **harassed or intimidated another person;**
 - (E) **engaged in inappropriate sexual activity while on duty;**
 - (F) **participated in an inappropriate relationship, sexual or otherwise, with a person who the officer knows or should have known is a**

victim, witness, defendant, informant in an ongoing investigation or adjudication; or who was formerly or is presently in the custody of the Alaska Department of Corrections.

- (G) unlawfully converted, or engaged in the unauthorized use of, the employing agencies property, equipment, or funds;**
- (H) knowingly disclosed confidential information or information that may compromise an official investigation;**
- (I) fails to report to the employing agency within three business days of being arrested or charged with a criminal offense;**
- (J) fails to respond or to respond truthfully to questions related to an investigation or legal proceeding; or**
- (K) fails to complete minimum annual training requirements proscribed by the council;**

(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 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.

(c) The executive director of the council may initiate proceedings under the [Administrative Procedure Act](#) for the **suspension or** revocation of a certificate issued by the council when the revocation complies with AS 18.65.130 - 18.65.290 and 13 AAC 85.200 - 13 AAC 85.280.

(a) **Subject to the provisions of the Administrative Procedures Act, the executive director shall have cause to immediately suspend the certification of any officer who:**

(1) **is under indictment for, is charged with, or who has been convicted of the commission of any felony;**

(2) **is subject to an order of another state, territory, or the federal government or any peace officer licensing authority suspending or revoking the officer's probation, parole, correctional, or municipal correctional officer certificate or license; or**

(3) **presents a clear and present danger to the public health or safety if authorized authority as a probation, parole, correctional, or municipal correctional officer.**

~~(e)~~(e) If a basic certificate was revoked under this section, the former probation, parole, correctional, or municipal correctional 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. The council may rescind a revocation for the following reasons:

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

(2) the revocation was based on a mistake of fact or law, or on fraudulent evidence; or

(3) conditions or circumstances have changed so that the basis for the revocation no longer exists.

~~(d)~~(f) If a petition for rescission is based on one or more of the reasons set out in (d) of this section, a hearing on the petition for rescission will be held before a hearing officer or the council. Following the hearing, the council will decide whether to rescind the revocation, and will state on the record at the hearing, or in writing, the reasons for the decision. If the revocation is rescinded, the petitioner is eligible for hire by a correctional agency, but must serve the full probationary period required under [13 AAC 85.230](#) or [13 AAC 85.235](#), as applicable, before applying for reinstatement of a basic certificate.

(g) A personnel action or subsequent personnel action regarding a probation, parole, correctional, or municipal correctional officer by the officer's employer, including a decision resulting from an appeal of the employer's action, does not preclude the council from **suspending or** revoking the officer's basic certificate under this section.

(h) In this section, "discharged" includes a termination initiated by the probation, parole, correctional, or municipal correctional officer's employer because the officer does not meet the standards in [13 AAC 85.210](#)(a) or (b).

13 AAC 85.275. Effect on probation, parole, correctional, and municipal correctional officers of conviction of misdemeanor crime of domestic violence

Notwithstanding [13 AAC 85.210](#) (b)(1), [13 AAC 85.215](#)(b)(1), [13 AAC 85.260](#)(b)(1), or [13 AAC 85.270](#) (b)(1), a person may be hired, and the council is not required to deny or revoke certification of a person, if the person clearly and convincingly establishes that, in connection with a conviction for a misdemeanor crime of domestic violence, the person

- (1) was not represented by counsel and did not, by guilty plea or otherwise, knowingly and intelligently waive the right to counsel;
- (2) was entitled to a jury trial, did not receive a jury trial, and did not, by guilty plea or otherwise, knowingly and intelligently waive the right to a jury trial; or
- (3) is not currently under any condition of an expungement, conviction set aside, pardon, or restoration of civil rights that expressly provides the person may not ship, transport, possess, or receive firearms, and the conviction
 - (A) has been expunged or set aside;
 - (B) is for an offense for which the person has been pardoned; or
 - (C) is for an offense for which the person has had civil rights restored that were lost upon the conviction.

13 AAC 85.280. Lapse of certificates

- (a) A basic certificate lapses if the holder is not employed as a probation, parole, correctional, or municipal correctional officer with a correctional agency for a period of 12 consecutive months. For purposes of this subsection, "not employed" includes a suspension for disciplinary reasons.
- (b) A person may request reinstatement of a lapsed certificate after serving an additional 12-month probationary period. The council may require supplemental training as a condition of reinstatement. A certificate expires if it has been lapsed for more than four years.

13 AAC 85.900. Definitions [GBE(2)]

In this chapter,

- (1) "controlled substance" means a controlled substance as defined in AS 11.71.900;

-
- (2) "correctional agency" means the Department of Corrections or a municipality that has adopted an ordinance under AS 18.65.285 that requires a person employed at a municipal correctional facility to meet the requirements of AS 18.65.130 - 18.65.290;
 - (3) "correctional officer" has the meaning given in AS 18.65.290;
 - (4) "council" means the Alaska Police Standards Council;
 - (5) "felony" means a crime classified as a felony in Alaska 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 Alaska law 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;
 - (6) repealed 8/8/2007;
 - (7) "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;
 - (8) "imitation controlled substance" means an imitation controlled substance as defined in AS 11.73.099;
 - (9) "misdemeanor" means a crime classified as a misdemeanor in Alaska 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 Alaska law 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 Alaska 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 the age of 21;
 - (10) repealed 8/8/2007;
 - (11) "parole officer" has the meaning given in AS 18.65.290;
 - (12) "participating police department" includes the Alaska Department of Public Safety and a police department of any political subdivision of the state that has not excluded itself under the provision of AS 18.65.280(b);

-
- (13) "police department" means a civil force of police officers organized by the state or a political subdivision of the state whose basic purpose and function is to maintain peace and order and to prevent and investigate criminal offenses;
- (14) "probation officer" (A) has the meaning given in AS 18.65.290; (B) includes a person who performs the duties of a pretrial services officer under AS 33.07 and whose Department of Corrections job classification is probation officer;
- (15) "probationary period" means employment as a police, probation, parole, correctional, or municipal correctional officer for a period of 12 consecutive months with a single police department or a single correctional agency; separation of less than 91 consecutive days will be considered unbroken;
- (16) "serious physical injury" means serious physical injury as defined in AS 11.81.900;
- (17) "undue familiarity" means developing, or attempting to develop, an intimate, personal, or financial relationship, or otherwise failing to maintain an appropriate professional relationship;
- (18) "DUI offense" means an offense AS 28.35.030 or another law or ordinance with substantially similar elements, or and offense of refusal to submit to a chemical test under AS 28.35.032 or another law or ordinance with substantially similar elements;
- (19) repealed 8/8/2007;
- (20) "crime of domestic violence" has the meaning given in AS 18.66.990;
- (21) "criminal justice activity" has the meaning given in AS 12.62.900;
- (22) "deadly weapon" has the meaning given in AS 11.81.900(b);
- (23) "expunged" 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;
- (24) "force" has the meaning given in AS 11.81.900(b);
- (25) "jurisdiction" means a state, territory, or commonwealth of the United States;
- (26) "municipal correctional officer" has the meaning given in AS 18.65.290;
- (27) "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;
- (28) "crime of moral turpitude" means a felony and any other crime that contains reckless, knowing, or intentional as the culpable mental element;
- (29) "surrendered" means to have voluntarily relinquished a certificate issued under AS 18.65 and this chapter, or a similar provision of the law of the issuing jurisdiction, to avoid possible revocation of the certificate.

-
- (30) **“suspension” of certification means the temporary or conditional termination of an officer’s certification and authority to act in their official capacity. Suspension may be for a set time-period or may be conditioned upon the officer’s compliance with conditions established by the council.**

~~(29)~~(31)

13 AAC 87.010. Certification of basic training programs

- (a) An institution or government agency that offers a program of instruction in basic law enforcement subjects that meets the requirements of the classroom phase of the basic program provided for in [13 AAC 85.050](#)(a) and (b), [13 AAC 87.060](#), [13 AAC 87.080](#), or [13 AAC 89.040](#), and to qualify students for a police officer basic certificate under [13 AAC 85.040\(b\)](#), a probation, parole, or correctional officer certificate under [13 AAC 85.230](#), a municipal correctional officer certificate under [13 AAC 85.235](#); or a village police officer certificate under [13 AAC 89.030](#), shall apply for certification by the council and shall comply with the requirements of this chapter.
- (b) An application for certification under this section shall be submitted on a form prescribed by the council and must be accompanied by the following information, where applicable:
- (1) the name of the institution or government agency, its governing body, and its instructors;
 - (2) institution or government agency policy and regulations with respect to leave, absences, class cuts, make-up work, tardiness, and interruptions for unsatisfactory attendance;
 - (3) institution or government agency policy and regulations with respect to standards of progress required of students, including the policy or regulation setting out the grading system of the institution or government agency, the minimum grades considered satisfactory, conditions requiring interruption of training for unsatisfactory grades or progress, the probationary period, if any, allowed by the institution or government agency, and conditions of re-entrance for those students dismissed for unsatisfactory progress;
 - (4) institution or government agency policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct;
 - (5) a detailed schedule of fees, charges for tuition, books, supplies, tools, student activities, service charges, rentals, deposits, and all other charges;
 - (6) a description of the available space, facilities, and equipment; and

-
- (7) an outline for each course which is part of the program, describing the content, skill to be achieved, and approximate classroom hours to be spent on each topic.
- (c) The council may approve an institution or government agency's application for certification of a program of instruction as meeting the requirements of the basic program provided for in [13 AAC 85.050](#)(a) and (b), [13 AAC 87.060](#), [13 AAC 87.080](#), or [13 AAC 89.040](#), if the institution or government agency and the program meet the following criteria, where applicable:
- (1) the courses, curriculum, and instruction are adequate in content, quality, and length to provide students with the education and training necessary to become successful, knowledgeable, and effective officers;
 - (2) the program of instruction meets the requirements of [13 AAC 85.050](#)(a) and (b), [13 AAC 87.060](#), [13 AAC 87.080](#), or [13 AAC 89.040](#);
 - (3) the institution or government agency has adequate space, equipment, instructional materials, and instructor personnel to provide training of good quality;
 - (4) the directors and administrators have adequate training and experience, and the instructors are certified under [13 AAC 87.040](#);
 - (5) a copy of the program outline, schedule of tuition, fees and other charges, regulations pertaining to absences, grading policy, and rules of operation and conduct are furnished to students upon enrollment;
 - (6) adequate records are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced;
 - (7) written examinations are required of each student in those courses for which written examinations are appropriate, and practical tests are required in those courses such as firearms training where practical tests are appropriate;
 - (8) the institution or government agency gives its students, upon successful completion of the program, a certificate indicating that the program of instruction was satisfactorily completed;
 - (9) a certificate of successful completion is not awarded by the institution or government agency except in compliance with [13 AAC 85.050](#)(c), [13 AAC 87.060](#)(c), [13 AAC 87.080](#)(b), or [13 AAC 89.040](#)(b);
 - (10) the institution or government agency is financially sound and capable of fulfilling its commitments for training; and
 - (11) the institution or government agency furnishes the council, not later than seven **business** days after the completion of each program, a roster of those students who attended; the roster must show the full name, rank,

department, and examination scores for each student who attended the program, and must be signed by the institution director or coordinator.

- (d) An institution or government agency is subject to periodic inspection by the council or its representatives to assure compliance with this section.

13 AAC 87.020. Certification of other training programs

- (a) The council may certify programs of instruction designed to provide officers with continuing education and training in supervisory, mid-management, executive, specialized, and in-service subjects.
- (b) An application by an institution or government agency for certification of a program of instruction under this section must be submitted on a form prescribed by the council and must be accompanied by the information specified in [13 AAC 87.010\(b\)\(1\) - \(7\)](#).
- (c) The council will, in its discretion, approve the application of an agency or institution for certification of a program of instruction, if the program meets the following criteria:
 - (1) the courses, curriculum and instruction are adequate in content, quality and length to satisfy one or more of the purposes specified in (a) of this section;
 - (2) the institution or government agency and the program are in compliance with the requirements of [13 AAC 87.010](#).
- (d) The institution or government agency shall be subject to periodic inspection by the council or its representatives to assure compliance with this section.

13 AAC 87.030. Financial assistance

- (a) The council will not give financial assistance to an institution or government agency for a police training program unless the program is certified by the council under this chapter or the program is certified by a nationally recognized certifying body.
- (b) The council will not give financial assistance to an institution or government agency for a training program unless it is made available to all qualified officers, except that the agency or institution may limit class size. An agency or institution of the state or a municipality that maintains a training program primarily for training its own officers may give preference to its own officers in enrollment.

13 AAC 87.040. Certification of instructors

- (a) The council will certify instructors considered qualified to teach in one or more of the prescribed training courses on the basis of the standards provided in this section.
- (b) Instructors are eligible for certification if they meet the following minimum qualifications in the areas of education, training, and experience:
 - (1) a person applying for certification to teach law enforcement subjects, including patrol, investigation, corrections, or the use of firearms must have

-
- (A) a high school diploma or its equivalent;
 - (B) three years' experience in a public safety-related field;
 - (C) 40 hours of verified training or verified instructor training in each subject to be taught;
 - (D) 40 hours of instructor development training approved by the council, including training in the areas of communication, psychology of learning, techniques of instruction, use of instructional aids, preparation and use of lesson plans, preparing and administering tests, teaching resources, and motivation; and
 - (E) a recommendation by the director of a training program certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#), or by the applicant's government law enforcement agency head;
- (2) a person applying for certification to teach general subjects, including management, human relations, or administration, must have
- (A) a baccalaureate degree;
 - (B) three years' experience in the subject to be taught; and
 - (C) a recommendation by the law enforcement government agency head or the director of a training program certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#).
- (c) The council may, upon written application, waive any part of the requirements of (b) of this section if it finds that a person, although not meeting all of the eligibility requirements, is otherwise qualified to be an instructor.
- (d) The director of a training program certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#) must supervise all instructors to ensure that instructional excellence is maintained.
- (e) The council may **suspend or** revoke instructor certification whenever an instructor is found by the council to be no longer qualified. The executive director of the council may initiate proceeds under the Administrative Procedure Act (AS 44.62) for the revocation of a certificate issued by the council when the revocation complies with AS 18.65.130 – AS 18.65.290 and 13 AAC 85.005 – 13 AAC 89.150. The council will consider **suspension or** revocation of instructor certification if:
- (1) an instructor is terminated or asked to resign, or resigns instead of discharge for cause by his employer;
 - (2) there is a recommendation to revoke certification by the director of a training program certified by the council under [13 AAC 87.010](#) or [13 AAC](#)

[87.020](#) or by the instructor's employer for failure to provide adequate instruction; ~~or~~

- (3) the holder of the instructor certificate falsified or omitted information required to be provided on an application for certification or on supporting documents, ~~or~~
- ~~(3)~~ (4) **fails to report to the council within five business days of being arrested or charged with any criminal offense in Alaska or any other jurisdiction.**

(f) Repealed 10/18/81.

(g) A person who is currently certified or licensed by this state or a nationally recognized certifying body need not be certified by the council to teach the subject for which the person is certified or licensed.

(h) The director of a training program certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#) must furnish the council documentary verification of the certification or licensure of a person specified in (g) of this section before council approval as an instructor will be considered.

(i) An instructor certificate becomes inactive if the holder of the certificate does not instruct at least one course certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#) during a period of three consecutive years. Course instruction must be documented and submitted to the council not later than 30 **business** days after the date of the last day of the course instruction on a form provided by the council.

(j) An inactive instructor certificate may be reactivated upon written request of the director of a training program certified under [13 AAC 87.010](#) or [13 AAC 87.020](#), or of the applicant's law enforcement government agency head, if the applicant instructs at least one course certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#) under direct supervision of a currently certified instructor.

(k) An instructor used on a one-time basis for a specialized subject area of a training program may be classified as a guest lecturer. Requirements for application and certification as an instructor do not apply to a guest lecturer. A guest lecturer is defined as a person who, by reason of position or experience, can make a worthwhile contribution to a training program. A guest lecturer must be experienced in a specialized area and the instruction limited to that area of experience.

13 AAC 87.050. Repealed 4/6/2018.

13 AAC 87.060. Basic training program

(a) The basic training program of instruction for correctional officers must include

- (1) an initial program of instruction, that is provided by the Department of Corrections and that a correctional officer must complete within 30 **business** days after the date of hire; the program consists of a minimum

of 40 hours of instruction and must include the following topics of instruction:

- (A) cardiopulmonary resuscitation (CPR), blood borne pathogens, and first aid instruction sufficient to qualify the correctional officer for a council-approved basic first aid certificate;
 - (B) professional code of conduct, including prohibition of sexual harassment and core values of a correctional professional;
 - (C) use of force policy overview,
 - (D) avoiding offender set-ups;
 - (E) incident command system;
 - (F) the federal Prison Rape Elimination Act (PREA);
 - (G) suicide awareness; and
 - (H) authorized employee property; and
- (2) a correctional officer academy that the correctional officer must complete before the officer completes their probationary period; the correctional officer academy consists of a minimum 200 hours of instruction and must include the following topics of instruction:
- (A) security procedures, custody, and supervision of inmates;
 - (B) use of force, firearms certification, other less lethal weapons certification, and use of restraints;
 - (C) communication skills and techniques, report writing, and record keeping;
 - (D) officer safety and security, control techniques, mental health and suicide prevention, and emergency procedures;
 - (E) diversity and disability awareness in compliance with the requirements of AS 18.65.220;
 - (F) legal issues, including the provisions of [22 AAC 05](#) and [AS 33](#); **constitutional law, civil rights, and officer duty to intervene**; and
 - (G) reentry and supervision standards.

(b) The basic training program of instruction for probation and parole officers must include:

- (1) an initial program of instruction, that is provided by the Department of Corrections and that a probation or parole officer must complete within 30

business days after the date of hire; the program consists of a minimum of 40 hours of instruction and must include the following topics of instruction:

- (A) cardiopulmonary resuscitation (CPR), blood borne pathogens and first aid instruction sufficient to qualify students for a council-approved basic first aid certificate;
 - (B) professional code of conduct, including prohibition of sexual harassment and core values of a correctional professional;
 - (C) use of force policy overview;
 - (D) avoiding offender set-ups;
 - (E) incident command system;
 - (F) the federal Prison Rape Elimination Act (PREA);
 - (G) suicide awareness;
 - (H) authorized employee property; and
- (2) a probation and parole officer academy that a probation or parole officer must complete before completing the probation or parole officer's probationary period; the probation and parole officer academy consists of a minimum 200 hours of instruction and must include the following topics of instruction:
- (A) risk assessment;
 - (B) interviewing and counseling techniques;
 - (C) firearms familiarization and safety;
 - (D) overview of the criminal justice system;
 - (E) use of force, other less lethal weapons certifications, and use of restraints;
 - (F) communication skills and techniques, report writing and record keeping;
 - (G) officer safety and security, control techniques, mental health and suicide prevention, and emergency procedures;
 - (H) diversity and disability awareness in compliance with the requirements of AS 18.65.220;
 - (I) **constitutional law, civil rights, officer duty to intervene**, legal issues, reentry, and supervision standards; and

(J) techniques of supervision.

- (c) To receive credit for the probation, parole, or correctional officer training program for purposes of certification under [13 AAC 85.230](#), a person must attend all sessions of the course, except for absences approved by the head of the program, and be awarded a certificate of graduation by the head of the program. A person may not be certified for successful completion of the probation, parole, or correctional officer training program if the person
- (1) has excused absences exceeding 10 percent of the total hours of instruction;
 - (2) fails to achieve a passing grade of 70 percent or higher in each block of 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 program.

13 AAC 87.070. Repealed 4/6/2018

13 AAC 87.075. Repealed 4/6/2018

13 AAC 87.080. Municipal correctional officer academy requirements.

- (a) The basic program of instruction for municipal correctional officers must include a minimum of 120 hours of instruction and must include the following topics of instruction;
- (1) security and search procedures,
 - (2) supervision of inmates;
 - (3) use of force and methods of self-defense;
 - (4) diversity and disability awareness in compliance with the requirements of AS 18.65.220;
 - (5) report writing;
 - (6) rights and responsibilities of inmates;
 - (7) fire and emergency procedures;
 - (8) domestic violence;
 - (9) communication skills and interpersonal relations;
 - (10) special needs inmates;
 - (11) recognition of the signs and symptoms of mental illness and cognitive disability;

-
- (12) substance abuse;
 - (13) physical deficiencies;
 - (14) suicide-prone behavior and suicide prevention;
 - (15) the federal Prison Rape Elimination Act (PREA);
 - (16) cross-cultural awareness;
 - (17) **constitutional law, civil rights, officer duty to intervene**, legal issues and liability;
 - (18) cardiopulmonary resuscitation (CPR); and,
 - (19) first aid instruction sufficient to qualify students for a standard Red Cross first aid certificate or a council-approved equivalent.
- (b) To receive credit for the municipal correctional officer training program for purposes of certification under [13 AAC 85.235](#), a person must attend all sessions of the course, except for absences approved by the head of the program, and be awarded a certificate of graduation by the head of the program. A person may not be certified for successful completion of the municipal correctional officer program if the person
- (1) has excused absences exceeding 10 percent of the total hours of instruction;
 - (2) fails to achieve a passing grade of 70 percent or higher in each block of instruction; or
 - (3) fails to achieve a cumulative average of 70 percent or higher.

13 AAC 87.085. Repealed 4/6/2018

13 AAC 87.090. Definitions

In this chapter "council" means the Alaska Police Standards Council.

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 United States National;
 - (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 ;
 - (4) has never 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; a felony conviction in another jurisdiction for an offense that is not a felony in this state does not necessarily bar certification unless the felony conviction was for a crime of dishonesty or a crime that resulted in serious physical injury or a threat of serious physical injury;
 - (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 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 of hire as a village police officer by a village unless the person's certificate has been reinstated by the council.

13 AAC 89.020. Employment for village police officers

- (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) (4) contact the council to confirm the applicant's eligibility for appointment and certification.
- (b) A village may not employ a village police officer for a period of more than 12 consecutive months unless the officer has been certified under [13 AAC 89.030](#).
- (c) Separation 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).

-
- (d) **A participating village may not assign any police duties, nor allow a village police officer to perform law enforcement duties, during any period which the officer's certification has been suspended by the council.**

↳(e)

13 AAC 89.030. Certification of village police officers

- (a) The council will issue a certificate as a village police officer to an applicant who
 - (1) is, at the time of application, a full-time paid village police officer employed by a village and has satisfactorily completed 12 consecutive months of probation as a village police officer with that village immediately before application;
 - (2) meets the requirements of [13 AAC 89.010](#);
 - (3) successfully completes a training program meeting the requirements of [13 AAC 89.040](#); and
 - (4) attests that he subscribes to the Law Enforcement Code of Ethics set out in [13 AAC 85.040\(b\)\(5\)](#).
- (b) Repealed 1/15/95.

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
 - (1) (1) alcohol and drug interdiction;
 - (2) (2) arrest procedures;
 - (3) (3) constitutional rights and administration of justice;
 - (4) (4) crime scene investigation;
 - (5) (5) criminal complaints;
 - (6) (6) criminal law and procedure;
 - (7) (7) defensive tactics and use of force;
 - (8) (8) disability awareness, in compliance with the requirements of AS 18.65.220;
 - (9) (9) domestic violence, in compliance with the requirements of AS 18.65.240;
 - (10) (10) procedures regarding persons suspected of driving under the influence;
 - (11) (11) ethics and cultural diversity;

-
- (12) (12) fire prevention and fire extinguishers;
 - (13) (13) first aid;
 - (14) (14) interview techniques;
 - (15) (15) juvenile procedures;
 - (16) (16) patrol procedures;
 - (17) (17) police tools such as oleoresin capsicum, baton, and handcuffs;
 - (18) (18) report writing and police notebooks;
 - (19) (19) search and rescue;
 - (20) (20) search-and-seizure and evidence procedures; and
 - (21) (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 required in (a) of this section.

13 AAC 89.050. Village public safety officer training program Repealed 10/18/1981.

13 AAC 89.060. Extension and reciprocity

- (a) The council will, in its discretion, upon written application from a village, grant an extension for obtaining certification to an officer if the officer is unable to complete the required training within the first 12 months of employment due to illness, injury, or other emergency, or if the officer is unable to complete training because of temporary understaffing in his department.
- (b) The council will, in its discretion, accept other police officer training that equals or exceeds that required in [13 AAC 89.040](#) in partial or complete substitution for the training required in that regulation.

13 AAC 89.070. Denial, **suspension, revocation, and lapse of certificates**

- (a) The council will, in its discretion, deny, **suspend**, or revoke a village police officer certificate upon a finding that the officer
 - (1) falsified or intentionally omitted information on an application or other document required to be filed for certification;
 - (2) has been discharged, has been asked to resign, or has resigned in place of discharge from a police department; or
 - (3) does not meet the requirements of [13 AAC 89.010\(a\)](#).

-
- (b) **Subject to the provisions of the Administrative Procedures Act, the executive director shall have cause to immediately suspend the certification of any officer who:**
 - (1) **is under indictment for, is charged with, or who has been convicted of the commission of any felony;**
 - (2) **is subject to an order of another state, territory, or the federal government or any peace officer licensing authority suspending or revoking a police officer certificate or license; or**
 - (3) **presents a clear and present danger to the public health or safety if authorized police authority.**
 - ~~(b)~~(c) The holder of a certificate shall immediately return the certificate to the council upon notification of revocation.
 - ~~(c)~~(d) A certificate lapses if the holder is not employed as a full-time village police officer for 12 consecutive months.
 - ~~(d)~~(e) A person may request reinstatement of a lapsed certificate after serving an additional probationary period as required by the council. The council will, in its discretion, require supplemental training as a condition of reinstatement.

13 AAC 89.080. Personnel reports and training records

- (a) Within 30 **business** days of the date of hire of a village police officer, the hiring authority shall notify the council on a form supplied by the council, except in those instances where a public record of the appointment would jeopardize the officer or the assignment. The employing agency shall notify the council within 30 **business** days following termination of an officer for any reason.
- (b) Before completion of the basic training program required in [13 AAC 89.030](#)(a)(3), each village police officer must be fingerprinted on two Federal Bureau of Investigations applicant cards (FD-258) and shall, on a form supplied by the council,
 - (1) complete a personal history statement;
 - (2) complete a medical history statement; and
 - (3) attest that the officer subscribes to the Law Enforcement Code of Ethics set out in [13 AAC 85.040](#)(b)(5).
- (c) The documents required by (b) of this section must be forwarded to the council. The fingerprint cards will be forwarded by the council to the Department of Public Safety and the Federal Bureau of Investigation for record checks. The documents required by this section, following evaluation by the council, will be forwarded to the officer's hiring authority for review, evaluation, and permanent retention.
- (d) 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 those statutes; however, a village police officer may review the officer's own records.

-
- (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 **business** days after the change.

13 AAC 89.140. Exemption

The provisions of this chapter do not apply to a village which has enacted an ordinance which specifically excludes it from [AS 18.65.130](#) - 18.65.290 if the village maintains a police training program which equals or exceeds the requirements of [13 AAC 89.040](#) and whose instructors are certified under [13 AAC 87.040](#).

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) **"suspension" of certification means the temporary or conditional termination of an officer's certification and authority to act in their official capacity. Suspension may be for a set time-period or may be conditioned upon the officer's compliance with conditions established by the council.**
- ~~(14)~~
- ~~(15)~~(16) "village" means a community that
 - (A) is off the interconnected Alaska 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.

Summary of DRAFT proposed regulatory changes regarding Officer Certification Levels

The intent of these changes is to promote professional development and equally recognize training and experience for all police, correctional, municipal correctional, and probation and parole officers in Alaska. Presently, Alaska has no recognition for supervisory and management level experience and only basic certification levels for Corrections, Municipal Corrections, and Probation/Parole officers; many other state POST agencies recognize the professional development, training, and experience of all their officers with supervisory, management and even executive level certification. The intended outcome of these proposed changes would be to balance certification levels across professions and promote ongoing professional development within the public safety profession.

Executive Summary:

These proposed changes add:

1. Supervisory and management level certification levels for police, along with the associated education, training, and experience requirements;
2. Intermediate, advanced, supervisory, and management certification levels for corrections, municipal corrections, and probation/parole officers, along with the associated education, training, and experience requirements on par with those required for police officers.

Proposed requirements for supervisory certification include an 80-hour (minimum) APSC certified first-line supervisor course. We have not defined the required contents of this course in regulation (but could). Our intent is to leverage existing supervisory courses already relied upon by agencies such as SOA, DPS, APD, and others regularly sponsored in the past by APSC. The number of course hours may be subject to adjustment by the council and/or the council may wish us to include specific course content requirements.

Proposed requirements for management level certification include; “have successfully completed council approved management level training consisting of at least 80 hours of instruction.” Again, we have not set requirements for these courses (but could); rather, we intend to recognize existing training programs such as the leadership programs offered by IACP, Southern Police Institute, FBI-NA, Northwestern University School of Police Staff and Command, and many others now being offered remotely by universities.

The attached set of regulations have been edited with track changes so you can see the full context of what has been added or changed. They are not in the proper format for filing or publication. When the council elects to pursue these and/or other changes, all the changes will be integrated into one regulation filing in the proper format.

Specific Changes:

Adding a new section: 13 AAC 85.045. Supervisory and Management Certification

(a) The council will issue a supervisory or management certificate to a police officer meeting the standards set forth in (b) or (c) of this section. No certificate will be issued unless documents required under 13 AAC 85.010(d) are submitted to the council.

(b) To be eligible for a supervisory certificate, an applicant must:

Summary of DRAFT proposed regulatory changes regarding Officer Certification Levels

- (1) be a full-time paid police officer of a police department in this state;
 - (2) possess an intermediate or advanced certificate;
 - (3) have been employed full-time as the direct supervisor of at least one other police officer for twelve (12) months, or longer;
 - (4) have successfully completed a council approved first-line supervisor course consisting of at least 80 hours of instruction; and
 - (5) have completed at least 40 hours of additional APSC approved training in addition to those previously relied upon for intermediate or advanced officer certification.
- (c) To be eligible for a management certificate, an applicant must:
- (1) be a full-time paid police officer of a police department in this state;
 - (2) possess a supervisory certificate;
 - (3) have been employed full-time as the direct supervisor of at least one first-line supervisor for twelve (12) months, or longer;
 - (4) have successfully completed council approved management level training consisting of at least 80 hours of instruction; and
 - (5) have completed at least 40 hours of additional APSC approved training in addition to those previously relied upon for prior certification.

Amend 13 AAC 85.230 to read:

13 AAC 85.230. Basic, intermediate, and advanced certification for probation, parole, and correctional officers

- (a) The council will issue a basic certificate to a probation, parole, or correctional officer meeting the standards set out in this section. No certificate will be issued unless documents required under 13 AAC 85.210 are submitted to the council.
- (b) To be eligible for the award of a basic correctional officer certificate, an applicant must
 - (1) successfully complete the Department of Corrections basic correctional officer training program meeting the standards set out in 13 AAC 87.010 and field training required by 13 AAC 85.210;
 - (2) be a full-time, paid correctional officer of a correctional agency in Alaska;
 - (3) have worked 12 consecutive months as a correctional officer on a probationary status with the correctional agency where the applicant is employed at the time of application for certification;
 - (4) meet the basic employment standards set out in 13 AAC 85.210; and

Summary of DRAFT proposed regulatory changes regarding Officer Certification Levels

- (5) attest and subscribe to the correctional, probation, and parole officer Code of Ethics.
- (c) To be eligible for the award of a basic probation or parole officer certificate, an applicant must
 - (1) successfully complete the Department of Corrections basic probation and parole officer training program meeting the standards set out in 13 AAC 87.010 and field training required by 13 AAC 85.210;
 - (2) be a full-time, paid probation or parole officer of the Department of Corrections;
 - (3) have worked 12 consecutive months on a probationary status with the Department of Corrections as a probation or parole officer; and
 - (4) meet the basic employment standards set out in 13 AAC 85.210; and
 - (5) attest and subscribe to the correctional, probation, and parole officer Code of Ethics.
- (d) The correctional, probation, and parole officer Code of Ethics is:

As a correctional, probation, or parole officer, my fundamental duty is to respect the dignity and individuality of all people, to provide professional and compassionate service, and to be unfailingly honest. I will not discriminate against any person on the basis of race, religion, color, national origin, sex, age, physical or mental disability, marital status, changes in marital status, or pregnancy or parenthood, and will respect and protect the civil and legal rights of all inmates, probationers, and parolees. I will respect the right of the public to be safeguarded from criminal activity, and will be diligent in recording and making available for review all case information that could contribute to sound decisions affecting the public safety, or an inmate, probationer, or parolee. I will maintain the integrity of private information, and will neither seek personal data beyond that needed to perform my duties, nor reveal case information to anyone not having a proper professional use for the information. In making public statements, I will clearly distinguish between those that are my personal views and those that are made on behalf of the agency. I will not use my official position to secure privileges or advantages for myself, and will not accept any gift or favor that implies an obligation inconsistent with the objective exercise of my professional duties. I will not act in my official capacity in any matter in which I have a personal interest that could in the least degree impair my objectivity. I will not engage in undue familiarity with inmates, probationers, or parolees. I will report any corrupt or unethical behavior of a fellow correctional, probation, or parole officer that could affect either an inmate, probationer, or parolee, or the integrity of the agency, but will not make statements critical of colleagues or other criminal justice agencies unless the underlying facts are verifiable. I will respect the importance of, and cooperate with, all elements of the criminal justice system, and will develop relationships with colleagues to promote mutual respect for the profession and improvement of the quality of service provided.

Summary of DRAFT proposed regulatory changes regarding Officer Certification Levels

- (e) The council will recognize college credits or degrees awarded by an institution of higher learning towards satisfaction, in whole or in part, of the minimum number of hours required under 13 AAC 87.060 (a), if
 - (1) those credits or degrees are shown, to the council's satisfaction, to provide instruction in subject areas described in 13 AAC 87.060 that is substantially equivalent to a training program that has received certification under 13 AAC 87.010; and
 - (2) the institution is accredited by a regional or national accrediting agency recognized by the United States Secretary of Education.

- (f) To be eligible for an intermediate certificate, a probation, parole, or correctional officer must
 - (1) be a full-time paid probation, parole, or correctional officer in this state;
 - (2) possess a basic certificate; and
 - (3) have acquired either or both of the following, subject to (k) of this section, and except that training hours earned while attending a basic academy do not count towards an intermediate certificate:
 - (A) the following minimum number of years of experience as a probation, parole, or correctional officer, minimum education points, and minimum training hours:

Minimum years of experience	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 an officer and a minimum of 20 training hours for each year of officer experience.
- (g) To be eligible for an advanced certificate, an applicant must
 - (1) be a full-time paid probation, parole, or correctional officer in this state;
 - (2) possess a basic and intermediate certificate; and
 - (3) have acquired either or both of the following, subject to (k) of this section, and except that training hours earned while attending a basic academy do not count towards an advanced certificate:
 - (A) the following minimum number of years of experience as a probation, parole, or correctional officer, minimum education points, and minimum training hours:

Summary of DRAFT proposed regulatory changes regarding Officer Certification Levels

Minimum years of experience	Four	Six	Nine	11	13
Minimum education points in college credit	Master's 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 an officer and a minimum of 20 training hours for each year of police officer experience.

(h) Repealed 9/24/2016

(i) 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 will be recognized by the council. College credits awarded for advanced, supervisory, management, executive, or specialized law enforcement courses may 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.

(j) All training must be documented, and the course must have been completed successfully by the applicant.

(k) After a basic certificate is awarded, an officer must achieve the prescribed training hours towards the next level of certification. After an intermediate certificate is awarded, an officer must achieve the prescribed training hours for an advanced certificate. The officer may not count the same hours towards each subsequent level of certification.

Adding a new Section:

13 AAC 85.232. Supervisory and Management Certification

- (a) The council will issue a supervisory or management certificate to a probation, parole, or correctional officer meeting the standards set forth in (b) or (c) of this section. No certificate will be issued unless documents required under 13 AAC 85.210 are submitted to the council.
- (b) To be eligible for a supervisory certificate, an applicant must:
 - (1) be a full-time paid probation, parole, or correctional officer in this state;
 - (2) possess an intermediate or advanced certificate;

Summary of DRAFT proposed regulatory changes regarding Officer Certification Levels

- (3) have been employed full-time as the direct supervisor of at least one other a probation, parole, or correctional officer for twelve (12) months, or longer;
 - (4) have successfully completed a council approved first-line supervisor course consisting of at least 80 hours of instruction; and
 - (5) have completed at least 40 hours of additional APSC approved training in addition to those previously relied upon for intermediate or advanced officer certification.
- (c) To be eligible for a management certificate, an applicant must:
- (1) be a full-time paid a probation, parole, or correctional officer in this state;
 - (2) possess a supervisory certificate;
 - (3) have been employed full-time as the direct supervisor of at least one first-line supervisor for twelve (12) months, or longer;
 - (4) have successfully completed council approved management level training consisting of at least 80 hours of instruction; and
 - (5) have completed at least 40 hours of additional APSC approved training in addition to those previously relied upon for prior certification.

Amend 13 AAC 85.235 to read:

13 AAC 85.235. Basic, intermediate, and advanced certificates for municipal correctional officers

- (a) The council will issue a basic certificate to a municipal correctional officer meeting the standards set out in this section. The council will not issue a certificate unless documents required under [13 AAC 85.215](#) are submitted to the council.
- (b) To be eligible for the award of a basic municipal correctional officer certificate, an applicant must
 - (1) successfully complete the Department of Corrections basic municipal correctional officer training program meeting the standards set out in 13 AAC 87.010 and field training required by 13 AAC 85.215;
 - (2) be a full time, paid municipal correctional officer employed by a correctional agency in the state;
 - (3) have worked 12 consecutive months as a municipal correctional officer on a probationary status with the municipality where the applicant is employed at the time of application for certification;
 - (4) meet the minimum employment standards set out in 13 AAC 85.215; and
 - (5) attest and subscribe to the municipal correctional officer Code of Ethics.

Summary of DRAFT proposed regulatory changes regarding Officer Certification Levels

(c) The municipal correctional officer Code of Ethics is:

As a municipal correctional officer, my fundamental duty is to respect the dignity and individuality of all people, to provide professional and compassionate service, and to be unfailingly honest. I will respect the right of the public to be safeguarded from criminal activity, and will be diligent in recording and making available for review all case information that could contribute to sound decisions affecting the public safety, or an inmate. I will not unlawfully discriminate against any person on the basis of race, religion, color, national origin, gender, sexual orientation, age, physical or mental disability, marital status, changes in marital status, or pregnancy or parenthood, and will respect the civil and legal rights of all inmates. I will maintain the integrity of private information, and will neither seek personal data beyond that needed to perform my duties, nor reveal case information to anyone not having a proper professional use for the information. In making public statements, I will clearly distinguish between those that are my personal views and those that are made on behalf of the agency. I will not use my official position to secure privileges or advantages for myself, and will not accept any gift or favor that implies an obligation inconsistent with the objective exercise of my professional duties. I will not act in my official capacity in any matter in which I have a personal interest that could in the least degree impair my objectivity. I will not engage in undue familiarity with inmates. I will report any corrupt or unethical behavior of a fellow municipal correctional officer that could affect either an inmate or the integrity of the agency, but will not make statements critical of colleagues or other criminal justice agencies unless the underlying facts are verifiable. I will respect the importance of, and cooperate with, all elements of the criminal justice system, and will develop relationships with colleagues to promote mutual respect for the profession and improvement of the quality of service provided.

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

- (1) those credits or degrees are shown, to the council's satisfaction, to provide instruction in subject areas described in 13 AAC 87.080 that is substantially equivalent to the instruction required as part of a municipal correctional officer training program that has received certification under 13 AAC 87.010; and
- (2) the institution is accredited by a regional or national accrediting agency recognized by the United States Secretary of Education.

(e) To be eligible for an intermediate certificate, a municipal correctional officer must

- (1) be a full-time paid municipal correctional officer in this state;
- (2) possess a basic certificate; and
- (3) have acquired either or both of the following, subject to (j) of this section, and except that training hours earned while attending a basic academy do not count towards an intermediate certificate:

Summary of DRAFT proposed regulatory changes regarding Officer Certification Levels

- (A) the following minimum number of years of experience as a municipal correctional officer, minimum education points, and minimum training hours:

Minimum years of experience	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 an officer and a minimum of 20 training hours for each year of officer experience.

- (E) To be eligible for an advanced certificate, an applicant must

- (1) be a full-time paid municipal correctional officer in this state;
- (2) possess a basic and intermediate certificate; and
- (3) have acquired either or both of the following, subject to (j) of this section, and except that training hours earned while attending a basic academy do not count towards an advanced certificate:

- (A) the following minimum number of years of experience as a municipal correctional officer, minimum education points, and minimum training hours:

Minimum years of experience	Four	Six	Nine	11	13
Minimum education points in college credit	Master's 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 an officer and a minimum of 20 training hours for each year of officer experience.

- (g) Repealed 9/24/2016

Summary of DRAFT proposed regulatory changes regarding Officer Certification Levels

- (h) 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 will be recognized by the council. College credits awarded for advanced, supervisory, management, executive, or specialized law enforcement courses may 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.
- (i) All training must be documented, and the course must have been completed successfully by the applicant.
- (j) After a basic certificate is awarded, an officer must achieve the prescribed training hours towards the next level of certification. After an intermediate certificate is awarded, an officer must achieve the prescribed training hours for an advanced certificate. The officer may not count the same hours towards each subsequent level of certification.

Add a new Section 13 AAC 85.235:

13 AAC 85.237. Supervisory and Management Certification

- (a) The council will issue a supervisory or management certificate to a municipal correctional officer meeting the standards set forth in (b) or (c) of this section. No certificate will be issued unless documents required under 13 AAC 85.215 are submitted to the council.
- (b) To be eligible for a supervisory certificate, an applicant must:
 - (1) be a full-time paid municipal correctional officer in this state;
 - (2) possess an intermediate or advanced certificate;
 - (3) have been employed full-time as the direct supervisor of at least one other municipal correctional officer for twelve (12) months, or longer;
 - (4) have successfully completed a council approved first-line supervisor course consisting of at least 80 hours of instruction; and
 - (5) have completed at least 40 hours of additional APSC approved training in addition to those previously relied upon for intermediate or advanced officer certification.
- (c) To be eligible for a management certificate, an applicant must:
 - (1) be a full-time paid municipal correctional officer in this state;
 - (2) possess a supervisory certificate;
 - (3) have been employed full-time as the direct supervisor of at least one first-line supervisor for twelve (12) months, or longer;

Summary of DRAFT proposed regulatory changes regarding Officer Certification Levels

- (4) have successfully completed council approved management level training consisting of at least 80 hours of instruction; and
- (5) have completed at least 40 hours of additional APSC approved training in addition to those previously relied upon for prior certification.

Table of Contents

Table of Contents	1
APSC Administrative Code: Regulations	3
13 AAC 85.005. Applicability	3
13 AAC 85.010. Basic standards for police officers.....	3
13 AAC 85.020. Permanent employment for police officers	6
13 AAC 85.030. Permanent appointment Repealed 8/10/80.....	6
13 AAC 85.040. Basic, intermediate, and advanced certificates	6
13 AAC 85.045. Supervisory and Management Certification	9
13 AAC 85.050. Basic police officer academy	10
13 AAC 85.060. Waiver and reciprocity	12
13 AAC 85.070. Law enforcement code of ethics Repealed 8/10/80.....	13
13 AAC 85.080. Discrimination prohibited Repealed 8/10/80.	13
13 AAC 85.090. Personnel reports.....	13
13 AAC 85.100. Determination of ineligibility and denial of certificates.....	13
13 AAC 85.110. Revocation of certificates.....	15
13 AAC 85.115. Effect on police officers of conviction of misdemeanor crime of domestic violence ...	17
13 AAC 85.120. Lapse of certificates.....	17
13 AAC 85.150. Definitions Redesignated as 13 AAC 85.900, 8/8/90.	17
13 AAC 85.200. Applicability	17
13 AAC 85.210. Basic employment standards for probation, parole, and correctional officers	18
13 AAC 85.215. Basic employment standards for municipal correctional officers	21
13 AAC 85.220. Permanent employment for probation, parole, correctional, and municipal correctional officers.....	24
13 AAC 85.230. Basic, intermediate, and advanced certification for probation, parole, and correctional officers	25
13 AAC 85.232. Supervisory and Management Certification	28
13 AAC 85.235. Basic certificate for municipal correctional officers.....	29
13 AAC 85.237. Supervisory and Management Certification	32
13 AAC 85.240. Waiver and reciprocity	33

13 AAC 85.250. Personnel reports for probation, parole, correctional, and municipal correctional officers	33
13 AAC 85.260. Determination of ineligibility or denial of certificate.....	34
13 AAC 85.270. Revocation of certificate	36
13 AAC 85.275. Effect on probation, parole, correctional, and municipal correctional officers of conviction of misdemeanor crime of domestic violence.....	38
13 AAC 85.280. Lapse of certificates.....	38
13 AAC 85.900. Definitions	38
13 AAC 87.010. Certification of basic training programs.....	40
13 AAC 87.020. Certification of other training programs	42
13 AAC 87.030. Financial assistance	43
13 AAC 87.040. Certification of instructors	43
13 AAC 87.050. Repealed 4/6/2018.....	45
13 AAC 87.060. Basic training program	45
13 AAC 87.070. Repealed 4/6/2018.....	47
13 AAC 87.075. Repealed 4/6/2018.....	47
13 AAC 87.080. Municipal correctional officer academy requirements.....	47
13 AAC 87.085. Repealed 4/6/2018.....	48
13 AAC 87.090. Definitions	48
13 AAC 89.010. Basic standards for village police officers	48
13 AAC 89.020. Employment for village police officers.....	49
13 AAC 89.030. Certification of village police officers.....	50
13 AAC 89.040. Village police officer basic training program.....	50
13 AAC 89.050. Village public safety officer training program Repealed 10/18/1981.....	51
13 AAC 89.060. Extension and reciprocity.....	51
13 AAC 89.070. Denial, revocation, and lapse of certificates	51
13 AAC 89.080. Personnel reports and training records	52
13 AAC 89.140. Exemption	53
13 AAC 89.150. Definitions	53

APSC Administrative Code: Regulations

13 AAC 85.005. Applicability

The requirements of 13 AAC 85.005 - 13 AAC 85.120 do not apply to village police officers identified in [13 AAC 89](#), except as specifically provided in 13 AAC 89.

13 AAC 85.010. Basic standards for police officers

- (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 United States National;
 - (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 has passed a General Educational Development (GED) test;
 - (5) is 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.
- (b) A participating police department may not hire as a police officer a person
 - (1) who has been convicted of any 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 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, revocation, or surrender has

been rescinded by the council under [13 AAC 85.110](#) or by the responsible certifying 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 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 years before the date of hire, has illegally used a Schedule IA, IIA, IIIA, IVA, or VA controlled substance, 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.

- (c) A participating police department has 30 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 grant an extension of the 30-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 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; 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, revocation, or surrender has been rescinded by the council under [13 AAC 85.110](#) or by the responsible certifying 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 has been rescinded by the responsible certifying agency of the issuing jurisdiction.
- (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 days after the date of each hire:
- (1) the medical examination report
 - (2) the health questionnaire
 - (3) the Personal History Statement
 - (4) the psychological record form; and
 - (5) the compliance form to record the agency's compliance with (c)(1)-(7) of this section.
- (e) A police officer shall enroll in a council-certified basic police training academy within six months of 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\(b\)\(3\)](#).
- (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 be furnished by the council to a federal, state, or local law enforcement agency that has hired or is considering hiring the person. A police officer or applicant may not review information in the council's files which was supplied to the council with the understanding that the information or the source of the information would remain confidential, except that any information that serves as the basis for a decision to deny or revoke certification will be revealed to the police officer or applicant.

- (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 information contained on the forms will be used by the council for purposes of determining the applicant's eligibility and qualifications for training, employment, and certification
- (h) The council will design and distribute forms to aid police departments in obtaining the information required in (c) of this section.

13 AAC 85.020. Permanent employment for police officers

- (a) A participating police department may not grant a person permanent status as a police officer unless the person has a current basic certificate issued by the council under [13 AAC 85.040](#).
- (b) A participating police department may not employ a person as a police officer for more than 13 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.
- (c) The council may grant an extension for employment for longer than 13 months to allow a police officer to complete the necessary training based upon a written request for extension from the chief administrative officer of the participating police department. The council may grant an extension, one-time only, not to exceed six months.

13 AAC 85.030. Permanent appointment Repealed 8/10/80.

13 AAC 85.040. Basic, intermediate, and advanced certificates

- (a) The council will issue a basic, intermediate, or advanced certificate to a police officer meeting the standards set forth in (b), (c), or (d) of this section. No certificate will be issued unless documents required under 13 AAC 85.010(d) are submitted to the council.
- (b) To be eligible for the award of a basic certificate, an applicant must
 - (1) be a full-time paid police officer of a police department in this state;
 - (2) meet the standards of [13 AAC 85.010](#)(a) and (b);

- (3) have worked 12 consecutive months on a probationary basis with the police department where the officer is employed at the time of application for certification;
- (4) have successfully completed, within 13 months of the applicant's date of hire as a police officer in this state, a council-certified basic police officer academy meeting the standards of [13 AAC 85.050](#) or [13 AAC 85.060](#);
- (5) attest and subscribe to the law enforcement Code of Ethics as follows:

As a law enforcement officer, my fundamental duty is to serve all people; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all people to liberty, equality, and justice. I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others.

Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty. I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities. I will recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself (before God)* to my chosen profession . . . law enforcement.

*The phrase in parentheses may be omitted.

- (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.

(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 and 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's 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.

(e) Repealed 9/24/2016

(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 will be recognized by the council. College credits awarded for a basic police officer academy 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 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.
- (g) All training must be documented and the course must have been completed successfully by the applicant.
- (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.

13 AAC 85.045. Supervisory and Management Certification

- (a) **The council will issue a supervisory or management certificate to a police officer meeting the standards set forth in (b) or (c) of this section. No certificate will be issued unless documents required under 13 AAC 85.010(d) are submitted to the council.**
- (b) **To be eligible for a supervisory certificate, an applicant must:**
- (1) **be a full-time paid police officer of a police department in this state;**
 - (2) **possess an intermediate or advanced certificate;**
 - (3) **have been employed full-time as the direct supervisor of at least one other police officer for twelve (12) months, or longer;**
 - (4) **have successfully completed a council approved first-line supervisor course consisting of at least 80 hours of instruction; and**
 - (5) **have completed at least 40 hours of additional APSC approved training in addition to those previously relied upon for intermediate or advanced officer certification.**
- (c) **To be eligible for a management certificate, an applicant must:**
- (1) **be a full-time paid police officer of a police department in this state;**
 - (2) **possess a supervisory certificate;**
 - (3) **have been employed full-time as the direct supervisor of at least one first-line supervisor for twelve (12) months, or longer;**
 - (4) **have successfully completed council approved management level training consisting of at least 80 hours of instruction; and**
 - (5) **have completed at least 40 hours of additional APSC approved training in addition to those previously relied upon for prior certification.**

13 AAC 85.050. Basic police officer academy

- (a) The basic police officer academy consists of a minimum of 650 continuous hours of instruction in basic law enforcement subjects.
- (b) The basic police officer academy must include the following topics of instruction:
 - (1) disability awareness in compliance with the requirement of AS 18.65.220
 - (2) bloodborne pathogens
 - (3) ethics;
 - (4) constitutional law and civil rights;
 - (5) control tactics;
 - (6) Cardiopulmonary resuscitation (CPR), basic first aid, and use of and automated external defibrillator (AED);
 - (7) criminal investigation, including
 - (A) controlled substances;
 - (B) crimes against minors;
 - (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 of 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 capicum, 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
- (c) To receive credit for the basic police officer academy, a person must attend all sessions of the academy, except for absences approved by the academy commander, and be awarded a certificate of graduation by the academy commander. A person may not be certified for successful completion of the basic police academy 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.
- (d) The council may refuse to authorize admission to any council-certified basic police officer academy for any civilian applicant 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.

13 AAC 85.060. Waiver and reciprocity

- (a) The council may waive part or all of the basic police training academy requirements if an applicant furnishes satisfactory evidence that the applicant has successfully completed
 - (1) an equivalent basic police training academy;
 - (2) a 12-consecutive-month probationary period with the police department the applicant is employed with in this state at the time of the waiver request;
 - (3) a council-certified, department-supervised 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 of 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 compliance with the requirements of AS 18.65.220
- (b) 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.
- (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 years before the waiver was sought.
- (d) Repealed 4/6/2018.

13 AAC 85.070. Law enforcement code of ethics Repealed 8/10/80.

13 AAC 85.080. Discrimination prohibited Repealed 8/10/80.

13 AAC 85.090. Personnel reports

- (a) Within 30 days after the date that a police officer is appointed by a participating police department, the police department's chief administrative officer, or the chief administrative officer's designee, shall notify the council in writing, on a form provided by the council, of the appointment of the police officer, unless a public record of the appointment would jeopardize the police officer or the police officer's assignment.
- (b) A participating police department shall notify the council within 30 days after the date that a police officer is no longer employed by the police department. The notification to the council must state the reason the person is no longer employed as a police officer by the police department, including layoff of the officer, death of the officer, termination of the officer by the police department, or the officer's voluntary resignation. If the reason for the termination of employment is the voluntary resignation of the officer, the police department must disclose in the notification if the resignation was to avoid an adverse action by the police department. The police department must also disclose in the notification if any resignation or termination involved a finding or allegation of dishonesty, misconduct, or lack of good moral character.
- (c) A participating police department may not formally or informally agree not to report to the council under this section.
- (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](#).¹
- (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.

13 AAC 85.100. Determination of ineligibility and 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

¹ 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 <https://dps.alaska.gov/APSC/Agency-Forms>

- (1) falsified or omitted information required to be provided on the application for certification or on 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 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.
- (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
- (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 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.
- (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's review of that decision is controlled by the Administrative Procedure Act.
- (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:

- (1) newly discovered evidence that by due diligence could not have been discovered before the effective date of the denial;
 - (2) the denial was based on a mistake of fact or law, or on fraudulent evidence; or
 - (3) conditions or circumstances have changed so that the basis for the denial no longer exists.
- (e) If a petition for rescission is based on one or more of the reasons set out in (d) of this section, a hearing on the petition for rescission will be held before a hearing officer or the council. Following the hearing, the council will decide whether to rescind the denial, and will state on the record at the hearing, or in writing, the reasons for the decision. If the denial is rescinded, the petitioner is eligible for hire by a participating police department, but must serve the full probationary period required under [13 AAC 85.040\(b\)\(3\)](#) before reapplying for certification.
- (f) A personnel action or subsequent personnel action regarding a police officer by the police officer's employer, including a decision resulting from an appeal of the employer's action, does not preclude the council from denying the police officer's basic certificate under this section.
- (g) In this section, "discharged" includes a termination initiated by the police officer's employer because the officer does not meet the standards in [13 AAC 85.010\(a\)](#) or (b).

13 AAC 85.110. Revocation of certificates

- (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 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).
- (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 medication not specifically prescribed to the person; or
 - (C) illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance; or
- (3) has been discharged, or resigned under threat of discharge, from employment as a police officer in this state or any other state or territory 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.
- (c) The executive director of the council may initiate proceedings under the [Administrative Procedure Act](#) for the revocation of a certificate issued by the council when the revocation complies with AS 18.65.130 - 18.65.290 and 13 AAC 85.005 - 13 AAC 85.120.
- (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 be rescinded for the following reasons:
 - (1) newly discovered evidence that by due diligence could not have been discovered before the effective date of the revocation;
 - (2) the revocation was based on a mistake of fact or law, or on fraudulent evidence; or
 - (3) conditions or circumstances have changed so that the basis for the revocation no longer exists.
- (e) If a petition for rescission is based on one or more of the reasons set out in (d) of this section, a hearing on the petition for rescission will be held before a hearing officer or the council. Following the hearing, the council will decide whether to rescind the revocation, and will state on the record at the hearing, or in writing, the reasons for the decision. If the revocation is rescinded, the petitioner is eligible for hire by a participating police department, but must serve the full probationary period required under [13 AAC 85.040](#)(b)(3) before applying for reinstatement of a basic, intermediate, or advanced certificate.
- (f) A personnel action or subsequent personnel action regarding a police officer by the police officer's employer, including a decision resulting from an appeal of the

employer's action, does not preclude the council from revoking the police officer's basic, intermediate, or advanced certificate under this section.

- (g) In this section, "discharged" includes a termination initiated by the police officer's employer because the officer does not meet the standards in [13 AAC 85.010](#)(a) or (b).

13 AAC 85.115. Effect on police officers of conviction of misdemeanor crime of domestic violence

Notwithstanding [13 AAC 85.010](#) (b)(1), [13 AAC 85.100](#)(b)(1), or [13 AAC 85.110](#)(b)(1), a police department may hire a person, and the council is not required to deny or revoke certification of a person, if the person clearly and convincingly establishes that, in connection with a conviction for a misdemeanor crime of domestic violence, the person

- (1) was not represented by counsel and did not, by guilty plea or otherwise, knowingly and intelligently waive the right to counsel;
- (2) was entitled to a jury trial, did not receive a jury trial, and did not, by guilty plea or otherwise, knowingly and intelligently waive the right to a jury trial; or
- (3) is not currently under any condition of an expungement, conviction set aside, pardon, or restoration of civil rights that expressly provides the person may not ship, transport, possess, or receive firearms, and the conviction
 - (A) has been expunged or set aside;
 - (B) is for an offense for which the person has been pardoned; or
 - (C) is for an offense for which the person has had civil rights restored that were lost upon the conviction.

13 AAC 85.120. Lapse of certificates

- (a) A basic, intermediate, or advanced certificate lapses if the holder is not employed as a police officer with a police department in this or another state or territory for a period of 12 consecutive months. For purposes of this subsection, "not employed" includes a suspension for disciplinary reasons.
- (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) as a condition of reinstatement if the person's certificate has been lapsed for 12 consecutive months or longer. A certificate expires if it has been lapsed for more than four years.

13 AAC 85.150. Definitions Redesignated as 13 AAC 85.900, 8/8/90.

13 AAC 85.200. Applicability

- (a) The requirements of [13 AAC 85.200](#) - [13 AAC 85.280](#), other than [13 AAC 85.215](#) and [13 AAC 85.235](#), apply to probation, parole, and correctional officers hired or rehired by the Department of Corrections on or after February 8, 1991 and those previously hired officers who seek to become certified after August 8, 1990. The

requirements of 13 AAC 85.215 and 13 AAC 85.235 do not apply to probation, parole, and correctional officers.

- (b) The requirements of 13 AAC 85.215 and 13 AAC 85.235 apply to municipal correctional officers hired or rehired by a municipality on or after October 12, 2001 and those previously hired officers who seek to become certified after April 12, 2001.
- (c) The requirements of 13 AAC 85.200 - 13 AAC 85.280, other than 13 AAC 85.210 and 13 AAC 85.230, apply only to municipal correctional officers employed by a municipality that has adopted an ordinance under AS 18.65.285. The requirements of 13 AAC 85.210 and 13 AAC 85.230 do not apply to municipal correctional officers.

13 AAC 85.210. Basic employment standards for probation, parole, and correctional officers

- (a) A person may not be hired as a probation, parole, or correctional officer unless the person meets the following minimum qualifications at the time of hire:
 - (1) is a citizen of the United States or a United States National;
 - (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 has passed a General Educational Development (GED) test;
 - (5) is 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 probation, parole, or correctional officer;
 - (6) has taken the Department of Corrections' psychological screening examination and is mentally capable of performing the essential functions of the job of probation, parole, or correctional officer and is free from any emotional disorder that may adversely affect the person's performance as a probation, parole, or correctional officer.
- (b) A person may not be hired as a probation, parole, or correctional officer if that person
 - (1) has been convicted of any felony or a misdemeanor crime of domestic violence by a civilian court of this state, the United States, or another state or territory, or by a military court;
 - (2) has been convicted by a civilian court of this state, the United States, or another state or territory, or by a military court, during the 10 years immediately before the date of hire as a probation, parole, or correctional

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

- (3) has illegally manufactured, transported, or sold a controlled substance, unless the person was under the age of 21 at the time of the act and the act occurred more than 10 years before the date of hire;
 - (4) within the five years before the date of hire, has illegally used a Schedule IA, IIA, IIIA, IVA or VA controlled substance, unless
 - (A) the person was under the age of 21 at the time of using the controlled substance; or
 - (B) 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;
 - (5) within the one year before the date of hire, has used marijuana, unless the person was under the age of 21 at the time of using marijuana;
 - (6) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, unless the denial, revocation, or surrender has been rescinded by the council under [13 AAC 85.270](#) or by the responsible certifying agency of the issuing jurisdiction; or
 - (7) is under suspension of a basic certificate in another jurisdiction, for the period of the suspension, unless the suspension has been rescinded by the responsible certifying agency of the issuing jurisdiction.
- (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 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,
- (1) the following information must be provided:
 - (A) proof of age, citizenship status, and applicable education;
 - (B) fingerprints on two copies of FBI Applicant Card FD-258; both cards must be forwarded to the automated fingerprint identification section of the Department of Public Safety;

- (C) a complete personal history of the person on a form supplied by the council;
 - (D) a complete medical history report of the person; the report must be provided to a licensed physician, advanced practice registered nurse, or physician assistant for use in conducting a physical examination of the person;
 - (E) information as to whether the person
 - (i) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, and whether the denial, revocation, or surrender, has been rescinded by the council under [13 AAC 85.270](#) or by the responsible certifying agency of the issuing jurisdiction; or
 - (ii) is under suspension of a basic certificate in another jurisdiction, for the period of the suspension, and whether the suspension, has been rescinded by the responsible certifying agency of the issuing jurisdiction;
- (2) a thorough personal history investigation of the person must be conducted to determine character traits and habits indicative of moral character and fitness as a probation, parole, or correctional officer; the investigation must include a check of
- (A) criminal history;
 - (B) warrants and warrants;
 - (C) job references from at least three previous employers unless the person has had less than three previous jobs;
 - (D) job references from all previous law enforcement or criminal justice system employers in the preceding 10 years; and
 - (E) at least two personal references; and
- (3) the person must take the Department of Corrections' psychological screening examination and the person must undergo an examination by a licensed psychiatrist or psychologist.
- (d) All information, documents, and reports provided or developed under (c) of this section must be placed in the permanent files of the Department of Corrections and must be available for examination, at any reasonable time, by representatives of the council. A copy of any criminal record discovered and of the following completed council forms must be sent to the council within 90 days after the date of each hire:

- (1) the medical examination report;
 - (2) the health questionnaire;
 - (3) the personal history statement;
 - (4) the psychological screening report; and
 - (5) verification of a psychological or psychiatric examination report; and
 - (6) the compliance form to record the agency's compliance with (c)(1)-(3) of this section.
- (e) A probation, parole, or correctional officer must begin field training, using the Department of Corrections Field Training Manual, immediately after the date the officer is hired. The Field Training Manual must be completed and sent to the council within 12 months after the date the officer began work with the department.
- (f) The information in the council's files regarding an applicant or a probation, parole, or correctional officer is confidential, and available only for use by the council in carrying out the requirements of AS 18.65.130 - 18.65.290 and the regulations adopted under AS 18.65.130 - 18.65.290. However, training records and the documents listed in (c) and (d) of this section relating to an applicant or a probation, parole, or correctional officer may be reviewed by the applicant or officer. Information that indicates that a person might not qualify for certification as an officer, or that adversely reflects upon a person's ability to be a competent officer may be furnished by the council to a correctional agency. An officer or applicant may not review information in the council's files that was supplied to the council with the understanding that the information or the source of the information would remain confidential, except that any information that serves as the basis for a decision to deny or revoke certification will be revealed to the officer or applicant.
- (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 information contained on the forms will be used by the council for purposes of determining the applicant's eligibility for employment and certification.

13 AAC 85.215. Basic employment standards for municipal correctional officers

- (a) A person may not be hired as a municipal correctional officer unless the person meets the following minimum qualifications at the time of hire:
- (1) is a citizen of the United States or a United States National;
 - (2) is 19 years of age or older;
 - (3) is of good moral character;

- (4) is capable of reading and understanding operational rules and policies, and has demonstrated the ability to apply them;
 - (5) is certified by a licensed physician, advanced practice registered nurse, or physician's assistant on a medical record form supplied by the council to be physically capable of performing the essential functions of the job of municipal correctional officer;
 - (6) is mentally and emotionally capable of performing the essential functions of the job of municipal correctional officer and is free from any emotional disorder that may adversely affect the person's performance as a municipal correctional officer.
- (b) A person may not be hired as a municipal correctional officer if that person
- (1) has been convicted of any felony or a misdemeanor crime of domestic violence by a civilian court of this state, the United States, or another state or territory, or by a military court;
 - (2) has been convicted by a civilian court of this state, the United States, or another state or territory, or by a military court, during the three years immediately before the date of hire as a municipal correctional officer, of a crime of dishonesty or crime of moral turpitude, of a crime that resulted in serious physical injury to another person, or of two or more DUI offenses;
 - (3) has been convicted by a civilian court of this state, the United States, or another state or territory, or by a military court, of the sale, manufacture, transport, or possession for purposes of sale, manufacture, or transport of a controlled substance;
 - (4) within the three years before the date of hire, has illegally used a Schedule IA, IIA, IIIA, IVA or VA controlled substance, unless
 - (A) the person was under the age of 21 at the time of using the controlled substance; or
 - (B) 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;
 - (5) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, unless the denial, revocation, or surrender has been rescinded by the council under [13 AAC 85.270](#) or by the responsible certifying agency of the issuing jurisdiction; or
 - (6) is under suspension of a basic certificate in another jurisdiction, for the period of the suspension, unless the suspension has been rescinded by the responsible certifying agency of the issuing jurisdiction.

(c) A person hired as a municipal correctional officer may not remain employed in that position without written confirmation from the municipality, submitted within 30 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 30 day period, upon a written request by the municipality that explains the reason the extension is necessary, and if the council determines that the person will probably be able to meet the standards by the end of the extension period. If a municipality concludes at the end of an investigation that a person does not meet the required standards, the person may not continue employment as a municipal correctional officer. For purposes of determining whether a person meets the standards of (a) and (b) of this section,

(1) the following information must be provided:

- (A) proof of age, citizenship status, and applicable education;
- (B) fingerprints on two copies of FBI Applicant Card FD-258; both cards must be forwarded to the automated fingerprint identification section of the Department of Public Safety;
- (C) a complete personal history of the person on a form supplied by the council;
- (D) a complete medical history report of the person; the report must be provided to a licensed physician, advanced practice registered nurse, or physician's assistant for use in conducting a physical examination of the person;
- (E) information as to whether the person
 - (i) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, and whether the denial, revocation, or surrender has been rescinded by the council under [13 AAC 85.270](#) or by the responsible licensing agency of the issuing jurisdiction; or
 - (ii) is under suspension of a basic certificate in another jurisdiction, for the period of the suspension, and whether the suspension has been rescinded by the responsible certifying agency of the issuing jurisdiction; and

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

- (A) criminal history;
- (B) warrants and warrants;

- (c) job references from at least three previous employers unless the person has had less than three previous jobs; and
 - (d) at least two personal references.
- (d) All information, documents, and reports provided or developed under (c) of this section must be placed in the permanent files of the municipality and must be available for examination, at any reasonable time, by representatives of the council. A copy of any criminal record discovered and of the following completed council forms must be sent to the council within 30 days after the date of each hire:
 - (1) The medical examination report;
 - (2) The health questionnaire;
 - (3) The personal history statement; and
 - (4) the compliance form to record the agency's compliance with (c)(1) and (2) of this section.
- (e) A municipal correctional officer must begin field training, using the Department of Corrections Municipal Correctional Officers Field Training Manual, immediately after the date the officer is hired. The Municipal Correctional Officers Field Training Manual must be completed and sent to the council within six months after the date the officer began work with the municipality.
- (f) Except if the employing municipality by ordinance makes that information public, the information in the council's files regarding an applicant or a municipal correctional officer is confidential, and available only for use by the council in carrying out the requirements of AS 18.65.130 - 18.65.290 and 13 AAC 85.200 - 13 AAC 85.280. However, training records and the documents listed in (c) and (d) of this section relating to an applicant or a municipal correctional officer may be reviewed by the applicant or the officer. Information that indicates that a person might not qualify for certification as an officer, or that adversely reflects upon a person's ability to be a competent officer may be furnished by the council to a correctional agency. An officer or applicant may not review information in the council's files that was supplied to the council with the understanding that the information or the source of the information would remain confidential, except that any information that serves as the basis for a decision to deny or revoke certification will be revealed to the officer or applicant.
- (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.

13 AAC 85.220. Permanent employment for probation, parole, correctional, and municipal correctional officers

- (a) A person may not be granted permanent status as a

- (1) probation, parole, or correctional officer unless the person has a current basic certificate issued by the council under [13 AAC 85.230](#); or
 - (2) municipal correctional officer unless the person has a current basic certificate issued by the council under [13 AAC 85.235](#).
- (b) Unless an extension is granted under (c) of this section, a person may not be employed for more than 14 consecutive months as a
- (1) probation, parole, or correctional officer without a current basic certificate issued by the council under [13 AAC 85.230](#); or
 - (2) municipal correctional officer without a current basic certificate issued by the council under [13 AAC 85.235](#).
- (c) The council will grant an extension for employment for longer than 14 months if the chief administrative officer of the correctional agency 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.

13 AAC 85.230. Basic, intermediate, and advanced certification for probation, parole, and correctional officers

- (a) The council will issue a basic certificate to a probation, parole, or correctional officer meeting the standards set out in this section. No certificate will be issued unless documents required under 13 AAC 85.210 are submitted to the council.
- (b) To be eligible for the award of a basic correctional officer certificate, an applicant must
 - (1) successfully complete the Department of Corrections basic correctional officer training program meeting the standards set out in [13 AAC 87.010](#) and field training required by [13 AAC 85.210](#);
 - (2) be a full-time, paid correctional officer of a correctional agency in Alaska;
 - (3) have worked 12 consecutive months as a correctional officer on a probationary status with the correctional agency where the applicant is employed at the time of application for certification;
 - (4) meet the basic employment standards set out in [13 AAC 85.210](#); and
 - (5) attest and subscribe to the correctional, probation, and parole officer Code of Ethics.
- (c) To be eligible for the award of a basic probation or parole officer certificate, an applicant must

- (1) successfully complete the Department of Corrections basic probation and parole officer training program meeting the standards set out in [13 AAC 87.010](#) and field training required by [13 AAC 85.210](#);
 - (2) be a full-time, paid probation or parole officer of the Department of Corrections;
 - (3) have worked 12 consecutive months on a probationary status with the Department of Corrections as a probation or parole officer; and
 - (4) meet the basic employment standards set out in [13 AAC 85.210](#); and
 - (5) attest and subscribe to the correctional, probation, and parole officer Code of Ethics.
- (d) The correctional, probation, and parole officer Code of Ethics is:

As a correctional, probation, or parole officer, my fundamental duty is to respect the dignity and individuality of all people, to provide professional and compassionate service, and to be unfailingly honest. I will not discriminate against any person on the basis of race, religion, color, national origin, sex, age, physical or mental disability, marital status, changes in marital status, or pregnancy or parenthood, and will respect and protect the civil and legal rights of all inmates, probationers, and parolees. I will respect the right of the public to be safeguarded from criminal activity, and will be diligent in recording and making available for review all case information that could contribute to sound decisions affecting the public safety, or an inmate, probationer, or parolee. I will maintain the integrity of private information, and will neither seek personal data beyond that needed to perform my duties, nor reveal case information to anyone not having a proper professional use for the information. In making public statements, I will clearly distinguish between those that are my personal views and those that are made on behalf of the agency. I will not use my official position to secure privileges or advantages for myself, and will not accept any gift or favor that implies an obligation inconsistent with the objective exercise of my professional duties. I will not act in my official capacity in any matter in which I have a personal interest that could in the least degree impair my objectivity. I will not engage in undue familiarity with inmates, probationers, or parolees. I will report any corrupt or unethical behavior of a fellow correctional, probation, or parole officer that could affect either an inmate, probationer, or parolee, or the integrity of the agency, but will not make statements critical of colleagues or other criminal justice agencies unless the underlying facts are verifiable. I will respect the importance of, and cooperate with, all elements of the criminal justice system, and will develop relationships with colleagues to promote mutual respect for the profession and improvement of the quality of service provided.

- (e) The council will recognize college credits or degrees awarded by an institution of higher learning towards satisfaction, in whole or in part, of the minimum number of hours required under [13 AAC 87.060](#) (a), if
- (1) those credits or degrees are shown, to the council's satisfaction, to provide instruction in subject areas described in [13 AAC 87.060](#) that is substantially

equivalent to a training program that has received certification under [13 AAC 87.010](#); and

- (2) the institution is accredited by a regional or national accrediting agency recognized by the United States Secretary of Education.

(f) To be eligible for an intermediate certificate, a probation, parole, or correctional officer must

- (1) be a full-time paid probation, parole, or correctional officer in this state;
- (2) possess a basic certificate; and
- (3) have acquired either or both of the following, subject to (k) of this section, and except that training hours earned while attending a basic academy do not count towards an intermediate certificate:
 - (A) the following minimum number of years of experience as a probation, parole, or correctional officer, minimum education points, and minimum training hours:

Minimum years of experience	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 an officer and a minimum of 20 training hours for each year of officer experience.

(g) To be eligible for an advanced certificate, an applicant must

- (1) be a full-time paid probation, parole, or correctional officer in this state;
- (2) possess a basic and intermediate certificate; and
- (3) have acquired either or both of the following, subject to (k) of this section, and except that training hours earned while attending a basic academy do not count towards an advanced certificate:
 - (A) the following minimum number of years of experience as a probation, parole, or correctional officer, minimum education points, and minimum training hours:

Minimum years of experience	Four	Six	Nine	11	13
Minimum education points in college credit	Master's 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 an officer and a minimum of 20 training hours for each year of police officer experience.**

(h) **Repealed 9/24/2016**

(i) **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 will be recognized by the council. College credits awarded for advanced, supervisory, management, executive, or specialized law enforcement courses may 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.**

(j) **All training must be documented, and the course must have been completed successfully by the applicant.**

(k) **After a basic certificate is awarded, an officer must achieve the prescribed training hours towards the next level of certification. After an intermediate certificate is awarded, an officer must achieve the prescribed training hours for an advanced certificate. The officer may not count the same hours towards each subsequent level of certification.**

13 AAC 85.232. Supervisory and Management Certification

(a) **The council will issue a supervisory or management certificate to a probation, parole, or correctional officer meeting the standards set forth in (b) or (c) of this section. No certificate will be issued unless documents required under 13 AAC 85.210 are submitted to the council.**

(b) **To be eligible for a supervisory certificate, an applicant must:**

(1) **be a full-time paid a probation, parole, or correctional officer in this state;**

(2) **possess an intermediate or advanced certificate;**

- (3) have been employed full-time as the direct supervisor of at least one other a probation, parole, or correctional officer for twelve (12) months, or longer;
 - (4) have successfully completed a council approved first-line supervisor course consisting of at least 80 hours of instruction; and
 - (5) have completed at least 40 hours of additional APSC approved training in addition to those previously relied upon for intermediate or advanced officer certification.
- (c) To be eligible for a management certificate, an applicant must:
- (1) be a full-time paid a probation, parole, or correctional officer in this state;
 - (2) possess a supervisory certificate;
 - (3) have been employed full-time as the direct supervisor of at least one first-line supervisor for twelve (12) months, or longer;
 - (4) have successfully completed council approved management level training consisting of at least 80 hours of instruction; and
 - (5) have completed at least 40 hours of additional APSC approved training in addition to those previously relied upon for prior certification.

13 AAC 85.235. Basic, intermediate, and advanced certificates for municipal correctional officers

- (a) The council will issue a basic certificate to a municipal correctional officer meeting the standards set out in this section. The council will not issue a certificate unless documents required under [13 AAC 85.215](#) are submitted to the council.
- (b) To be eligible for the award of a basic municipal correctional officer certificate, an applicant must
 - (1) successfully complete the Department of Corrections basic municipal correctional officer training program meeting the standards set out in [13 AAC 87.010](#) and field training required by [13 AAC 85.215](#);
 - (2) be a full time, paid municipal correctional officer employed by a correctional agency in the state;
 - (3) have worked 12 consecutive months as a municipal correctional officer on a probationary status with the municipality where the applicant is employed at the time of application for certification;
 - (4) meet the minimum employment standards set out in [13 AAC 85.215](#); and
 - (5) attest and subscribe to the municipal correctional officer Code of Ethics.

- (c) The municipal correctional officer Code of Ethics is: As a municipal correctional officer, my fundamental duty is to respect the dignity and individuality of all people, to provide professional and compassionate service, and to be unfailingly honest. I will respect the right of the public to be safeguarded from criminal activity, and will be diligent in recording and making available for review all case information that could contribute to sound decisions affecting the public safety, or an inmate. I will not unlawfully discriminate against any person on the basis of race, religion, color, national origin, gender, sexual orientation, age, physical or mental disability, marital status, changes in marital status, or pregnancy or parenthood, and will respect the civil and legal rights of all inmates. I will maintain the integrity of private information, and will neither seek personal data beyond that needed to perform my duties, nor reveal case information to anyone not having a proper professional use for the information. In making public statements, I will clearly distinguish between those that are my personal views and those that are made on behalf of the agency. I will not use my official position to secure privileges or advantages for myself, and will not accept any gift or favor that implies an obligation inconsistent with the objective exercise of my professional duties. I will not act in my official capacity in any matter in which I have a personal interest that could in the least degree impair my objectivity. I will not engage in undue familiarity with inmates. I will report any corrupt or unethical behavior of a fellow municipal correctional officer that could affect either an inmate or the integrity of the agency, but will not make statements critical of colleagues or other criminal justice agencies unless the underlying facts are verifiable. I will respect the importance of, and cooperate with, all elements of the criminal justice system, and will develop relationships with colleagues to promote mutual respect for the profession and improvement of the quality of service provided.
- (d) The council will recognize college credits or degrees awarded by an institution of higher learning towards satisfaction, in whole or in part, of the minimum number of hours required under [13 AAC 87.080](#) (a), if
- (1) those credits or degrees are shown, to the council's satisfaction, to provide instruction in subject areas described in [13 AAC 87.080](#) that is substantially equivalent to the instruction required as part of a municipal correctional officer training program that has received certification under [13 AAC 87.010](#); and
 - (2) the institution is accredited by a regional or national accrediting agency recognized by the United States Secretary of Education.
- (e) **To be eligible for an intermediate certificate, a municipal correctional officer must**
- (1) **be a full-time paid municipal correctional officer in this state;**
 - (2) **possess a basic certificate; and**
 - (3) **have acquired either or both of the following, subject to (j) of this section, and except that training hours earned while attending a basic academy do not count towards an intermediate certificate:**

(c) the following minimum number of years of experience as a municipal correctional officer, minimum education points, and minimum training hours:

Minimum years of experience	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

(D) seven or more years of experience as an officer and a minimum of 20 training hours for each year of officer experience.

(£) To be eligible for an advanced certificate, an applicant must

- (1) be a full-time paid municipal correctional officer in this state;
- (2) possess a basic and intermediate certificate; and
- (3) have acquired either or both of the following, subject to (j) of this section, and except that training hours earned while attending a basic academy do not count towards an advanced certificate:

(A) the following minimum number of years of experience as a municipal correctional officer, minimum education points, and minimum training hours:

Minimum years of experience	Four	Six	Nine	11	13
Minimum education points in college credit	Master's 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 an officer and a minimum of 20 training hours for each year of officer experience.

(g) Repealed 9/24/2016

(h) 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 will be recognized by the council. College

credits awarded for advanced, supervisory, management, executive, or specialized law enforcement courses may 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.
- (i) All training must be documented, and the course must have been completed successfully by the applicant.
 - (j) After a basic certificate is awarded, an officer must achieve the prescribed training hours towards the next level of certification. After an intermediate certificate is awarded, an officer must achieve the prescribed training hours for an advanced certificate. The officer may not count the same hours towards each subsequent level of certification.

13 AAC 85.237. Supervisory and Management Certification

- (a) The council will issue a supervisory or management certificate to a municipal correctional officer meeting the standards set forth in (b) or (c) of this section. No certificate will be issued unless documents required under 13 AAC 85.215 are submitted to the council.
- (b) To be eligible for a supervisory certificate, an applicant must:
 - (1) be a full-time paid municipal correctional officer in this state;
 - (2) possess an intermediate or advanced certificate;
 - (3) have been employed full-time as the direct supervisor of at least one other municipal correctional officer for twelve (12) months, or longer;
 - (4) have successfully completed a council approved first-line supervisor course consisting of at least 80 hours of instruction; and
 - (5) have completed at least 40 hours of additional APSC approved training in addition to those previously relied upon for intermediate or advanced officer certification.
- (c) To be eligible for a management certificate, an applicant must:
 - (1) be a full-time paid municipal correctional officer in this state;
 - (2) possess a supervisory certificate;
 - (3) have been employed full-time as the direct supervisor of at least one first-line supervisor for twelve (12) months, or longer;
 - (4) have successfully completed council approved management level training consisting of at least 80 hours of instruction; and

- (5) **have completed at least 40 hours of additional APSC approved training in addition to those previously relied upon for prior certification.**

13 AAC 85.240. Waiver and reciprocity

- (a) The council may waive part or all of the training required under [13 AAC 85.230\(b\)\(1\)](#) or (c)(1) or [13 AAC 85.235\(b\)\(1\)](#) if an applicant furnishes evidence to the council's satisfaction of successful completion of an equivalent training program.
- (b) The council may enter into reciprocity agreements for certification with states that regulate or supervise the quality of probation, parole, correctional, or municipal correctional officer training and that require training standards for probation, parole, correctional, or municipal correctional officers equivalent to the standards set by the council.
- (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 years before the waiver was sought.

13 AAC 85.250. Personnel reports for probation, parole, correctional, and municipal correctional officers

- (a) Within 30 days after the date that a probation, parole, correctional, or municipal correctional officer is appointed by a correctional agency, the correctional agency shall notify the council in writing, on a form provided by the council, of the appointment of the officer.
- (b) A correctional agency shall notify the council within 30 days after the date that a probation, parole, correctional, or municipal correctional officer is no longer employed by the correctional agency. The notification to the council must state the reason the person is no longer employed as an officer by the correctional agency, including layoff of the officer, death of the officer, termination of the officer by the agency, or the officer's voluntary resignation. If the reason for the termination of employment is the voluntary resignation of the officer, the correctional agency must disclose in the notification if the resignation was to avoid an adverse action by the correctional agency. The correctional agency must also disclose in the notification if any resignation or termination involved a finding or allegation of dishonesty, misconduct, or a lack of good moral character.
- (c) A correctional agency may not formally or informally agree not to report to the council under this section.
- (d) Within 30 days after the allegation being sustained by administrative review, a correctional agency shall notify the council of an allegation of misconduct by an officer employed by that agency, if the misconduct alleged may be cause for revocation under [13 AAC 85.270](#)².

² The forms required in 13 AAC 85.250 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 <https://dps.alaska.gov/APSC/Home> .

- (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.

13 AAC 85.260. Determination of ineligibility or denial of certificate

- (a) The council may deny a basic certificate or find a correctional, probation, parole or municipal corrections officer job applicant ineligible for certification upon a finding that the applicant
 - (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 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.
- (b) The council will deny a basic certificate or find a correctional, probation, parole or municipal corrections officer job applicant ineligible for certification upon a finding that the applicant
 - (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 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, IVA, 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 85.210](#);
 - (4) 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 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.
- (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 correctional, probation, parole, or municipal corrections 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's review of that decision is controlled by the Administrative Procedure Act.
- (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:
- (1) newly discovered evidence that by due diligence could not have been discovered before the effective date of the denial;
 - (2) the denial was based on a mistake of fact or law, or on fraudulent evidence; or
 - (3) conditions or circumstances have changed so that the basis for the denial no longer exists.
- (e) If a petition for rescission is based on one or more of the reasons set out in (d) of this section, a hearing on the petition for rescission will be held before a hearing officer or the council. Following the hearing, the council will decide whether to rescind the denial, and will state on the record at the hearing, or in writing, the reasons for the decision. If the denial is rescinded, the applicant is eligible for hire by a correctional agency, but must serve the full probationary period required under [13 AAC 85.230](#) or [13 AAC 85.235](#), as applicable, before reapplying for certification.
- (f) A personnel action or subsequent personnel action regarding a probation, parole, correctional, or municipal correctional officer by the officer's employer, including a decision resulting from an appeal of the employer's action, does not preclude the council from denying the officer's basic certificate under this section.

- (g) In this section, "discharged" includes a termination initiated by the probation, parole, correctional, or municipal correctional officer's employer because the officer does not meet the standards in [13 AAC 85.210](#)(a) or (b).

13 AAC 85.270. Revocation of certificate

- (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 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 \(b\)](#).
- (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 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.
- (c) The executive director of the council may initiate proceedings under the [Administrative Procedure Act](#) for the revocation of a certificate issued by the council when the revocation complies with AS 18.65.130 - 18.65.290 and 13 AAC 85.200 - 13 AAC 85.280.
- (d) If a basic certificate was revoked under this section, the former probation, parole, correctional, or municipal correctional 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. The council may rescind a revocation for the following reasons:
 - (1) newly discovered evidence that by due diligence could not have been discovered before the effective date of the revocation;
 - (2) the revocation was based on a mistake of fact or law, or on fraudulent evidence; or
 - (3) conditions or circumstances have changed so that the basis for the revocation no longer exists.
- (e) If a petition for rescission is based on one or more of the reasons set out in (d) of this section, a hearing on the petition for rescission will be held before a hearing officer or the council. Following the hearing, the council will decide whether to rescind the revocation, and will state on the record at the hearing, or in writing, the reasons for the decision. If the revocation is rescinded, the petitioner is eligible for hire by a correctional agency, but must serve the full probationary period required under [13 AAC 85.230](#) or [13 AAC 85.235](#), as applicable, before applying for reinstatement of a basic certificate.
- (f) A personnel action or subsequent personnel action regarding a probation, parole, correctional, or municipal correctional officer by the officer's employer, including a decision resulting from an appeal of the employer's action, does not preclude the council from revoking the officer's basic certificate under this section.
- (g) In this section, "discharged" includes a termination initiated by the probation, parole, correctional, or municipal correctional officer's employer because the officer does not meet the standards in [13 AAC 85.210](#)(a) or (b).

13 AAC 85.275. Effect on probation, parole, correctional, and municipal correctional officers of conviction of misdemeanor crime of domestic violence

Notwithstanding [13 AAC 85.210](#) (b)(1), [13 AAC 85.215](#)(b)(1), [13 AAC 85.260](#)(b)(1), or [13 AAC 85.270](#) (b)(1), a person may be hired, and the council is not required to deny or revoke certification of a person, if the person clearly and convincingly establishes that, in connection with a conviction for a misdemeanor crime of domestic violence, the person

- (1) was not represented by counsel and did not, by guilty plea or otherwise, knowingly and intelligently waive the right to counsel;
- (2) was entitled to a jury trial, did not receive a jury trial, and did not, by guilty plea or otherwise, knowingly and intelligently waive the right to a jury trial; or
- (3) is not currently under any condition of an expungement, conviction set aside, pardon, or restoration of civil rights that expressly provides the person may not ship, transport, possess, or receive firearms, and the conviction
 - (A) has been expunged or set aside;
 - (B) is for an offense for which the person has been pardoned; or
 - (C) is for an offense for which the person has had civil rights restored that were lost upon the conviction.

13 AAC 85.280. Lapse of certificates

- (a) A basic certificate lapses if the holder is not employed as a probation, parole, correctional, or municipal correctional officer with a correctional agency for a period of 12 consecutive months. For purposes of this subsection, "not employed" includes a suspension for disciplinary reasons.
- (b) A person may request reinstatement of a lapsed certificate after serving an additional 12-month probationary period. The council may require supplemental training as a condition of reinstatement. A certificate expires if it has been lapsed for more than four years.

13 AAC 85.900. Definitions

In this chapter,

- (1) "controlled substance" means a controlled substance as defined in AS 11.71.900;
- (2) "correctional agency" means the Department of Corrections or a municipality that has adopted an ordinance under AS 18.65.285 that requires a person employed at a municipal correctional facility to meet the requirements of AS 18.65.130 - 18.65.290;
- (3) "correctional officer" has the meaning given in AS 18.65.290;
- (4) "council" means the Alaska Police Standards Council;

- (5) "felony" means a crime classified as a felony in Alaska 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 Alaska law 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;
- (6) repealed 8/8/2007;
- (7) "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;
- (8) "imitation controlled substance" means an imitation controlled substance as defined in AS 11.73.099;
- (9) "misdemeanor" means a crime classified as a misdemeanor in Alaska 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 Alaska law 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 Alaska 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 the age of 21;
- (10) repealed 8/8/2007;
- (11) "parole officer" has the meaning given in AS 18.65.290;
- (12) "participating police department" includes the Alaska Department of Public Safety and a police department of any political subdivision of the state that has not excluded itself under the provision of AS 18.65.280(b);
- (13) "police department" means a civil force of police officers organized by the state or a political subdivision of the state whose basic purpose and function is to maintain peace and order and to prevent and investigate criminal offenses;
- (14) "probation officer" (A) has the meaning given in AS 18.65.290; (B) includes a person who performs the duties of a pretrial services officer under AS 33.07 and whose Department of Corrections job classification is probation officer;
- (15) "probationary period" means employment as a police, probation, parole, correctional, or municipal correctional officer for a period of 12 consecutive months with a single police department or a single correctional agency; separation of less than 91 consecutive days will be considered unbroken;

- (16) "serious physical injury" means serious physical injury as defined in AS 11.81.900;
- (17) "undue familiarity" means developing, or attempting to develop, an intimate, personal, or financial relationship, or otherwise failing to maintain an appropriate professional relationship;
- (18) "DUI offense" means an offense AS 28.35.030 or another law or ordinance with substantially similar elements, or and offense of refusal to submit to a chemical test under AS 28.35.032 or another law or ordinance with substantially similar elements;
- (19) repealed 8/8/2007;
- (20) "crime of domestic violence" has the meaning given in AS 18.66.990;
- (21) "criminal justice activity" has the meaning given in AS 12.62.900;
- (22) "deadly weapon" has the meaning given in AS 11.81.900(b);
- (23) "expunged" 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;
- (24) "force" has the meaning given in AS 11.81.900(b);
- (25) "jurisdiction" means a state, territory, or commonwealth of the United States;
- (26) "municipal correctional officer" has the meaning given in AS 18.65.290;
- (27) "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;
- (28) "crime of moral turpitude" means a felony and any other crime that contains reckless, knowing, or intentional as the culpable mental element;
- (29) "surrendered" means to have voluntarily relinquished a certificate issued under AS 18.65 and this chapter, or a similar provision of the law of the issuing jurisdiction, to avoid possible revocation of the certificate.

13 AAC 87.010. Certification of basic training programs

(a) An institution or government agency that offers a program of instruction in basic law enforcement subjects that meets the requirements of the classroom phase of the basic program provided for in [13 AAC 85.050](#)(a) and (b), [13 AAC 87.060](#), [13 AAC 87.080](#), or [13 AAC 89.040](#), and to qualify students for a police officer basic certificate under [13 AAC 85.040\(b\)](#), a probation, parole, or correctional officer certificate under [13 AAC 85.230](#), a municipal correctional officer certificate under [13 AAC 85.235](#); or a village police officer certificate under [13 AAC 89.030](#), shall apply for certification by the council and shall comply with the requirements of this chapter.

- (b) An application for certification under this section shall be submitted on a form prescribed by the council and must be accompanied by the following information, where applicable:
- (1) the name of the institution or government agency, its governing body, and its instructors;
 - (2) institution or government agency policy and regulations with respect to leave, absences, class cuts, make-up work, tardiness, and interruptions for unsatisfactory attendance;
 - (3) institution or government agency policy and regulations with respect to standards of progress required of students, including the policy or regulation setting out the grading system of the institution or government agency, the minimum grades considered satisfactory, conditions requiring interruption of training for unsatisfactory grades or progress, the probationary period, if any, allowed by the institution or government agency, and conditions of re-entrance for those students dismissed for unsatisfactory progress;
 - (4) institution or government agency policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct;
 - (5) a detailed schedule of fees, charges for tuition, books, supplies, tools, student activities, service charges, rentals, deposits, and all other charges;
 - (6) a description of the available space, facilities, and equipment; and
 - (7) an outline for each course which is part of the program, describing the content, skill to be achieved, and approximate classroom hours to be spent on each topic.
- (c) The council may approve an institution or government agency's application for certification of a program of instruction as meeting the requirements of the basic program provided for in [13 AAC 85.050](#)(a) and (b), [13 AAC 87.060](#), [13 AAC 87.080](#), or [13 AAC 89.040](#), if the institution or government agency and the program meet the following criteria, where applicable:
- (1) the courses, curriculum, and instruction are adequate in content, quality, and length to provide students with the education and training necessary to become successful, knowledgeable, and effective officers;
 - (2) the program of instruction meets the requirements of [13 AAC 85.050](#)(a) and (b), [13 AAC 87.060](#), [13 AAC 87.080](#), or [13 AAC 89.040](#);
 - (3) the institution or government agency has adequate space, equipment, instructional materials, and instructor personnel to provide training of good quality;
 - (4) the directors and administrators have adequate training and experience, and the instructors are certified under [13 AAC 87.040](#);

- (5) a copy of the program outline, schedule of tuition, fees and other charges, regulations pertaining to absences, grading policy, and rules of operation and conduct are furnished to students upon enrollment;
 - (6) adequate records are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced;
 - (7) written examinations are required of each student in those courses for which written examinations are appropriate, and practical tests are required in those courses such as firearms training where practical tests are appropriate;
 - (8) the institution or government agency gives its students, upon successful completion of the program, a certificate indicating that the program of instruction was satisfactorily completed;
 - (9) a certificate of successful completion is not awarded by the institution or government agency except in compliance with [13 AAC 85.050\(c\)](#), [13 AAC 87.060\(c\)](#), [13 AAC 87.080\(b\)](#), or [13 AAC 89.040\(b\)](#);
 - (10) the institution or government agency is financially sound and capable of fulfilling its commitments for training; and
 - (11) the institution or government agency furnishes the council, not later than seven days after the completion of each program, a roster of those students who attended; the roster must show the full name, rank, department, and examination scores for each student who attended the program, and must be signed by the institution director or coordinator.
- (d) An institution or government agency is subject to periodic inspection by the council or its representatives to assure compliance with this section.

13 AAC 87.020. Certification of other training programs

- (a) The council may certify programs of instruction designed to provide officers with continuing education and training in supervisory, mid-management, executive, specialized, and in-service subjects.
- (b) An application by an institution or government agency for certification of a program of instruction under this section must be submitted on a form prescribed by the council and must be accompanied by the information specified in [13 AAC 87.010\(b\)\(1\) - \(7\)](#).
- (c) The council will, in its discretion, approve the application of an agency or institution for certification of a program of instruction, if the program meets the following criteria:
 - (1) the courses, curriculum and instruction are adequate in content, quality and length to satisfy one or more of the purposes specified in (a) of this section;

- (2) the institution or government agency and the program are in compliance with the requirements of [13 AAC 87.010](#).
- (d) The institution or government agency shall be subject to periodic inspection by the council or its representatives to assure compliance with this section.

13 AAC 87.030. Financial assistance

- (a) The council will not give financial assistance to an institution or government agency for a police training program unless the program is certified by the council under this chapter or the program is certified by a nationally recognized certifying body.
- (b) The council will not give financial assistance to an institution or government agency for a training program unless it is made available to all qualified officers, except that the agency or institution may limit class size. An agency or institution of the state or a municipality that maintains a training program primarily for training its own officers may give preference to its own officers in enrollment.

13 AAC 87.040. Certification of instructors

- (a) The council will certify instructors considered qualified to teach in one or more of the prescribed training courses on the basis of the standards provided in this section.
- (b) Instructors are eligible for certification if they meet the following minimum qualifications in the areas of education, training, and experience:
 - (1) a person applying for certification to teach law enforcement subjects, including patrol, investigation, corrections, or the use of firearms must have
 - (A) a high school diploma or its equivalent;
 - (B) three years' experience in a public safety-related field;
 - (C) verified instructor training in each subject to be taught;
 - (D) 40 hours of instructor development training approved by the council, including training in the areas of communication, psychology of learning, techniques of instruction, use of instructional aids, preparation and use of lesson plans, preparing and administering tests, teaching resources, and motivation; and
 - (E) a recommendation by the director of a training program certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#), or by the applicant's government law enforcement agency head;
 - (2) a person applying for certification to teach general subjects, including management, human relations, or administration, must have
 - (A) a baccalaureate degree;
 - (B) three years' experience in the subject to be taught; and

- (c) a recommendation by the law enforcement government agency head or the director of a training program certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#).
- (c) The council may, upon written application, waive any part of the requirements of (b) of this section if it finds that a person, although not meeting all of the eligibility requirements, is otherwise qualified to be an instructor.
- (d) The director of a training program certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#) must supervise all instructors to ensure that instructional excellence is maintained.
- (e) The council may revoke instructor certification whenever an instructor is found by the council to be no longer qualified. The executive director of the council may initiate proceeds under the Administrative Procedure Act (AS 44.62) for the revocation of a certificate issued by the council when the revocation complies with AS 18.65.130 – AS 18.65.290 and 13 AAC 85.005 – 13 AAC 89.150. The council will consider revocation of instructor certification if:
 - (1) an instructor is terminated or asked to resign, or resigns instead of discharge for cause by his employer;
 - (2) there is a recommendation to revoke certification by the director of a training program certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#) or by the instructor's employer for failure to provide adequate instruction; or
 - (3) the holder of the instructor certificate falsified or omitted information required to be provided on an application for certification or on supporting documents.
- (f) Repealed 10/18/81.
- (g) A person who is currently certified or licensed by this state or a nationally recognized certifying body need not be certified by the council to teach the subject for which the person is certified or licensed.
- (h) The director of a training program certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#) must furnish the council documentary verification of the certification or licensure of a person specified in (g) of this section before council approval as an instructor will be considered.
- (i) An instructor certificate becomes inactive if the holder of the certificate does not instruct at least one course certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#) during a period of three consecutive years. Course instruction must be documented and submitted to the council not later than 30 days after the date of the last day of the course instruction on a form provided by the council.
- (j) An inactive instructor certificate may be reactivated upon written request of the director of a training program certified under [13 AAC 87.010](#) or [13 AAC 87.020](#), or of the applicant's law enforcement government agency head, if the applicant

instructs at least one course certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#) under direct supervision of a currently certified instructor.

- (k) An instructor used on a one-time basis for a specialized subject area of a training program may be classified as a guest lecturer. Requirements for application and certification as an instructor do not apply to a guest lecturer. A guest lecturer is defined as a person who, by reason of position or experience, can make a worthwhile contribution to a training program. A guest lecturer must be experienced in a specialized area and the instruction limited to that area of experience.

13 AAC 87.050. Repealed 4/6/2018.

13 AAC 87.060. Basic training program

- (a) The basic training program of instruction for correctional officers must include
- (1) an initial program of instruction, that is provided by the Department of Corrections and that a correctional officer must complete within 30 days after the date of hire; the program consists of a minimum of 40 hours of instruction and must include the following topics of instruction:
 - (A) cardiopulmonary resuscitation (CPR), blood borne pathogens, and first aid instruction sufficient to qualify the correctional officer for a council-approved basic first aid certificate;
 - (B) professional code of conduct, including prohibition of sexual harassment and core values of a correctional professional;
 - (C) use of force policy overview,
 - (D) avoiding offender set-ups;
 - (E) incident command system;
 - (F) the federal Prison Rape Elimination Act (PREA);
 - (G) suicide awareness; and
 - (H) authorized employee property; and
 - (2) a correctional officer academy that the correctional officer must complete before the officer completes their probationary period; the correctional officer academy consists of a minimum 200 hours of instruction and must include the following topics of instruction:
 - (A) security procedures, custody, and supervision of inmates;
 - (B) use of force, firearms certification, other less lethal weapons certification, and use of restraints;
 - (C) communication skills and techniques, report writing, and record keeping;

- (D) officer safety and security, control techniques, mental health and suicide prevention, and emergency procedures;
 - (E) diversity and disability awareness in compliance with the requirements of AS 18.65.220;
 - (F) legal issues, including the provisions of [22 AAC 05](#) and [AS 33](#); and
 - (G) reentry and supervision standards.
- (b) The basic training program of instruction for probation and parole officers must include:
- (1) an initial program of instruction, that is provided by the Department of Corrections and that a probation or parole officer must complete within 30 days after the date of hire; the program consists of a minimum of 40 hours of instruction and must include the following topics of instruction:
 - (A) cardiopulmonary resuscitation (CPR), blood borne pathogens and first aid instruction sufficient to qualify students for a council-approved basic first aid certificate;
 - (B) professional code of conduct, including prohibition of sexual harassment and core values of a correctional professional;
 - (C) use of force policy overview;
 - (D) avoiding offender set-ups;
 - (E) incident command system;
 - (F) the federal Prison Rape Elimination Act (PREA);
 - (G) suicide awareness;
 - (H) authorized employee property; and
 - (2) a probation and parole officer academy that a probation or parole officer must complete before completing the probation or parole officer's probationary period; the probation and parole officer academy consists of a minimum 200 hours of instruction and must include the following topics of instruction:
 - (A) risk assessment;
 - (B) interviewing and counseling techniques;
 - (C) firearms familiarization and safety;
 - (D) overview of the criminal justice system;
 - (E) use of force, other less lethal weapons certifications, and use of restraints;

- (F) communication skills and techniques, report writing and record keeping;
 - (G) officer safety and security, control techniques, mental health and suicide prevention, and emergency procedures;
 - (H) diversity and disability awareness in compliance with the requirements of AS 18.65.220;
 - (I) legal issues, reentry, and supervision standards; and
 - (J) techniques of supervision.
- (c) To receive credit for the probation, parole, or correctional officer training program for purposes of certification under [13 AAC 85.230](#), a person must attend all sessions of the course, except for absences approved by the head of the program, and be awarded a certificate of graduation by the head of the program. A person may not be certified for successful completion of the probation, parole, or correctional officer training program if the person
- (1) has excused absences exceeding 10 percent of the total hours of instruction;
 - (2) fails to achieve a passing grade of 70 percent or higher in each block of 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 program.

13 AAC 87.070. Repealed 4/6/2018

13 AAC 87.075. Repealed 4/6/2018

13 AAC 87.080. Municipal correctional officer academy requirements.

- (a) The basic program of instruction for municipal correctional officers must include a minimum of 120 hours of instruction and must include the following topics of instruction;
- (1) security and search procedures,
 - (2) supervision of inmates;
 - (3) use of force and methods of self-defense;
 - (4) diversity and disability awareness in compliance with the requirements of AS 18.65.220;
 - (5) report writing;
 - (6) rights and responsibilities of inmates;

- (7) fire and emergency procedures;
 - (8) domestic violence;
 - (9) communication skills and interpersonal relations;
 - (10) special needs inmates;
 - (11) recognition of the signs and symptoms of mental illness and cognitive disability;
 - (12) substance abuse;
 - (13) physical deficiencies;
 - (14) suicide-prone behavior and suicide prevention;
 - (15) the federal Prison Rape Elimination Act (PREA);
 - (16) cross-cultural awareness;
 - (17) legal issues and liability;
 - (18) cardiopulmonary resuscitation (CPR); and,
 - (19) first aid instruction sufficient to qualify students for a standard Red Cross first aid certificate or a council-approved equivalent.
- (b) To receive credit for the municipal correctional officer training program for purposes of certification under [13 AAC 85.235](#), a person must attend all sessions of the course, except for absences approved by the head of the program, and be awarded a certificate of graduation by the head of the program. A person may not be certified for successful completion of the municipal correctional officer program if the person
- (1) has excused absences exceeding 10 percent of the total hours of instruction;
 - (2) fails to achieve a passing grade of 70 percent or higher in each block of instruction; or
 - (3) fails to achieve a cumulative average of 70 percent or higher.

13 AAC 87.085. Repealed 4/6/2018

13 AAC 87.090. Definitions

In this chapter "council" means the Alaska Police Standards Council.

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 United States National;
 - (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 ;
 - (4) has never 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; a felony conviction in another jurisdiction for an offense that is not a felony in this state does not necessarily bar certification unless the felony conviction was for a crime of dishonesty or a crime that resulted in serious physical injury or a threat of serious physical injury;
 - (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 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 of hire as a village police officer by a village unless the person's certificate has been reinstated by the council.

13 AAC 89.020. Employment for village police officers

- (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) (4) contact the council to confirm the applicant's eligibility for appointment and certification.
- (b) A village may not employ a village police officer for a period of more than 12 consecutive months unless the officer has been certified under [13 AAC 89.030](#).
- (c) Separation 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).

13 AAC 89.030. Certification of village police officers

- (a) The council will issue a certificate as a village police officer to an applicant who
 - (1) is, at the time of application, a full-time paid village police officer employed by a village and has satisfactorily completed 12 consecutive months of probation as a village police officer with that village immediately before application;
 - (2) meets the requirements of [13 AAC 89.010](#);
 - (3) successfully completes a training program meeting the requirements of [13 AAC 89.040](#); and
 - (4) attests that he subscribes to the Law Enforcement Code of Ethics set out in [13 AAC 85.040\(b\)\(5\)](#).
- (b) Repealed 1/15/95.

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
 - (1) (1) alcohol and drug interdiction;
 - (2) (2) arrest procedures;
 - (3) (3) constitutional rights and administration of justice;
 - (4) (4) crime scene investigation;
 - (5) (5) criminal complaints;
 - (6) (6) criminal law and procedure;
 - (7) (7) defensive tactics and use of force;
 - (8) (8) disability awareness, in compliance with the requirements of AS 18.65.220;
 - (9) (9) domestic violence, in compliance with the requirements of AS 18.65.240;

- (10) (10) procedures regarding persons suspected of driving under the influence;
 - (11) (11) ethics and cultural diversity;
 - (12) (12) fire prevention and fire extinguishers;
 - (13) (13) first aid;
 - (14) (14) interview techniques;
 - (15) (15) juvenile procedures;
 - (16) (16) patrol procedures;
 - (17) (17) police tools such as oleoresin capsicum, baton, and handcuffs;
 - (18) (18) report writing and police notebooks;
 - (19) (19) search and rescue;
 - (20) (20) search-and-seizure and evidence procedures; and
 - (21) (21) sexual assault, in compliance with the requirements of AS 18.65.240.A person shall attend all sessions of the training required in
- (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 required in (a) of this section.

13 AAC 89.050. Village public safety officer training program Repealed
10/18/1981.

13 AAC 89.060. Extension and reciprocity

- (a) The council will, in its discretion, upon written application from a village, grant an extension for obtaining certification to an officer if the officer is unable to complete the required training within the first 12 months of employment due to illness, injury, or other emergency, or if the officer is unable to complete training because of temporary understaffing in his department.
- (b) The council will, in its discretion, accept other police officer training that equals or exceeds that required in [13 AAC 89.040](#) in partial or complete substitution for the training required in that regulation.

13 AAC 89.070. Denial, revocation, and lapse of certificates

- (a) The council will, in its discretion, deny or revoke a village police officer certificate upon a finding that the officer
 - (1) falsified or intentionally omitted information on an application or other document required to be filed for certification;

- (2) has been discharged, has been asked to resign, or has resigned in place of discharge from a police department; or
 - (3) does not meet the requirements of [13 AAC 89.010\(a\)](#).
- (b) The holder of a certificate shall immediately return the certificate to the council upon notification of revocation.
- (c) A certificate lapses if the holder is not employed as a full-time village police officer for 12 consecutive months.
- (d) A person may request reinstatement of a lapsed certificate after serving an additional probationary period as required by the council. The council will, in its discretion, require supplemental training as a condition of reinstatement.

13 AAC 89.080. Personnel reports and training records

- (a) Within 30 days of the date of hire of a village police officer, the hiring authority shall notify the council on a form supplied by the council, except in those instances where a public record of the appointment would jeopardize the officer or the assignment. The employing agency shall notify the council within 30 days following termination of an officer for any reason.
- (b) Before completion of the basic training program required in [13 AAC 89.030\(a\)\(3\)](#), each village police officer must be fingerprinted on two Federal Bureau of Investigation applicant cards (FD-258) and shall, on a form supplied by the council,
 - (1) complete a personal history statement;
 - (2) complete a medical history statement; and
 - (3) attest that the officer subscribes to the Law Enforcement Code of Ethics set out in [13 AAC 85.040\(b\)\(5\)](#).
- (c) The documents required by (b) of this section must be forwarded to the council. The fingerprint cards will be forwarded by the council to the Department of Public Safety and the Federal Bureau of Investigation for record checks. The documents required by this section, following evaluation by the council, will be forwarded to the officer's hiring authority for review, evaluation, and permanent retention.
- (d) 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 those statutes; however, a village police officer may review the officer's own records.
- (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.

13 AAC 89.140. Exemption

The provisions of this chapter do not apply to a village which has enacted an ordinance which specifically excludes it from [AS 18.65.130](#) - 18.65.290 if the village maintains a police training program which equals or exceeds the requirements of [13 AAC 89.040](#) and whose instructors are certified under [13 AAC 87.040](#).

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 Alaska 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.

Summary of DRAFT proposed regulatory changes regarding APSC Mandatory Annual In-Service Training

The intent of these changes is to assure police, village police, correctional, municipal correctional, and probation and parole officers maintain professional proficiency and annually demonstrate proficiency in high-liability perishable skills. Many, if not most, states mandate annual or bi-annual in-service training to retain certification or licensure. APSC has resisted doing so for many years because of the unique geographic challenges for officers travelling to training and the resulting financial and manpower impacts. Nevertheless, most agencies continued to carry out their own in-service training programs; but did not report this training to APSC, resulting in incomplete APSC training records for officers. With the advent of computer-based distance learning, travel can be eliminated for many courses, and those courses can be taken as agency manpower allows.

The proposed changes are intended to allow the council to mandate eight hours of specific training for all certified officers each year, focusing on the most important and timely training needs for Alaskan law enforcement. Training courses in council-mandated topics would be provided at no cost to officers and agencies, normally through APSC's electronic learning management system. Agencies can mandate their own agency-specific training courses to round out an annual requirement of 12 hours of training for each certified officer. Additionally, officers equipped with firearms would be required to demonstrate proficiency (qualify) twice annually; those carrying less-lethal weapons would need to demonstrate to their agency their proficiency with those weapons annually; and those charged with making arrests or physically managing individuals in custody would have to annually demonstrate to their agency proficiency in related skills.

To assure compliance with training and reporting requirements, the proposed regulation would sanction an officer with temporary suspension of certification, following ample warning and opportunity for remediation, should they failure to comply with training requirements. Incorporating some of the language from the separately proposed certificate suspension regulations, this proposal would also prevent an officer from performing the duties of a certified officer while under certificate suspension, should it ever get to that point.

NOTE: the attached regulations were edited using track changes to help you understand the context of the proposed changes. They are for discussion purposes only and are NOT in the proper format for submission or formal publication.

Proposed changes to regulations regarding annual in-service training requirements for police, village police, correctional, municipal correctional, and probation and parole officers:

Amend 13 AAC 85.020 Permanent employment for police officers by adding a section that states:

- “(d) A participating police department may not assign any police duties, nor allow an officer to perform law enforcement duties, during any period which the officer’s certification has been suspended by the council.

13 AAC 85.110 Revocation of Certificates will be amended to:

Summary of DRAFT proposed regulatory changes regarding APSC Mandatory Annual In-Service Training

- Include “Suspend or” in front of each reference to revoking a certificate; and add language including failure to complete minimum annual training requirements proscribed by the council as cause for suspension or revocation

13 AAC 85.220. Permanent employment for probation, parole, correctional, and municipal correctional officers is amended by adding the following section:

- “A participating agency may not assign any probation, parole, correctional, or municipal correctional duties, nor allow an officer to perform those duties, during any period which the officer’s certification has been suspended by the council.”

Amends 13 AAC 85.270. Revocation of certificate and adds new sections to read:

- “The council may **suspend or** revoke a basic certificate upon a finding that the holder of the certificate ... fails to complete minimum annual training requirements proscribed by the council;

Amends 13 AAC 85.900 Definitions, to include the following:

- “(30) “suspension” of certification means the temporary or conditional termination of an officer’s authority to act in their official capacity. Suspension may be for a set time-period or may be conditioned upon the officer’s compliance with conditions established by the council.

A new section 13 AAC 87.084 is adopted:

- (a) To retain certification, every police, corrections, municipal corrections and probation/parole officer must complete a minimum of twelve (12) hours of council-approved continuing law enforcement training related to law enforcement every calendar year beginning January 1 following the date the officer was certified.

1. In addition to continuing training and education directed by participating agencies, this training must include a combined minimum of eight (8) hours of council-approved continuing law enforcement training in topics selected annually by the council based upon current issues and professional trends. The council may provide this training at no cost to participating agencies or an agency administrator may elect to provide their own council approved training to their officers on the required topics. Selected topics may include but are not limited to:

- (A) Recognizing and addressing implicit bias
- (B) Code of Ethics and professional conduct;
- (C) De-escalation, Use of Force, Duty to Intervene;
- (D) Recognizing patterns of behavior that may be related to mental or behavioral health issues or other disabilities;
- (E) First aid and cardiopulmonary resuscitation;
- (F) Statutory changes and court decisions impacting public safety;

Summary of DRAFT proposed regulatory changes regarding APSC Mandatory Annual In-Service Training

(G) Cultural awareness and diversity; or

(H) Prison Rape Elimination Act (PREA) and other federally mandated programs.

(b) Except as otherwise provided, in addition to completing the agency in-service training requirement in section (a), an officer must:

1. Review annually each policy of the employing agency which addresses the use of force in any situation in which the agency or the officer may become involved;
2. If the officer is authorized to use a firearm, at least biannually demonstrate a minimum level of proficiency in the use of each type of firearm they are authorized to use in compliance with the standards of agency policy. An officer who does not demonstrate a minimum level of proficiency with the use of any type of firearm they are authorized to use they may not carry or use that type of firearm until they participate in a remedial course established by the employing agency to ensure that the officer achieves and maintains a satisfactory level of proficiency;
3. If the officer is authorized to use an impact weapon, chemical weapon, electronic incapacitating device, or other less-lethal weapon, at least annually demonstrate a minimum level of proficiency in the use of each such weapon or device they are authorized to use in compliance with the standards of agency policy. An officer who does not demonstrate a minimum level of proficiency with the use of any such weapon they are authorized to use may not carry or use that weapon until they participate in a remedial course established by the employing agency to ensure that the officer achieves and maintains a satisfactory level of proficiency
4. If the duties of an officer require him or her to use arrest and control tactics, demonstrate annually a minimum level of proficiency in the use of arrest and control tactics, including, without limitation, techniques related to applying handcuffs, taking down suspects, self-defense and retention of weapons in compliance with the standards of agency policy.

(c) Each employing agency shall establish and provide the courses set forth in section (b) to its officers and establish the minimum level of proficiency that an officer must demonstrate in each course. Each course must be certified by the council as outlined in 13 AAC 87.020. Not later than 30 days from course completion each employing agency will report an officer's course completion to the council on a form provided by the council.

(d) An officer:

1. Who voluntarily leaves their employment as an officer for at least four (4) consecutive months but not more than twenty-four (24) consecutive months;
2. Whose employment as an officer is suspended or terminated for any reason for at least four (4) consecutive months but not more than twenty-four (24) consecutive months;

Summary of DRAFT proposed regulatory changes regarding APSC Mandatory Annual In-Service Training

3. Who, during a period of continuous employment as an officer, is absent from his or her duties as an officer because of medical leave, military leave, or other approved leave for at least four (4) consecutive months; or
 4. Who is hired, rehired or reinstated on or after July 1 of a reporting year, must satisfy the requirements of paragraphs 1-4 of section (b) before commencing or resuming his or her duties as an officer.
- (e) The employing agency shall ensure that its officers comply with the requirements of sections (a-b). After an officer completes the requirements of sections (a-b), the employing agency shall submit verification that the officer has completed the requirements to the council on a form provide by the council. Verification must be submitted on or before December 31 of the year in which the officer was required to complete the requirements of sections (a-b). The employing agency shall notify each officer of the requirements of this section and the penalties set forth in section (f-g) for failure to comply with this section.
- (f) If the council has not received verification that an officer has complete the requirements of sections (a-b) on or before December 31 of the year in which the officer was required to complete those requirements, the council shall notify the officer and administrator of the employing agency that the council has not received the verification required by section (e) and that if the verification is not received within sixty (60) days of notification, the council will immediately suspend the officer's certification until the officer or employing agency can provide the required verification.
- (g) Upon request of the council or its designee, the employing agency shall make available for inspection the records of all officers to verify that they have complied with the requirements of sections (a-b).

Amends 13 AAC 89.020. Employment for village police officers to add a section that reads:

- "(d) A participating village may not assign any police duties, nor allow a village police officer to perform law enforcement duties, during any period which the officer's certification has been suspended by the council.

Adopts a new section 13 AAC 89.055. Village police officer in-service training program

- (a) To retain certification, every village police officer must complete a minimum of eight (8) hours of council-approved continuing law enforcement training related to law enforcement every calendar year beginning January 1 following the date the officer was certified. Training will be made available to officers, at no cost, by the council under 13 AAC 87.090(a)(1).
- (b) Except as otherwise provided, in addition to completing the agency in-service training requirement in section (a), an officer must:
 1. Review annually each policy of the employing village which addresses the use of force in any situation in which the agency or the officer may become involved;

Summary of DRAFT proposed regulatory changes regarding APSC Mandatory Annual In-Service Training

2. If the officer is authorized to use a firearm, at least biannually demonstrate a minimum level of proficiency in the use of each type of firearm they are authorized to use in compliance with the standards of village policy. An officer who does not demonstrate a minimum level of proficiency with the use of any type of firearm they are authorized to use they may not carry or use that type of firearm until they participate in a remedial course established by the employing village to ensure that the officer achieves and maintains a satisfactory level of proficiency;
3. If the officer is authorized to use an impact weapon, chemical weapon, electronic incapacitating device, or other less-lethal weapon, at least annually demonstrate a minimum level of proficiency in the use of each such weapon or device they are authorized to use in compliance with the standards of village policy. An officer who does not demonstrate a minimum level of proficiency with the use of any such weapon they are authorized to use may not carry or use that weapon until they participate in a remedial course established by the employing village to ensure that the officer achieves and maintains a satisfactory level of proficiency
4. If the duties of an officer require them to use arrest and control tactics, demonstrate annually a minimum level of proficiency in the use of arrest and control tactics, including, without limitation, techniques related to applying handcuffs, taking down suspects, self-defense and retention of weapons in compliance with the standards of village policy.

(c) Villages shall report officer training to the council not later than 30 days after completion.

Amends 13 AAC 89.070. Denial revocation, and lapse of village police officer certificates to include suspension as an option and by adding cause as including “fails to complete minimum annual training requirements proscribed by the council;

Amends 13 AAC 89.150. Definitions by adding a new definition for “suspension:”

- “(15) “suspension” of certification means the temporary or conditional termination of an officer’s authority to act in their official capacity. Suspension may be for a set time-period or may be conditioned upon the officer’s compliance with conditions established by the council.”

Table of Contents

Table of Contents	1
APSC Administrative Code: Regulations	3
13 AAC 85.005. Applicability	3
13 AAC 85.010. Basic standards for police officers.....	3
13 AAC 85.020. Permanent employment for police officers	6
13 AAC 85.030. Permanent appointment Repealed 8/10/80.....	6
13 AAC 85.040. Basic, intermediate, and advanced certificates	6
13 AAC 85.050. Basic police officer academy	9
13 AAC 85.060. Waiver and reciprocity	11
13 AAC 85.070. Law enforcement code of ethics Repealed 8/10/80.....	12
13 AAC 85.080. Discrimination prohibited Repealed 8/10/80.	12
13 AAC 85.090. Personnel reports	12
13 AAC 85.100. Determination of ineligibility and denial of certificates.....	13
13 AAC 85.110. Revocation of certificates.....	14
13 AAC 85.115. Effect on police officers of conviction of misdemeanor crime of domestic violence ...	16
13 AAC 85.120. Lapse of certificates.....	17
13 AAC 85.150. Definitions Redesignated as 13 AAC 85.900, 8/8/90.	17
13 AAC 85.200. Applicability	17
13 AAC 85.210. Basic employment standards for probation, parole, and correctional officers	17
13 AAC 85.215. Basic employment standards for municipal correctional officers	21
13 AAC 85.220. Permanent employment for probation, parole, correctional, and municipal correctional officers	24
13 AAC 85.230. Basic certificate for probation, parole, and correctional officers	25
13 AAC 85.235. Basic certificate for municipal correctional officers.....	26
13 AAC 85.240. Waiver and reciprocity	28
13 AAC 85.250. Personnel reports for probation, parole, correctional, and municipal correctional officers	28
13 AAC 85.260. Determination of ineligibility or denial of certificate.....	29
13 AAC 85.270. Revocation of certificate	31

13 AAC 85.275. Effect on probation, parole, correctional, and municipal correctional officers of conviction of misdemeanor crime of domestic violence.....	33
13 AAC 85.280. Lapse of certificates.....	33
13 AAC 85.900. Definitions	33
13 AAC 87.010. Certification of basic training programs.....	35
13 AAC 87.020. Certification of other training programs	37
13 AAC 87.030. Financial assistance	38
13 AAC 87.040. Certification of instructors	38
13 AAC 87.050. Repealed 4/6/2018.....	40
13 AAC 87.060. Basic training program	40
13 AAC 87.070. Repealed 4/6/2018.....	42
13 AAC 87.075. Repealed 4/6/2018.....	42
13 AAC 87.080. Municipal correctional officer academy requirements.....	42
13 AAC 87.085. Repealed 4/6/2018.....	Error! Bookmark not defined.
13 AAC 87.090. Definitions	44
13 AAC 89.010. Basic standards for village police officers	46
13 AAC 89.020. Employment for village police officers.....	47
13 AAC 89.030. Certification of village police officers.....	47
13 AAC 89.040. Village police officer basic training program.....	48
13 AAC 89.050. Village public safety officer training program Repealed 10/18/1981.....	49
13 AAC 89.060. Extension and reciprocity.....	49
13 AAC 89.070. Denial, revocation, and lapse of certificates.....	50
13 AAC 89.080. Personnel reports and training records	50
13 AAC 89.140. Exemption	51
13 AAC 89.150. Definitions	51

APSC Administrative Code: Regulations

13 AAC 85.005. Applicability

The requirements of 13 AAC 85.005 - 13 AAC 85.120 do not apply to village police officers identified in [13 AAC 89](#), except as specifically provided in 13 AAC 89.

13 AAC 85.010. Basic standards for police officers

- (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 United States National;
 - (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 has passed a General Educational Development (GED) test;
 - (5) is 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.
- (b) A participating police department may not hire as a police officer a person
 - (1) who has been convicted of any 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 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, revocation, or surrender has

been rescinded by the council under [13 AAC 85.110](#) or by the responsible certifying 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 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 years before the date of hire, has illegally used a Schedule IA, IIA, IIIA, IVA, or VA controlled substance, 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.

(c) A participating police department has 30 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 grant an extension of the 30-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 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; 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, revocation, or surrender has been rescinded by the council under [13 AAC 85.110](#) or by the responsible certifying 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 has been rescinded by the responsible certifying agency of the issuing jurisdiction.
- (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 **not later than 30 days** after the date of each hire:
- (1) the medical examination report
 - (2) the health questionnaire
 - (3) the Personal History Statement
 - (4) the psychological record form; and
 - (5) the compliance form to record the agency's compliance with (c)(1)-(7) of this section.
- (e) A police officer shall enroll in a council-certified basic police training academy within six months of 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\(b\)\(3\)](#).
- (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 be furnished by the council to a federal, state, or local law enforcement agency that has hired or is considering hiring the person. A police officer or applicant may not review information in the council's files which was supplied to the council with the understanding that the information or the source of the information would remain confidential, except that any information that serves as the basis for a decision to deny or revoke certification will be revealed to the police officer or applicant.

- (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 information contained on the forms will be used by the council for purposes of determining the applicant's eligibility and qualifications for training, employment, and certification
- (h) The council will design and distribute forms to aid police departments in obtaining the information required in (c) of this section.

13 AAC 85.020. Permanent employment for police officers

- (a) A participating police department may not grant a person permanent status as a police officer unless the person has a current basic certificate issued by the council under [13 AAC 85.040](#).
- (b) A participating police department may not employ a person as a police officer for more than 13 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.
- (c) The council may grant an extension for employment for longer than 13 months to allow a police officer to complete the necessary training based upon a written request for extension from the chief administrative officer of the participating police department. The council may grant an extension, one-time only, not to exceed six months.
- (d) **A participating police department may not assign any police duties, nor allow an officer to perform law enforcement duties, during any period which the officer's certification has been suspended by the council.**

13 AAC 85.030. Permanent appointment Repealed 8/10/80.

13 AAC 85.040. Basic, intermediate, and advanced certificates

- (a) The council will issue a basic, intermediate, or advanced certificate to a police officer meeting the standards set forth in (b), (c), or (d) of this section. No certificate will be issued unless documents required under 13 AAC 85.010(d) are submitted to the council.
- (b) To be eligible for the award of a basic certificate, an applicant must

- (1) be a full-time paid police officer of a police department in this state;
- (2) meet the standards of [13 AAC 85.010](#)(a) and (b);
- (3) have worked 12 consecutive months on a probationary basis with the police department where the officer is employed at the time of application for certification;
- (4) have successfully completed, within 13 months of the applicant's date of hire as a police officer in this state, a council-certified basic police officer academy meeting the standards of [13 AAC 85.050](#) or [13 AAC 85.060](#);
- (5) attest and subscribe to the law enforcement Code of Ethics as follows:

As a law enforcement officer, my fundamental duty is to serve all people; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all people to liberty, equality, and justice. I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others.

Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty. I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities. I will recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself (before God)* to my chosen profession . . . law enforcement.

*The phrase in parentheses may be omitted.

(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.

(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 and 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's 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.

(e) Repealed 9/24/2016

(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 will be recognized by the council. College credits awarded for a basic police officer academy 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 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.
- (g) All training must be documented and the course must have been completed successfully by the applicant.
- (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.

13 AAC 85.050. Basic police officer academy

- (a) The basic police officer academy consists of a minimum of 650 continuous hours of instruction in basic law enforcement subjects.
- (b) The basic police officer academy must include the following topics of instruction:
- (1) disability awareness in compliance with the requirement of AS 18.65.220
 - (2) bloodborne pathogens
 - (3) ethics;
 - (4) constitutional law and civil rights;
 - (5) control tactics;
 - (6) Cardiopulmonary resuscitation (CPR), basic first aid, and use of and automated external defibrillator (AED);
 - (7) criminal investigation, including
 - (A) controlled substances;
 - (B) crimes against minors;
 - (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 of 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
- (c) To receive credit for the basic police officer academy, a person must attend all sessions of the academy, except for absences approved by the academy commander, and be awarded a certificate of graduation by the academy

commander. A person may not be certified for successful completion of the basic police academy 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.
- (d) The council may refuse to authorize admission to any council-certified basic police officer academy for any civilian applicant 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.

13 AAC 85.060. Waiver and reciprocity

- (a) The council may waive part or all of the basic police training academy requirements if an applicant furnishes satisfactory evidence that the applicant has successfully completed
- (1) an equivalent basic police training academy;
 - (2) a 12-consecutive-month probationary period with the police department the applicant is employed with in this state at the time of the waiver request;
 - (3) a council-certified, department-supervised 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 of 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 compliance with the requirements of AS 18.65.220
- (b) 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.
 - (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 years before the waiver was sought.
 - (d) Repealed 4/6/2018.

13 AAC 85.070. Law enforcement code of ethics Repealed 8/10/80.

13 AAC 85.080. Discrimination prohibited Repealed 8/10/80.

13 AAC 85.090. Personnel reports

- (a) Within 30 days after the date that a police officer is appointed by a participating police department, the police department's chief administrative officer, or the chief administrative officer's designee, shall notify the council in writing, on a form provided by the council, of the appointment of the police officer, unless a public record of the appointment would jeopardize the police officer or the police officer's assignment.
- (b) A participating police department shall notify the council within 30 days after the date that a police officer is no longer employed by the police department. The notification to the council must state the reason the person is no longer employed as a police officer by the police department, including layoff of the officer, death of the officer, termination of the officer by the police department, or the officer's voluntary resignation. If the reason for the termination of employment is the voluntary resignation of the officer, the police department must disclose in the notification if the resignation was to avoid an adverse action by the police department. The police department must also disclose in the notification if any resignation or termination involved a finding or allegation of dishonesty, misconduct, or lack of good moral character.
- (c) A participating police department may not formally or informally agree not to report to the council under this section.
- (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](#).¹

- (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.

13 AAC 85.100. Determination of ineligibility and 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
 - (1) falsified or omitted information required to be provided on the application for certification or on 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 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.
- (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
 - (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

¹ 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 <https://dps.alaska.gov/APSC/Agency-Forms>

- (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 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.
- (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's review of that decision is controlled by the Administrative Procedure Act.
- (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:
 - (1) newly discovered evidence that by due diligence could not have been discovered before the effective date of the denial;
 - (2) the denial was based on a mistake of fact or law, or on fraudulent evidence; or
 - (3) conditions or circumstances have changed so that the basis for the denial no longer exists.
- (e) If a petition for rescission is based on one or more of the reasons set out in (d) of this section, a hearing on the petition for rescission will be held before a hearing officer or the council. Following the hearing, the council will decide whether to rescind the denial, and will state on the record at the hearing, or in writing, the reasons for the decision. If the denial is rescinded, the petitioner is eligible for hire by a participating police department, but must serve the full probationary period required under [13 AAC 85.040\(b\)\(3\)](#) before reapplying for certification.
- (f) A personnel action or subsequent personnel action regarding a police officer by the police officer's employer, including a decision resulting from an appeal of the employer's action, does not preclude the council from denying the police officer's basic certificate under this section.
- (g) In this section, "discharged" includes a termination initiated by the police officer's employer because the officer does not meet the standards in [13 AAC 85.010\(a\)](#) or (b).

13 AAC 85.110. Suspension or revocation of certificates

- (a) **The council may suspend or 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 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;
 - (3) does not meet the standards in [13 AAC 85.010](#)(a) or (b); or
 - (4) **fails to complete minimum annual training requirements in compliance with 13 AAC 87.084**
- (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 medication not specifically prescribed to the person; or
 - (C) illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance; or
 - (3) has been discharged, or resigned under threat of discharge, from employment as a police officer in this state or any other state or territory 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.
- (c) The executive director of the council may initiate proceedings under the [Administrative Procedure Act](#) for the revocation of a certificate issued by the council when the revocation complies with AS 18.65.130 - 18.65.290 and 13 AAC 85.005 - 13 AAC 85.120.
- (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 be rescinded for the following reasons:

- (1) newly discovered evidence that by due diligence could not have been discovered before the effective date of the revocation;
 - (2) the revocation was based on a mistake of fact or law, or on fraudulent evidence; or
 - (3) conditions or circumstances have changed so that the basis for the revocation no longer exists.
- (e) If a petition for rescission is based on one or more of the reasons set out in (d) of this section, a hearing on the petition for rescission will be held before a hearing officer or the council. Following the hearing, the council will decide whether to rescind the revocation, and will state on the record at the hearing, or in writing, the reasons for the decision. If the revocation is rescinded, the petitioner is eligible for hire by a participating police department, but must serve the full probationary period required under [13 AAC 85.040](#)(b)(3) before applying for reinstatement of a basic, intermediate, or advanced certificate.
- (f) A personnel action or subsequent personnel action regarding a police officer by the police officer's employer, including a decision resulting from an appeal of the employer's action, does not preclude the council from revoking the police officer's basic, intermediate, or advanced certificate under this section.
- (g) In this section, "discharged" includes a termination initiated by the police officer's employer because the officer does not meet the standards in [13 AAC 85.010](#)(a) or (b).

13 AAC 85.115. Effect on police officers of conviction of misdemeanor crime of domestic violence

Notwithstanding [13 AAC 85.010](#) (b)(1), [13 AAC 85.100](#)(b)(1), or [13 AAC 85.110](#)(b)(1), a police department may hire a person, and the council is not required to deny or revoke certification of a person, if the person clearly and convincingly establishes that, in connection with a conviction for a misdemeanor crime of domestic violence, the person

- (1) was not represented by counsel and did not, by guilty plea or otherwise, knowingly and intelligently waive the right to counsel;
- (2) was entitled to a jury trial, did not receive a jury trial, and did not, by guilty plea or otherwise, knowingly and intelligently waive the right to a jury trial; or
- (3) is not currently under any condition of an expungement, conviction set aside, pardon, or restoration of civil rights that expressly provides the person may not ship, transport, possess, or receive firearms, and the conviction
 - (A) has been expunged or set aside;
 - (B) is for an offense for which the person has been pardoned; or
 - (C) is for an offense for which the person has had civil rights restored that were lost upon the conviction.

13 AAC 85.120. Lapse of certificates

- (a) A basic, intermediate, or advanced certificate lapses if the holder is not employed as a police officer with a police department in this or another state or territory for a period of 12 consecutive months. For purposes of this subsection, "not employed" includes a suspension for disciplinary reasons.
- (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) as a condition of reinstatement if the person's certificate has been lapsed for 12 consecutive months or longer. A certificate expires if it has been lapsed for more than four years.

13 AAC 85.150. Definitions Redesignated as 13 AAC 85.900, 8/8/90.

13 AAC 85.200. Applicability

- (a) The requirements of 13 AAC 85.200 - 13 AAC 85.280, other than 13 AAC 85.215 and 13 AAC 85.235, apply to probation, parole, and correctional officers hired or rehired by the Department of Corrections on or after February 8, 1991 and those previously hired officers who seek to become certified after August 8, 1990. The requirements of 13 AAC 85.215 and 13 AAC 85.235 do not apply to probation, parole, and correctional officers.
- (b) The requirements of 13 AAC 85.215 and 13 AAC 85.235 apply to municipal correctional officers hired or rehired by a municipality on or after October 12, 2001 and those previously hired officers who seek to become certified after April 12, 2001.
- (c) The requirements of 13 AAC 85.200 - 13 AAC 85.280, other than 13 AAC 85.210 and 13 AAC 85.230, apply only to municipal correctional officers employed by a municipality that has adopted an ordinance under AS 18.65.285. The requirements of 13 AAC 85.210 and 13 AAC 85.230 do not apply to municipal correctional officers.

13 AAC 85.210. Basic employment standards for probation, parole, and correctional officers

- (a) A person may not be hired as a probation, parole, or correctional officer unless the person meets the following minimum qualifications at the time of hire:
 - (1) is a citizen of the United States or a United States National;
 - (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 has passed a General Educational Development (GED) test;

- (5) is 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 probation, parole, or correctional officer;
 - (6) has taken the Department of Corrections' psychological screening examination and is mentally capable of performing the essential functions of the job of probation, parole, or correctional officer and is free from any emotional disorder that may adversely affect the person's performance as a probation, parole, or correctional officer.
- (b) A person may not be hired as a probation, parole, or correctional officer if that person
- (1) has been convicted of any felony or a misdemeanor crime of domestic violence by a civilian court of this state, the United States, or another state or territory, or by a military court;
 - (2) has been convicted by a civilian court of this state, the United States, or another state or territory, or by a military court, during the 10 years immediately before the date of hire as a probation, parole, or correctional officer, of a crime of dishonesty or crime of moral turpitude, of a crime that resulted in serious physical injury to another person, or of two or more DUI offenses;
 - (3) has illegally manufactured, transported, or sold a controlled substance, unless the person was under the age of 21 at the time of the act and the act occurred more than 10 years before the date of hire;
 - (4) within the five years before the date of hire, has illegally used a Schedule IA, IIA, IIIA, IVA or VA controlled substance, unless
 - (A) the person was under the age of 21 at the time of using the controlled substance; or
 - (B) 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;
 - (5) within the one year before the date of hire, has used marijuana, unless the person was under the age of 21 at the time of using marijuana;
 - (6) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, unless the denial, revocation, or surrender has been rescinded by the council under [13 AAC 85.270](#) or by the responsible certifying agency of the issuing jurisdiction; or
 - (7) is under suspension of a basic certificate in another jurisdiction, for the period of the suspension, unless the suspension has been rescinded by the responsible certifying agency of the issuing jurisdiction.

(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 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,

(1) the following information must be provided:

- (A) proof of age, citizenship status, and applicable education;
- (B) fingerprints on two copies of FBI Applicant Card FD-258; both cards must be forwarded to the automated fingerprint identification section of the Department of Public Safety;
- (C) a complete personal history of the person on a form supplied by the council;
- (D) a complete medical history report of the person; the report must be provided to a licensed physician, advanced practice registered nurse, or physician assistant for use in conducting a physical examination of the person;
- (E) information as to whether the person
 - (i) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, and whether the denial, revocation, or surrender, has been rescinded by the council under [13 AAC 85.270](#) or by the responsible certifying agency of the issuing jurisdiction; or
 - (ii) is under suspension of a basic certificate in another jurisdiction, for the period of the suspension, and whether the suspension, has been rescinded by the responsible certifying agency of the issuing jurisdiction;

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

- (A) criminal history;

- (B) wants and warrants;
 - (C) job references from at least three previous employers unless the person has had less than three previous jobs;
 - (D) job references from all previous law enforcement or criminal justice system employers in the preceding 10 years; and
 - (E) at least two personal references; and
- (3) the person must take the Department of Corrections' psychological screening examination and the person must undergo an examination by a licensed psychiatrist or psychologist.
- (d) All information, documents, and reports provided or developed under (c) of this section must be placed in the permanent files of the Department of Corrections and must be available for examination, at any reasonable time, by representatives of the council. A copy of any criminal record discovered and of the following completed council forms must be sent to the council within 90 days after the date of each hire:
- (1) the medical examination report;
 - (2) the health questionnaire;
 - (3) the personal history statement;
 - (4) the psychological screening report; and
 - (5) verification of a psychological or psychiatric examination report; and
 - (6) the compliance form to record the agency's compliance with (c)(1)-(3) of this section.
- (e) A probation, parole, or correctional officer must begin field training, using the Department of Corrections Field Training Manual, immediately after the date the officer is hired. The Field Training Manual must be completed and sent to the council within 12 months after the date the officer began work with the department.
- (f) The information in the council's files regarding an applicant or a probation, parole, or correctional officer is confidential, and available only for use by the council in carrying out the requirements of AS 18.65.130 - 18.65.290 and the regulations adopted under AS 18.65.130 - 18.65.290. However, training records and the documents listed in (c) and (d) of this section relating to an applicant or a probation, parole, or correctional officer may be reviewed by the applicant or officer. Information that indicates that a person might not qualify for certification as an officer, or that adversely reflects upon a person's ability to be a competent officer may be furnished by the council to a correctional agency. An officer or applicant may not review information in the council's files that 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, **suspend**, or revoke certification will be revealed to the officer or applicant.

- (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 information contained on the forms will be used by the council for purposes of determining the applicant's eligibility for employment and certification.

13 AAC 85.215. Basic employment standards for municipal correctional officers

- (a) A person may not be hired as a municipal correctional officer unless the person meets the following minimum qualifications at the time of hire:
 - (1) is a citizen of the United States or a United States National;
 - (2) is 19 years of age or older;
 - (3) is of good moral character;
 - (4) is capable of reading and understanding operational rules and policies, and has demonstrated the ability to apply them;
 - (5) is certified by a licensed physician, advanced practice registered nurse, or physician's assistant on a medical record form supplied by the council to be physically capable of performing the essential functions of the job of municipal correctional officer;
 - (6) is mentally and emotionally capable of performing the essential functions of the job of municipal correctional officer and is free from any emotional disorder that may adversely affect the person's performance as a municipal correctional officer.
- (b) A person may not be hired as a municipal correctional officer if that person
 - (1) has been convicted of any felony or a misdemeanor crime of domestic violence by a civilian court of this state, the United States, or another state or territory, or by a military court;
 - (2) has been convicted by a civilian court of this state, the United States, or another state or territory, or by a military court, during the three years immediately before the date of hire as a municipal correctional officer, of a crime of dishonesty or crime of moral turpitude, of a crime that resulted in serious physical injury to another person, or of two or more DUI offenses;
 - (3) has been convicted by a civilian court of this state, the United States, or another state or territory, or by a military court, of the sale, manufacture, transport, or possession for purposes of sale, manufacture, or transport of a controlled substance;

- (4) within the three years before the date of hire, has illegally used a Schedule IA, IIA, IIIA, IVA or VA controlled substance, unless
 - (A) the person was under the age of 21 at the time of using the controlled substance; or
 - (B) 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;
 - (5) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, unless the denial, revocation, or surrender has been rescinded by the council under [13 AAC 85.270](#) or by the responsible certifying agency of the issuing jurisdiction; or
 - (6) is under suspension of a basic certificate in another jurisdiction, for the period of the suspension, unless the suspension has been rescinded by the responsible certifying agency of the issuing jurisdiction.
- (c) A person hired as a municipal correctional officer may not remain employed in that position without written confirmation from the municipality, submitted within 30 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 30 day period, upon a written request by the municipality that explains the reason the extension is necessary, and if the council determines that the person will probably be able to meet the standards by the end of the extension period. If a municipality concludes at the end of an investigation that a person does not meet the required standards, the person may not continue employment as a municipal correctional officer. For purposes of determining whether a person meets the standards of (a) and (b) of this section,
- (1) the following information must be provided:
 - (A) proof of age, citizenship status, and applicable education;
 - (B) fingerprints on two copies of FBI Applicant Card FD-258; both cards must be forwarded to the automated fingerprint identification section of the Department of Public Safety;
 - (C) a complete personal history of the person on a form supplied by the council;
 - (D) a complete medical history report of the person; the report must be provided to a licensed physician, advanced practice registered nurse, or physician's assistant for use in conducting a physical examination of the person;
 - (E) information as to whether the person

- (i) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, and whether the denial, revocation, or surrender has been rescinded by the council under [13 AAC 85.270](#) or by the responsible licensing agency of the issuing jurisdiction; or
 - (ii) is under suspension of a basic certificate in another jurisdiction, for the period of the suspension, and whether the suspension has been rescinded by the responsible certifying agency of the issuing jurisdiction; and
 - (2) a thorough personal history investigation of the person must be conducted to determine character traits and habits indicative of moral character and fitness as a municipal correctional officer; the investigation must include a check of
 - (A) criminal history;
 - (B) wants and warrants;
 - (C) job references from at least three previous employers unless the person has had less than three previous jobs; and
 - (D) at least two personal references.
- (d) All information, documents, and reports provided or developed under (c) of this section must be placed in the permanent files of the municipality and must be available for examination, at any reasonable time, by representatives of the council. A copy of any criminal record discovered and of the following completed council forms must be sent to the council within 30 days after the date of each hire:
 - (1) The medical examination report;
 - (2) The health questionnaire;
 - (3) The personal history statement; and
 - (4) the compliance form to record the agency's compliance with (c)(1) and (2) of this section.
- (e) A municipal correctional officer must begin field training, using the Department of Corrections Municipal Correctional Officers Field Training Manual, immediately after the date the officer is hired. The Municipal Correctional Officers Field Training Manual must be completed and sent to the council within six months after the date the officer began work with the municipality.
- (f) Except if the employing municipality by ordinance makes that information public, the information in the council's files regarding an applicant or a municipal correctional officer is confidential, and available only for use by the council in carrying out the requirements of AS 18.65.130 - 18.65.290 and 13 AAC 85.200 -

13 AAC 85.280. However, training records and the documents listed in (c) and (d) of this section relating to an applicant or a municipal correctional officer may be reviewed by the applicant or the officer. Information that indicates that a person might not qualify for certification as an officer, or that adversely reflects upon a person's ability to be a competent officer may be furnished by the council to a correctional agency. An officer or applicant may not review information in the council's files that was supplied to the council with the understanding that the information or the source of the information would remain confidential, except that any information that serves as the basis for a decision to deny or revoke certification will be revealed to the officer or applicant.

- (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.

13 AAC 85.220. Permanent employment for probation, parole, correctional, and municipal correctional officers

- (a) A person may not be granted permanent status as a
 - (1) probation, parole, or correctional officer unless the person has a current basic certificate issued by the council under [13 AAC 85.230](#); or
 - (2) municipal correctional officer unless the person has a current basic certificate issued by the council under [13 AAC 85.235](#).
- (b) Unless an extension is granted under (c) of this section, a person may not be employed for more than 14 consecutive months as a
 - (1) probation, parole, or correctional officer without a current basic certificate issued by the council under [13 AAC 85.230](#); or
 - (2) municipal correctional officer without a current basic certificate issued by the council under [13 AAC 85.235](#).
- (c) The council will grant an extension for employment for longer than 14 months if the chief administrative officer of the correctional agency 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.
- (d) **A participating agency may not assign any probation, parole, correctional, or municipal correctional duties, nor allow an officer to perform those duties, during any period which the officer's certification has been suspended by the council.**

13 AAC 85.230. Basic certificate for probation, parole, and correctional officers

- (a) The council will issue a basic certificate to a probation, parole, or correctional officer meeting the standards set out in this section. No certificate will be issued unless documents required under 13 AAC 85.210 are submitted to the council.
- (b) To be eligible for the award of a basic correctional officer certificate, an applicant must
 - (1) successfully complete the Department of Corrections basic correctional officer training program meeting the standards set out in [13 AAC 87.010](#) and field training required by [13 AAC 85.210](#);
 - (2) be a full-time, paid correctional officer of a correctional agency in Alaska;
 - (3) have worked 12 consecutive months as a correctional officer on a probationary status with the correctional agency where the applicant is employed at the time of application for certification;
 - (4) meet the basic employment standards set out in [13 AAC 85.210](#); and
 - (5) attest and subscribe to the correctional, probation, and parole officer Code of Ethics.
- (c) To be eligible for the award of a basic probation or parole officer certificate, an applicant must
 - (1) successfully complete the Department of Corrections basic probation and parole officer training program meeting the standards set out in [13 AAC 87.010](#) and field training required by [13 AAC 85.210](#);
 - (2) be a full-time, paid probation or parole officer of the Department of Corrections;
 - (3) have worked 12 consecutive months on a probationary status with the Department of Corrections as a probation or parole officer; and
 - (4) meet the basic employment standards set out in [13 AAC 85.210](#); and
 - (5) attest and subscribe to the correctional, probation, and parole officer Code of Ethics.
- (d) The correctional, probation, and parole officer Code of Ethics is:

As a correctional, probation, or parole officer, my fundamental duty is to respect the dignity and individuality of all people, to provide professional and compassionate service, and to be unfailingly honest. I will not discriminate against any person on the basis of race, religion, color, national origin, sex, age, physical or mental disability, marital status, changes in marital status, or pregnancy or parenthood, and will respect and protect the civil and legal rights of all inmates, probationers, and parolees. I will respect the right of the public to be safeguarded

from criminal activity, and will be diligent in recording and making available for review all case information that could contribute to sound decisions affecting the public safety, or an inmate, probationer, or parolee. I will maintain the integrity of private information, and will neither seek personal data beyond that needed to perform my duties, nor reveal case information to anyone not having a proper professional use for the information. In making public statements, I will clearly distinguish between those that are my personal views and those that are made on behalf of the agency. I will not use my official position to secure privileges or advantages for myself, and will not accept any gift or favor that implies an obligation inconsistent with the objective exercise of my professional duties. I will not act in my official capacity in any matter in which I have a personal interest that could in the least degree impair my objectivity. I will not engage in undue familiarity with inmates, probationers, or parolees. I will report any corrupt or unethical behavior of a fellow correctional, probation, or parole officer that could affect either an inmate, probationer, or parolee, or the integrity of the agency, but will not make statements critical of colleagues or other criminal justice agencies unless the underlying facts are verifiable. I will respect the importance of, and cooperate with, all elements of the criminal justice system, and will develop relationships with colleagues to promote mutual respect for the profession and improvement of the quality of service provided.

- (e) The council will recognize college credits or degrees awarded by an institution of higher learning towards satisfaction, in whole or in part, of the minimum number of hours required under [13 AAC 87.060](#) (a), if
 - (1) those credits or degrees are shown, to the council's satisfaction, to provide instruction in subject areas described in [13 AAC 87.060](#) that is substantially equivalent to a training program that has received certification under [13 AAC 87.010](#); and
 - (2) the institution is accredited by a regional or national accrediting agency recognized by the United States Secretary of Education.

13 AAC 85.235. Basic certificate for municipal correctional officers

- (a) The council will issue a basic certificate to a municipal correctional officer meeting the standards set out in this section. The council will not issue a certificate unless documents required under [13 AAC 85.215](#) are submitted to the council.
- (b) To be eligible for the award of a basic municipal correctional officer certificate, an applicant must
 - (1) successfully complete the Department of Corrections basic municipal correctional officer training program meeting the standards set out in [13 AAC 87.010](#) and field training required by [13 AAC 85.215](#);
 - (2) be a full time, paid municipal correctional officer employed by a correctional agency in the state;

- (3) have worked 12 consecutive months as a municipal correctional officer on a probationary status with the municipality where the applicant is employed at the time of application for certification;
 - (4) meet the minimum employment standards set out in [13 AAC 85.215](#); and
 - (5) attest and subscribe to the municipal correctional officer Code of Ethics.
- (c) The municipal correctional officer Code of Ethics is: As a municipal correctional officer, my fundamental duty is to respect the dignity and individuality of all people, to provide professional and compassionate service, and to be unfailingly honest. I will respect the right of the public to be safeguarded from criminal activity, and will be diligent in recording and making available for review all case information that could contribute to sound decisions affecting the public safety, or an inmate. I will not unlawfully discriminate against any person on the basis of race, religion, color, national origin, gender, sexual orientation, age, physical or mental disability, marital status, changes in marital status, or pregnancy or parenthood, and will respect the civil and legal rights of all inmates. I will maintain the integrity of private information, and will neither seek personal data beyond that needed to perform my duties, nor reveal case information to anyone not having a proper professional use for the information. In making public statements, I will clearly distinguish between those that are my personal views and those that are made on behalf of the agency. I will not use my official position to secure privileges or advantages for myself, and will not accept any gift or favor that implies an obligation inconsistent with the objective exercise of my professional duties. I will not act in my official capacity in any matter in which I have a personal interest that could in the least degree impair my objectivity. I will not engage in undue familiarity with inmates. I will report any corrupt or unethical behavior of a fellow municipal correctional officer that could affect either an inmate or the integrity of the agency, but will not make statements critical of colleagues or other criminal justice agencies unless the underlying facts are verifiable. I will respect the importance of, and cooperate with, all elements of the criminal justice system, and will develop relationships with colleagues to promote mutual respect for the profession and improvement of the quality of service provided.
- (d) The council will recognize college credits or degrees awarded by an institution of higher learning towards satisfaction, in whole or in part, of the minimum number of hours required under [13 AAC 87.080](#) (a), if
- (1) those credits or degrees are shown, to the council's satisfaction, to provide instruction in subject areas described in [13 AAC 87.080](#) that is substantially equivalent to the instruction required as part of a municipal correctional officer training program that has received certification under [13 AAC 87.010](#); and
 - (2) the institution is accredited by a regional or national accrediting agency recognized by the United States Secretary of Education.

13 AAC 85.240. Waiver and reciprocity

- (a) The council may waive part or all of the training required under [13 AAC 85.230\(b\)\(1\)](#) or (c)(1) or [13 AAC 85.235\(b\)\(1\)](#) if an applicant furnishes evidence to the council's satisfaction of successful completion of an equivalent training program.
- (b) The council may enter into reciprocity agreements for certification with states that regulate or supervise the quality of probation, parole, correctional, or municipal correctional officer training and that require training standards for probation, parole, correctional, or municipal correctional officers equivalent to the standards set by the council.
- (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 years before the waiver was sought.

13 AAC 85.250. Personnel reports for probation, parole, correctional, and municipal correctional officers

- (a) Within 30 days after the date that a probation, parole, correctional, or municipal correctional officer is appointed by a correctional agency, the correctional agency shall notify the council in writing, on a form provided by the council, of the appointment of the officer.
- (b) A correctional agency shall notify the council within 30 days after the date that a probation, parole, correctional, or municipal correctional officer is no longer employed by the correctional agency. The notification to the council must state the reason the person is no longer employed as an officer by the correctional agency, including layoff of the officer, death of the officer, termination of the officer by the agency, or the officer's voluntary resignation. If the reason for the termination of employment is the voluntary resignation of the officer, the correctional agency must disclose in the notification if the resignation was to avoid an adverse action by the correctional agency. The correctional agency must also disclose in the notification if any resignation or termination involved a finding or allegation of dishonesty, misconduct, or a lack of good moral character.
- (c) A correctional agency may not formally or informally agree not to report to the council under this section.
- (d) Within 30 days after the allegation being sustained by administrative review, a correctional agency shall notify the council of an allegation of misconduct by an officer employed by that agency, if the misconduct alleged may be cause for revocation under [13 AAC 85.270](#)².
- (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.

² The forms required in 13 AAC 85.250 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 <https://dps.alaska.gov/APSC/Home> .

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.

13 AAC 85.260. Determination of ineligibility or denial of certificate

- (a) The council may deny a basic certificate or find a correctional, probation, parole or municipal corrections officer job applicant ineligible for certification upon a finding that the applicant
 - (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 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.
- (b) The council will deny a basic certificate or find a correctional, probation, parole or municipal corrections officer job applicant ineligible for certification upon a finding that the applicant
 - (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 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, IVA, 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 85.210](#);

- (4) 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 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.
- (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 correctional, probation, parole, or municipal corrections 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's review of that decision is controlled by the Administrative Procedure Act.
- (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:
- (1) newly discovered evidence that by due diligence could not have been discovered before the effective date of the denial;
 - (2) the denial was based on a mistake of fact or law, or on fraudulent evidence; or
 - (3) conditions or circumstances have changed so that the basis for the denial no longer exists.
- (e) If a petition for rescission is based on one or more of the reasons set out in (d) of this section, a hearing on the petition for rescission will be held before a hearing officer or the council. Following the hearing, the council will decide whether to rescind the denial, and will state on the record at the hearing, or in writing, the reasons for the decision. If the denial is rescinded, the applicant is eligible for hire by a correctional agency, but must serve the full probationary period required under [13 AAC 85.230](#) or [13 AAC 85.235](#), as applicable, before reapplying for certification.
- (f) A personnel action or subsequent personnel action regarding a probation, parole, correctional, or municipal correctional officer by the officer's employer, including a decision resulting from an appeal of the employer's action, does not preclude the council from denying the officer's basic certificate under this section.
- (g) In this section, "discharged" includes a termination initiated by the probation, parole, correctional, or municipal correctional officer's employer because the officer does not meet the standards in [13 AAC 85.210](#)(a) or (b).

13 AAC 85.270. Revocation of certificate

- (a) The council may **suspend or** 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 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);
 - (4) is a municipal correctional officer and does not meet the standards in [13 AAC 85.215\(a\) or \(b\)](#); **or**
 - (5) **fails to meet annual minimum training requirements pursuant to 13 AAC 87.084.**
- (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 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.
- (c) The executive director of the council may initiate proceedings under the [Administrative Procedure Act](#) for the **suspension or** revocation of a certificate issued by the council when the **action** complies with AS 18.65.130 - 18.65.290 and 13 AAC 85.200 - 13 AAC 85.280 **or 13 AAC 87.084**.
- (d) If a basic certificate was revoked under this section, the former probation, parole, correctional, or municipal correctional 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. The council may rescind a revocation for the following reasons:
 - (1) newly discovered evidence that by due diligence could not have been discovered before the effective date of the revocation;
 - (2) the revocation was based on a mistake of fact or law, or on fraudulent evidence; or
 - (3) conditions or circumstances have changed so that the basis for the revocation no longer exists.
- (e) If a petition for rescission is based on one or more of the reasons set out in (d) of this section, a hearing on the petition for rescission will be held before a hearing officer or the council. Following the hearing, the council will decide whether to rescind the revocation, and will state on the record at the hearing, or in writing, the reasons for the decision. If the revocation is rescinded, the petitioner is eligible for hire by a correctional agency, but must serve the full probationary period required under [13 AAC 85.230](#) or [13 AAC 85.235](#), as applicable, before applying for reinstatement of a basic certificate.
- (f) A personnel action or subsequent personnel action regarding a probation, parole, correctional, or municipal correctional officer by the officer's employer, including a decision resulting from an appeal of the employer's action, does not preclude the council from **suspending or** revoking the officer's basic certificate under this section.
- (g) In this section, "discharged" includes a termination initiated by the probation, parole, correctional, or municipal correctional officer's employer because the officer does not meet the standards in [13 AAC 85.210](#)(a) or (b).

13 AAC 85.275. Effect on probation, parole, correctional, and municipal correctional officers of conviction of misdemeanor crime of domestic violence

Notwithstanding [13 AAC 85.210](#) (b)(1), [13 AAC 85.215](#)(b)(1), [13 AAC 85.260](#)(b)(1), or [13 AAC 85.270](#) (b)(1), a person may be hired, and the council is not required to deny or revoke certification of a person, if the person clearly and convincingly establishes that, in connection with a conviction for a misdemeanor crime of domestic violence, the person

- (1) was not represented by counsel and did not, by guilty plea or otherwise, knowingly and intelligently waive the right to counsel;
- (2) was entitled to a jury trial, did not receive a jury trial, and did not, by guilty plea or otherwise, knowingly and intelligently waive the right to a jury trial; or
- (3) is not currently under any condition of an expungement, conviction set aside, pardon, or restoration of civil rights that expressly provides the person may not ship, transport, possess, or receive firearms, and the conviction
 - (A) has been expunged or set aside;
 - (B) is for an offense for which the person has been pardoned; or
 - (C) is for an offense for which the person has had civil rights restored that were lost upon the conviction.

13 AAC 85.280. Lapse of certificates

- (a) A basic certificate lapses if the holder is not employed as a probation, parole, correctional, or municipal correctional officer with a correctional agency for a period of 12 consecutive months. For purposes of this subsection, "not employed" includes a suspension for disciplinary reasons.
- (b) A person may request reinstatement of a lapsed certificate after serving an additional 12-month probationary period. The council may require supplemental training as a condition of reinstatement. A certificate expires if it has been lapsed for more than four years.

13 AAC 85.900. Definitions

In this chapter,

- (1) "controlled substance" means a controlled substance as defined in AS 11.71.900;
- (2) "correctional agency" means the Department of Corrections or a municipality that has adopted an ordinance under AS 18.65.285 that requires a person employed at a municipal correctional facility to meet the requirements of AS 18.65.130 - 18.65.290;
- (3) "correctional officer" has the meaning given in AS 18.65.290;
- (4) "council" means the Alaska Police Standards Council;

- (5) "felony" means a crime classified as a felony in Alaska 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 Alaska law 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;
- (6) repealed 8/8/2007;
- (7) "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;
- (8) "imitation controlled substance" means an imitation controlled substance as defined in AS 11.73.099;
- (9) "misdemeanor" means a crime classified as a misdemeanor in Alaska 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 Alaska law 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 Alaska 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 the age of 21;
- (10) repealed 8/8/2007;
- (11) "parole officer" has the meaning given in AS 18.65.290;
- (12) "participating police department" includes the Alaska Department of Public Safety and a police department of any political subdivision of the state that has not excluded itself under the provision of AS 18.65.280(b);
- (13) "police department" means a civil force of police officers organized by the state or a political subdivision of the state whose basic purpose and function is to maintain peace and order and to prevent and investigate criminal offenses;
- (14) "probation officer" (A) has the meaning given in AS 18.65.290; (B) includes a person who performs the duties of a pretrial services officer under AS 33.07 and whose Department of Corrections job classification is probation officer;
- (15) "probationary period" means employment as a police, probation, parole, correctional, or municipal correctional officer for a period of 12 consecutive months with a single police department or a single correctional agency; separation of less than 91 consecutive days will be considered unbroken;

- (16) "serious physical injury" means serious physical injury as defined in AS 11.81.900;
- (17) "undue familiarity" means developing, or attempting to develop, an intimate, personal, or financial relationship, or otherwise failing to maintain an appropriate professional relationship;
- (18) "DUI offense" means an offense AS 28.35.030 or another law or ordinance with substantially similar elements, or and offense of refusal to submit to a chemical test under AS 28.35.032 or another law or ordinance with substantially similar elements;
- (19) repealed 8/8/2007;
- (20) "crime of domestic violence" has the meaning given in AS 18.66.990;
- (21) "criminal justice activity" has the meaning given in AS 12.62.900;
- (22) "deadly weapon" has the meaning given in AS 11.81.900(b);
- (23) "expunged" 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;
- (24) "force" has the meaning given in AS 11.81.900(b);
- (25) "jurisdiction" means a state, territory, or commonwealth of the United States;
- (26) "municipal correctional officer" has the meaning given in AS 18.65.290;
- (27) "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;
- (28) "crime of moral turpitude" means a felony and any other crime that contains reckless, knowing, or intentional as the culpable mental element;
- (29) "surrendered" means to have voluntarily relinquished a certificate issued under AS 18.65 and this chapter, or a similar provision of the law of the issuing jurisdiction, to avoid possible revocation of the certificate.
- (30) **"suspension" of certification means the temporary or conditional termination of an officer's authority to act in their official capacity. Suspension may be for a set time-period or may be conditioned upon the officer's compliance with conditions established by the council.**

13 AAC 87.010. Certification of basic training programs

- (a) An institution or government agency that offers a program of instruction in basic law enforcement subjects that meets the requirements of the classroom phase of the basic program provided for in [13 AAC 85.050](#)(a) and (b), [13 AAC 87.060](#), [13 AAC 87.080](#), or [13 AAC 89.040](#), and to qualify students for a police officer basic certificate under [13 AAC 85.040\(b\)](#), a probation, parole, or correctional officer certificate under [13 AAC 85.230, a](#) municipal correctional officer certificate under

[13 AAC 85.235](#); or a village police officer certificate under [13 AAC 89.030](#), shall apply for certification by the council and shall comply with the requirements of this chapter.

- (b) An application for certification under this section shall be submitted on a form prescribed by the council and must be accompanied by the following information, where applicable:
 - (1) the name of the institution or government agency, its governing body, and its instructors;
 - (2) institution or government agency policy and regulations with respect to leave, absences, class cuts, make-up work, tardiness, and interruptions for unsatisfactory attendance;
 - (3) institution or government agency policy and regulations with respect to standards of progress required of students, including the policy or regulation setting out the grading system of the institution or government agency, the minimum grades considered satisfactory, conditions requiring interruption of training for unsatisfactory grades or progress, the probationary period, if any, allowed by the institution or government agency, and conditions of re-entrance for those students dismissed for unsatisfactory progress;
 - (4) institution or government agency policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct;
 - (5) a detailed schedule of fees, charges for tuition, books, supplies, tools, student activities, service charges, rentals, deposits, and all other charges;
 - (6) a description of the available space, facilities, and equipment; and
 - (7) an outline for each course which is part of the program, describing the content, skill to be achieved, and approximate classroom hours to be spent on each topic.

- (c) The council may approve an institution or government agency's application for certification of a program of instruction as meeting the requirements of the basic program provided for in [13 AAC 85.050](#)(a) and (b), [13 AAC 87.060](#), [13 AAC 87.080](#), or [13 AAC 89.040](#), if the institution or government agency and the program meet the following criteria, where applicable:
 - (1) the courses, curriculum, and instruction are adequate in content, quality, and length to provide students with the education and training necessary to become successful, knowledgeable, and effective officers;
 - (2) the program of instruction meets the requirements of [13 AAC 85.050](#)(a) and (b), [13 AAC 87.060](#), [13 AAC 87.080](#), or [13 AAC 89.040](#);

- (3) the institution or government agency has adequate space, equipment, instructional materials, and instructor personnel to provide training of good quality;
 - (4) the directors and administrators have adequate training and experience, and the instructors are certified under [13 AAC 87.040](#);
 - (5) a copy of the program outline, schedule of tuition, fees and other charges, regulations pertaining to absences, grading policy, and rules of operation and conduct are furnished to students upon enrollment;
 - (6) adequate records are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced;
 - (7) written examinations are required of each student in those courses for which written examinations are appropriate, and practical tests are required in those courses such as firearms training where practical tests are appropriate;
 - (8) the institution or government agency gives its students, upon successful completion of the program, a certificate indicating that the program of instruction was satisfactorily completed;
 - (9) a certificate of successful completion is not awarded by the institution or government agency except in compliance with [13 AAC 85.050\(c\)](#), [13 AAC 87.060\(c\)](#), [13 AAC 87.080\(b\)](#), or [13 AAC 89.040\(b\)](#);
 - (10) the institution or government agency is financially sound and capable of fulfilling its commitments for training; and
 - (11) the institution or government agency furnishes the council, not later than seven days after the completion of each program, a roster of those students who attended; the roster must show the full name, rank, department, and examination scores for each student who attended the program, and must be signed by the institution director or coordinator.
- (d) An institution or government agency is subject to periodic inspection by the council or its representatives to assure compliance with this section.

13 AAC 87.020. Certification of other training programs

- (a) The council may certify programs of instruction designed to provide officers with continuing education and training in supervisory, mid-management, executive, specialized, and in-service subjects.
- (b) An application by an institution or government agency for certification of a program of instruction under this section must be submitted on a form prescribed by the council and must be accompanied by the information specified in [13 AAC 87.010\(b\)\(1\) - \(7\)](#).

- (c) The council will, in its discretion, approve the application of an agency or institution for certification of a program of instruction, if the program meets the following criteria:
 - (1) the courses, curriculum and instruction are adequate in content, quality and length to satisfy one or more of the purposes specified in (a) of this section;
 - (2) the institution or government agency and the program are in compliance with the requirements of [13 AAC 87.010](#).
- (d) The institution or government agency shall be subject to periodic inspection by the council or its representatives to assure compliance with this section.

13 AAC 87.030. Financial assistance

- (a) The council will not give financial assistance to an institution or government agency for a police training program unless the program is certified by the council under this chapter or the program is certified by a nationally recognized certifying body.
- (b) The council will not give financial assistance to an institution or government agency for a training program unless it is made available to all qualified officers, except that the agency or institution may limit class size. An agency or institution of the state or a municipality that maintains a training program primarily for training its own officers may give preference to its own officers in enrollment.

13 AAC 87.040. Certification of instructors

- (a) The council will certify instructors considered qualified to teach in one or more of the prescribed training courses on the basis of the standards provided in this section.
- (b) Instructors are eligible for certification if they meet the following minimum qualifications in the areas of education, training, and experience:
 - (1) a person applying for certification to teach law enforcement subjects, including patrol, investigation, corrections, or the use of firearms must have
 - (A) a high school diploma or its equivalent;
 - (B) three years' experience in a public safety-related field;
 - (C) verified instructor training in each subject to be taught;
 - (D) 40 hours of instructor development training approved by the council, including training in the areas of communication, psychology of learning, techniques of instruction, use of instructional aids, preparation and use of lesson plans, preparing and administering tests, teaching resources, and motivation; and
 - (E) a recommendation by the director of a training program certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#), or by the applicant's government law enforcement agency head;

- (2) a person applying for certification to teach general subjects, including management, human relations, or administration, must have
 - (A) a baccalaureate degree;
 - (B) three years' experience in the subject to be taught; and
 - (C) a recommendation by the law enforcement government agency head or the director of a training program certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#).
- (c) The council may, upon written application, waive any part of the requirements of (b) of this section if it finds that a person, although not meeting all of the eligibility requirements, is otherwise qualified to be an instructor.
- (d) The director of a training program certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#) must supervise all instructors to ensure that instructional excellence is maintained.
- (e) The council may revoke instructor certification whenever an instructor is found by the council to be no longer qualified. The executive director of the council may initiate proceeds under the Administrative Procedure Act (AS 44.62) for the revocation of a certificate issued by the council when the revocation complies with AS 18.65.130 – AS 18.65.290 and 13 AAC 85.005 – 13 AAC 89.150. The council will consider revocation of instructor certification if:
 - (1) an instructor is terminated or asked to resign, or resigns instead of discharge for cause by his employer;
 - (2) there is a recommendation to revoke certification by the director of a training program certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#) or by the instructor's employer for failure to provide adequate instruction; or
 - (3) the holder of the instructor certificate falsified or omitted information required to be provided on an application for certification or on supporting documents.
- (f) Repealed 10/18/81.
- (g) A person who is currently certified or licensed by this state or a nationally recognized certifying body need not be certified by the council to teach the subject for which the person is certified or licensed.
- (h) The director of a training program certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#) must furnish the council documentary verification of the certification or licensure of a person specified in (g) of this section before council approval as an instructor will be considered.
- (i) An instructor certificate becomes inactive if the holder of the certificate does not instruct at least one course certified by the council under [13 AAC 87.010](#) or [13](#)

[AAC 87.020](#) during a period of three consecutive years. Course instruction must be documented and submitted to the council not later than 30 days after the date of the last day of the course instruction on a form provided by the council.

- (j) An inactive instructor certificate may be reactivated upon written request of the director of a training program certified under [13 AAC 87.010](#) or [13 AAC 87.020](#), or of the applicant's law enforcement government agency head, if the applicant instructs at least one course certified by the council under [13 AAC 87.010](#) or [13 AAC 87.020](#) under direct supervision of a currently certified instructor.
- (k) An instructor used on a one-time basis for a specialized subject area of a training program may be classified as a guest lecturer. Requirements for application and certification as an instructor do not apply to a guest lecturer. A guest lecturer is defined as a person who, by reason of position or experience, can make a worthwhile contribution to a training program. A guest lecturer must be experienced in a specialized area and the instruction limited to that area of experience.

13 AAC 87.050. Repealed 4/6/2018.

13 AAC 87.060. Basic training program

- (a) The basic training program of instruction for correctional officers must include
 - (1) an initial program of instruction, that is provided by the Department of Corrections and that a correctional officer must complete within 30 days after the date of hire; the program consists of a minimum of 40 hours of instruction and must include the following topics of instruction:
 - (A) cardiopulmonary resuscitation (CPR), blood borne pathogens, and first aid instruction sufficient to qualify the correctional officer for a council-approved basic first aid certificate;
 - (B) professional code of conduct, including prohibition of sexual harassment and core values of a correctional professional;
 - (C) use of force policy overview,
 - (D) avoiding offender set-ups;
 - (E) incident command system;
 - (F) the federal Prison Rape Elimination Act (PREA);
 - (G) suicide awareness; and
 - (H) authorized employee property; and
 - (2) a correctional officer academy that the correctional officer must complete before the officer completes their probationary period; the correctional officer academy consists of a minimum 200 hours of instruction and must include the following topics of instruction:

- (A) security procedures, custody, and supervision of inmates;
 - (B) use of force, firearms certification, other less lethal weapons certification, and use of restraints;
 - (C) communication skills and techniques, report writing, and record keeping;
 - (D) officer safety and security, control techniques, mental health and suicide prevention, and emergency procedures;
 - (E) diversity and disability awareness in compliance with the requirements of AS 18.65.220;
 - (F) legal issues, including the provisions of [22 AAC 05](#) and [AS 33](#); and
 - (G) reentry and supervision standards.
- (b) The basic training program of instruction for probation and parole officers must include:
- (1) an initial program of instruction, that is provided by the Department of Corrections and that a probation or parole officer must complete within 30 days after the date of hire; the program consists of a minimum of 40 hours of instruction and must include the following topics of instruction:
 - (A) cardiopulmonary resuscitation (CPR), blood borne pathogens and first aid instruction sufficient to qualify students for a council-approved basic first aid certificate;
 - (B) professional code of conduct, including prohibition of sexual harassment and core values of a correctional professional;
 - (C) use of force policy overview;
 - (D) avoiding offender set-ups;
 - (E) incident command system;
 - (F) the federal Prison Rape Elimination Act (PREA);
 - (G) suicide awareness;
 - (H) authorized employee property; and
 - (2) a probation and parole officer academy that a probation or parole officer must complete before completing the probation or parole officer's probationary period; the probation and parole officer academy consists of a minimum 200 hours of instruction and must include the following topics of instruction:
 - (A) risk assessment;

- (B) interviewing and counseling techniques;
 - (C) firearms familiarization and safety;
 - (D) overview of the criminal justice system;
 - (E) use of force, other less lethal weapons certifications, and use of restraints;
 - (F) communication skills and techniques, report writing and record keeping;
 - (G) officer safety and security, control techniques, mental health and suicide prevention, and emergency procedures;
 - (H) diversity and disability awareness in compliance with the requirements of AS 18.65.220;
 - (I) legal issues, reentry, and supervision standards; and
 - (J) techniques of supervision.
- (c) To receive credit for the probation, parole, or correctional officer training program for purposes of certification under [13 AAC 85.230](#), a person must attend all sessions of the course, except for absences approved by the head of the program, and be awarded a certificate of graduation by the head of the program. A person may not be certified for successful completion of the probation, parole, or correctional officer training program if the person
- (1) has excused absences exceeding 10 percent of the total hours of instruction;
 - (2) fails to achieve a passing grade of 70 percent or higher in each block of 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 program.

13 AAC 87.070. Repealed 4/6/2018

13 AAC 87.075. Repealed 4/6/2018

13 AAC 87.080. Municipal correctional officer academy requirements.

- (a) The basic program of instruction for municipal correctional officers must include a minimum of 120 hours of instruction and must include the following topics of instruction;
- (1) security and search procedures,
 - (2) supervision of inmates;

- (3) use of force and methods of self-defense;
- (4) diversity and disability awareness in compliance with the requirements of AS 18.65.220;
- (5) report writing;
- (6) rights and responsibilities of inmates;
- (7) fire and emergency procedures;
- (8) domestic violence;
- (9) communication skills and interpersonal relations;
- (10) special needs inmates;
- (11) recognition of the signs and symptoms of mental illness and cognitive disability;
- (12) substance abuse;
- (13) physical deficiencies;
- (14) suicide-prone behavior and suicide prevention;
- (15) the federal Prison Rape Elimination Act (PREA);
- (16) cross-cultural awareness;
- (17) legal issues and liability;
- (18) cardiopulmonary resuscitation (CPR); and,
- (19) first aid instruction sufficient to qualify students for a standard Red Cross first aid certificate or a council-approved equivalent.

(b) To receive credit for the municipal correctional officer training program for purposes of certification under [13 AAC 85.235](#), a person must attend all sessions of the course, except for absences approved by the head of the program, and be awarded a certificate of graduation by the head of the program. A person may not be certified for successful completion of the municipal correctional officer program if the person

- (1) has excused absences exceeding 10 percent of the total hours of instruction;
- (2) fails to achieve a passing grade of 70 percent or higher in each block of instruction; or
- (3) fails to achieve a cumulative average of 70 percent or higher.

13 AAC 87.084 Officer in-service training requirements

(a) To retain certification, every police, corrections, municipal corrections, and probation/parole officer must complete a minimum of twelve (12) hours of council-approved continuing law enforcement training related to law enforcement every calendar year beginning January 1 following the date the officer was certified.

1. In addition to continuing training and education directed by participating agencies, this training must include a combined minimum of eight (8) hours of council-approved continuing law enforcement training in topics selected annually by the council based upon current issues and professional trends. The council may provide this training at no cost to participating agencies or an agency administrator may elect to provide their own council approved training to their officers on the required topics. Selected topics may include but are not limited to:

- (A) Recognizing and addressing implicit bias
- (B) Code of Ethics and professional conduct;
- (C) De-escalation, Use of Force, Duty to Intervene;
- (D) Recognizing patterns of behavior that may be related to mental or behavioral health issues or other disabilities;
- (E) First aid and cardiopulmonary resuscitation;
- (F) Statutory changes and court decisions impacting public safety;
- (G) Cultural awareness and diversity; or
- (H) Prison Rape Elimination Act (PREA) and other federally mandated programs.

(b) Except as otherwise provided, in addition to completing the agency in-service training requirement in section (a), an officer must:

1. Review annually each policy of the employing agency which addresses the use of force in any situation in which the agency or the officer may become involved;
2. If the officer is authorized to use a firearm, at least biannually demonstrate a minimum level of proficiency in the use of each type of firearm they are authorized to use in compliance with the standards of agency policy. An officer who does not demonstrate a minimum level of proficiency with the use of any type of firearm they are authorized to use they may not carry or use that type of firearm until they participate in a remedial course established by the employing agency to ensure that the officer achieves and maintains a satisfactory level of proficiency;
3. If the officer is authorized to use an impact weapon, chemical weapon, electronic incapacitating device, or other less-lethal weapon, at least annually demonstrate a minimum level of proficiency in the use of each such weapon or device they are

authorized to use in compliance with the standards of agency policy. An officer who does not demonstrate a minimum level of proficiency with the use of any such weapon they are authorized to use may not carry or use that weapon until they participate in a remedial course established by the employing agency to ensure that the officer achieves and maintains a satisfactory level of proficiency

4. If the duties of an officer require him or her to use arrest and control tactics, demonstrate annually a minimum level of proficiency in the use of arrest and control tactics, including, without limitation, techniques related to applying handcuffs, taking down suspects, self-defense and retention of weapons in compliance with the standards of agency policy.
- (c) Each employing agency shall establish and provide the courses set forth in section (b) to its officers and establish the minimum level of proficiency that an officer must demonstrate in each course. Each course must be certified by the council as outlined in 13 AAC 87.020. Not later than 30 days from course completion each employing agency will report an officer's course completion to the council on a form provided by the council.
- (d) An officer:
1. Who voluntarily leaves their employment as an officer for at least four (4) consecutive months but not more than twenty-four (24) consecutive months;
 2. Whose employment as an officer is suspended or terminated for any reason for at least four (4) consecutive months but not more than twenty-four (24) consecutive months;
 3. Who, during a period of continuous employment as an officer, is absent from his or her duties as an officer because of medical leave, military leave, or other approved leave for at least four (4) consecutive months; or
 4. Who is hired, rehired, or reinstated on or after July 1 of a reporting year, must satisfy the requirements of paragraphs 1-4 of section (b) before commencing or resuming his or her duties as an officer.
- (e) The employing agency shall ensure that its officers comply with the requirements of sections (a-b). After an officer completes the requirements of sections (a-b), the employing agency shall submit verification that the officer has completed the requirements to the council on a form provide by the council. Verification must be submitted on or before December 31 of the year in which the officer was required to complete the requirements of sections (a-b). The employing agency shall notify each officer of the requirements of this section and the penalties set forth in section (f-g) for failure to comply with this section.
- (f) If the council has not received verification that an officer has complete the requirements of sections (a-b) on or before December 31 of the year in which the officer was required to complete those requirements, the council shall notify the officer and administrator of the

employing agency that the council has not received the verification required by section (e) and that if the verification is not received within sixty (60) days of notification, the council will immediately suspend the officer's certification until the officer or employing agency can provide the required verification.

- (g) Upon request of the council or its designee, the employing agency shall make available for inspection the records of all officers to verify that they have complied with the requirements of sections (a-b).

13 AAC 87.085. Repealed 4/6/2018

13 AAC 87.090. Definitions

In this chapter "council" means the Alaska Police Standards Council.

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 United States National;
 - (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 ;
 - (4) has never 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; a felony conviction in another jurisdiction for an offense that is not a felony in this state does not necessarily bar certification unless the felony conviction was for a crime of dishonesty or a crime that resulted in serious physical injury or a threat of serious physical injury;
 - (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 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.

13 AAC 89.020. Employment for village police officers

- (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) (4) contact the council to confirm the applicant's eligibility for appointment and certification.
- (b) A village may not employ a village police officer for a period of more than 12 consecutive months unless the officer has been certified under [13 AAC 89.030](#).
- (c) Separation 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).
- (d) **A participating village may not assign any police duties, nor allow a village police officer to perform law enforcement duties, during any period which the officer's certification has been suspended by the council.**

13 AAC 89.030. Certification of village police officers

- (a) The council will issue a certificate as a village police officer to an applicant who
 - (1) is, at the time of application, a full-time paid village police officer employed by a village and has satisfactorily completed 12 consecutive months of probation as a village police officer with that village immediately before application;
 - (2) meets the requirements of [13 AAC 89.010](#);
 - (3) successfully completes a training program meeting the requirements of [13 AAC 89.040](#); and
 - (4) attests that he subscribes to the Law Enforcement Code of Ethics set out in [13 AAC 85.040\(b\)\(5\)](#).

(b) Repealed 1/15/95.

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

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

(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 required in (a) of this section.

13 AAC 89.050 Village public safety officer training program repealed 10/18/1981

13 AAC 89.055. Village police officer in-service training program

(a) To retain certification, every village police officer must complete a minimum of eight (8) hours of council-approved continuing law enforcement training related to law enforcement every calendar year beginning January 1 following the date the officer was certified. Training will be made available to officers, at no cost, by the council under 13 AAC 87.090(a)(1)

(b) Except as otherwise provided, in addition to completing the agency in-service training requirement in section (a), an officer must:

1. Review annually each policy of the employing village which addresses the use of force in any situation in which the agency or the officer may become involved;
2. If the officer is authorized to use a firearm, at least biannually demonstrate a minimum level of proficiency in the use of each type of firearm they are authorized to use in compliance with the standards of village policy. An officer who does not demonstrate a minimum level of proficiency with the use of any type of firearm they are authorized to use they may not carry or use that type of firearm until they participate in a remedial course established by the employing village to ensure that the officer achieves and maintains a satisfactory level of proficiency;
3. If the officer is authorized to use an impact weapon, chemical weapon, electronic incapacitating device, or other less-lethal weapon, at least annually demonstrate a minimum level of proficiency in the use of each such weapon or device they are authorized to use in compliance with the standards of village policy. An officer who does not demonstrate a minimum level of proficiency with the use of any such weapon they are authorized to use may not carry or use that weapon until they participate in a remedial course established by the employing village to ensure that the officer achieves and maintains a satisfactory level of proficiency
4. If the duties of an officer require them to use arrest and control tactics, demonstrate annually a minimum level of proficiency in the use of arrest and control tactics, including, without limitation, techniques related to applying handcuffs, taking down suspects, self-defense and retention of weapons in compliance with the standards of village policy.

(c) Villages shall report officer training to the council not later than 30 days after completion on a form provided by the council.

13 AAC 89.060. Extension and reciprocity

- (a) The council will, in its discretion, upon written application from a village, grant an extension for obtaining certification to an officer if the officer is unable to complete

the required training within the first 12 months of employment due to illness, injury, or other emergency, or if the officer is unable to complete training because of temporary understaffing in his department.

- (b) The council will, in its discretion, accept other police officer training that equals or exceeds that required in [13 AAC 89.040](#) in partial or complete substitution for the training required in that regulation.

13 AAC 89.070. Denial, revocation, and lapse of certificates

- (a) The council will, in its discretion, deny, **suspend**, or revoke a village police officer certificate upon a finding that the officer
 - (1) falsified or intentionally omitted information on an application or other document required to be filed for certification;
 - (2) has been discharged, has been asked to resign, or has resigned in place of discharge from a police department;
 - (3) does not meet the requirements of [13 AAC 89.010\(a\)](#); **or**
 - (4) **failed to complete minimum annual training requirement established by the council.**
- (b) The holder of a certificate shall immediately return the certificate to the council upon notification of revocation.
- (c) A certificate lapses if the holder is not employed as a full-time village police officer for 12 consecutive months.
- (d) A person may request reinstatement of a lapsed certificate after serving an additional probationary period as required by the council. The council will, in its discretion, require supplemental training as a condition of reinstatement.

13 AAC 89.080. Personnel reports and training records

- (a) Within 30 days of the date of hire of a village police officer, the hiring authority shall notify the council on a form supplied by the council, except in those instances where a public record of the appointment would jeopardize the officer or the assignment. The employing agency shall notify the council within 30 days following termination of an officer for any reason.
- (b) Before completion of the basic training program required in [13 AAC 89.030\(a\)\(3\)](#), each village police officer must be fingerprinted on two Federal Bureau of Investigations applicant cards (FD-258) and shall, on a form supplied by the council,
 - (1) complete a personal history statement;
 - (2) complete a medical history statement; and
 - (3) attest that the officer subscribes to the Law Enforcement Code of Ethics set out in [13 AAC 85.040\(b\)\(5\)](#).

- (c) The documents required by (b) of this section must be forwarded to the council. The fingerprint cards will be forwarded by the council to the Department of Public Safety and the Federal Bureau of Investigation for record checks. The documents required by this section, following evaluation by the council, will be forwarded to the officer's hiring authority for review, evaluation, and permanent retention.
- (d) 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 those statutes; however, a village police officer may review the officer's own records.
- (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.

13 AAC 89.140. Exemption

The provisions of this chapter do not apply to a village which has enacted an ordinance which specifically excludes it from [AS 18.65.130](#) - 18.65.290 if the village maintains a police training program which equals or exceeds the requirements of [13 AAC 89.040](#) and whose instructors are certified under [13 AAC 87.040](#).

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 Alaska 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.
- (16) **"suspension" of certification means the temporary or conditional termination of an officer's authority to act in their official capacity. Suspension may be for a set time-period or may be conditioned upon the officer's compliance with conditions established by the council."**