

NOTICE OF PROPOSED CHANGES ON OFFICER STANDARDS, MINIMUM TRAINING
STANDARDS & LEVELS OF PROFESSIONAL CERTIFICATION
IN THE REGULATIONS OF THE ALASKA POLICE STANDARDS COUNCIL

The Alaska Police Standards Council proposes to adopt regulation changes in 13 AAC 85.010 - .900; 13 AAC 87.010 - .090; and 13 AAC 89.010 - .150 of the Alaska Administrative Code, dealing with minimum hiring standards, certificate suspension and revocation, mandatory annual training requirements, and additional levels of professional certification for police, corrections, probation, parole, municipal corrections, and village police officers, including the following:

- (1) 13 AAC 85.010 is proposed to be changed to disqualify from hire as a police officer an individual who has been convicted of a sex crime as described in AS 12.63.100; Shortens to 10 days the reporting period for agencies to report hiring an officer; and clarifies language about prior certification actions.
- (2) 13 AAC 85.020, 220, & 13 AAC 89.020 are proposed to be amended to prohibit an agency assigning police, corrections, probation/parole, municipal corrections, and village police officers with any law enforcement or corrections duties during the time their professional certification is under suspension by the council.
- (3) 13 AAC 85.045 is proposed to be added to establish standards for Supervisory and Management professional certifications levels for police.
- (4) 13 AAC 85.050 & 060, 13 AAC 87.060 & 080, and 13 AAC 89.040 are proposed to be amended to require basic academy instruction for police, corrections, probation/parole, municipal corrections, and village police officers in an officer's duty to intervene.
- (5) 13 AAC 85.090 is proposed to be amended to shorten agency reporting deadlines to 10 days for officer appointment, separation, and sustained allegations of misconduct; to require agencies to report when an officer is arrested or charged with a crime and to require officers report their arrest or being charged with a crime to their agency.
- (6) Amendment to 13 AAC 85.100 are proposed to clarify disqualification language and, for clarification, cites examples of disqualifying police misconduct that may lead the council to take administrative action against an officer's eligibility.
- (7) 13 AAC 85.110 is proposed to be repealed and readopted to provide the council with the option of suspending an officer's certification in addition to revoking it, making an immediate emergency suspension in limited cases, and to clarify suspension/revocation language by citing police misconduct that may lead the council to take administrative action against an officer's certification.
- (8) Proposes to amend 13 AAC 85.210 and 215 to disqualify individuals with past convictions for sex offenses, as described in AS 12.63.100, from being hired as probation, parole, corrections, or municipal corrections officers and clarifies the impact of prior certificate actions on their eligibility.
- (9) Proposes to amend 13 AAC 85.210 to shorten the reporting period for submitting required documentation after hiring corrections, probation, and parole officers to 30 days.
- (10) Proposes to amend and retitle 13 AAC 85.230 and 235 to add intermediate and advanced levels of professional certification and associated requirements for corrections, probation, parole, and municipal corrections officers.
- (11) Proposes to add new sections 13 AAC 85.232 and 237 to establish supervisory and

- management levels of professional certification, and their associated requirements, for probation, parole, corrections, and municipal corrections officers.
- (12) 13 AAC 85.250 is proposed to be amended to require probation, parole, correctional, and municipal correctional officers to report their arrest or being charged with a crime to their employer and the employer to report to the council.
 - (13) 13 AAC 85.260 is proposed to be amended to clarify disqualification language and specifically list officer misconduct that led the council to take prior administrative action against an officer's eligibility.
 - (14) 13 AAC 85.270 is proposed to be repealed and readopted to provide the council with the option of suspending a probation, parole, corrections, and municipal corrections officer's certification in addition to revoking it, making an emergency suspension in certain cases, and to clarify suspension/revocation language to cite some of the misconduct that may lead to the council to take administrative action against an officer's certification.
 - (15) 13 AAC 85.900 is proposed to be amended by adding definitions for the terms "suspension" and "public safety certificate."
 - (16) Amendments are proposed to 13 AAC 97.040 that will allow for suspension of an instructor's certification for cause, in addition to the current revocation, and requires that an instructor report their arrest or being charged with a crime to the council.
 - (17) A new section 13 AAC 87.084 is proposed to be added to require every police, corrections, probation, parole, and municipal corrections officer obtain at least 12 hours of annual in-service training, eight hours of which may be provided by the council and must annually demonstrate proficiency in perishable skills such as firearms, less-lethal weapons, and arrest and control techniques, as applicable to their position. The section provides reporting deadlines and certificate sanctions, including suspension, for officers who fail to complete required training.
 - (18) 13 AAC 89.055 is proposed to be added to provide for mandatory annual training requirement for village police officers to include eight hours of council provided training each year, and periodic required proficiency demonstrations for use of firearms, less-lethal weapons, and control and arrest tactics, as appropriate to their position.
 - (19) 13 AAC 89.070 is proposed to be repealed and readopted to provide the council with the option of suspending a village police officer's certification, in addition to deny or revoking certification.
 - (20) 13 AAC 89.150 is proposed to be amended to add definitions for the terms "public safety certificate" and "suspension."

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Alaska Police Standards Council at PO Box 111200, Juneau, AK 99811-1200. Additionally, Council will accept comments by facsimile at (907) 465-3263 and by electronic mail at wendy.menze@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 4:30 PM on Friday February 19, 2021.

You may submit written questions relevant to the proposed action to Alaska Police Standards Council at PO Box 111200, Juneau, AK 99811-1200. The questions must be received at least 10 days before the end of the public comment period. The Council will aggregate its response to

substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the agency website at <https://dps.alaska.gov/APSC/Regulations>

If you are a person with a disability who needs a special accommodation to participate in this process, please contact Wendy Menze at wendy.menze@alaska.gov or 907-465-4378 not later than February 5, 2021 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System, on the agency's website at <https://dps.alaska.gov/APSC/Regulations>, and by contacting Wendy Menze at wendy.menze@alaska.gov or 907-465-4378.

After the public comment period ends, the Alaska Police Standards Council will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

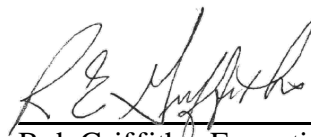
Statutory authority: AS 18.65.220; AS 18.65.230; AS 18.65.240; AS 18.65.242; AS 18.65.245; AS 18.65.248; AS 18.65.270; AS 18.65.285

Statutes being implemented, interpreted, or made specific: AS 18.65.220; AS 18.65.230; AS 18.65.240; AS 18.65.242; AS 18.65.245; AS 18.65.248; AS 18.65.270; AS 18.65.285.

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

The Alaska Police Standards Council keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of Council notices of proposed regulation changes. To be added to or removed from the list, send a request to the council wendy.menze@alaska.gov giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date: January 4, 2021



Bob Griffiths, Executive Director

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Alaska Police Standards Council
2. General subject of regulation: Basic standards for APSC certified officers, training & certification
3. Citation of regulation (may be grouped): 13 AAC 85.010 - .900; 13 AAC 87010 - .090 & 13 AAC 89.010 - .150
4. Department of Law file number, if any: _____
5. Reason for the proposed action:

☐ Compliance with federal law or action (identify): _____
☐ Compliance with new or changed state statute
☐ Compliance with federal or state court decision (identify): _____
☒ Development of program standards
☐ Other (identify): _____
6. Appropriation/Allocation: Department of Public Safety/Alaska Police Standards Council
7. Estimated annual cost to comply with the proposed action to:

A private person: None
Another state agency: None, assuming they already conduct in-service officer training.
A municipality: None, assuming they already conduct in-service officer training.
8. Cost of implementation to the state agency and available funding (in thousands of dollars):

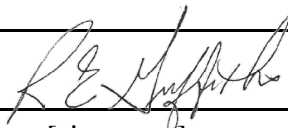
	Initial Year FY <u>2021</u>	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>

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

Name: Robert Griffiths
Title: Executive Director
Address: PO Box 111200, Juneau, AK 99811
Telephone: 907-465-5523
E-mail address: bob.griffiths@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change⁷
☐ Other (identify): _____

11. Date: 12/29/2020 Prepared by: 
[signature]

Name (printed): Bob Griffiths
Title (printed): Executive Director
Telephone: 907-465-5523

13 AAC 85.010(b) is amended to read:

(b) A participating police department may not hire as a police officer a person

(1) who has been convicted of any 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 **public safety** [BASIC] certification revoked, or has surrendered the person's **public safety** [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 **public safety** [BASIC] certification in this state or 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.

(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 8/28/2020, Register 236; am _____ / _____ / _____ ,
Register)

Authority: AS 18.65.220

AS 18.65.240

13 AAC 85.010(c) is amended to read:

(c) A participating police department has **10** [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 **10-day** [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 **public safety** [BASIC] certification revoked, or has surrendered the person's **public safety** [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 **public safety** [BASIC] certification in this state or 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.

(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 8/28/2020, Register 236; am ____/____/____,

Register)

Authority: AS 18.65.220

AS 18.65.240

13 AAC 85.010(d) is amended to read:

(d) All information, documents, and reports obtained by a participating police department under (c) of this section must be placed in the permanent files of the police department and must be available for examination at any reasonable time by representatives of the council. A copy of any criminal record discovered and of the following completed council forms must be sent to the council **not later than 10** [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 an agency's compliance with (c)(1) - (7) of this section.

(Eff. 8/10/73, Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91; am 3/16/89, Register 109; am 8/8/90, Register 115; am 10/24/92, Register 124; am 8/5/95, Register 135; am 7/15/98, Register 147; am 2/20/99, Register 149; am 8/16/2000, Register 155; am 3/25/2001, Register 157; am 8/8/2007, Register 183; am 2/13/2010, Register 193; am 9/24/2016, Register 219; am 9/1/2017, Register 223; am 8/28/2020, Register 236; am ____/____/____, Register)

Authority: AS 18.65.220

AS 18.65.240

13 AAC 85.020 is amended by adding a new subsection to read:

(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.

Eff. 8/19/73, Register 47; am 9/17/76, Register 59; am 8/10/80, Register 75; am 9/23/84, Register 91; am 8/8/90, Register 115; am 8/16/2000, Register 155; am 9/24/2016, Register 219; am ____ / ____ / ____, Register ____)

Authority: AS 18.65.220 AS 18.65.240

13 AAC 85 is amended by adding a new section to read:

Section

45. Supervisory and management 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 council 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 council approved training in addition to those previously relied upon for prior certification.

(Eff.____/____/____, Register)

Authority: AS 18.65.220

AS 18.65.240

13 AAC 85.050(b) is amended to read:

(b) The basic police officer academy must include the following topics of instruction:

- (1) disability awareness in compliance with the requirements 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 an automated external defibrillator (AED);
- (7) criminal investigation, including;
 - (A) controlled substances;
 - (B) crimes against minors; and
 - (C) sex crimes and human trafficking;
- (8) the criminal justice system;
- (9) criminal law and procedure;
- (10) crime scene investigation;
- (11) cultural diversity;
- (12) domestic violence;

(13) driving under the influence, field sobriety training, and use of a scientific instrument to analyze a sample of a person's breath and determine the breath alcohol content in that sample;

(14) electronic evidence and identity theft;

(15) classroom and practical emergency vehicle operations;

(16) emotional survival, police stress, and trauma;

(17) mental health issues;

(18) firearms, including;

(A) classroom instruction;

(B) handguns, practical instruction;

(C) handguns, practical instruction, low-light operations;

(D) long guns, practical instruction; and

(E) long guns, practical instruction, low-light operations;

(19) hazardous materials;

(20) interview and interrogation;

(21) juvenile law and procedures;

(22) patrol procedures;

(23) police tools, including TASER, oleoresin capsicum, baton, handcuffs, and radar;

(24) professional communication;

(25) radio procedures;

(26) report writing;

(27) search-and-seizure and search warrants;

(28) social media;

(29) traffic law and stops, including practical scenarios and accident investigation;

and

(30) use of force.

(Eff. 8/10/73, Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91; am 8/8/90, Register 115; am 10/24/92, Register 124; am 9/24/2016, Register 219; am 4/6/2018, Register 226; am _____ / _____ / _____, Register)

Authority: AS 18.65.220

AS 18.65.230

AS 18.65.240

13 AAC 85.060(a) is amended to read:

(a) The council may waive part or all of the basic police officer academy requirements if an applicant furnishes satisfactory evidence that the applicant has successfully completed

(1) an equivalent basic police officer academy;

(2) a 12-consecutive-month probationary period with the police department the applicant is employed within 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 in this state;

(B) control tactics;

(C) domestic violence;

(D) ethics;

(E) firearms;

(F) use of force **and officer duty to intervene**;

(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.

(Eff. 8/10/73, Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91; am 10/24/92, Register 124; am 8/5/95, Register 135; am 8/16/2000, Register 155; am 3/31/2005, Register 173; am 9/24/2016, Register 219; am 4/6/2018, Register 226; am ____ / ____ / ____, Register)

Authority: AS 18.65.220

AS 18.65.230

AS 18.65.240

13 AAC 85.090(a) is amended to read:

(a) Within **10**[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.

(Eff. 8/10/73, Register 47; am 9/17/76, Register 59; am 8/10/80, Register 75; am 9/23/84, Register 91; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am 6/17/2020, Register 234; am ____/____/____, Register)

Authority: AS 18.65.220

AS 18.65.240

13 AAC 85.090(b) is amended to read:

(b) A participating police department shall notify the council within **10**[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

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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.

(Eff. 8/10/73, Register 47; am 9/17/76, Register 59; am 8/10/80, Register 75; am 9/23/84, Register 91; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am 6/17/2020, Register 234; am ____/____/____, Register)

Authority: AS 18.65.220 AS 18.65.240

13 AAC 85.090(d) is amended to read:

(d) Within **10**[30] days after the allegation being sustained by administrative review, a participating police department shall notify the council of an allegation of misconduct by an officer employed by that department if the misconduct alleged may be cause for revocation under 13 AAC 85.110.

(Eff. 8/10/73, Register 47; am 9/17/76, Register 59; am 8/10/80, Register 75; am 9/23/84, Register 91; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am 6/17/2020, Register 234; am ____/____/____, Register)

Authority: AS 18.65.220 AS 18.65.240

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

(f) A participating police department shall notify the council within 10 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

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state or any other jurisdiction shall notify their employing agency no later than three days after their arrest or a criminal charge being filed.

(Eff. 8/10/73, Register 47; am 9/17/76, Register 59; am 8/10/80, Register 75; am 9/23/84, Register 91; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am 6/17/2020, Register 234; am ____/____/____, Register)

Authority: AS 18.65.220 AS 18.65.240

13 AAC 85.100(a) is amended to read:

(a) The council may deny a **public safety** [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; or

(2) has been discharged, or resigned under threat of discharge, from employment as a police officer in this state or any other state or territory for 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) negligently used unreasonable force against another or knowingly failed to intervene in the unreasonable use of force by another officer;

(D) harassed or coerced 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) failed to report to the employing agency within three days of being arrested or charged with a criminal offense; or

(J) failed to respond or to respond truthfully to questions related to an investigation or legal proceeding.

(Eff. 8/10/80, Register 75; am 9/23/84, Register 91; am 8/8/90, Register 115; am 10/24/92, Register 124; am 9/6/96, Register 139; am 7/15/98, Register 147; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am 9/1/2017, Register 223; am ____/____/____, Register)

Authority: AS 18.65.220

AS 18.65.240

AS 18.65.270

13 AAC 85.100(b) is amended to read:

(b) The council will deny a **public safety** [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 **any felony**, 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 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;

(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.

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(Eff. 8/10/80, Register 75; am 9/23/84, Register 91; am 8/8/90, Register 115; am 10/24/92, Register 124; am 9/6/96, Register 139; am 7/15/98, Register 147; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am 9/1/2017, Register 223; am ____/____/____, Register)

Authority: AS 18.65.220 AS 18.65.240 AS 18.65.270

13 AAC 85.110 is repealed and readopted to read:

13 AAC 85.110. **Suspension or revocation of certificates.** (a) The council may suspend or revoke a public safety 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);

(4) 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) negligently used unreasonable force against another or knowingly failed to intervene in the unreasonable use of force by another officer;

(D) harassed or coerced 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) failed to report to the employing agency within three days of being arrested or charged with a criminal offense; or,

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

(5) fails to complete minimum annual training requirements in compliance with 13 AAC 87.084

(b) The council will revoke a 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 certificate or license; or

(3) presents a clear and present danger to the public health or safety if authorized to exercise police authority.

(e) If a public safety 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.

(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 public safety certificate.

(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 public safety certificate under this section.

(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).

(Eff. 9/23/84, Register 91; am 8/8/90, Register 115; am 10/24/92, Register 124; am 9/6/96, Register 139; am 7/15/98, Register 147; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am 9/1/2017, Register 223; am ____/____/____, Register)

Authority: AS 18.65.220

AS 18.65.240

AS 18.65.270

13 AAC 85.210(b) is amended to read:

(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 **public safety** [BASIC] certificate revoked, or has surrendered the person's **public safety** [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 **public safety** [BASIC] certificate in **this state or in** another jurisdiction, for the period of the suspension, unless the suspension has been rescinded by the responsible certifying agency of the issuing jurisdiction.

(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 8/28/2020, Register 236; am ____/____/____, Register)

Authority: AS 18.65.220

AS 18.65.242

AS 18.65.248

13 AAC 85.210(c) is amended to read:

(c) A person hired as a probation, parole, or correctional officer may not remain employed in that position without written confirmation from the Department of Corrections, submitted within **30** [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 **30-day** [90-DAY] period, upon a written request by the Department of Corrections that explains the reason the extension is necessary, and if the council determines that the person will probably be able to meet the standards by the end of the extension period. If the Department of Corrections concludes at the end of an investigation that a person does not meet the required standards, the person may not continue employment as a probation, parole, or correctional officer and the Department of Corrections shall notify the council on a form provided by the council. For purposes of determining whether a person meets the standards of (a) and (b) of this section,

(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 **public safety** [BASIC] certificate revoked, or has surrendered the person's **public safety** [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 **public safety** [BASIC] certificate in **this state or** 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.

(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 8/28/2020, Register 236; am ____/____/____, Register)

Authority: AS 18.65.220

AS 18.65.242

AS 18.65.248

13 AAC 85.210(d) is amended to read:

(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 30 [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;

(5) verification of a psychological or psychiatric examination report; and

(6) the compliance form to record an agency's compliance with (c)(1) - (3) of this section.

(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 8/28/2020, Register 236; am ____/____/____, Register)

Authority: AS 18.65.220

AS 18.65.242

AS 18.65.248

13 AAC 85.210(f) is amended to read:

(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.

(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 8/28/2020, Register 236; am ____/____/____, Register)

Authority: AS 18.65.220

AS 18.65.242

AS 18.65.248

13 AAC 85.215(b) is amended to read:

(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 **public safety** [BASIC] certificate revoked, or has surrendered the person's **public safety** [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 **public safety** [BASIC] certificate in **this state or** another jurisdiction, for the period of the suspension, unless the suspension has been rescinded by the responsible certifying agency of the issuing jurisdiction.

(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 8/28/2020, Register 236; am ____/____/____, Register)

Authority: AS 18.65.220

AS 18.65.248

AS 18.65.285

AS 18.65.242

13 AAC 85.215(c) is amended to read:

(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 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 **public safety** [BASIC] certificate revoked, or has surrendered the person's **public safety** [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 **public safety** [BASIC] certificate in **this state or** 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.

(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 8/28/2020, Register 236; am
____/____/____, Register)

Authority: AS 18.65.220

AS 18.65.248

AS 18.65.285

AS 18.65.242

13 AAC 85.215(f) is amended to read:

(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 suspend, deny, or revoke certification will be revealed to the officer or applicant.

(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 8/28/2020, Register 236; am ____/____/____, Register)

Authority: AS 18.65.220 AS 18.65.248 AS 18.65.285

AS 18.65.242

13 AAC 85.220 is amended by adding a new subsection to read:

(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.

(Eff. 8/8/90, Register 115; am 8/16/2000, Register 155; am 4/12/2001, Register 158; am ____/____/____, Register)

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

13 AAC 85.230 is retitled to **Basic, intermediate, and advanced certification for probation, parole, and correctional officers** and is amended by adding new subsections to read:

(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 (j) 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 (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 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 officer experience.

(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.

(Eff. 8/8/90, Register 115; am 6/13/2002, Register 162; am 9/24/2016, Register 219; am 4/6/2018, Register 226; am ____/____/____, Register)

Authority: AS 18.65.220

AS 18.65.242

AS 18.65.248

13 AAC 85 is amended by adding a new section to read:

Section

232. Supervisory and management 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.

(Eff: ____/____/____, Register)

Authority: AS 18.65.220

AS 18.65.242

13 AAC 85.235 is retitled to **Basic, intermediate, and advanced certification for municipal correctional officers** and is amended by adding new subsections to read:

(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 (i) 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.

(f) 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 (i) 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) 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.

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

(i) 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.

(Eff: ____/____/____, Register)

Authority: AS 18.65.220

AS 18.65.248

AS 18.65.285

AS 18.65.242

13 AAC 85 is amended by adding a new section to read:

Section

237. Supervisory and management 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.

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(Eff: ____/____/____, Register)

Authority: AS 18.65.220 AS 18.65.248 AS 18.65.285

AS 18.65.242

13 AAC 85.250(d) is amended to read:

(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 suspension or revocation under 13 AAC 85.270.

(Eff. 8/8/90, Register 115; am 4/12/2001, Register 158; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am 6/17/2020, Register 234; am ____/____/____, Register)

Authority: AS 18.65.220 AS 18.65.248 AS 18.65.285

AS 18.65.245

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

(f) A participating agency shall notify the council within 10 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 shall notify their employing agency no later than three days after their arrest or a criminal charge being filed.

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(Eff. 8/8/90, Register 115; am 4/12/2001, Register 158; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am 6/17/2020, Register 234; am ____/____/____, Register)

Authority: AS 18.65.220 AS 18.65.248 AS 18.65.285

AS 18.65.245

13 AAC 85.260(a) is amended to read:

(a) The council may deny a basic certificate or find a probation, parole, correctional, or municipal correctional officer job applicant ineligible for certification upon a finding that the applicant

(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;

(C) negligently used unreasonable force against another or knowingly failed to intervene in the unreasonable use of force by another officer;

(D) harassed or coerced 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) failed to report to the employing agency within three days of being arrested or charged with a criminal offense;

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

(Eff. 8/8/90, Register 115; am 10/24/92, Register 124; am 9/6/96, Register 139; am 7/15/98, Register 147; am 4/12/2001, Register 158; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am 9/1/2017, Register 223; am ____/____/____, Register)

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

13 AAC 85.270 is repealed and readopted to read:

13 AAC 85.270 **Suspension or revocation of certification.** (a) The council may suspend or revoke a public safety 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) 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) negligently used unreasonable force against another or knowingly
failed to intervene in the unreasonable use of force by another officer;

(D) harassed or coerced 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) failed to report to the employing agency within three days of being
arrested or charged with a criminal offense;

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

(K) failed to complete meet annual minimum annual training requirements
proscribed by the council pursuant to 13 AAC 87.084.

(b) The council will revoke a public safety 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) 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) If a public safety 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.

(f) If a petition for rescission is based on one or more of the reasons set out in (e) 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 public safety 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 public safety 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).

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(Eff. 8/8/90, Register 115; am 10/24/92, Register 124; am 9/6/96, Register 139; am 7/15/98, Register 147; am 4/12/2001, Register 158; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am 9/1/2017, Register 223; am ____/____/____, Register)

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

13 AAC 85.900 is amended by adding the definitions:

(30) “public safety certificate” means a certificate issued by the council or an equivalent certification issued by another jurisdiction.

(31) “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.

(Eff. 8/10/73, Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91; am 3/16/89, Register 109; am 8/8/90, Register 115; am 10/24/92, Register 124; am 9/6/96, Register 139; am 7/15/98, Register 147; am 3/25/2001, Register 157; am 4/12/2001, Register 158; am 6/13/2002, Register 162; am 8/8/2007, Register 183; am 2/13/2010, Register 193; am 9/24/2016, Register 219; am 4/6/2018, Register 226; am 6/17/2020, Register 234; am ____/____/____, Register)

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

13 AAC 87.040(e) is amended to read:

(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 proceedings 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.

(4) the instructor 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.

(Eff. 11/25/77, Register 64; am 10/18/81, Register 80; am 8/8/90, Register 115; am 4/6/2018, Register 226; am ____/____/____, Register)

Authority: AS 18.65.220

AS 18.65.230

AS 18.65.240

13 AAC 87.060(a) is amended to read:

(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), bloodborne 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 a correctional officer must complete before completing the correctional officer's probationary period; the correctional officer academy

consists of a minimum of 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 certifications, 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) constitutional law, civil rights, and officer duty to intervene;** and
- (G) reentry and supervision standards.

(Eff. 8/8/90, Register 115; am 9/24/2016, Register 219; am 4/6/2018, Register 226; am ____/____/____, Register)

Authority: AS 18.65.220 AS 18.65.230 AS 18.65.242

13 AAC 87.060(b) is amended to read:

(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), bloodborne pathogens, and first aid instruction sufficient to qualify the probation or parole 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-or-force policy overview;

(D) avoiding offender set-ups;

(E) incident command system;

(F) the federal Prison Rape Elimination Act (PREA); and

(G) suicide awareness; and

(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 of 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) communications 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.

(Eff. 8/8/90, Register 115; am 9/24/2016, Register 219; am 4/6/2018, Register 226; am ____/____/____, Register)

Authority: AS 18.65.220

AS 18.65.230

AS 18.65.242

13 AAC 87.080(a) is amended to read:

(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.

(Eff. 4/12/2001, Register 158; am 9/24/2016, Register 219; am 4/6/2018, Register 226; am ____/____/____, Register)

Authority: AS 18.65.220

AS 18.65.230

AS 18.65.242

13 AAC 87 is amended by adding a new section to read:

Article

1. Certification of training programs (13 AAC 87.010 - 13 AAC 87.040)
2. Basic Requirements of Probation, Parole, and Correctional Officer Training Programs (13 AAC 87.050 - 13 AAC 87.070)
3. Basic Municipal Correctional Officer Academy Requirements **(13 AAC 87.075 – 13 AAC 87.080)** [(13 AAC 87.075 - 13 AAC 87.085)]
- 4. Officer In-Service Training Requirements (13 AAC 87.084 – 13 AAC 87.085)**

5. [4.] General Provisions (13 AAC 87.090 - 13 AAC 87.090)

Article 4. Officer In-Service Training Requirements

Section

84. In-Service Training Requirements

13 AAC 87.084. 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 each 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:

(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 applicable 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 their 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 their 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).

(Eff ____/____/____, Register ____).

Authority: AS 18.65.220

AS 18.65.240

AS 18.65.245

AS 18.65.230

AS 18.65.242

AS 18.65.248

Editor's note: The forms required in 13 AAC 87.084 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>.

13 AAC 89.020(d) is amended by adding a new subsection to read:

(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.

(Eff. 10/18/81, Register 80; am 1/15/95, Register 133; am 6/17/2020, Register 234; am 8/28/2020, Register 236; am ____ / ____ / ____, Register)

Authority: AS 18.65.220

AS 18.65.230

AS 18.65.240

13 AAC 89.040(a) is amended to read:

(a) A village police officer basic training program must consist of at least 80 hours of instruction and include instruction regarding

(1) alcohol and drug interdiction;

(2) arrest procedures;

(3) constitutional rights and administration of justice;

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

(Eff. 10/18/81, Register 80; am 4/6/2018, Register 226; am 6/17/2020, Register 234; am _____ /_____/_____, Register _____)

Authority: AS 18.65.220

AS 18.65.230

AS 18.65.240

13 AAC 89 is amended by adding a new section to read:

Section

55. Village police officer in-service training program

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; and

(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.

(Eff. ____/____/____, Register _____)

Authority: AS 18.65.220

AS 18.65.230

AS 18.65.240

Editor's note: The forms required in 13 AAC 89.055 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>.

13 AAC 89.070 is repealed and readopted to read:

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 public safety certificate or license; or

(3) presents a clear and present danger to the public health or safety if authorized police authority.

(4) failed to complete minimum annual training requirement established by the council.

(c) The holder of a certificate shall immediately return the certificate to the council upon notification of revocation.

(d) A certificate lapses if the holder is not employed as a full-time village police officer for 12 consecutive months.

(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.

(Eff. 10/18/81, Register 80; am 1/15/95, Register 133; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.230 AS 18.65.240

13 AAC 89.150 is amended by adding a new definition:

(16) “public safety certificate” means a certificate issued by the council or an equivalent certification issued by another jurisdiction.

(17) “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.

(Eff. 10/18/81, Register 80; am 6/17/2020, Register 234; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.240