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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Robyn Ramos, Department of Public Safety

FROM: Scott Meriwether, Office of the Lieutenant Governor 465.4081 

DATE: August 25, 2016

RE: Filed Permanent Regulations: Alaska Police Standards Council

Regulations re: basic standards, permanent employment, certificates, and reciprocity for probation and parole officers and municipal and state corrections officers (13 AAC 85.210; 13 AAC 85.215(a)-(d); 13 AAC 85.230(e)(2); 13 AAC 85.235(d)(2); 13 AAC 85.240; 13 AAC 85.250(d); 13 AAC 85.260(a),(b),(d); 13 AAC 85.270(a),(b); 13 AAC 85.280(b); 13 AAC 87.060(a),(b); 13 AAC 87.080(a))

Attorney General File:	JU2016200230
Regulation Filed:	August 25, 2016
Effective Date:	September 24, 2016
Print:	219, October 2016

cc with enclosures:

Linda Miller, Department of Law
Dianne Blumer, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF ALASKA POLICE STANDARDS COUNCIL

The attached twenty-two (22) pages of regulations, dealing with 13 AAC 85.210 - 280, 13 AAC 87.060 - 080, regarding correctional, probation/parole, and municipal correctional officer basic standards, permanent employment, certificates, reciprocity, personnel records, denials, revocations, lapses of certifications, and academy curriculum, are certified to be a correct copy of the regulation changes that the Alaska Police Standards Council adopted at its August 16, 2016 meeting, under the authority of AS 18.65.242, AS 18.65.245, AS 18.65.248, AS 18.65.270, and AS 18.65.285 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Alaska Police Standards Council paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.


Date: 8/27/16


Robert Griffiths, Executive Director, APSC

FILING CERTIFICATION

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

August 25, 2016 at 11:00 A.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


Lieutenant Governor

Effective: September 24, 2016

Register: 219, October 2016

13 AAC 85.210(a) is amended to read:

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

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

(2) is 21 years of age or older;

(3) is of good moral character;

(4) has a high school diploma **recognized by a state, has a diploma from a home school program recognized or certified by a state or by a local school district within a state as having met that state's graduation requirements**, [OR ITS EQUIVALENT,] or has passed a General Educational Development (GED) test;

(5) is [, AT THE TIME OF HIRE,] certified by a licensed physician, **advanced practice registered nurse, or physician assistant** on a medical record form supplied by the council to be physically capable of performing the essential functions of the job of probation, parole, or correctional officer;

(6) has taken the Department of Corrections' psychological screening examination and is mentally capable of performing the essential functions of the job of probation, parole, or correctional officer and is free from any emotional disorder that may adversely affect the person's performance as a probation, parole, or correctional officer.

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 [A] felony or a misdemeanor crime of domestic violence by a civilian court of this state, the United States, or another state or territory, or by a military court;

(2) has been convicted by a civilian court of this state, the United States, or another state or territory, or by a military court, during the 10 years immediately before the date of hire as a probation, parole, or correctional officer, of a crime of dishonesty or crime of moral turpitude, of a crime that resulted in serious physical injury to another person, or of two or more DUI [DWI] 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 [10] years before the date of hire, has illegally used a Schedule IA, IIA, IIIA, IVA, or VA controlled substance [OTHER THAN MARIJUANA], unless

(A) the person was under the age of 21 at the time of using the controlled substance; or

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

(5) within the one year before the date of hire, has used marijuana, unless the person was under the age of 21 at the time of using marijuana;

(6) has been denied certification, has had the person's basic certificate revoked, or

has surrendered the person's basic certificate, in this state or another jurisdiction, unless the denial, [OR] revocation, **or surrender** has been rescinded by the council under 13 AAC 85.270 or by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction; or

(7) is under suspension of a basic certificate in another jurisdiction, for the period of the suspension, unless the suspension has been rescinded by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction.

13 AAC 85.210(c)(1)(C) is amended to read:

(C) a complete personal history of the person on a form supplied [OR APPROVED] by the council;

13 AAC 85.210(c)(1)(D) is amended to read:

(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;

13 AAC 85.210(c)(1)(E) is amended to read:

(E) information as to whether the person

(i) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, and whether the denial, [OR] revocation, **or surrender** [IF ANY,] has been rescinded by the council under 13 AAC 85.270 or by the

responsible **certifying** [LICENSING] agency of the issuing jurisdiction; or

(ii) is under suspension of a basic certificate in another jurisdiction, for the period of the suspension, and whether the suspension [, IF ANY,] has been rescinded by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction;

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 90 days after the date of each hire:

(1) [REPEALED 10/24/92;

(2)] the medical examination **report** [FORM];

(2) [(3)] the health questionnaire;

(3) [(4)] the personal history statement;

(4) [(5)] the psychological screening report; [AND]

(5) [(6)] 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.

13 AAC 85.210(e) is amended to read:

(e) A probation, parole, or correctional officer must begin field training, using the Department of Corrections Field Training Manual, immediately after the date the officer is hired. The Field Training Manual must be completed and sent to the council within 12 [SIX] months after the date the officer began work with the department.

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 [WILL, IN THE COUNCIL'S DISCRETION,] be furnished by the council to a correctional agency. An officer or applicant may not review information in the council's files that [WHICH] was supplied to the council with the understanding that the information or the source of the information would remain confidential, except that any information that serves as the basis for a decision to deny or revoke certification will be revealed to the 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

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9/24/2016, Register 219

Authority: AS 18.65.220

AS 18.65.242

AS 18.65.248

13 AAC 85.215(a) is amended to read:

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

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

(2) is 19 years of age or older;

(3) is of good moral character;

(4) is capable of reading and understanding operational rules and policies, and has demonstrated the ability to apply them;

(5) is [, AT THE TIME OF HIRE,] certified by a licensed physician, **advanced practice registered nurse, or physician assistant** [LICENSED PHYSICIAN'S ASSISTANT, OR LICENSED AND CERTIFIED ADVANCED NURSE PRACTITIONER,] on a medical record form supplied by the council [,] to be physically capable of performing the essential functions of the job of municipal correctional officer;

(6) is mentally and emotionally capable of performing the essential functions of the job of municipal correctional officer and is free from any emotional disorder that may adversely affect the person's performance as a municipal correctional officer.

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 [A] felony or a misdemeanor crime of domestic violence by a civilian court of this state, the United States, or another state or territory, or by a military court;

(2) has been convicted by a civilian court of this state, the United States, or another state or territory, or by a military court, during the three years immediately before the date of hire as a municipal correctional officer, of a crime of dishonesty or crime of moral turpitude, of a crime that resulted in serious physical injury to another person, or of two or more DUI [DWI] 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 [OTHER THAN MARIJUANA], unless

(A) the person was under the age of 21 at the time of using the controlled substance; or

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

(5) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, unless the

denial, [OR] revocation, or surrender has been rescinded by the council under 13 AAC 85.270 or by the responsible certifying [LICENSING] agency of the issuing jurisdiction; or

(6) is under suspension of a basic certificate in another jurisdiction, for the period of the suspension, unless the suspension has been rescinded by the responsible certifying [LICENSING] agency of the issuing jurisdiction.

The introductory language of 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 [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 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,

...

13 AAC 85.215(c)(1)(C) is amended to read:

(C) a complete personal history of the person on a form supplied [OR APPROVED] by the council;

13 AAC 85.215(c)(1)(D) is amended to read:

(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** [LICENSED PHYSICIAN'S ASSISTANT, OR LICENSED AND CERTIFIED ADVANCED NURSE PRACTITIONER] for use in conducting a physical examination of the person;

13 AAC 85.215(c)(1)(E) is amended to read:

(E) information as to whether the person

(i) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, and whether the denial, [OR] revocation, **or surrender** [IF ANY,] has been rescinded by the council under 13 AAC 85.270 or by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction; or

(ii) is under suspension of a basic certificate in another jurisdiction, for the period of the suspension, and whether the suspension [, IF ANY,] has been rescinded by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction; and

13 AAC 85.215(c)(2)(C) is amended to read:

(C) job references from **at least three** previous employers **unless the person has had less than three previous jobs**; and

13 AAC 85.215(c)(2)(D) is amended to read:

(D) at least two personal references.

13 AAC 85.215(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 municipality and must be available for examination, at any reasonable time, by representatives of the council. A copy of any criminal record discovered and of the following completed council forms must be sent to the council within 30 [90] days after the date of each hire:

(1) the medical examination report [FORM];

(2) the health questionnaire;

(3) the personal history statement; and

(4) the compliance form to record an agency's compliance with (c)(1) and (2)

of this section.

(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)

Authority: AS 18.65.220 AS 18.65.248 AS 18.65.285
AS 18.65.242

13 AAC 85.230(e)(2) is amended to read:

(2) the institution is accredited by a regional or national accrediting agency recognized by the United States Secretary of Education [THE NATIONAL ASSOCIATION

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OF POST-SCECONDARY EDUCATION]. (Eff. 8/8/90, Register 115; am 6/13/2002, Register 162; am 9/24/2016, Register 219)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.248

13 AAC 85.235(d)(2) is amended to read:

(2) the institution is accredited by a regional or national accrediting agency recognized by the United States Secretary of Education [THE NATIONAL ASSOCIATION OF POST-SCECONDARY EDUCATION]. (Eff. 4/21/2001, Register 158; am 6/13/2002, Register 162; am 9/24/2016, Register 219)

Authority: AS 18.65.220 AS 18.65.248 AS 18.65.285
AS 18.65.242

13 AAC 85.240(a) is amended to read:

(a) The council may [WILL] waive part or all of the training required under 13 AAC 85.230(b)(1) or (c)(1) or 13 AAC 85.235(b)(1) if an applicant furnishes evidence to the council's satisfaction of successful completion of an equivalent training program.

13 AAC 85.240(c) is amended to read:

(c) Notwithstanding (a) of this section, the council will not grant a waiver if the applicant was previously issued a certificate that lapsed more than five [10] years before the waiver was sought. (Eff. 8/8/90, Register 115; am 8/5/95, Register 135; am 4/12/2001, Register 158; am 3/31/2005, Register 173; am 9/24/2016, Register 219)

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Authority: AS 18.65.220

AS 18.65.248

AS 18.65.285

AS 18.65.242

13 AAC 85.250 is amended by adding a new subsection 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 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)

Authority: AS 18.65.220

AS 18.65.248

AS 18.65.285

AS 18.65.245

Editor's note: The forms required in 13 AAC 85.250 are available from the Alaska Police Standards Council, Department of Public Safety, P.O. Box 111200, Juneau, AK 99811-1200 or on the council's website at <http://www.dps.alaska.gov/APSC/forms.aspx> [HTTP://WWW.DPS.STATE.AK.US/APSC/FORMS.ASPX].

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

(a) The council may [WILL, IN ITS DISCRETION,] deny a basic certificate upon a finding that the applicant for the certificate

...

13 AAC 85.260(b) is amended to read:

(b) The council will deny a basic certificate upon a finding that the applicant for the certificate

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

(A) probation, parole, or correctional officer, has been convicted of any [A] felony, or of a misdemeanor crime listed in 13 AAC 85.210(b)(2); or

(B) municipal correctional officer, has been convicted of any [A] 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 [ANY OTHER] controlled substance, unless an immediate, pressing, or emergency medical circumstance existed to justify the use of a prescription Schedule IA, IIA, IIIA, IVA, or VA controlled substance not specifically prescribed to the person; or

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

(3) of [FOR] a probation, parole, or correctional officer does not meet the standards in 13 AAC 85.210;

(4) of [FOR] a municipal correctional officer does not meet the standards in 13 AAC 85.215; or

(5) has been discharged, or resigned under threat of discharge, from employment as a probation, parole, correctional, or municipal correctional officer in this state or any other state or territory for cause for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States or that is detrimental to the integrity of the correctional agency where the officer worked.

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

(d) If a person has been denied a basic certificate under this section, the person may petition the council for rescission of the denial after one year following the date of the denial. The petitioner must state in writing the reasons why the denial should be rescinded. A denial may [WILL, IN THE DISCRETION OF THE COUNCIL,] be rescinded for the following reasons:

. . .

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

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

13 AAC 85.270(a) is amended to read:

(a) The council may [WILL, IN ITS DISCRETION,] revoke a basic certificate upon a

finding that the holder of the certificate

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

(2) has been discharged, or resigned under threat of discharge, from employment as a probation, parole, correctional, or municipal correctional officer in this state or any other state or territory for cause for inefficiency, incompetence, or some other reason that adversely affects the ability and fitness of the officer to perform job duties or that is detrimental to the reputation, integrity, or discipline of the correctional agency where the officer worked;

(3) [WHO] is a probation, parole, or correctional officer and does not meet the standards in 13 AAC 85.210(a) or (b); or

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

13 AAC 85.270(b) is amended to read:

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

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

(A) probation, parole, or correctional officer, has been convicted of any [A] felony, or of a misdemeanor crime listed in 13 AAC 85.210(b)(2); or

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

OR (b)(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 [ANY OTHER] controlled substance, unless an immediate, pressing, or emergency medical circumstance existed to justify the use of a prescription Schedule IA, IIA, IIIA, IVA, or VA controlled substance not specifically prescribed to the person; or

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

(3) has been discharged, or resigned under threat of discharge, from employment as a probation, parole, correctional, or municipal correctional officer in this state or any other state or territory for cause for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States or that is detrimental to the integrity of the correctional agency where the officer worked.

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

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 85.280(b) is amended to read:

(b) A person may request reinstatement of a lapsed certificate after serving an additional 12-month probationary period. The council may require supplemental training as a condition of reinstatement. A certificate **expires** [WILL NOT BE REINSTATED] if it has been lapsed for more than **four** [10] years. (Eff. 8/8/90, Register 115; am 8/5/95, Register 135; am 4/12/2001, Register 158; am 6/13/2002, Register 162; am 3/31/2005, Register 173; am 9/24/2016, Register 219)

Authority: AS 18.65.220

AS 18.65.248

AS 18.65.285

AS 18.65.242

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) [IN] security procedures, custody, and supervision of inmates;

(B) use of force, firearms certification, [AND] 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 [CARDIOPULMONARY RESUSCITATION (CPR), AND FIRST AID INSTRUCTION SUFFICIENT TO QUALIFY STUDENTS FOR A STANDARD RED CROSS FIRST AID CERTIFICATE, OR A COUNCIL-APPROVED EQUIVALENT]; [AND]

(F) legal issues, including the provisions of 22 AAC 05 and AS 33; and

(G) reentry and supervision standards.

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-of-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 [80] hours of instruction and must include the following topics of instruction:

(A) risk assessment;

(B) [IN] interviewing and counseling techniques;

(C) firearms familiarization and safety; [DEPARTMENTAL AND
INTER-AGENCY RELATIONS AND COMMUNICATION;]

(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;

(I) legal issues, reentry, and supervision standards; and

(J) [ASPECTS OF PROBATION AND PAROLE; WRITTEN
COMMUNICATION FORMS AND TECHNIQUES;] techniques of supervision [; AND
PERSONAL AND OFFICE SAFETY, SECURITY, FIRST AID AND EMERGENCY
PROCEDURES].

(Eff. 8/8/90, Register 115; am 9/24/2016, Register 219)

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)** [IN] security and search procedures;
 - (2)** [,] supervision of inmates
 - (3)** [,] use of force and methods of self-defense;
 - (4) diversity and disability awareness;**
 - (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)** [RETARDATION,] substance abuse;
 - (13)** [,] physical deficiencies;
 - (14)** [,] suicide-prone behavior and suicide prevention;
 - (15) the federal Prison Rape Elimination Act (PREA);**
 - (16)** [,] cross-cultural awareness;
 - (17)** [,] legal issues and liability;
 - (18)** [,] cardiopulmonary resuscitation (CPR); [,] and
 - (19)** first aid instruction sufficient to qualify students for a standard Red Cross

first aid certificate or a council-approved equivalent.

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

Authority: AS 18.65.220

AS 18.65.230


AS 18.65.242

MEMORANDUM

State of Alaska Department of Law


To: Hon. Byron Mallott
Lieutenant Governor

Date: August 24, 2016

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

File No.: JU2016200230

Tel. No.: 465-3600

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

Re: Regulations re: basic standards,
permanent employment, certificates,
and reciprocity for probation and
parole officers and municipal and state
corrections officers (13 AAC 85.210;
13 AAC 85.215(a) - (d); 13 AAC
85.230(e)(2); 13 AAC 85.235(d)(2);
13 AAC 85.240; 13 AAC 85.250(d);
13 AAC 85.260(a), (b), (d); 13 AAC
85.270(a), (b); 13 AAC 85.280(b);
13 AAC 87.060(a), (b); 13 AAC
87.080(a))

We have reviewed the attached regulations from the Alaska Police Standards Council against the statutory standards of the Administrative Procedure Act. The regulations bring up to date requirements and procedures regarding basic standards, permanent employment, certificates, and reciprocity for probation and parole officers and municipal and state corrections officers.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

We request that these regulations be filed on the same date as the Alaska Police Standards Council regulations regarding basic standards, permanent employment, certificates, and reciprocity for police officers (Department of Law file number JU2015200562), so that the regulations in both projects share the same effective date.

Hon. Byron Mallott, Lieutenant Governor
Our file: JU2016200230

August 24, 2016
Page 2

The March 20, 2016 public notice and the August 17, 2016 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SCW


cc w/enc: (via email)


Robert E. "Bob" Griffiths, Executive Director
Alaska Police Standards Council

MEMORANDUM

State of Alaska Department of Law

To: Robert E. "Bob" Griffiths
Executive Director
Alaska Police Standards Council

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

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

Date: August 24, 2016

File No.: JU2016200230

Tel. No.: 465-3600

Re: Regulations re: basic standards, permanent employment, certificates, and reciprocity for probation and parole officers and municipal and state corrections officers (13 AAC 85.210; 13 AAC 85.215(a) - (d); 13 AAC 85.230(e)(2); 13 AAC 85.235(d)(2); 13 AAC 85.240; 13 AAC 85.250(d); 13 AAC 85.260(a), (b), (d); 13 AAC 85.270(a), (b); 13 AAC 85.280(b); 13 AAC 87.060(a), (b); 13 AAC 87.080(a))

Under AS 44.62.060, we have reviewed the attached changes by the Alaska Police Standards Council and approve the regulations for filing by the lieutenant governor.

You might wish to contact the lieutenant governor's office to confirm the filing date and effective date of the attached regulations changes.

Robert E. "Bob" Griffiths, Executive Director
Alaska Police Standards Council
Our file: JU2016200230

August 24, 2016
Page 2

The March 20, 2016 public notice and the August 17, 2016 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SCW

cc w/enc: (via email)

Robyn Ramos, Regulations Contact
Department of Public Safety

Sarah Hieb
Alaska Police Standards Council
Department of Public Safety

Robert E. Henderson, Chief Assistant Attorney General
Criminal Division, Office of Special Prosecutions

Alaska Police Standards Council Meeting
August 16, 2016
Excerpt from Unapproved Minutes

Council member Berni Troglio moved and member John Papasodora seconded the following motion:

"I move to re-adopt the Police Regulations as amended (as written in the August 2, 2016, draft regulations)."

The motion carried unanimously.

Council member Carrie Belden moved and member Ronda Wallace seconded the following motion:

"I move to re-adopt the Corrections Regulations as amended (as written in the August 2, 2016, draft regulations)."

The motion carried unanimously.

AFFIDAVIT OF ALASKA POLICE STANDARDS COUNCIL ACTION

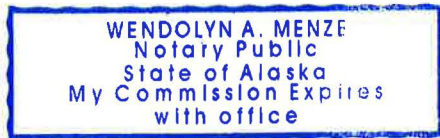
I, Robert Griffiths, Executive Director for the Alaska Police Standards Council, being duly sworn, state the following:

The attached motion dealing with 13 AAC 85.210 - 280, 13 AAC 87.060 - 080, regarding correctional, probation/parole, and municipal correctional officer basic standards, permanent employment, certificates, reciprocity, personnel records, denials, revocations, lapses of certifications, and academy curriculum was passed by the Alaska Police Standards Council during its August 16, 2016 meeting.

Date: August 22, 2016


Robert Griffiths, Executive Director

Subscribed and sworn to before me at Juneau on August 22, 2016.




Notary Public in and for the State of Alaska

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

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

As required by AS 44.62.190, notice of the proposed adoption of changes to 13 AAC 85.210 - 280, 13 AAC 87.060 - 080, regarding correctional, probation/parole, and municipal correctional officer basic standards, permanent employment, certificates, reciprocity, personnel records, denials, revocations, lapses of certifications, and academy curriculum, has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the State Affairs Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review committee, and the legislative council.

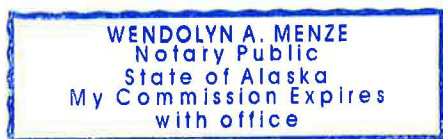
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the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

Date: May 5, 2016



Sarah Hieb, Administrative Investigator, APSC

Subscribed and sworn to before me at Juneau on May 5, 2016.





Notary Public in and for the State of Alaska.

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

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

In compliance with AS 44.62.215, the Alaska Police Standards Council has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Alaska Police Standards Council regulations on 13 AAC 85.210 - 280, 13 AAC 87.060 - 080 on correctional, probation/parole, and municipal correctional officer basic standards, permanent employment, certificates, reciprocity, personnel records, denials, revocations, lapses of certifications, and academy curriculum.

Date: May 10, 2016


Robert Griffiths, Executive Director, APSC

Subscribed and sworn to before me at Juneau on May 10, 2016.


Notary Public in and for the State of Alaska

WENDOLYN A. MENZE
Notary Public
State of Alaska
My Commission Expires
with office

**NOTICE OF PROPOSED CHANGES ON POLICE OFFICER STANDARDS
IN THE REGULATIONS OF THE ALASKA POLICE STANDARDS COUNCIL**

BRIEF DESCRIPTION

The Alaska Police Standards Council proposes to adopt regulation changes in Title 13 of the Alaska Administrative Code, dealing with basic standards and certification of correctional, probation/parole, and municipal correctional officers.

The Alaska Police Standards Council proposes to adopt regulation changes in Title 13 of the Alaska Administrative Code, dealing with the correctional, probation/parole, and municipal correctional officer basic standards, permanent employment, certificates, reciprocity, personnel records, denials, revocations, lapses of certifications, and academy curriculum, including the following:

13 AAC 85.210 is proposed to be changed to update and clarify basic standards for correctional and probation/parole officers.

13 AAC 85.215 is proposed to be changed to update and clarify basic standards for municipal correctional officers.

13 AAC 85.230 is proposed to be changed to bring certification standards in-line and current with national model standards.

13 AAC 85.235 is proposed to be changed to bring certification standards in-line and current with national model standards.

13 AAC 85.240 is proposed to be changed to update and clarify requirements for reciprocity training programs.

13 AAC 85.250 is proposed to be changed to require departments to notify APSC of sustained misconduct by an officer if the sustained misconduct may be cause for revocation under 13 AAC 85.270.

13 AAC 85.260 is proposed to be changed to allow for emergency use of a prescription medication not prescribed to that person.

13 AAC 85.270 is proposed to be changed to allow for emergency use of a prescription medication not prescribed to that person.

13 AAC 85.280 is proposed to be changed to expire a certificate if it has been lapsed for more than four years.

13 AAC 87.060 is proposed to be changed to add disability awareness training to academy curriculum.

13 AAC 87.080 is proposed to be changed to add disability awareness training to academy curriculum.

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 the Alaska Police Standards Council at P.O. Box 111200, Juneau, AK 99811. Additionally, the Alaska Police Standards Council will accept comments by facsimile at 907-465-3263 and by electronic mail at wendy.menze@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the comment link. All comments must be received no later than 4:00 pm on April 25, 2016.

You may submit written questions relevant to the proposed action to Sarah Hieb at sarah.hieb@alaska.gov or P.O. Box 111200, Juneau, AK 99811. The questions must be received at least 10 days before the end of the public comment period. The Alaska Police Standards Council will aggregate its response to substantially similar questions and make the questions and response available the Alaska Police Standards Council website <http://www.dps.alaska.gov/apsc> and on the Alaska Online Public Notice System. The Alaska Police Standards Council may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Wendy Menze at 907-465-4378 no later than April 15, 2016 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System, posted on the Alaska Police Standards Council website <http://www.dps.alaska.gov/apsc> and by contacting Wendy Menze at 907-465-4378, wendy.menze@alaska.gov or P.O. Box 111200, Juneau, AK 99811.

After the public comment period ends, the Alaska Police Standards Council will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You**

should comment during the time allowed if your interests could be affected.

Statutory Authority: AS 18.65.220

Statutes Being Implemented, Interpreted, or Made Specific: AS 18.65.230; 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.

DATE: March 16, 2016

Bob Griffiths, Executive Director

ADDITIONAL REGULATION NOTICE INFORMATION

(AS 44.62.190(d))

1. Adoption agency: Alaska Police Standards Council
2. General subject of regulation: Basic correctional, probation/parole, and municipal correctional officer basic standards, permanent employment, certificates, reciprocity, personnel records, denials, revocations, lapses of certifications, and academy curriculum
3. Citation of regulation (may be grouped): 13 AAC 85 Article 2 and 13 AAC 87 Article 2.
4. Department of Law file number: Pending

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: Zero.

7. Estimated annual cost to comply with the proposed action to:

A private person: There is no estimated cost to comply with these regulation changes.

Another state agency: There is no estimated cost to comply with these regulation changes.

A municipality: There is no estimated cost to comply with these regulation changes.

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

	Initial Year FY 2016	Subsequent Years
Operating Cost	\$ 0	\$ 0
Capital Cost	\$ 0	\$ 0
1002 Federal receipts	\$ 0	\$ 0
1003 General fund match	\$ 0	\$ 0
1004 General fund	\$ 0	\$ 0
1005 General fund/program	\$ 0	\$ 0
Other (identify)	\$ 0	\$ 0

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

Name: Bob Griffiths

Title: Executive Director

Address: APSC, PO Box 111200, Juneau, AK 99811

Telephone: (907)465-4378

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 change

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

11. Date: March 11, 2016

Prepared by: *Sarah Hieb*

Name: Sarah Hieb

Title: Administrative Investigator

Telephone: (907)465-6296

268351
0001382517
\$488.06

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Emma Dunlap
being first duly sworn on oath deposes and
says that he/she is a representative of the
Alaska Dispatch News, a daily newspaper.
That said newspaper has been approved
by the Third Judicial Court, Anchorage,
Alaska, and it now and has been published
in the English language continually as a
daily newspaper in Anchorage, Alaska, and
it is now and during all said time was
printed in an office maintained at the
aforesaid place of publication of said
newspaper. That the annexed is a copy of
an advertisement as it was published in
regular issues (and not in supplemental
form) of said newspaper on

March 20, 2016

and that such newspaper was regularly
distributed to its subscribers during all of
said period. That the full amount of the fee
charged for the foregoing publication is not
in excess of the rate charged private
individuals.

Signed

Emma Dunlap

Subscribed and sworn to before me
this 21st day of March, 2016

Britney Thompson

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

MY COMMISSION EXPIRES

Notary Public

BRITNEY L. THOMPSON

State of Alaska

My Commission Expires Feb 23, 2019

2/23/2019

NOTICE OF PROPOSED CHANGES ON POLICE OFFICER STANDARDS IN THE REGULATIONS OF THE ALASKA POLICE STANDARDS COUNCIL

The Alaska Police Standards Council proposes to adopt regulation changes in Title 13 of the Alaska Administrative Code, dealing with the correctional, probation/parole, and municipal correctional officer basic standards, permanent employment, certificates, reciprocity, personnel records, denials, revocations, lapses of certifications, and academy curriculum, including the following:

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