

ALASKA
POLICE
STANDARDS
COUNCIL

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

ALASKA POLICE STANDARDS COUNCIL

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October 4, 1979

Margaret W. Berck
Counsel to the House Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Ms. Berck:

Thank you for returning our Regulations and Procedures Manual and the opportunity to review your report to the House Judiciary Committee.

Generally, I thought your report to be an excellent summary of the council's purpose, responsibilities and activities; however, I would like to bring to your attention and clarify some areas that might lead to a misunderstanding by the Judiciary Committee.

II. JURISDICTION OF THE APSC

1. A municipality with an established police training program may exclude itself, by ordinance, from our minimum requirements, but only if its program meets or exceeds APSC minimum standards.

2. There is an inconsistency between our statutes, which mention "temporary officers," and our current regulations, which have authority only over "full time police officers." Major police departments in Alaska do not hire temporary officers. They are found in the rural areas where a person is hired as a full time police officer for a specific limited period of time. We hope to reach some, if not all, of these officers with the adoption of rural police regulations.

IV. MINIMUM TRAINING REQUIREMENTS FOR POLICE OFFICERS

Although our regulations require a minimum of 8 hours of firearms instruction, in actuality, students at the

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Municipal Police Academy receive 27 hours of firearms training, plus 6 hours of "shoot/don't shoot" instruction.

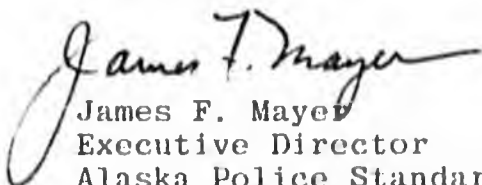
The latter is, of necessity, general in nature, since each individual police department has its own specific policy in these situations, which is imparted to the officer during the field training program. There is no way to predict the reaction of any individual in an emergency situation, regardless of the amount of training received.

VI. VILLAGE POLICE OFFICERS

Without an explanation, the term "ignored" seems to imply a lack of concern. The council is, and has been, fully cognizant of the problems faced by rural municipalities in obtaining officers who meet the current minimum standards, and any attempt to force compliance through civil process would be counterproductive to the council's purpose of supporting and encouraging police training. Over 40% of the students attending the recent Municipal Police Academies have been from communities considered rural, and while the Department of Public Safety has historically provided police training to the villages, the council will provide an incentive for the rural areas to take advantage of all available training through its proposed village police certification program.

I hope you will provide this information to your committee for their information and clarification. If there is any other information you think might be of assistance, please let me know.

Sincerely,



James F. Mayer
Executive Director
Alaska Police Standards Council

JFM/mas

encl: MPA-15 schedule



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

To: Charlie Parr, Chairman, and Members of the House
Judiciary Committee

From: Margaret W. Berck, Staff

Date: September 13, 1979

Subject: The Alaska Police Standards Council

I. INTRODUCTION

The Alaska Police Standards Council (APSC) was created by the Alaska Legislature in 1972.¹ Some 4, states have similar agencies. The ultimate goal of the APSC is to assure high quality police protection for the people of Alaska. By statute, the APSC is empowered to adopt, pursuant to the Administrative Procedure Act, regulations which establish minimum employment, training and education standards for Alaska's police officers. It is also charged with coordination and development of police training schools and programs of instruction.

The APSC is composed of 9 members: the Commissioner of Public Safety or his designee, 4 chief administrative officers or chiefs of police of participating local governments, and 4 members of the public at large with at least 2 from communities of 2500 population or less. Members are appointed to 4-year terms by the governor.

Administration of council policies, programs, and day-to-day business is accomplished by full-time staff consisting of the

¹AS 18.65.130-290.

executive director, Mr. James Mayer, the training coordinator,² Mr. John Marshall, and 1 secretary.

The minimum standards adopted by the APSC, both in terms of qualifications, as well as, training requirements, closely parallel national standards established by the International Associations of Police and the American Bar Association.

II. JURISDICTION OF THE APSC

The jurisdiction of the APSC is not without limitation. First, pursuant to Alaska law,³ any municipality with an established police training program may exclude itself from the minimum requirements for police officers as established by the APSC. Although the municipality of Anchorage had at one time opted out of APSC jurisdiction, it, together with the remaining some 138 local police departments in Alaska, is currently under APSC jurisdiction.

Second, in accordance with statute⁴ the commissioner and deputy commissioner of public safety and the chief administrative officer of local police departments are exempt from APSC requirements. The APSC contends that the blanket exemption provided to chiefs of police is contrary to good public policy. This contention is based on the fact that certain chiefs of police, primarily in the villages, have operational duties without having had any police training whatsoever. H.B.213 currently in Senate Judiciary would correct this deficit. A copy of H.B.213 is attached at the end of this report.

²This position was established in March 1978 when funding was granted for one year through the Law Enforcement Assistance Administration.

³See AS 18.65.280(b).

⁴See AS 18.65.280(a).

Presently the APSC exercises no jurisdiction over temporary police officers. Although the APSC had no idea how many temporary police officers were utilized in Alaska, they did state that it was a lot. Furthermore, the APSC does not have any mechanism to insure that probationary officers meet the minimum qualifications requirements at the time of their initial employment. This initial hiring decision is completely left up to local police departments. It is only after the officer has served his or her probationary time, which is 12 months, that the APSC confirms that qualifications and training requirements are met. If such requirements are met, the APSC then certifies the officer as Basic. This essential process would be continued under the "proposed" revised regulations for the APSC.

Pursuant to Alaska law,⁵ it seems that the APSC is empowered to establish minimum educational and training standards for police employment in permanent, temporary or probationary positions. Despite this legal authority, the APSC has apparently determined not to exercise its jurisdiction over temporary positions.

Finally, it should be noted that the APSC has no jurisdiction over airport security or private security guards.

III. MINIMUM QUALIFICATIONS FOR POLICE OFFICERS

The minimum qualifications for police officers are set forth in the regulations adopted by the APSC.⁶ In essence these qualifications require: (1) that he or she is a citizen of the United States or a resident alien who intends to become a citizen of the United States; (2) that he or she is 19 years of age or older; (3) that he or she

⁵See AS 18.65.220(2), but see also AS 18.65.240(a).

⁶See 6 AAC 70.010

has not been convicted of a felony or other crime that would prevent him or her from legal possession or ownership of a firearm; (4) that he or she is of good moral character; (5) that he or she holds a high school diploma or the equivalent; (6) that he or she satisfies the particular police department's hiring representative that he or she has the proper motivation, appearance, demeanor, attitude and ability to communicate to become a successful police officer; and (7) that a licensed physician certify that he or she is physically sound and free from any physical defects that might adversely affect his or her performance of the duties of a police officer. It is specifically required that the person possess normal hearing, normal color discrimination, normal binocular coordination, normal peripheral vision, and and corrected visual acuity of 20/30 or better in each eye. Verification of these facts, including a background investigation, must be conducted by the particular law enforcement agency seeking to hire the individual prior to the individual's employment.

Presently, the APSC is in the midst of revising all of its regulations. In accordance with a preliminary draft of these revised regulations, the most significant change to the qualifications section relates to psychological standards. Should the revised regulations be adopted in their current form, local police departments would have the discretion to require psychological evaluations in all cases. Furthermore, the revised regulations would mandate local police departments to require such if any indication of past or present emotional or mental disorder is disclosed as a result of the background investigation or completion of the medical or personal history forms by the applicant. All psychological evaluations must be conducted by a licensed psychologist or psychiatrist.

IV. MINIMUM TRAINING REQUIREMENTS FOR POLICE OFFICERS

The APSC issues Basic, Intermediate, and Advanced Certificates to police officers meeting the specified requirements of qualifications, training, education, and experience. In accordance with APSC regulations, all police officers must eventually obtain Basic certification. The issuance of Intermediate and Advanced certificates are not necessary to secure various promotional positions within local police departments. However, the Department of Public Safety (DPS) does require Intermediate and Advanced certifications to be eligible for various promotional positions beginning with sergeant.

To be eligible for Basic certification, the individual must meet the qualifications described in the preceding section, attest to the Law Enforcement Code of Ethics (see Appendix to this report for a copy of that code of ethics), have completed a probationary period of not less than 12 months with his or her department, and have successfully completed the required Basic training program or its equivalent.

The Basic training program consists of 40 hours of supervised field training and 230 hours of classroom instruction. The "field training" is essentially on-the-job training conducted by the department that has hired the individual, and this portion may occur either before or after the classroom instruction program. Although some individuals attend equivalent "classroom training" programs, such as the Anchorage Police Department's program, most obtain their "classroom training" at the Municipal Police Academy. The Municipal Police Academy is organized by the APSC and takes place in Sitka, Alaska.

The Municipal Police Academy instruction consists of 10 hours of first aid instruction, sufficient to qualify students for Standard

Red Cross First Aid Certification, and 220 hours of instruction in criminal law, administration of justice, criminal investigation, offensive and defensive tactics, field techniques, traffic operations, firearms, and other subjects. Basic training programs conducted by other entities, such as the Anchorage Police Department and DPS, must consist of similar instructional content, at a minimum, in order to be certified as "equivalent" Basic training programs by APSC.

According to the APSC Procedures Manual, the Municipal Police Academy devotes a total of 8 hours to firearms instruction. Mr. Mayer, executive director of the APSC, stated that this instruction is extremely basic, consisting primarily of familiarization with firearms, and does not include officer survival training which specifically deals with "shoot and no shoot" situations. Although the course descriptions for the Municipal Police Academy indicate that this matter is briefly discussed both in the firearms, as well as, Laws of Arrests courses, no one course is devoted to this matter. It should be noted that the joint Department of Law and DPS investigation of the Phillip Moore incident criticized the Alaska State Trooper training on this subject. As the Alaska State Trooper training is considerably more extensive than that offered by the Municipal Police Academy, it seems that similar criticism might be appropriately lodged against the Municipal Police Academy on this point.

Reciprocity is available for a police officer certified in another state provided that such officer has undergone a Basic training program equivalent to that required by the APSC. However, in all cases, such

officer must complete 40 hours of field training in Alaska before the APSC will certify the officer.

It should be noted that many agencies are involved in police training in Alaska. The Anchorage Police Department and the DPS provide Basic training for their own officers. The FBI conducts 25-45% of all police training in Alaska. Furthermore, the Criminal Justice Center offers courses primarily dealing with the legal aspects of law enforcement, as well as, police management. The courses offered by the latter two agencies may eventually qualify an officer, together with experience, for Intermediate and Advanced certification. Finally, the Department of Law is in the midst of training all Alaska State Troopers and local law enforcement officers on the new criminal code. This training program is being conducted throughout the state and will last a total of three days.

The APSC may revoke the certification of any police officer pursuant to the due process requirements of the Administrative Procedures Act. Revocation is authorized only upon a finding of the following: the holder falsified information required for eligibility or the holder was discharged for cause from employment. The APSC has never revoked certification for a violation of the Ethics Code, per se.

V. ALASKA LAW ENFORCEMENT OFFICERS: CERTIFICATION STATUS AND OTHER CHARACTERISTICS

Currently there are approximately 1000-1050 law enforcement officers in Alaska. This figure includes both probationary, as well as, permanent positions, but does not include temporary positions. The Alaska State Troopers comprise approximately 450 of these officers; while, village police officers, 75-100. Of the total 1000-1050

officers, 700-725 are certified as Basic by the APSC. With the exception of the village police officers, most of those uncertified officers will be certified as Basic once their 12-month probationary period is completed.

The APSC had no idea how many of these 1000-1050 police officers are minorities or women. Although this information would require a hand tally, the APSC is willing to furnish the House Judiciary Committee such information should the Committee specifically request it.

The turnover rate each year for law enforcement officers is 20-30%. Although the APSC has attempted to discover the reasons for the high turnover, they have not been able to determine any statistically valid answers. Individual responses include: peer pressure, salaries, problems with department, and desire to return to home state.

VI. VILLAGE POLICE OFFICERS

Generally, village police officers are never able to comply with the requirements of the APSC. In the past, this failure was simply ignored by the APSC. Presently, however, the APSC is considering the promulgation of regulations specifically pertaining to the village police officer. Should those proposed regulations be adopted in their current form, they would essentially establish separate requirements for Basic certification of village police officers. A Basic village police certificate would not entitle the officer to employment with a urban police department, unless such officer met the additional APSC requirements needed for urban areas.

Pursuant to the preliminary draft of these proposed regulations, certain qualifications and training requirements have been relaxed

for the village⁷ police officer seeking Basic certification. A village police officer is not required to possess a high school diploma or its equivalent. Although the village police department must be satisfied that the applicant does not suffer from physical or mental defects which would adversely affect the applicant's performance, medical or psychological examinations are not required. No probationary period is necessitated. The Basic village police officer training program consists of a minimum of 40 hours of instruction in basic law enforcement subjects. Subjects include, for example, first aid, firearms, and firefighting instruction.

Village police departments would not be able to employ a police officer on either a temporary or permanent basis unless such person meets the Basic qualifications standards. However, confirmation⁸ that the individual meets those qualifications is not required of the village police department until permanent appointment is sought. As permanent employment is defined as a period exceeding 12 consecutive months, this confirmation process may not occur until after the individual has been employed as a police officer for a considerable amount of time. The Basic training requirements must be met any time prior to permanent employment.

It should be noted that no provision is made for the issuance of Intermediate or Advanced certificates to village police officers.

⁷A village would be defined as a political subdivision with a population of less than 1000 based on the most recent federal census, which is incorporated as provided in AS 29.18, and, which employs one or more full-time paid village police officers.

⁸The confirmation process would not include the intensive background investigation required of urban police departments.

The intent of these proposed regulations pertaining to village police officers is to facilitate the certification of such officers in line with existing training programs accessible to them. Although village police officers have access to the Municipal Training Academy, frequently the limited financial resources of the villages prohibit taking advantage of this program. To meet this gap in training, the Alaska State Troopers have for a number of years conducted a Basic 40-hour village police training program, as well as, an Advanced 154-hour program. This Basic 40-hour village police training program would satisfy the training program requirements contemplated in the proposed APSC regulations.

The village police training programs, conducted by the Alaska State Troopers, were recently evaluated in a report⁹ written by John E. Angell, Ph.D. The Angell report indicates that since 1971 nearly three-quarters of a million dollars have been expended for village police training. This includes \$542,000 in funds from the Law Enforcement Assistance Administration (LEAA). These funds provided training for a total of 292 persons. However, it is estimated that only about 70 village officers who received such training are still serving in that capacity in their villages. The majority of Alaskan villages are served by officers who have received no training under this program.¹⁰

⁹Alaska Village Police Training: An Assessment and Recommendations, John E. Angell, Ph.D., December 1978. This report was the result of a study commissioned by the Criminal Justice Planning Agency and was conducted under a contract with the Criminal Justice Center and with the cooperation of DPS.

¹⁰73% of all Alaskan villages have full-time police officers. 42% of these villages are served by officers trained under this program.

The specific recommendations of the Angell report include:

1. The first step in improving village police training should be the accumulation of detailed information on the actual conditions found in the villages which would better define the desirable role responsibilities of the village police officer. This could then be used to provide direction for specific curriculum content and structure.
2. Methods be developed and implemented to stabilize the village police employment situation and reduce the turnover rate to a reasonable level. The average pay for village police officers is about \$837 a month and is as low as \$65 per month. In 40% of the villages officers are paid from CETA funds which are currently in danger of being terminated. As a consequence, the attraction of commercial fishing and other job opportunities draw many trained officers from their villages. Solutions to this problem are: increased direct support from the state; arrangement with the Native Corporations; arrangements developed under Borough governments; or reorganization within DPS.
3. Develop a more economical village police training program which, after LEAA funding, is capable of continuance without further LEAA support. The largest portion of program costs in the past was not for training, but for transportation and per diem. This need to reduce costs was the basis for recommending a cooperative effort between police agencies and other agencies, such as the Alaska Skill Center, in establishing a permanent training program.

4. The Alaska State Troopers should increase their support of the village police and should actively participate in whatever reorganization of village police training occurs.

VII. BUDGETARY INFORMATION

The Municipal Police Academy, which is offered twice each year, is currently funded at the rate of \$96,000 per year through a LEAA grant. The APSC has been advised by LEAA that those funds will be cut by at least 50% during fiscal year 1980, October 1, 1979 through September 30, 1980. Furthermore, at this time, it is anticipated that no federal funds will be available in fiscal year 1981.

This LEAA funding constitutes only a portion of the total costs of training a police officer at the Municipal Police Academy. APSC estimates that it costs \$11,365 to train one urban police officer. This cost figure breaks out as follows: \$1602 for training costs which is derived from the current LEAA grant; \$1100 for instructors and clerical staff, as well as, maintenance expenses, this amount is derived from DPS; and the balance, some \$8663 for salaries, and possible overtime, for both the trainee and the trainee's replacement, while the trainee is absent from his or her police force, this amount is derived from the municipalities.

The costs of training a village police officer at the Municipal Police Academy is substantially less than \$11,365 due to the lower salaries involved and also the fact that replacements frequently are not obtained.