

HB

367

**HOUSE COMMITTEE REPORT**

(11),

Date referred: 2/15/88

FURTHER REFERRALS:

DATE: 2/24/88

The Finance Committee has considered HB 367

"An Act altering the composition, membership, and duties of the Alaska Police Standards Council; providing for certification of probation and parole officers and correctional officers by the Alaska Police Standards Council; and providing for an effective date."

**RECOMMENDS:**

- replace with CS HB 367 (Jud.)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact
- zero fiscal note
- zero with analysis
- same as previous fiscal note published 1/29/88
- same as previous zero fiscal note published \_\_\_\_\_

**SIGNING DO PASS:**

ADAMS Al Adams

POURCHOT Bob Pourchot

LARSON Ronald Larson

GOLL John Goll

SWACK-HAMMER John Swack-Hammer

BOYER Mark Boyer

RIEGER Steve Rieger

WALLIS Kay Wallis

DAVIS Althe Davis

**SIGNING OTHER RECOMMENDATIONS:**

FRANK Frank no rec.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Al Adams  
Chairman's signature

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: CSHB 367(HESS)  
PUBLISH DATE: HOUSE 1/29/88

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: An Act Altering the Composition,  
Membership and Duties of the APSC  
Sponsor: Representative Swackhammer  
Requestor: \_\_\_\_\_

Agency Affected: Public Safety  
BRU: Alaska Police Standards  
Council  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		30.1	30.9	31.7	32.6	33.5
TRAVEL		7.1	7.1	7.1	7.1	7.1
CONTRACTUAL		4.4	4.4	4.4	4.4	4.4
SUPPLIES		.5	.5	.5	.5	.5
EQUIPMENT		5.6				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	47.7	42.9	43.7	44.0	45.5

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	47.7	42.9	43.7	44.6	45.5
FEDERAL FUNDS						
OTHER						
TOTAL		47.7	42.9	43.7	44.6	45.5

POSITIONS:

FULL-TIME	0	1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No inflation factors are included in these cost calculations.

Program implementation is scheduled to begin July 1, 1988. Initial costs will include funding for a Clerk IV position (Range 9A) with salary and

Prepared by: Jack W. Wray, Executive Director Phone: 465-4378  
Divis. in: Alaska Police Standards Council Date: 12-28-87

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
Agency: Public Safety

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

ANALYSIS CONTINUED:

benefits calculated at 30.1 for the first year, and the purchase of data processing and office equipment at a one time cost of 5.6. Space is currently available in the Alaska Police Standards office, utilities communication, and commodities are estimated for the classified position. Travel cost increases are a result of the addition of two new council positions, plus the increase in staff travel to conduct compliance inspections and attend administrative hearings.

Position Title <b>Clerk IV</b>		No. of Positions <b>1</b>	Range/Step <b>9A</b>	Barg. Unit <b>GGU</b>
Time Status <b>PFT</b>	Staff Months <b>12.0</b>	Location <b>Juneau</b>		Election District <b>4</b>
Type of Expenditure		Amount		
1	2	3		
Salary	20.8			
Benefits	9.3			
Premium Pay				
Other				
Total Personal Services		30.1		
Travel				
Contractual		3.4		
Commodities		.5		
Equipment		3.3		
Other				
Total Cost		37.3		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	37.3		
GF Program Receipts	1005			
Other				
Justification				
<p>This position will provide clerical support needed through the typing and filing of correspondence, maintenance of personnel and training files, and responding to requests for library and training materials.</p> <p>Support costs include minimal contractual and supply costs and one time purchase of data processing equipment.</p>				

**Request For  
New Position**

Agency Public Safety  
 BRU Alaska Police Standards Council  
 Component \_\_\_\_\_

Page 3 of 3  
 Revised Date \_\_\_\_\_

**FY 89**

BILL NO: CSHB 367

DATE: February 11, 1988

TITLE: "An Act...providing for certification of probation and parole officers and correctional officers by the Alaska Police Standards Council..."

CONTACT: Jack W. Wray  
Alaska Police Standards Council

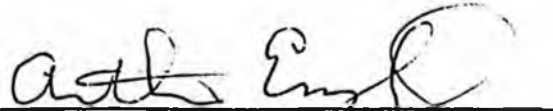
DEPARTMENT OF PUBLIC SAFETY  
POLICE

House Bill 367, introduced by Representative Swackhammer, expands the responsibilities of the Alaska Police Standards Council (APSC) to include the certification of Probation, Parole, and Correctional Officers.

It is characteristic of most professions and many vocations that practitioners be licensed to practice. Licensing or certification is required for doctors and lawyers, school teachers and nurses, and electricians, barbers, and plumbers just to name a few. It is certainly reasonable for the public to expect that its police, parole, probation, and corrections officers be adequately trained and certified to function in their professional capacities.

If this legislation is passed it will enable the APSC to adopt job related regulations that will establish minimum selection, training and retention requirements for probation, parole, and correctional officers. Certification by the APSC will indicate that an officer has met all of the established requirements for that position.

The APSC supports this bill, and is willing to accept the responsibility for its implementation. The Department of Public Safety also supports this bill.

  
Arthur A. English  
Commissioner

Original sponsors: Swackhammer, Gruenberg,  
Rieger, et al.

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 367 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act altering the composition, membership, and  
7 duties of the Alaska Police Standards Council; pro-  
8 viding for certification of probation and parole  
9 officers and correctional officers by the Alaska  
10 Police Standards Council; and providing for an effec-  
11 tive date."

12

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13

\* Section 1. AS 18.65.130 is amended to read:

14

Sec. 18.65.130. POLICY. The administration of criminal justice

15

affects the health, safety and welfare of the people of this state,

16

and requires education and training of a professional quality. It is

17

a primary public interest that applicants meet minimum standards for

18

employment as police officers, probation and parole officers, and

19

correctional officers, and that criminal justice education and train-

20

ing be made available to police officers, probation and parole offi-

21

cers, and correctional officers serving in a probationary capacity and

22

police officers, probation and parole officers, and correctional

23

officers already in regular service. It is of secondary public inter-

24

est to encourage the establishment of preliminary training programs

25

for persons seeking to become police officers, probation and parole

26

officers, and correctional officers.

27

\* Sec. 2. AS 18.65.150 is amended to read:

28

Sec. 18.65.150. COMPOSITION OF COUNCIL. The council consists of

29

the following persons:

1           (1) four chief administrative officers or chiefs of police  
2 of local governments;

3           (2) the commissioner of public safety or a designee of the  
4 commissioner;

5           (3) the commissioner of corrections or a designee of the  
6 commissioner;

7           (4) one probation or parole officer;

8           (5) [(3)] four members of the public at large with at least  
9 two from the communities of 2,500 population or less.

10 \* Sec. 3. AS 18.65.160 is amended to read:

11           Sec. 18.65.160. APPOINTMENT. The commissioner of public safety  
12 or a designee and the commissioner of corrections or a designee shall  
13 serve during each [THE] commissioner's continuance in office. Other  
14 members of the council shall be appointed by the governor for stag-  
15 gered terms of four years, except that a member may not serve beyond  
16 the time the member holds the office that established eligibility for  
17 appointment. A vacancy on the council shall be filled for the remain-  
18 der of a member's unexpired term in the same manner as the original  
19 appointment.

20 \* Sec. 4. AS 18.65.220 is amended to read:

21           Sec. 18.65.220. POWERS. The council has the power to

22           (1) adopt regulations for the administration of AS 18.65.-  
23 130 - 18.65.290;

24           (2) establish minimum standards for employment as a police  
25 officer, probation or parole officer, and correctional officer in a  
26 permanent or probationary position [POSITIONS] and certify persons to  
27 be qualified as police officers, probation or parole officers, and  
28 correctional officers under AS 18.65.130 - 18.65.290;

29           (3) establish minimum criminal justice curriculum

1 requirements for basic, specialized, and in-service courses and pro-  
2 grams for schools operated by or for the state or a political sub-  
3 division of the state for the specific purpose of training police  
4 recruits, [OR] police officers, probation and parole officers, and  
5 correctional officers;

6 (4) consult and cooperate with [BOROUGHES,] municipalities,  
7 agencies of the state, other governmental agencies, universities,  
8 colleges, and other institutions concerning the development of police,  
9 probation and parole officer, and correctional officer training  
10 schools and programs of criminal justice instruction;

11 (5) employ an administrator and other persons necessary to  
12 carry out its duties under AS 18.65.130 - 18.65.290;

13 (6) investigate when there is reason to believe that a  
14 police officer, probation or parole officer, or correctional officer  
15 does not meet the minimum standards for employment; in connection  
16 with the investigation the council may subpoena persons, books, re-  
17 cords, or documents related to the investigation and require answers  
18 in writing under oath to questions asked by the council or the admin-  
19 istrator.

20 \* Sec. 5. AS 18.65.230 is amended to read:

21 Sec. 18.65.230. [POLICE] TRAINING PROGRAMS. The council shall  
22 establish and maintain police training programs, probation and parole  
23 officer training programs, and correctional officer training programs  
24 through those agencies and institutions that the council considers  
25 appropriate.

26 \* Sec. 6. AS 18.65 is amended by adding new sections to read:

27 Sec. 18.65.242. STANDARDS FOR CORRECTIONAL, PROBATION, AND  
28 PAROLE OFFICERS. (a) The council shall establish qualifications for  
29 employment of persons as correctional, probation, and parole officers,

1 including

2 (1) minimum age, physical and mental standards, citizen-  
3 ship, moral character, and experience; and

4 (2) minimum education standards.

5 (b) The council shall

6 (1) prescribe the means of presenting evidence of fulfill-  
7 ment of the requirements set out in (a) of this section; and

8 (2) issue a certificate evidencing satisfaction of the  
9 requirements of (a) of this section to an applicant who

10 (A) satisfies the requirements of (a)(1) of this  
11 section; and

12 (B) meets the minimum education standards of (a)(2) of  
13 this section by satisfactorily completing a training program for  
14 correctional, probation, or parole officers established under  
15 AS 18.65.230 or a course of instruction in another jurisdiction  
16 equivalent in content and quality to that required by the council  
17 for approved correctional, probation, or parole officer education  
18 and training programs in this state.

19 (c) In the evaluation of applicants against the mental standards  
20 developed under (a)(1) of this section, the council shall use  
21 evaluation methods that do not discriminate against applicants of  
22 different ethnic origins.

23 Sec. 18.65.245. DENIAL OR REVOCATION OF CERTIFICATE. The coun-  
24 cil may

25 (1) deny a certificate to an applicant for a correctional  
26 officer certificate or a probation or parole officer certificate if  
27 the applicant does not meet the standards adopted by the council under  
28 AS 18.65.242(a);

29 (2) revoke the certificate of a correctional officer or a

1 probation or parole officer who, having been issued a certificate,  
2 fails to meet the standards adopted by the council under AS 18.65.-  
3 242(a).

4 Sec. 18.65.248. EMPLOYMENT OF CORRECTIONAL, PROBATION, AND  
5 PAROLE OFFICERS. (a) A person may not be appointed as a correctional  
6 officer or as a probation or parole officer unless the person has a  
7 valid certificate issued by the council under AS 18.65.242.

8 (b) The provisions of (a) of this section do not apply to a  
9 person employed on a probationary basis, except that employment on a  
10 probationary basis may not exceed the period authorized for probation-  
11 ary employment determined by the council.

12 \* Sec. 7. AS 18.65.280 is amended by adding a new subsection to read:

13 (c) A municipality that employs persons in a municipal correc-  
14 tional facility may, by ordinance, require that those persons meet the  
15 requirements of AS 18.65.130 - 18.65.290 that are applicable to cor-  
16 rectional officers.

17 \* Sec. 8. AS 18.65.290 is amended by adding new paragraphs to read:

18 (4) "correctional officer" means a person employed by the  
19 state in a correctional facility established for the custody, care,  
20 and discipline of persons charged or convicted of offenses against the  
21 state or held under authority of state law to control those persons;

22 (5) "parole officer" means a person appointed by the com-  
23 missioner of corrections to supervise a prisoner's parole under  
24 AS 33.16;

25 (6) "probation officer" means a person appointed to super-  
26 vise probator who has the duties assigned by AS 33.05.040.

27 \* Sec. 9. APPLICATION TO PERSONS WHO ARE CURRENTLY EMPLOYED AS CORREC-  
28 TIONAL OFFICERS. (a) Notwithstanding AS 18.65.248, added by sec. 6 of  
29 this Act, a person employed by the state as a correctional, probation, or

1 parole officer on the effective date of AS 18.65.248, may continue to be  
2 employed as an officer without a certificate issued by the Alaska Police  
3 Standards Council.

4 (b) A person continuing in employment under the exemption provided in  
5 (a) of this section who terminates that employment after the effective date  
6 of AS 18.65.248 may be reemployed by the state as a correctional, pro-  
7 bation, or parole officer only if the person holds a valid certificate  
8 issued by the Alaska Police Standards Council.

9 \* Sec. 10. AS 18.65.248, added by sec. 6 of this Act, takes effect six  
10 months after the date on which the Alaska Police Standards Council adopts  
11 regulations establishing training programs for correctional, probation, and  
12 parole officers under AS 18.65.230, as amended by sec. 5 of this Act, and  
13 defining qualifications for employment as those officers under AS 18.65.-  
14 242, added by sec. 6 of this Act.

15 \* Sec. 11. Except for AS 18.65.248, added by sec. 6 of this Act, this  
16 Act takes effect July 1, 1988.

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

Senate CS For CS  
BILL VERSION: For HB 367 (HESS)  
PUBLISH DATE: \_\_\_\_\_

FISCAL NOTE

REQUEST:

Revision Date: April 12, 1988  
Title: An Act Altering the Composition,  
Membership and Duties of the APSC  
Sponsor: Representative Swackhammer  
Requestor: Senate HESS

Agency Affected: Public Safety  
BRU: Alaska Police Standards  
Council  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		30.1	30.9	31.7	32.6	33.5
TRAVEL		9.1	9.1	9.1	9.1	9.1
CONTRACTUAL		4.4	4.4	4.4	4.4	4.4
SUPPLIES		.5	.5	.5	.5	.5
EQUIPMENT		5.6				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	49.7	44.9	45.7	46.6	47.5

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	49.7	44.9	45.7	46.6	47.5
FEDERAL FUNDS						
OTHER						
TOTAL		49.7	44.9	45.7	46.6	47.5

POSITIONS:

FULL-TIME	0	1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No inflation factors are included in these cost calculations.

Program implementation is scheduled to begin July 1, 1988. Initial costs will include funding a Clerk IV position (Range 9A) with salary and

Prepared by: Jack W. Wray *Jack W. Wray* Phone: 465-4378  
Division: Alaska Police Standards Council Date: 4-12-88

Approved by Commissioner: Arthur English *A. English* Date: 4-12-88  
Agency: Public Safety

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

RECEIVED

APR 13 1988

LEGISLATIVE FINANCE

ANALYSIS CONTINUED:

Benefits calculated at 30.1 for the first year, and the purchase of data processing and office equipment at a one-time cost of 5.6. Space is currently available in the Alaska Police Standards Office; utilities, communications, and commodities are estimated for the classified position. Travel cost increases are a result of the addition of four new council positions, plus the increase in staff travel to conduct compliance inspections and attend administrative hearings.

Position Title <b>Clerk IV</b>		No. of Positions <b>1</b>	Range/Step <b>9A</b>	Barg. Unit <b>GGU</b>
Time Status <b>PFT</b>	Staff Months <b>12.0</b>	Location <b>Juneau</b>		Election District <b>4</b>
<b>Justification</b>				
Type of Expenditure			Amount	
1	2	3		
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Benefits	9.3			
Premium Pay				
Other				
Total Personal Services		30.1		
<b>Travel</b>				
Contractual		3.4		
Commodities		.5		
Equipment		3.3		
Other				
Total Cost		37.3		
<b>Funding Source for Total Cost</b>				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	37.3		
GF Program Receipts	1005			
Other				
<p>This position will provide clerical support needed through the typing and filing of correspondence, maintenance of personnel and training files, and responding to requests for library and training materials.</p> <p>Support costs include minimal contractual and supply costs and one time purchase of data processing equipment.</p>				

**Request For  
New Position**

Agency Public Safety  
 BRU Alaska Police Standards Council  
 Component \_\_\_\_\_

Page 3 of 3  
 Revised Date \_\_\_\_\_

**FY 89**

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Jack Wray, APSC Director

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(Partial of Nov. 13, 1987 Meeting)

SECTIONAL ANALYSIS

FISCAL NOTES

CORRECTIONAL STAFF CERTIFICATION LEGISLATION,  
HOUSE BILL 367

REPRESENTATIVE  
C.E. "SWACK" SWACKHAMMER

# Alaska State Legislature



## House of Representatives

SOLDOTNA  
P.O. BOX 417  
SOLDOTNA, ALASKA 99669  
(907) 262-7863  
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BOX V  
JUNEAU, ALASKA 99811  
(907) 485-2889

### MEMORANDUM

TO: All Interested Parties  
FROM: Rep. C.E. Swackhammer *Swack*  
DATE: December 15, 1987  
TOPIC: Certification of Correctional  
and Probation/Parole Officers

-----

This packet contains House Bill 367 which places the hiring and training requirements of Probation/Parole and Corrections Officers under the purview of the Alaska Police Standards Council. Also attached, are supporting documents.

The opening of Spring Creek Correctional Center, in Seward, represents the return of Alaska's long term, hard core offenders. Spring Creek is Alaska's first maximum security prison.

It seems logical that the hiring and training requirements for custody staff fall under the auspices of the Police Standards Council. The certification process will instill pride and proficiency and will help to develop long term, professional staff.

Probation/Parole Officers will also realize the advantages of certification. Many of these individuals work daily as investigative and arresting officers. Hiring standards and applicable training will enhance their ability and improve their safety.

For these, and the attached reasons, I respectfully request your support.

CES/cn

### History

Police officer standards and training councils or commissions were developed in the 1960's in response to a national recommendation that every state appoint a body that would set mandatory police training, education and selection requirements and/or standards.

At the present time most if not all of the 50 councils or commissions perform the same major functions, they: adopt regulations establishing mandatory minimum standards governing the selection of police officers; establish mandatory minimum training standards; certify police officers; make inquiries and conduct investigations to determine compliance with selection and training regulations and standards.

A recent national survey conducted by the International Association of Directors of Law Enforcement Standards and Training revealed that the commissions and councils collectively expend 150 million dollars per annum in carrying out their duties. They oversee the administration and delivery of over 1,200 recruit basic training courses per annum, oversee the introduction of 300,000 new entrants per year and make possible tens of thousands of in-services and continuing education programs nation-wide.

### Background

The Alaska Police Standards Council is a regulatory and quasi-judicial body that was created by Senate Bill 1, Chapter 178, sponsored by Senator Bill Ray and enacted by the 2nd Session of the 7th Alaska State Legislature, effective July 7, 1972.

The Legislature granted the council the power to adopt regulations establishing minimum selection and training standards for employment as police officers, as well as other regulations for the

administration of the act. The council is composed of nine members appointed by the Governor and they meet formally at least twice each year.

#### Current Status and Organizational Structure

The Council Office is staffed by the Executive Director (0082) and a Secretary I (0084). From their office located in the Public Safety Building in Juneau the Council monitors the employment status of village police officers, municipal police officers and Alaska State Troopers. The Council maintains complete personnel and training records for 1,200 to 1,300 police officers, reviews for compliance all requests from officers for certification, certifies all police training conducted in the state, monitors the personnel files of recruit officers to determine if training and certifications schedules are being followed, provides basic and in-service training, investigates and when appropriate, files civil actions to deny or revoke police officer's certifications. The council also provides limited assistance in locating employment for persons seeking police officer positions and maintains a lending library of training films and publications.

#### Accomplishments

The council, working closely with the various law enforcement agencies and organizations, has directed the activities of the APSC in such a manner as to ensure that the law enforcement community and the citizens of the State of Alaska receive maximum benefits from this program. Some of the council's accomplishments include:

- A major revision of the original regulations that established minimum selections and training standards for employment as a police officer. The result of the revision was the

establishment of comprehensive guidelines for departments and agencies to use in determining an applicant's eligibility for hire.

- Conducting a statewide job analysis study of the police patrol officer positions. The data collected in this project resulted in the expansion of the basic police training academy curriculum from a six week course to a validated eight week course, led to the establishment of a two week mini-academy for officers that have received their training in other states, and provided physicians conducting pre-employment physical examinations with a relevant description of job activities and working conditions that an officer may encounter.
  
- The development and funding through state funds and federal grants of specialized and in-service training for police officers in the subject areas of : Instructor Development, Line Supervisor, Management, Interviewing and Interrogation, Rape Investigation, Criminal Investigation, Sexual assault of Minors, Crime Scene Investigations, Search and Seizure, Alaska Criminal Code; Radar Operation, Field Training Officer, Traffic Accident Investigation, Traffic Accident Reconstruction and Traffic Enforcement Management.
  
- The council in cooperation with the Attorney General's Office has published and distributed the Alaska Field Manual for Police Officers now in it fourth printing.
  
- Development of a training needs survey document that is used by the council to conduct a yearly survey of all agencies. The results of this annual study establishes training priorities, aids training providers in planning their activities and to a degree measures the effectiveness or impact of the prior year training.

- Development of an audit system to compare the departments or agencies personnel roster with that maintained by the council. This review is conducted once yearly and any discrepancies found are corrected immediately.
  
- Joining with the Department of Public Safety, State Parks Department and Anchorage Airport Security in supporting the Island Community College, Pre-Employment Law Enforcement Basic Training Program.
  
- The review and approval of a total of 2,783 basic certificates, 581 Intermediate certificates, 402 advanced certificates, 616 permanent instructor certificates, 221 temporary instructor certificates and approval of over 750 law enforcement training courses.
  
- Investigation into matters that resulted in the formal denial or revocation of 17 police officer certificates.

#### Conclusion

The primary goals of the council are to improve the delivery of training, ensure that employment standards are job related and work toward further increasing the professionalism of officers throughout the state.

In Alaska there are currently 1,052 active, full-time police officers and approximately 250 active permanent instructors who must meet the minimum employment and/or training requirements established by the council. Attrition requires continuous effort on the part of the council to assist state and local agencies by ensuring that entry level requirements are adhered to and that the training remains job relevant and available.

## SUPPORT RATIONALE

Although certification will have specific benefits to both correctional officers and probation/parole officers, there are also general advantages to the certification process. It lends consistency to hiring, training and discipline.

The aforementioned issues are beneficial to both the employer and the employee. Developing stringent guidelines for qualifications reduces the time needed for the initial selection process. The employer will be able to be selective, based on the criteria and the potential employees will be able to do a self evaluation as to whether or not s/he is eligible for employment.

Once the initial selection is completed, uniform training policies and procedures will aid in assuring each individual receives adequate and appropriate training that specifically relates to the job assigned.

Certification will also give esteem to the employee. This esteem, stemming from meeting stringent criteria, should reflect on work performance and self-confidence. These two attributes are necessary in all lines of work, but is critical in the correctional setting.

Corrections is an element of the criminal justice system, the welfare and safety of the public rests with the correctional officer, as well as those professionals in probation and parole services.

Putting the certification process under the auspices of the Alaska Police Standards Council offers another important facet. Not only will the council be comprised of law enforcement and correction personnel, if this legislation is passed, it already includes scrutiny by council members from the public at large. Public input will impact on the way corrections operates by providing nongovernmental viewpoints.

Above and beyond the standardizing of screening policies and procedures, consistent training policies and general input into the operations of corrections, are the specific values to the officers.

More specifically, correctional officers are dealing with known and convicted offenders. Their demeanor and performance of duties must be accomplished within the "letter of the law;" some will be responsible for armed supervision of offenders. The legal impact of the use of deadly force is monumental. Certification will not only train the officers in correct performance, it will also aid

greatly in the selection process of whom is psychologically fit to be called upon to perform in life threatening circumstances.

A constitutional mandate of corrections is the reformation of the offender. The criteria of certification will assist the officer in providing appropriate supervision to enhance rehabilitation.

The screening process is important for correctional officers because history has proven that less than favorable personal and work histories of officers can lead to unlawful acts. This can be manifested by illicit relationships between officers and offenders, as well as unlawful acts that jeopardize the safety of society and the institution.

The probation/parole officer, too, has a great deal of responsibilities in performance of his/her duties. Besides offering supervision of offenders in the community, these officers, oftentimes, must act as arresting officers actually making physical arrests.

Training in supervision and arrest of offenders is critical to assure proper procedures are followed to aid in compliance with legal mandates. Likewise, training will also help greatly in protecting the officers in life threatening situations.

Besides critical situations, certification will simply lend itself toward promoting professionalism. Stringent hiring criteria, exhaustive training and physical/mental mandates provide the common bonding necessary to assure professional delivery of services. This is essential for complying with the constitutional mandate of protecting society and the reformation of the offender.

ALASKA POLICE STANDARDS COUNCIL

48th Meeting: November 13, 1987  
Alaska Vocational Technical Center  
Seward, Alaska 99664

MINUTES

November 13, 1987

A.P.S.C. Members Present

Louis A. Bencardino, Chairman  
Seward Police Dept.

E.L. Mayfield, Council Member  
Willow, Alaska

Shirley Robards, Council Member  
Sitka, Alaska

Ronald L. Otte, Chief of Police  
Anchorage Police Dept.  
Council Member

Kevin C. Clayton, Chief of Police  
Bethel Police Department  
Council Member

John L. McKibben, Chief of Police  
Palmer Police Department  
Council Member

Floyd H. Richmond, Council Member  
Ketchikan, Alaska

A.P.S.C. Staff Present

Jack W. Wray  
Executive Director

Vicky L. Hesse  
Secretary I

Visitors Present

Billy Andrews  
Special Agent  
FBI/Anchorage

Stephanie Joannides  
Assistant Attorney  
General

Chief Duane S. Udland  
Soldotna Police Dept.

Chief Richard A. Ross  
Kenai Police Dept.

C.E. Swackhammer  
Representative  
Soldotna, Alaska

Lt. Lonnie Kalar  
Kenai Police Dept.

Charles Kopp  
Anchorage, Alaska

Lt. Shirley Warner  
Anchorage Police Dept.

The meeting adjourned for a break at 10:59 a.m.

The meeting reconvened at 11:16 a.m.

APSC STATUTE CHANGE - Chairman Bencardino introduced Representative Swackhammer. Representative Swackhammer informed the Council that he Chairs the Subcommittee on Corrections and the comments he will be addressing is more in terms of policy and procedures.

Listed below are some of deficiencies the Committee has found in Corrections.

1. Poor screening policy & procedures.
2. Lack of consistent training policies.
3. Retention policy based on disciplinary action was not consistent over a period of time.
4. Total lack of public input into the way Corrections is run, its strictly administration.

Representative Swackhammer stated he felt a certification process for corrections and probation/parole officers would be appropriate. He stated he also felt it would be an appropriate function of the APSC.

Representative Swackhammer felt that through a certification process it would establish good screening procedures in the hiring of corrections officers, and provide consistent training standards for Corrections.

Representative Swackhammer stated that he would not introduce legislation unless he had the support of APSC. If he had the Council's support he felt he could get legislation passed through the second session.

Discussion followed regarding corrections officers, and the probation/parole officers being certified.

John McKibben stated that he felt irregardless whether this Council's oversees it, he thinks it is definitely needed. He personally supports this Council doing it, but he would support any Council doing it.

Chairman Bencardino asked if there were any objections in this Board taking on this obligation of being able to certify corrections officers as well as police officers.

John McKibben made a motion that we support the assumption of those responsibilities by this board and support legislation that will enable us to do so. Floyd Richmond seconded.

Chairman Bencardino asked if there was any further comments on this motion.

John McKibben was interested if there was any audience comments regarding APSC certifying Correctional Officers.

Chief Ross stated his concern was that APSC resources have been inadequate in the last several years. He also felt if this legislation is proposed there would be a need for a realistic fiscal note with it to provide for the resources not only to put the regulations together, but implement training, and if that fiscal note did not go through, then he would not want to see it under this board.

Chairman Bencardino called for a vote on the motion, all were in favor, the motion passed unanimously.

Representative Swackhammer suggested the Council meet in Juneau in January to hold a special meeting.

Representative Swackhammer informed the Council that both the Commissioner of Corrections and Public Safety support this concept.

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465-3800

MEMORANDUM

January 15, 1988

SUBJECT: Sectional analysis of HB 367  
TO: Representative C.E. Swackhammer  
FROM: Jack Chenoweth  
Legislative Counsel

The following is a sectional analysis of HB 367.

Section 1 restates the current statement of policy applicable to the Alaska Police Standards Council by incorporating reference in it to "probation and parole officers and correctional officers," the two personnel groups that are subject to certification under the amendments proposed by this legislation. (AS 18.65.130)

Section 2 changes the membership of the Alaska Police Standards Council, adding two to the current nine members, and specifying that the new members shall be the commissioner of corrections (or the commissioner's designee) and a probation or parole officer. (AS 18.65.150)

Section 3 specifies that the commissioner of corrections serves a member of the Council for the duration of his or her term, and that a designee of the commissioner is to serve for the duration of the service of the commissioner who made the designation. (AS 18.65.160)

As to probation and parole officers and correctional officers, section 4 adds to the powers of the Council:

- \* the responsibility to establish minimum standards for their employment in permanent and probationary positions;
- \* certification of individuals as qualified for employment in these positions;
- \* the responsibility to establish minimal criteria for requirements for basic training courses for these positions;
- \* authority to consult with local governments and others designated concerning development of training programs for these positions; and,

\* authority to investigate an applicant for one of these positions in order to assure that the applicant meets the minimum qualifications for the position. (AS 18.65.220)

The change in the caption to AS 18.65.230 made by section 5 reflects the additional responsibility given the Council for establishing and maintaining training programs for probation and parole officers and correctional officers in this section. (AS 18.65.230)

Section 6 adds new codified sections that

\* direct the Council to establish qualifications for employment of persons as correctional officers; prescribe the means of providing evidence that an applicant meets the prescribed qualifications; and provides for issuance of a certificate evidencing that the applicant meets the prescribed standards; (AS 18.65.241)

\* direct the Council to establish qualifications for employment of persons as probation and parole officers; prescribe the means of providing evidence that an applicant meets the prescribed qualifications; and provides for issuance of a certificate evidencing that the applicant meets the prescribed standards; (AS 18.65.243)

\* spell out the circumstances when the Council may deny a correctional officer certificate or a probation or parole officer certificate to an applicant or revoke a correctional officer certificate or a probation or parole officer certificate previously issued to an applicant; (AS 18.65.245)

\* limits the employment of persons as correctional officers to persons who hold valid correctional officer certificates, with exception made for those employed on a probationary basis, for a period as determined by the Council; (AS 18.65.247)

\* limits the employment of persons as probation and parole officers to persons who hold valid probation and parole officer certificates, with exception made for those employed on a probationary basis, for a period as determined by the Council. (AS 18.65.249)

The new material added by bill section 7 authorizes, but does not require, a municipality to require that persons employed in a municipal corrections facility meet the requirements of this chapter that are applicable to correctional officers. (AS 18.65.280)

Representative C.E. Swackhammer  
Page 3  
January 15, 1988

I have provided definitions for the three classes of employee covered by this bill in section 8. (AS 18.65.290)

The remainder of the bill are uncodified sections that cover effective dates and transitional provisions.

Section 9: Subsection (a) makes an exception to those employed as correctional officers on the effective date of the Act; those persons may continue to be employed and are not required to secure a certificate from the Council. However, under subsection (b), if a person who has the benefit of the exception under (a) ceases to be employed after the effective date of the Act, that person may only be employed again as a correctional officer if he or she first secures a certificate from the Council.

Section 10: Subsection (a) makes an exception to those employed as probation and parole officers on the effective date of the Act; those persons may continue to be employed and are not required to secure a certificate from the Council. However, under subsection (b), if a person who has the benefit of the exception under (a) ceases to be employed after the effective date of the Act, the person may only be employed again as a probation or parole officer if he or she first secures a certificate from the Council.

In the main, section 13 would make the bill take effect July 1, 1988. There are exceptions: section 11 delays the effective date of AS 18.65.247, the provision requiring that a correctional officer obtain a valid certificate as a condition of employment, to a date six months after the Council adopts pertinent regulations; section 12 likewise delays the effective date of AS 18.65.249, the provision requiring that a probation or parole officer obtain a valid certificate of employment, to a date six months after the Council adopts pertinent regulations. The intent underlying both sections is to impose these additional employment-related requirements only after the Council has had fair opportunity to develop and adopt standards and initiate related training opportunities for persons seeking certification under AS 18.65.130 - 18.65.290.

JBC:bb  
WKB1/063

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: \_\_\_\_\_  
PUBLISH DATE: \_\_\_\_\_

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: An Act Altering the Composition,  
Membership and Duties of the APSC  
Sponsor: Representative Swackhammer  
Requestor: \_\_\_\_\_

Agency Affected: Public Safety  
BRU: Alaska Police Standards  
Council  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		30.1	30.9	31.7	32.6	33.5
TRAVEL		7.1	7.1	7.1	7.1	7.1
CONTRACTUAL		4.4	4.4	4.4	4.4	4.4
SUPPLIES		.5	.5	.5	.5	.5
EQUIPMENT		5.6				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	47.7	42.9	43.1	44.0	45.5

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	47.7	42.9	43.7	44.6	45.5
FEDERAL FUNDS						
OTHER						
TOTAL		47.7	42.5	43.7	44.0	45.5

POSITIONS:

FULL-TIME	0	1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No inflation factors are included in these cost calculations.

Program implementation is scheduled to begin July 1, 1988. Initial costs will include funding for a Clerk IV position (Range 9A) with salary and

Prepared by: Jack W. Wray, Executive Director Phone: 465-4378  
Division: Alaska Police Standards Council Date: 12-28-87

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
Agency: Public Safety

Distribution (by preparer):

Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

ANALYSIS CONTINUED:

benefits calculated at 30.1 for the first year, and the purchase of data processing and office equipment at a one time cost of 5.6. Space is currently available in the Alaska Police Standards office, utilities communication, and commodities are estimated for the classified position. Travel cost increases are a result of the addition of two new council positions, plus the increase in staff travel to conduct compliance inspections and attend administrative hearings.

Position Title Clerk IV		No. of Positions 1	Range/Step 9A	Barg. Unit GGU	
Time Status PFT	Staff Months 12.0	Location Juneau		Election District 4	
Type of Expenditure		Justification			
		<p>This position will provide clerical support needed through the typing and filing of correspondence, maintenance of personnel and training files, and responding to requests for library and training materials.</p> <p>Support costs include minimal contractual and supply costs and one time purchase of data processing equipment.</p>			
Amount					
1	2				3
Salary	20.8				
Benefits	9.3				
Premium Pay					
Other					
Total Personal Services					30.1
Travel					
Contractual					3.4
Commodities					.5
Equipment					3.3
Other					
Total Cost					37.3
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	37.3			
GF Program Receipts	1005				
Other					

Request For  
New Position

Agency Public Safety  
 BRU Alaska Police Standards Council  
 Component \_\_\_\_\_

Page 3 of 3  
 Revised Date

FY 89

BILL NO: CSHB 367

DATE: February 11, 1988

TITLE: "An Act...providing for certification of probation and parole officers and correctional officers by the Alaska Police Standards Council..."

CONTACT: Jack W. Wray  
Alaska Police Standards Council

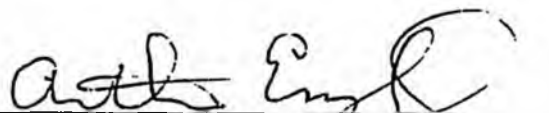
DEPARTMENT OF PUBLIC SAFETY  
POLICE

House Bill 367, introduced by Representative Swackhammer, expands the responsibilities of the Alaska Police Standards Council (APSC) to include the certification of Probation, Parole, and Correctional Officers.

It is characteristic of most professions and many vocations that practitioners be licensed to practice. Licensing or certification is required for doctors and lawyers, school teachers and nurses, and electricians, barbers, and plumbers just to name a few. It is certainly reasonable for the public to expect that its police, parole, probation, and corrections officers be adequately trained and certified to function in their professional capacities.

If this legislation is passed it will enable the APSC to adopt job related regulations that will establish minimum selection, training and retention requirements for probation, parole, and correctional officers. Certification by the APSC will indicate that an officer has met all of the established requirements for that position.

The APSC supports this bill, and is willing to accept the responsibility for its implementation. The Department of Public Safety also supports this bill.

  
Arthur A. English  
Commissioner

Original sponsors: Swackhammer, Gruenberg,  
Rieger, et al.

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 367 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act altering the composition, membership, and  
7 duties of the Alaska Police Standards Council; pro-  
8 viding for certification of probation and parole  
9 officers and correctional officers by the Alaska  
10 Police Standaris Council; and providing for an effec-  
11 tive date."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13 \* Section 1. AS 18.65.130 is amended to read:

14 Sec. 18.65.130. POLICY. The administration of criminal justice  
15 affects the health, safety and welfare of the people of this state,  
16 and requires education and training of a professional quality. It is  
17 a primary public interest that applicants meet minimum standards for  
18 employment as police officers, probation and parole officers, and  
19 correctional officers, and that criminal justice education and train-  
20 ing be made available to police officers, probation and parole offi-  
21 cers, and correctional officers serving in a probationary capacity and  
22 police officers, probation and parole officers, and correctional  
23 officers already in regular service. It is of secondary public inter-  
24 est to encourage the establishment of preliminary training programs  
25 for persons seeking to become police officers, probation and parole  
26 officers, and correctional officers.

27 \* Sec. 2. AS 18.65.150 is amended to read:

28 Sec. 18.65.150. COMPOSITION OF COUNCIL. The council consists of  
29 the following persons:

1           (1) four chief administrative officers or chiefs of police  
2 of local governments;

3           (2) the commissioner of public safety or a designee of the  
4 commissioner;

5           (3) the commissioner of corrections or a designee of the  
6 commissioner;

7           (4) one probation or parole officer;

8           (5) [(3)] four members of the public at large with at least  
9 two from the communities of 2,500 population or less.

10 \* Sec. 3. AS 18.65.160 is amended to read:

11           Sec. 18.65.160. APPOINTMENT. The commissioner of public safety  
12 or a designee and the commissioner of corrections or a designee shall  
13 serve during each [THE] commissioner's continuance in office. Other  
14 members of the council shall be appointed by the governor for stag-  
15 gered terms of four years, except that a member may not serve beyond  
16 the time the member holds the office that established eligibility for  
17 appointment. A vacancy on the council shall be filled for the remain-  
18 der of a member's unexpired term in the same manner as the original  
19 appointment.

20 \* Sec. 4. AS 18.65.220 is amended to read:

21           Sec. 18.65.220. POWERS. The council has the power to

22           (1) adopt regulations for the administration of AS 18.65.-  
23 130 - 18.65.290;

24           (2) establish minimum standards for employment as a police  
25 officer, probation or parole officer, and correctional officer in a  
26 permanent or probationary position [POSITIONS] and certify persons to  
27 be qualified as police officers, probation or parole officers, and  
28 correctional officers under AS 18.65.130 - 18.65.290;

29           (3) establish minimum criminal justice curriculum

1 requirements for basic, specialized, and in-service courses and pro-  
2 grams for schools operated by or for the state or a political sub-  
3 division of the state for the specific purpose of training police  
4 recruits, [OR] police officers, probation and parole officers, and  
5 correctional officers;

6 (4) consult and cooperate with [BOROUGHES,] municipalities,  
7 agencies of the state, other governmental agencies, universities,  
8 colleges, and other institutions concerning the development of police,  
9 probation and parole officer, and correctional officer training  
10 schools and programs of criminal justice instruction;

11 (5) employ an administrator and other persons necessary to  
12 carry out its duties under AS 18.65.130 - 18.65.290;

13 (6) investigate when there is reason to believe that a  
14 police officer, probation or parole officer, or correctional officer  
15 does not meet the minimum standards for employment; in connection  
16 with the investigation the council may subpoena persons, books, re-  
17 cords, or documents related to the investigation and require answers  
18 in writing under oath to questions asked by the council or the admin-  
19 istrator.

20 \* Sec. 5. AS 18.65.230 is amended to read:

21 Sec. 18.65.230. [POLICE] TRAINING PROGRAMS. The council shall  
22 establish and maintain police training programs, probation and parole  
23 officer training programs, and correctional officer training programs  
24 through those agencies and institutions that the council considers  
25 appropriate.

26 \* Sec. 6. AS 18.65 is amended by adding new sections to read:

27 Sec. 18.65.242. STANDARDS FOR CORRECTIONAL, PROBATION, AND  
28 PAROLE OFFICERS. (a) The council shall establish qualifications for  
29 employment of persons as correctional, probation, and parole officers,

1 including

2 (1) minimum age, physical and mental standards, citizen-  
3 ship, moral character, and experience; and

4 (2) minimum education standards.

5 (b) The council shall

6 (1) prescribe the means of presenting evidence of fulfill-  
7 ment of the requirements set out in (a) of this section; and

8 (2) issue a certificate evidencing satisfaction of the  
9 requirements of (a) of this section to an applicant who

10 (A) satisfies the requirements of (a)(1) of this  
11 section; and

12 (B) meets the minimum education standards of (a)(2) of  
13 this section by satisfactorily completing a training program for  
14 correctional, probation, or parole officers established under  
15 AS 18.65.230 or a course of instruction in another jurisdiction  
16 equivalent in content and quality to that required by the council  
17 for approved correctional, probation, or parole officer education  
18 and training programs in this state.

19 (c) In the evaluation of applicants against the mental standards  
20 developed under (a)(1) of this section, the council shall use  
21 evaluation methods that do not discriminate against applicants of  
22 different ethnic origins.

23 Sec. 18.65.245. DENIAL OR REVOCATION OF CERTIFICATE. The coun-  
24 cil may

25 (1) deny a certificate to an applicant for a correctional  
26 officer certificate or a probation or parole officer certificate if  
27 the applicant does not meet the standards adopted by the council under  
28 AS 18.65.242(a);

29 (2) revoke the certificate of a correctional officer or a

1 probation or parole officer who, having been issued a certificate,  
2 fails to meet the standards adopted by the council under AS 18.65.-  
3 242(a).

4 Sec. 18.65.248. EMPLOYMENT OF CORRECTIONAL, PROBATION, AND  
5 PAROLE OFFICERS. (a) A person may not be appointed as a correctional  
6 officer or as a probation or parole officer unless the person has a  
7 valid certificate issued by the council under AS 18.65.242.

8 (b) The provisions of (a) of this section do not apply to a  
9 person employed on a probationary basis, except that employment on a  
10 probationary basis may not exceed the period authorized for probation-  
11 ary employment determined by the council.

12 \* Sec. 7. AS 18.65.280 is amended by adding a new subsection to read:

13 (c) A municipality that employs persons in a municipal correc-  
14 tional facility may, by ordinance, require that those persons meet the  
15 requirements of AS 18.65.130 - 18.65.290 that are applicable to cor-  
16 rectional officers.

17 \* Sec. 8. AS 18.65.290 is amended by adding new paragraphs to read:

18 (4) "correctional officer" means a person employed by the  
19 state in a correctional facility established for the custody, care,  
20 and discipline of persons charged or convicted of offenses against the  
21 state or held under authority of state law to control those persons;

22 (5) "parole officer" means a person appointed by the com-  
23 missioner of corrections to supervise a prisoner's parole under  
24 AS 33.16;

25 (6) "probation officer" means a person appointed to super-  
26 vise probation who has the duties assigned by AS 33.05.040.

27 \* Sec. 9. APPLICATION TO PERSONS WHO ARE CURRENTLY EMPLOYED AS CORREC-  
28 TIONAL OFFICERS. (a) Notwithstanding AS 18.65.248, added by sec. 6 of  
29 this Act, a person employed by the state as a correctional, probation, or

1 parole officer on the effective date of AS 18.65.248, may continue to be  
2 employed as an officer without a certificate issued by the Alaska Police  
3 Standards Council.

4 (b) A person continuing in employment under the exemption provided in  
5 (a) of this section who terminates that employment after the effective date  
6 of AS 18.65.248 may be reemployed by the state as a correctional, pro-  
7 bation, or parole officer only if the person holds a valid certificate  
8 issued by the Alaska Police Standards Council.

9 \* Sec. 10. AS 18.65.248, added by sec. 6 of this Act, takes effect six  
10 months after the date on which the Alaska Police Standards Council adopts  
11 regulations establishing training programs for correctional, probation, and  
12 parole officers under AS 18.65.230, as amended by sec. 5 of this Act, and  
13 defining qualifications for employment as those officers under AS 18.65.-  
14 242, added by sec. 6 of this Act.

15 \* Sec. 11. Except for AS 18.65.248, added by sec. 6 of this Act, this  
16 Act takes effect July 1, 1988.

Original sponsors: Swackhammer, Gruenberg,  
Rieger, et al.

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 367 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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2 grams for schools operated by or for the state or a political sub-  
3 division of the state for the specific purpose of training police  
4 recruits, [OR] police officers, probation and parole officers, and  
5 correctional officers;

6 (4) consult and cooperate with [BOROUGHs,] municipalities,  
7 agencies of the state, other governmental agencies, universities,  
8 colleges, and other institutions concerning the development of police,  
9 probation and parole officer, and correctional officer training  
10 schools and programs of criminal justice instruction;

11 (5) employ an administrator and other persons necessary to  
12 carry out its duties under AS 18.65.130 - 18.65.290;

13 (6) investigate when there is reason to believe that a  
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15 does not meet the minimum standards for employment; in connection  
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7 ment of the requirements set out in (a) of this section; and

8 (2) issue a certificate evidencing satisfaction of the  
9 requirements of (a) of this section to an applicant who

10 (A) satisfies the requirements of (a)(1) of this  
11 section; and

12 (B) meets the minimum education standards of (a)(2) of  
13 this section by satisfactorily completing a training program for  
14 correctional, probation, or parole officers established under  
15 AS 18.65.230 or a course of instruction in another jurisdiction  
16 equivalent in content and quality to that required by the council  
17 for approved correctional, probation, or parole officer education  
18 and training programs in this state.

19 Sec. 18.65.245. DENIAL OR REVOCATION OF CERTIFICATE. The coun-  
20 cil may

21 (1) deny a certificate to an applicant for a correctional  
22 officer certificate or a probation or parole officer certificate if  
23 the applicant does not meet the standards adopted by the council under  
24 AS 18.65.242(a);

25 (2) revoke the certificate of a correctional officer or a  
26 probation or parole officer who, having been issued a certificate,  
27 fails to meet the standards adopted by the council under AS 18.65.-  
28 242(a).

29 Sec. 18.65.248. EMPLOYMENT OF CORRECTIONAL, PROBATION, AND

1 PAROLE OFFICERS. (a) A person may not be appointed as a correctional  
2 officer or as a probation or parole officer unless the person has a  
3 valid certificate issued by the council under AS 18.65.242.

4 (b) The provisions of (a) of this section do not apply to a  
5 person employed on a probationary basis, except that employment on a  
6 probationary basis may not exceed the period authorized for probation-  
7 ary employment determined by the council.

8 \* Sec. 7. AS 18.65.280 is amended by adding a new subsection to read:

9 (c) A municipality that employs persons in a municipal correc-  
10 tional facility may, by ordinance, require that those persons meet the  
11 requirements of AS 18.65.130 - 18.65.290 that are applicable to cor-  
12 rectional officers.

13 \* Sec. 8. AS 18.65.290 is amended by adding new paragraphs to read:

14 (4) "correctional officer" means a person employed by the  
15 state in a correctional facility established for the custody, care,  
16 and discipline of persons charged or convicted of offenses against the  
17 state or held under authority of state law to control those persons;

18 (5) "parole officer" means a person appointed by the com-  
19 missioner of corrections to supervise a prisoner's parole under  
20 AS 33.16;

21 (6) "probation officer" means a person appointed to super-  
22 vise probation who has the duties assigned by AS 33.05.040.

23 \* Sec. 9. APPLICATION TO PERSONS WHO ARE CURRENTLY EMPLOYED AS CORREC-  
24 TIONAL OFFICERS. (a) Notwithstanding AS 18.65.248, added by sec. 6 of  
25 this Act, a person employed by the state as a correctional, probation, or  
26 parole officer on the effective date of AS 18.65.248, may continue to be  
27 employed as an officer without a certificate issued by the Alaska Police  
28 Standards Council.

29 (b) A person continuing in employment under the exemption provided in

1 (a) of this section who terminates that employment after the effective date  
2 of AS 18.65.248 may be reemployed by the state as a correctional, pro-  
3 bation, or parole officer only if the person holds a valid certificate  
4 issued by the Alaska Police Standards Council.

5 \* Sec. 10. AS 18.65.248, added by sec. 6 of this Act, takes effect six  
6 months after the date on which the Alaska Police Standards Council adopts  
7 regulations establishing training programs for correctional, probation, and  
8 parole officers under AS 18.65.230, as amended by sec. 5 of this Act, and  
9 defining qualifications for employment as those officers under AS 18.65.-  
10 242, added by sec. 6 of this Act.

11 \* Sec. 11. Except for AS 18.65.248, added by sec. 6 of this Act, this  
12 Act takes effect July 1, 1988.

1 IN THE HOUSE

BY SWACKHAMMER, GRUENBERG,  
RIEGER, LARSON AND PEARCE

2

HOUSE BILL NO. 367

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act altering the composition, membership, and  
7 duties of the Alaska Police Standards Council; pro-  
8 viding for certification of probation and parole  
9 officers and correctional officers by the Alaska  
10 Police Standards Council; and providing for an effec-  
11 tive date."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13 \* Section 1. AS 18.65.130 is amended to read:

14 Sec. 18.65.130. POLICY. The administration of criminal justice  
15 affects the health, safety and welfare of the people of this state,  
16 and requires education and training of a professional quality. It is  
17 a primary public interest that applicants meet minimum standards for  
18 employment as police officers, probation and parole officers, and  
19 correctional officers, and that criminal justice education and train-  
20 ing be made available to police officers, probation and parole offi-  
21 cers, and correctional officers serving in a probationary capacity and  
22 police officers, probation and parole officers, and correctional  
23 officers already in regular service. It is of secondary public inter-  
24 est to encourage the establishment of preliminary training programs  
25 for persons seeking to become police officers, probation and parole  
26 officers, and correctional officers.

27 \* Sec. 2. AS 18.65.150 is amended to read:

28 Sec. 18.65.150. COMPOSITION OF COUNCIL. The council consists of  
29 the following persons:

1 (1) four chief administrative officers or chiefs of police  
2 of local governments;

3 (2) the commissioner of public safety or a designee of the  
4 commissioner;

5 (3) the commissioner of corrections or a designee of the  
6 commissioner;

7 (4) one probation or parole officer;

8 (5) [(3)] four members of the public at large with at least  
9 two from the communities of 2,500 population or less.

10 \* Sec. 3. AS 18.65.160 is amended to read:

11 Sec. 18.65.160. APPOINTMENT. The commissioner of public safety  
12 or a designee and the commissioner of corrections or a designee shall  
13 serve during the respective commissioner's continuance in office.  
14 Other members of the council shall be appointed by the governor for  
15 staggered terms of four years, except that a member may not serve  
16 beyond the time the member holds the office that established eligibil-  
17 ity for appointment. A vacancy on the council shall be filled for the  
18 remainder of a member's unexpired term in the same manner as the  
19 original appointment.

20 \* Sec. 4. AS 18.65.220 is amended to read:

21 Sec. 18.65.220. POWERS. The council has the power to

22 (1) adopt regulations for the administration of AS 18.65.-  
23 130 - 18.65.290;

24 (2) establish minimum standards for employment as a police  
25 officer, probation and parole officer, and correctional officer in a  
26 permanent or probatory position [POSITIONS] and certify persons to  
27 be qualified as police officers, probation or parole officers, and  
28 correctional officers under AS 18.65.130 - 18.65.290;

29 (3) establish minimum criminal justice curriculum

1 requirements for basic, specialized, and in-service courses and pro-  
2 grams for schools operated by or for the state or a political sub-  
3 division of the state for the specific purpose of training police  
4 recruits, [OR] police officers, probation and parole officers, and  
5 correctional officers;

6 (4) consult and cooperate with [BOROUGHES,] municipalities,  
7 agencies of the state, other governmental agencies, universities,  
8 colleges, and other institutions concerning the development of police,  
9 probation and parole officer, and correctional officer training  
10 schools and programs of criminal justice instruction;

11 (5) employ an administrator and other persons necessary to  
12 carry out its duties under AS 18.65.130 - 18.65.290;

13 (6) investigate when there is reason to believe that a  
14 police officer, probation or parole officer, or correctional officer  
15 does not meet the minimum standards for employment; in connection  
16 with the investigation the council may subpoena persons, books, re-  
17 cords, or documents related to the investigation and require answers  
18 in writing under oath to questions asked by the council or the admin-  
19 istrator.

20 \* Sec. 5. AS 18.65.230 is amended to read:

21 Sec. 18.65.230. [POLICE] TRAINING PROGRAMS. The council shall  
22 establish and maintain police training programs, probation and parole  
23 officer training programs, and correctional officer training programs  
24 through those agencies and institutions that the council considers  
25 appropriate.

26 \* Sec. 6. AS 18.65 is amended by adding new sections to read:

27 Sec. 18.65.241. STANDARDS FOR CORRECTIONAL OFFICERS. (a) The  
28 council shall establish qualifications for employment of persons as  
29 correctional officers, including

1           (1) minimum age, physical, citizenship, moral character,  
2 and experience standards; and

3           (2) minimum education standards.

4           (b) The council shall

5           (1) prescribe the means of presenting evidence of fulfill-  
6 ment of the requirements set out in (a) of this section; and

7           (2) issue a certificate evidencing satisfaction of the  
8 requirements of (a) of this section to an applicant who

9           (A) satisfies the requirements of (a)(1) of this  
10 section; and

11           (B) meets the minimum education standards of (a)(2) of  
12 this section by satisfactorily completing a correctional officer  
13 training program established under AS 18.65.23J or a course of  
14 instruction in another jurisdiction equivalent in content and  
15 quality to that required by the council for approved correctional  
16 officer education and training programs in this state.

17           Sec. 18.65.243. STANDARDS FOR PROBATION AND PAROLE OFFICERS.

18           (a) The council shall establish qualifications for employment of  
19 persons as probation and parole officers, including

20           (1) minimum age, physical, citizenship, moral character,  
21 and experience standards; and

22           (2) minimum education standards.

23           (b) The council shall

24           (1) prescribe the means of presenting evidence of fulfill-  
25 ment of the requirements set out in (a) of this section; and

26           (2) issue a certificate evidencing satisfaction of the  
27 requirements of (a) of this section to an applicant who

28           (A) satisfies the requirements of (a)(1) of this  
29 section; and

1 (B) meets the minimum education standards of (a)(2) of  
2 this section by satisfactorily completing a probation or parole  
3 officer training program established under AS 18.65.230 or a  
4 course of instruction in another jurisdiction equivalent in  
5 content and quality to that required by the council for approved  
6 probation or parole officer education and training programs in  
7 this state.

8 Sec. 18.65.245. DENIAL OR REVOCATION OF CERTIFICATE. The coun-  
9 cil may

10 (1) deny a certificate to an applicant for a

11 (A) correctional officer certificate if the applicant  
12 does not meet the standards adopted by the council under AS 18.-  
13 65.241(a);

14 (B) probation or parole officer certificate if the  
15 applicant does not meet the standards adopted by the council  
16 under AS 18.65.243(a);

17 (2) revoke the certificate of a

18 (A) correctional officer who, having been issued a  
19 certificate, fails to meet the standards adopted by the council  
20 under AS 18.65.241(a);

21 (B) probation or parole officer who, having been  
22 issued a certificate, fails to meet the standards adopted by the  
23 council under AS 18.65.243(a).

24 Sec. 18.65.247. EMPLOYMENT OF CORRECTIONAL OFFICERS. (a) A  
25 person may not be appointed as a correctional officer unless the  
26 person has a valid certificate issued by the council under AS 18.65.-  
27 241.

28 (b) The provisions of (a) of this section do not apply to a  
29 person employed on a probationary basis, except that employment on a

1 probationary basis may not exceed the period authorized for probation-  
2 ary employment determined by the council.

3 Sec. 18.65.249. EMPLOYMENT OF PROBATION AND PAROLE OFFICERS.

4 (a) A person may not be appointed as a probation or parole officer  
5 unless the person has a valid certificate issued by the council under  
6 AS 18.65.243.

7 (b) The provisions of (a) of this section do not apply to a  
8 person employed on a probationary basis, except that employment on a  
9 probationary basis may not exceed the period authorized for probation-  
10 ary employment determined by the council.

11 \* Sec. 7. AS 18.65.280 is amended by adding a new subsection to read:

12 (c) A municipality that employs persons in a municipal correc-  
13 tional facility may, by ordinance, require that those persons meet the  
14 requirements of AS 18.65.130 - 18.65.290 that are applicable to cor-  
15 rectional officers.

16 \* Sec. 8. AS 18.65.290 is amended by adding new paragraphs to read:

17 (4) "correctional officer" means a person employed by the  
18 state in a correctional facility established for the custody, care,  
19 and discipline of persons charged or convicted of offenses against the  
20 state or held under authority of state law to control those persons;

21 (5) "parole officer" means a person appointed by the com-  
22 missioner of corrections to supervise a prisoner's parole under  
23 AS 33.16;

24 (6) "probation officer" means a person appointed to super-  
25 vise probation who has the duties assigned by AS 33.05.040.

26 \* Sec. 9. APPLICATION TO PERSONS WHO ARE CURRENTLY EMPLOYED AS CORREC-  
27 TIONAL OFFICERS. (a) Notwithstanding AS 18.65.247, added by sec. 6 of  
28 this Act, a person employed by the state as a correctional officer on the  
29 effective date of AS 18.65.247, may continue to be employed as a

1 correctional officer without a certificate issued by the Alaska Police  
2 Standards Council.

3 (b) A person continuing in employment as a correctional officer under  
4 the exemption provided in (a) of this section who terminates employment as  
5 a correctional officer after the effective date of AS 18.65.247 may be  
6 reemployed by the state as a correctional officer only if the person holds  
7 a valid certificate issued by the Alaska Police Standards Council.

8 \* Sec. 10. APPLICATION TO PERSONS WHO ARE CURRENTLY EMPLOYED AS PROBA-  
9 TION AND PAROLE OFFICERS. (a) Notwithstanding AS 18.65.249, added by  
10 sec. 6 of this Act, a person employed by the state as a probation or parole  
11 officer on the effective date of AS 18.65.249, may continue to be employed  
12 as a probation or parole officer without a certificate issued by the Alaska  
13 Police Standards Council.

14 (b) A person continuing in employment as a probation or parole offi-  
15 cer under the exemption provided in (a) of this section who terminates  
16 employment as a probation or parole officer after the effective date of  
17 AS 18.65.249 may be reemployed by the state as a probation or parole offi-  
18 cer only if the person holds a valid certificate issued by the Alaska  
19 Police Standards Council.

20 \* Sec. 11. AS 18.65.247, added by sec. 6 of this Act, takes effect six  
21 months after the date on which the Alaska Police Standards Council adopts  
22 regulations establishing training programs for correctional officers under  
23 AS 18.65.230, as amended by sec. 5 of this Act, and defining qualifications  
24 for employment as a correctional officer under AS 18.65.241, added by  
25 sec. 6 of this Act.

26 \* Sec. 12. AS 18.65.249, added by sec. 6 of this Act, takes effect six  
27 months after the date on which the Alaska Police Standards Council adopts  
28 regulations establishing a probation and parole officer training program  
29 under AS 18.65.230, as amended by sec. 5 of this Act, and defining

1 qualifications for employment as a probation or parole officer under  
2 AS 18.65.247, added by sec. 6 of this Act.

3 \* Sec. 13. Except for AS 18.65.247 and 18.65.249, added by sec. 6 of  
4 this Act, this Act takes effect July 1, 1988.