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367

STATE OF ALASKA
THE LEGISLATURE

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JUNEAU, ALASKA 99811
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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Judiciary:

2~9~88

2~10~88

2~11~88

DATE: 2-9-88

The Judiciary 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 same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

[Handwritten signatures]

SIGNING OTHER RECOMMENDATIONS:

[Handwritten signature]

Chairman's signature -

February 29, 1988

MEMORANDUM

TO: Rep. John Sund, Chair,
House Judiciary Committee

FROM: John Hartle, PA, *JH*
House Judiciary Committee Staff

RE: HB 367 Police Standards Council certification of
probation, parole, and correctional officers.

JUD CS:

- 1) Added "mental standards" Page 4, Line 2
- 2) Added requirement that the Council use "evaluation methods that do not discriminate against applicants of different ethnic origins. Page 4, Line 19.

The purpose of this bill is to provide certification of probation, parole, and correctional officers to see that they meet certain standards, as police officers now do. Questions have arisen in the recent past relating to corrections officers involvement with illegal activities in correctional institutions.

One issue that came up in Committee relates to those currently employed as corrections officers - i.e. will this new certification process discriminate against them? Page 5, line 27 (Section 9) grandfathered in those currently employed, but there are still concerns that those with certificates will get promotions ahead of those without.

There may be a letter of intent proposed by APEA relating to this.

Adopted

A M E N D M E N T

Offered in the HOUSE

By Sund

TO: CSHB 367 (Judiciary)

Page 4, following line 18:

Insert a new subsection to read:

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

AMENDMENT # 1

Sec. 9. APPLICATION TO PERSONS WHO ARE CURRENTLY EMPLOYED AS CORRECTIONAL OFFICERS, PROBATION OR PAROLE OFFICERS. Notwithstanding AS 18.65.248, added by Sec. 6 of this Act, a permanent employee in good standing with an evaluation of mid-range acceptable shall be certified by the Alaska Police Standards Council on the effective date of AS 18.65.248

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

Adopted
Passed out

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 insitutions 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,
30

including

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

(2) minimum education standards.

(b) The council shall

(1) prescribe the means of presenting evidence of fulfillment of the requirements set out in (a) of this section; and

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

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

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

Sec. 18.65.245. DENIAL OR REVOCATION OF CERTIFICATE. The council may

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

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

Sec. 18.65.248. EMPLOYMENT OF CORRECTIONAL, PROBATION, AND
CSHB 367(Jud)

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

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

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

(c) A municipality that employs persons in a municipal correctional facility may, by ordinance, require that those persons meet the requirements of AS 18.65.130 - 18.65.290 that are applicable to correctional officers.

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

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

(5) "parole officer" means a person appointed by the commissioner of corrections to supervise a prisoner's parole under AS 33.16;

(6) "probation officer" means a person appointed to supervise probation who has the duties assigned by AS 33.05.040.

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

(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.
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22
23
24

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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*Psychological testing. -610
not in bill*

22
condition
See mental
AA 13.85.156(8)

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*Grand Attorney
Provisions*

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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.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act altering the composition
membership of Alaska Police Standards
Council"
Sponsor: Representative Swackhammer
Requestor: _____

Agency Affected: Department of Corrections
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Susan E. Knighton

Prepared by: Susan E. Knighton, Director Phone: 465-3376
Division: Administrative Services Date: 1-26-88

Approved by Commissioner: Susan Humphrey-Barnett Date: 1-26-88
Agency: Department of Corrections

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

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ALASKA POLICE STANDARDS COUNCIL MINUTES
(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

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P.O. BOX 417
SOLDOTNA, ALASKA 99669
(907) 262-7663
JUNEAU
BOX V
JUNEAU, ALASKA 99811
(907) 465-2689

MEMORANDUM

TO: All Interested Parties
FROM: Rep. C.E. Swackhammer 
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 its 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

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

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)

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.

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	43.7	44.6	45.5

CAPITAL						
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REVENUE						
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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	44.6	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
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.

1/29

HOUSE COMMITTEE REPORT

(7)

Date referred: 1/15/88

FURTHER REFERRALS:

Judiciary
Finance

DATE: 1/27/88

The HESS 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 (HESS) 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 same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

W. Ellis
Carol Haskins
Ruth E. DeLoe
Alvin Kasper
Paul H. ...
...

SIGNING OTHER RECOMMENDATIONS:

W. Kasper
 Co-Chairman's signature

FEB 0 1 1988



City and Borough of Sitka

POLICE DEPARTMENT

304 LAKE STREET • SITKA, ALASKA • 99835

JOHN H. NEWELL
CHIEF OF POLICE

BUSINESS 747-3245
EMERGENCY 9-1-1

January 27, 1988

Representative John Sund, Chairman
Judiciary Committee
P. O. Box V
Juneau, AK 99811

Re: House Bill No. 367

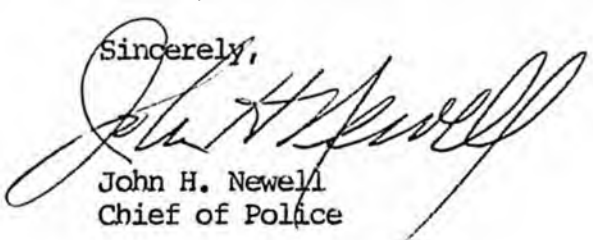
Dear Representative Sund,

I am writing in support of House Bill No. 367, however, at the same time I would like to share a concern. During the last couple of years, the funding for Police Standards Council has been minimal. This has resulted in minimal training available for police officers, particularly in-service and advanced training programs have been nonexistent.

While I support the fact that standards ought to be established for correctional officers and that the Police Standards Council is the most appropriate body to do that, I want to urge adequate funding to the Police Standards Council as they take on this added responsibility. Funding should be adequate to maintain all administrative support as well as providing reasonable and adequate training for both police and correctional personnel.

Thank you for considering my request.

Sincerely,


John H. Newell
Chief of Police

cc: Sponsors:

Representative C. E. Swackhammer
Representative Max F. Gruenberg, Jr.
Representative Steven Rieger
Representative Ronald L. Larson
Representative Drue Pearce

Committee Chairmen:

Representative Albert P. Adams,
Finance
Representatives Niilo E. Koponen
and Johnny Ellis, Health,
Education and Social Services

January 28, 1988

Good morning, my name is Bill Bills. I live in Sutton, Alaska and I am here to read a letter from Kay Bills. First, it is always appreciated when citizens are asked to give testimony in the legislative process but not early on a work day morning. Kay Bills can be reached for questions and comments in Sutton and her name, address, and phone number is public record.

Now for the letter:

Dear Committee Members,

In the last year I have become increasingly concerned about the training or lack of training given to the police officers of our district, in particular, and the training or lack of training of all police officers in the state, in general.

I will state emphatically that the majority of public safety officers I have dealt with have been professional. I have always had an excellent relationship with these professionals and supported budgets that reflect my high esteem. In fact most public safety officers make twice what the public school teacher makes and often receive much more prestige than teachers. I feel I can make this point, since I am a teacher, and both the education and the public safety budgets are under such close scrutiny. Also, like a public safety officer, teacher have to deal with all segments of the population. We are also dealing with drugs and violence in our communities at every turn. We deal with stress and burnout and suffer from a lack of appreciation of the value of our contributions to the general public.

This brings me to the point of this testimony.

It is my understanding that when you describe your functions as the establishment of minimum standards for employment and curriculum requirements for training--that is exactly what you mean--"minimum."

When episodes occurred in my community of Sutton this last year I was shocked to observe behaviors that were out of place in any professional organization I had know. Further, the handling of the complaints was one of "I can't help it. No one understands. My budget keeps me from doing my job. It's the district attorneys fault. It's the public's fault."

While those episodes are still being dealt with one thing came through: you have officers who either can not or do not know how to handle themselves in sensitive situations. Community relationships are stressed and families are being disrupted because of burned out and stressed out officers who are doing shift after shift without relief.

I now learn that after the initial academy training, any training that these officers may need is a "catch as catch can" situation that is not defined to any degree by your council or anyone.

Further, I learned that even the instructors at the academy are pulled out of the academy and put on part-time status. When a session is required the instructors are pulled back. I ask you, what kind of delivery system is that?

My other questions are as follows:

- 1) What other profession requires no retraining or certification after the initial training? Certainly educators, doctors, and other professionals are constantly mandated to update thier skills.
- 2) What is the curriculm that is so comprehensive that no plan is made to update it? Our communities are in a state of constant change. Initial training can soon become irrelevant.
- 3) Why would you wish to add other areas of responsibility when you have such a limited committment to the officers already in the field?
- 4) Will these added responsibilites allow you to update and clarify the present delivery system to include mandatory retraining?

While I realize I am not here to ask these questions in person, I thank you again for this opportunity to address you today. I look forward to your replies. I am sure that these questions can not be answered today, but if answers are not sought today-they will be demanded tomorrow. The public safety must be a result of good planning: planning on the initial-hire, planning on the job, and planning for the future. The public policy must be more than good intentions however imperfectly executed.

I urge you to make a complete review of the public safety training needs of the state in all areas. You must make a commitment to those officers who feel left out on their own to muddle their way through the system. Every effort should be made to retrain or remove those officers who do not demonstrate the ability to adjust to critical and stressful situations.

Kay Bills
PO Box 147
Sutton, Alaska 99674

