

HB

367

AMENDMENT

SENATE CS FOR CS FOR HOUSE BILL NO. 367 (HESS)

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

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

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

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

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

(4) one corrections administrative officer at the deputy director level or higher; and [probation or parole officer;]

[(5) one correctional officer;]

[(6) one person who is the superintendent of a correctional facility;]

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

TABLE OF CONTENTS

MEMORANDUM OF SUPPORT, Rep. C.E. Swackhammer

ALASKA POLICE STANDARDS COUNCIL HISTORY,  
Jack Wray, APSC Director

SUPPORT RATIONALE

ALASKA POLICE STANDARDS COUNCIL MINUTES  
(Partial of Nov. 13, 1987 Meeting)

SECTIONAL ANALYSIS

FISCAL NOTES

~~ALASKA POLICE STANDARDS COUNCIL~~

REPRESENTATIVE  
C.E. "SWACK" SWACKHAMMER

# Alaska State Legislature

SCLEDOTNA  
PO BOX 411  
SCLEDOTNA ALASKA 99869  
907 262-7563  
JUNEAU  
BOX V  
JUNEAU, ALASKA 99811  
(907) 465-2689

## House of Representatives

### 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 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 lead 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

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 with 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.

JBC:bb  
WKB1/063

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 6, 1988

SUBJECT: Draft SCS CSHB 367 (HESS)

TO: Senator Paul Fischer, Chair  
Senate Health, Education and Social Services  
Committee

FROM: Jack Chenoweth  
Legislative Counsel

The three amendments are incorporated into the draft committee substitute, but none of them precisely as submitted.

Amendment #1: The bill does not use the term "probation/parole officer." It distinguishes between the two. I have split the definition in two parts and made other adjustments I thought necessary.

Amendment #2: The amendment, redefining "correctional officer," is incorporated substantially as offered. It is, as you realize, an essential change if this bill is to work.

Amendment #3: Two additional persons are added by this amendment, bringing the council membership to 13. The two appointees appear in paragraphs (5) and (6) of AS 18.65.150 (bill section 2).

Rather than leave the House Letter of Intent to chance, I also incorporated those provisions into this bill draft. The first paragraph of the House-passed letter appears as the last sentence of bill section 9(a). The second paragraph of the letter of intent appears as bill section 11.

If the draft or this memo prompts questions, please contact me.

Enclosure

JBC:bb  
b4/103

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)

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 Clerk IV		No. of Positions 1	Range/Step 9A	Barg. Unit GGU
Time Status PFT	Staff Months 12.0	Location Juneau	Election District 4	
Justification				
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.				
Support costs include minimal contractual and supply costs and one time purchase of data processing equipment.				
Type of Expenditure	Amount			
1	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				

FY 89

Page 3 of 3  
Revised Date

Agency Public Safety  
BRU Alaska Police Standards Council  
Component

Request For  
New Position

BILL NO: SCSCSHB44(SA)

DATE: April 25, 1988

TITLE: An Act relating to motor  
vehicle liability insurance  
and vehicle registration

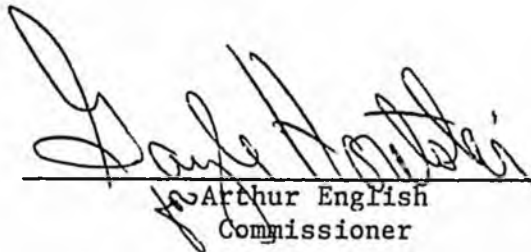
CONTACT: Bill Brown  
465-4335

DEPARTMENT OF  
PUBLIC SAFETY

This bill will require a person, prior to registering a motor vehicle, to certify that the vehicle is insured. The bill also repeals the sunset clause of the current Mandatory Insurance Law, which will sunset January 1, 1989, if no action is taken, and amends that law to correct two problem areas. In addition, the bill increases the annual registration fee for commercial vehicles by \$1.00, and changes the definition of "proof of financial responsibility".

The current Mandatory Insurance Law has had a positive effect on the number of uninsured motorists. It is felt that repeal of the sunset of that law is beneficial to the general motoring public. The new section of law dealing with certification of insurance at the time of vehicle registration will have some impact on the mail-out renewal program for the first couple of years until the public is familiar with the requirements. It may also have an effect on further reducing the number of uninsured motorists. The increase in fees will require minor computer program and form modifications.

The department supports this bill.



Arthur English  
Commissioner

THE ALASKA POLICE STANDARDS COUNCIL ACT

(Amended January 30, 1984)

AS 18.65.130. POLICY. The administration of criminal justice affects the health, safety, and welfare of the people of this State, and requires education and training of a professional quality. It is a primary public interest that applicants meet minimum standards for employment as police officers and that criminal justice education and training be made available to police officers serving in a probationary capacity and police officers already in regular service. It is of secondary public interest to encourage the establishment of preliminary training programs for persons seeking to become police officers.

AS 18.65.140. CREATION. There is created in the Department of Public Safety the Alaska Police Standards Council.

AS 18.65.150. COMPOSITION OF COUNCIL. The council consists of the following persons:

- (1) four chief administrative officers or chiefs of police of local government;
- (2) the Commissioner of Public Safety or his designee;
- (3) four members of the public at large with at least two from the communities of 2,500 population or less.

AS 18.65.160. APPOINTMENT. The Commissioner of Public Safety or his designee shall serve during his continuance in office. Other members of the council shall be appointed by the Governor for staggered terms of four years, except that no member may serve beyond the time he holds the office which made him eligible for appointment. A vacancy on the council shall be filled for the remainder of a member's unexpired term in the same manner as the original appointment.

AS 18.65.170. CHAIRMAN AND VICE CHAIRMAN. The council shall select its chairman and vice chairman annually.

AS 18.65.180. HOLDING OTHER OFFICE. Membership on the council does not disqualify a member from holding any other public office or employment.

AS 18.65.190. COMPENSATION AND EXPENSES. The members of the council receive no salary, but are entitled to per diem and travel expenses authorized by law for other boards and commissions.

AS 18.65.200. MEETINGS. The council shall meet at least twice a year. The chairman shall set the time and place of the meeting, either on his own motion or on written request by any three members of the council.

AS 18.65.210. REPORTS. Repealed.

AS 18.65.220. POWERS. The council has the power to:

- (1) adopt regulations for the administration of AS 18.65.130 - 18.65.290;

AS 18.65.260. GRANTS. (a) The Council may accept donations of property, both real and personal, and grants of money from a governmental unit or public agency, or from an institution or person. An arrangement made under this section shall be detailed in the annual report of the council. The report shall include the identity of the donor, the nature of the transaction, and the conditions of the grant, if any. All money received by the council under this section shall be deposited in the State treasury to the account of the council.

(b) The council shall provide for and administer a funding program authorized in (a) of this section. In the administration of the program the council shall promote the most efficient and economical program for police training, including the maximum utilization of existing facilities and programs to avoid duplication.

AS 18.65.270. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT. Section 150-290 of this chapter shall be administered in compliance with the Administrative Procedure Act.

AS 18.65.280. EXEMPTIONS. (a) The Commissioner and Deputy Commissioner of Public Safety and the chief administrative officer of local police departments are exempt from the requirements of AS 18.65.240. However, a person appointed chief of a local police department after July 1, 1981 who performs any operational duties, shall meet the requirements of AS 18.65.240(a)(1).

(b) Any local government with an established police training program meeting the requirements of AS 18.65.220(2) and (3) may exclude itself from the requirements of AS 18.65.240 by ordinance. The exclusion has no effect on eligibility to receive federal or State grants.

AS 18.65.290. DEFINITIONS. In sections 130-290 of this chapter:

- (1) "council" means the Alaska Police Standards Council;
- (2) "police officer" means a full-time employee of the State or a local police department with the authority to arrest and issue citations; detain a person taken into custody until that person can be arraigned before a judge or magistrate; conduct investigations of violations of and enforce criminal laws, regulations and traffic laws; search with or without a warrant persons, dwellings, and other forms of property for evidence of a crime; carry a concealed weapon; and take other action consistent with exercise of these enumerated powers when necessary to maintain the public peace; and
- (3) "chief administrative officer" means a chief of police or other official who is head of a police department in a political subdivision.

# Alaska State Legislature

SENATOR KEN FANNING  
P.O. BOX 80929  
COLLEGE, ALASKA 99708



P.O. BOX V—STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3880

Senate

APR 22 1988

## MEMORANDUM

DATE: APRIL 21, 1988  
TO: SENATOR KERTTULA  
FROM: SENATOR KEN FANNING  
RE: HB 367

Handwritten signatures in black ink, including a signature that appears to be "Ken Fanning" and another that appears to be "Belt".

I would like to take this opportunity to explain to you the idea and breakdown regarding HB 367 ( and the various changes ). As you may recall from H.E.S.S. Committee meetings the primary thrust behind this legislation is to provide training and certification programs for Correctional/Probation/Parole Officers. The legislation also provides additional members to the Alaska Police Standards Council for these new purposes.

Several members associated with the corrections industry around the state indicated concerns to me regarding the form in which HB 367 passed the House of Representatives. They felt that the legislation which had passed did not carry fair representation on the council for the above groups. As a result, we held several meetings with the sponsor, Representative Swackhammer, who by the way has done a lot of constructive work on the bill, and contacted the correctional officers around the state who were concerned, gathered information and came to a concurrence relative to the amendment that was unanimously adopted in the H.E.S.S. Committee. The amended version of HB 367 provided for Correctional Officer representation on the council for the first time. All groups involved concurred in the amendments.

As you know, there are approximately 1,000 policemen in the state who are represented by four Chiefs of Police and the Commissioner of Public Safety, and approximately 200 Probation Officers in the state who will be represented by one Probation Officer on the council. Correctional Officers numbering approximately 800 had no representation other than the Commissioner until we added two in the H.E.S.S. committee version.

Senator Kerttula  
April 21, 1988  
Page 2

Some of the Chief of Police members who sit on the council expressed their concerns that they preferred only "supervisory personnel" ( no rank & file or line officers ) on the council. I have no problem with changes that would make all members of the council "supervisory personnel" if that seems to be the desire of those involved. However, extensive contact by Correctional Officers all over the state have convinced me that their opinion is - if they do not have at least (2) Correctional Personnel (for a total of four new members on the council - including the Commissioner & Parole Officer) that the bill is simply not acceptable to them and they would rather not have certification .

It seems obvious that having five representatives from the Police side and four from the Corrections side, the majority of influence still rests with the existing Police Standards Council members. Since the new legislation deals only with Correctional Officers, it seems imperative to me that the corrections folks receive proper representation.

Furthermore, recently the Department of Public Safety seems to have become more aware and concerned over the H.E.S.S. bill, and Commissioner English has expressed his opposition to this version of the bill. As a result, we find ourselves in the present controversy.

I continue to remain in a cooperative position in order that we may resolve this issue in a compromising spirit, in conference committee, if necessary. Thank you for your attention to this matter.