

HB

395

(11)

Date Referred: January 18, 1990

FURTHER REFERRALS:

Date of Committee Action: _____

The FINANCE Committee considered:

HB 396

HOUSE BILL NO. 396

PERS BENEFITS FOR PROBATION OFFICERS

"An Act granting probation officers status as peace officers under the public employees' retirement system; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with _____ the same title
- have 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):
(Dept)

APPROVES PREVIOUS: (Date/Dept)

- fiscal impact _____
- zero fiscal note _____
- zero with analysis admin
- fiscal note(s) _____
- zero fiscal note(s) _____
- zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

Do Not Pass No Rec Amend

SIGNING DO PASS	SIGNING	Do Not Pass	No Rec	Amend
<u>[Signature]</u> Hoffman	<u>[Signature]</u> SHULTZ		<input checked="" type="checkbox"/>	
<u>[Signature]</u> SWACKHAMMER	<u>[Signature]</u> PHILLIPS		<input checked="" type="checkbox"/>	
<u>[Signature]</u> KOPONEN	<u>[Signature]</u> RIEGER		<input checked="" type="checkbox"/>	
<u>[Signature]</u> ULMER				
<u>[Signature]</u> BARNES				
<u>[Signature]</u> BROWN				
<u>[Signature]</u> LARSON				
<u>[Signature]</u> WALLIS				

[Signature]
Chairman's Signature

FISCAL NOTE

REQUEST: _____

Revision Date: _____ Agency Affected: Administration
 Title: An Act granting probation BRU: Retirement and Benefits
officers status of peace officers under PERS
 Sponsor: Swackhammer Components: Retirement and Benefits
 Requestor: _____

Adopted

EXPENDITURES/REVENUES. (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
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	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

The attached sheet discusses the fiscal implications of this bill to the Public Employees' Retirement System.

Prepared by: Sally Smith *Sally Smith* Phone: 465-4470
 Division: Retirement and Benefits Date: 01/12/90
 Approved by Commissioner: Frank S. Baxter *Frank S. Baxter for* Date: 1/12/90
 Agency: Department of Administration

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

House Bill 396
Analysis of Fiscal Implications to the Retirement Funds
Prepared by Division of Retirement & Benefits
Department of Administration
January 12, 1990

Analysis: This bill is intended to include Public Employees' Retirement System (PERS) members who serve as Probation Officers under "Peace Officer/Firefighter" coverage. They are currently covered under the "All Other" category. We have assumed that this bill will increase the "Peace Officer/Fireman" participation and decrease the "All Other" participation in PERS by 175 members.

This bill, if amended to clarify the covered group, will increase the state FY90 PERS contribution rate by .03%. The state payroll is estimated to be \$492,656,834 in FY90 and remain stable each year thereafter. The University of Alaska (U of A) PERS payroll is estimated to be \$63,654,027 in FY90 and remain stable each year thereafter.

The state cost of \$166.9 is calculated as follows:

State FY91 payroll	\$ 492,656,834
Increase in PERS rate	X <u>.03%</u>
Total FY91 state cost	\$147,797
U of A FY91 payroll	\$ 63,654,027
Increase in PERS rate	X <u>.03%</u>
Total FY91 U of A cost	<u>19.096</u>
TOTAL FY 91 STATE COST.....	<u>\$166.893</u>

This bill will not materially affect the accrued liabilities or the funding ratio of the PERS fund.

BY REP. SWACKHAMMER, Koponen, Ulmer, Hudson

1 IN THE HOUSE

2

HOUSE BILL NO. 396

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act granting probation officers status as peace
7 officers under the public employees' retirement
8 system; and providing for an effective date."

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

10 * Section 1. AS 39.35.680(28) is amended to read:

11 (28) "peace officer" or "fire fighter" means an employee
12 occupying a position as a peace officer, chief of police, correctional
13 officer, correctional superintendent, fire fighter, [OR] fire chief,
14 or probation officer;

15 * Sec. 2. An employee who was employed as a probation officer in the
16 public employees' retirement system before the effective date of this Act,
17 may convert the credited service for that position to credited service as a
18 peace officer by claiming the service as peace officer service before the
19 member is appointed to retirement. When the member claims this retroactive
20 credited service, an indebtedness of the member to the system shall be
21 established. The indebtedness is equal to (1) the contributions to the
22 system that the probation officer would have made if the service had count-
23 ed as peace officer service, less (2) the contributions to the system that
24 the probation officer actually made. Interest as prescribed by regulation
25 accrues on this indebtedness beginning July 1, 1991. Any outstanding
26 indebtedness that exists at the time a person is appointed to retirement
27 will require an actuarial adjustment to the benefits payable based upon the
28 probation officer service.

29 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

BY REP. SWACKHAMMER, Koponen, Ulmer, Hudson

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REPRESENTATIVE
C.E. "SWACK" SWACKHAMMER

Alaska State Legislature



House of Representatives MEMORANDUM

SOLDOTNA

312 TYEE STREET
SOLDOTNA, ALASKA 99699
(907) 262-7841

JUNEAU

BOX V
JUNEAU, ALASKA 99811
(907) 465-2689

January 18, 1990

TO: Representative Lyman Hoffman, Co-Chair
Representative Ron Larson, Co-Chair
House Finance Committee

FROM: Representative C.E. Swackhammer *Swack*

SUBJECT: House Bill 396

This is to respectfully request a hearing on House Bill 396 "An Act granting probation officers status as peace officers under the public employees' retirement system; and providing for an effective date." The bill passed out of the House State Affairs Committee on January 17, 1990.

I introduced HB 396, as a companion bill to Senate Bill 348, to rectify the inequitable situation that now exists under the public employees' retirement system. Currently, under the public employees' retirement system, probation officers are not granted the same status as peace officers who can retire after twenty years of service. Yet, probation officers are often required to work under the same types of dangerous and stressful situations. Oftentimes they and their families are violently threatened and sometimes attacked. Their responsibilities include arresting suspected probation and parole violators, taking them to jail and booking them in exactly the same manner as any other peace officer. Probation officers are required to meet probationers and parolees in the field, often at the probationer's or parolee's residence under tense and hostile situations. They are also required to search probationers and parolees and their residences and automobiles for the presence of drugs, stolen property, weapons, etc. (Attached is a sheet of photographs of guns, including many automatic weapons, recovered from the Fairbanks Probation District in the past year.)

Twenty-year retirement was granted to peace officers as an inducement to keep qualified, physically fit and mentally competent personnel in the field of public safety for a longer period of service; and in recognition of the special nature and demands of the job. By granting probation officers equal retirement status, the state would stand to benefit from the cumulative knowledge and expertise now being lost due to a high rate of probation officer turnover.

Attachments

CES/lsg

SWACKHAMMER

Alaska State Legislature



House of Representatives

SOLDOTNA

312 TYEE STREET
SOLDOTNA, ALASKA 99699
(907) 262-7841

JUNEAU

BOX V
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(907) 465-2689

SECTIONAL ANALYSIS

HOUSE BILL 396

"An Act granting probation officers status as peace officers under the public employees' retirement system; and providing for an effective date."

Section 1 will amend AS 39.35.680(28) to include probation officers under the definition of "peace officer" or "fire fighter".

Section 2 would allow employees who are probation officers in PERS to convert the credited service for that position to that of a peace officer and claim retroactive credited service.

Section 3 provides for the effective date of this Act.

ALASKA PEACE OFFICERS
ASSOCIATION, INC.

P.O. Box 240106, Anchorage, AK 99524

January 30, 1990

The Honorable Lyman F. Hoffman
The Honorable Ronald L. Larson
Co-Chairmen
The Honorable C.E. Swackhammer
Subcommittee Chairman
House Finance Committee
P.O. Box V
Juneau, AK 99811

Dear Representatives:

The Alaska Peace Officers Association, Inc. is a statewide professional organization of law enforcement and other justice system agency personnel in Alaska. Our diverse membership of over 1,000 persons includes justice system professionals from all levels of government -- federal, state, borough and municipal. The efforts of the organization focus upon law enforcement-related fields, including support of legislation improving the criminal justice system.

We are writing to express the support of our membership for increased funding for law enforcement agencies in Alaska. At the State level, we urge you to increase the funding allocated to the State prosecutors' offices and the Department of Public Safety. Both of these agencies perform many duties that are essentially statewide services. We believe that the current staffing and resource levels of these agencies are not sufficient to meet the demands placed upon them. Adequate funding for prosecutors and public safety personnel would improve the level of protection that could be provided by law enforcement agencies throughout Alaska.

In the Department of Public Safety budget we urge your support for the supplemental, operating budget, and capital requests for the State Crime Laboratory, the Criminal Records and Identification Section, the Public Safety Information Network (APSIN), and the contract jails program. We also ask you to consider funding for training of State and local law enforcement officers and increased drug law enforcement statewide.

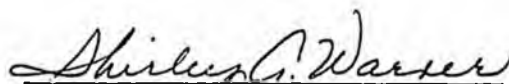
January 30, 1990

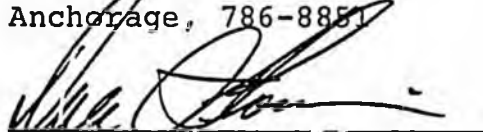
Adequate funding for criminal justice agencies is essential if we are to protect Alaska's people and property. We respectfully request your support for the budget areas discussed above.


Sincerely yours,

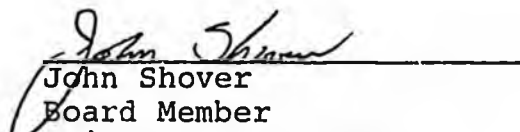
THE ALASKA PEACE OFFICERS
ASSOCIATION

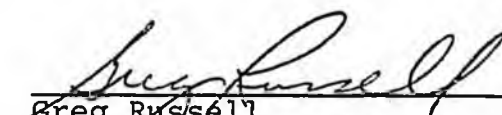
Board of Directors:

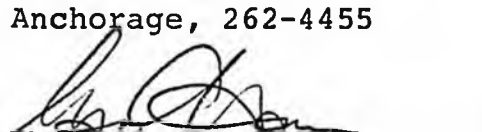

Shirley Warner
President
Anchorage, 786-8851

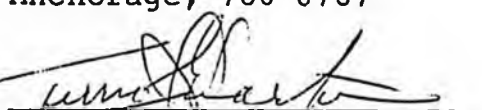

Dale Florian
Vice President
Fairbanks, 474-7721


Don Otis
Board Member
Juneau, 789-2161


John Shover
Board Member
Fairbanks, 452-2114


Greg Russell
Board Member
Anchorage, 262-4455


Greg Hansen
Board Member
Anchorage, 786-8787


Terry Quarton
Board Member
Wasilla, 276-3550

cc: The Honorable Kay Brown
House Finance Committee

The Honorable Niilo Koponen
House Finance Committee

The Honorable Fran Ulmer
House Finance Committee

The Honorable F. Kay Wallis
House Finance Committee

The Honorable Ramona L. Barnes
House Finance Committee

The Honorable Randy Phillips
House Finance Committee

The Honorable Steve Rieger
House Finance Committee

The Honorable Richard Shultz
House Finance Committee



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

1/6K2/011018-0/3

DEPARTMENT Administration	DIVISION Retirement & Benefits	BILL NUMBER HB 396	SPONSOR Swackhammer
SHORT TITLE OF BILL An Act granting probation officers status as peace officers under the PERS			
DEPARTMENT POSITION Oppose			
PREPARED BY Sally Smith	DATE 01/10/90	COMMISSIONER'S SIGNATURE <i>Benjamin Boster for Frank S. Boster</i>	DATE 1/12/90

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Corrections Department of Health and Social Services	CONSTITUENT GROUP(S) AFFECTED BY BILL Unknown
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

Various quasi-police and firefighter groups have been trying for many years to be included under police and fire coverage in the Public Employees' Retirement System (PERS).
These groups include wildland firefighters, park rangers, and airport security.

ANALYSIS OF BILL/PROGRAM EFFECTS

Passage of this bill will allow probation officers for the State and other employers to be considered as "Peace Officers" under the PERS. They will be allowed to claim their prior service as probation officers and establish an indebtedness for the difference in contributions that they would have made as "Peace Officers." The key affect is the 20-year and out.

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

ALASKA PROBATION/PAROLE ASSOCIATION POSITION PAPER

The Alaska Probation/Parole Association supports the passage of Senator Duncan's proposed legislation. This bill would make probation officers members of the Peace Officers Retirement System. Current employees would have the option of buying into the Peace Officers Retirement System. New employees hired after the effective date of the bill would automatically be members of the Peace Officers Retirement System. Requiring current employees to "buy in" will maintain the integrity of the retirement fund.

It is the position of the Association that, in order to attract and retain qualified probation officers, encourage career advancement, and fairly compensate probation officers for the physical and mental stress of their job duties, probation officers should be placed in the Peace Officers Retirement System. The Association offers the following commentary in support of this position.

Alaska Statute 01.10.060(6) defines "peace officer" as follows: "Peace Officer" means any officer of the State Troopers, members of the police force of any incorporated city or borough, United States marshals, and their deputies, and other officers whose duty it is to enforce and preserve the public peace." Alaska Statute 11.81.900(38) defines peace officer as "...a public servant vested by law with a duty to maintain public order or to make arrests whether the duty extends to all offenses or is limited to a specific class of offenses or offenders." In addition to the counseling and rehabilitative aspects

of probation and parole work the State of Alaska class specifications for probation officer provide: "Probation Officers investigate cases of parole or probation violators, compile evidence required to effect the suspension of parolee or probationer, and apprehend violators for return to custody." Furthermore, the class specifications require that the probation officer "Cooperate with local and state police, institutional and judicial officials in the supervision of parolees and probationers," and "Maintains personal contacts at office and periodically visits with parolees and probationers to assist them with problems of social readjustment." In simpler language, probation officers arrest suspected probation and parole violators, take them to the jail and book them into jail in exactly the same manner as any other peace officer. Likewise, probation officers are required to meet probationers and parolees in the field, often at the probationer's or parolee's residence under tense and hostile situations. Probation officers are required to search probationers and parolees and their residences and automobiles for the presence of drugs, stolen property, weapons, etc. Sometimes arrests and searches are accomplished with the assistance of other peace officers.

When the safety of the probation officer and society require it, probation officers are authorized to carry weapons when making arrests, home visits, and searches. In addition to the traditional law enforcement aspects of the probation officer job the nature of their service in overseeing the rehabilitation and readjustment to society of felony offenders certainly constitutes the maintenance of public

order. Probation officers are also authorized to execute judge-issued arrest warrants per AS.33.05.070 and AS.22.15.210. Probation officers are designated officers of the Court under AS.33.05.030.

Probation officers also work in institutions counseling prisoners, classifying prisoners for custody and treatment, and otherwise supervising prisoners. They work directly beside correction officers and are exposed to exactly the same risk of physical harm and the same mental stress as correction officers. 7AAC60.195(e) includes institutional probation officers in the definition of "professional correctional personnel" along with correctional officers, assistant superintendent, etc. and requires that they complete similar training and meet the same rigorous physical standards. At the present time, correction officers are already members of the Peace Officers Retirement System as described in AS.39.35.680(27)(C). It seems particularly unfair that probation officers who work in the institutional setting should be denied the same coverage in the retirement system as the other employees who work in exactly the same area and encounter the same risk and stress.

Field probation officers can transfer into institutional probation officer jobs. Institutional probation officers can transfer into field probation jobs and institutional correctional officers have the opportunity to seek promotion to the position of probation officer. It would greatly facilitate effective personnel management in the probation/parole field if institutional staff and field staff could

make lateral transfers and seek promotions without having to fear loss of retirement status. In short, a correctional officer has it, a probation officer does not.

Federal probation officers in Alaska are members of the Federal Peace Officers Retirement System. A number of other state and local probation offices throughout the United States provide that their probation and parole officers be members of the Peace Officers Retirement System or have the option to join the Peace Officers Retirement System. A recent study conducted by the Anchorage Probation Office revealed that twenty-six other states define their probation officers as "peace officers" and that thirty-six states require probation officers to make their own arrests.

There is no question that probation officers render service to the state that of necessity places them in hazardous situations. Physical confrontation is to be expected. The fact that people lost their physical vigor and strength with age is a self-evident proposition. The state should encourage the retirement of persons with jobs that have these demands before they pass the age where they may become a more likely target for assault by an offender. Likewise, the stress occasioned by the ever-present possibility for violence to the probation officer and threats to his family are quite similar to those experienced by police officers and should be treated the same way.

Finally, Adult Probation Officers are under the Police Standards Council by virtue of recent legislation. They are the only employee class of peace officers who are not under the Police Standards Council. this legislation is consistent with the goals and objectives of the Department of Corrections, and hopefully the Governor. So long as probation officers are expected to discharge peace officer functions, their retirement benefits should reflect that fact.

Cowper
STEVE COWPER, GOVERNOR

DEPARTMENT OF CORRECTIONS

SOUTHCENTRAL REGION OFFICE

2200 EAST 42ND AVENUE
ANCHORAGE, ALASKA 99508-5202
PHONE: (907) 561-4426

RECEIVED DEC 14 1989

December 11, 1989

The Honorable Jim Duncan
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811-3100

Dear Senator Duncan:

Thank you for your letters regarding Probation Officers in the Peace Officers' Retirement Program.

Our Probation Officers often ask about the logic that includes Correctional Officers in the twenty-year retirement, but not Probation Officers. I have to admit that I do not see the logic. Probation Officers supervise offenders alongside Correctional Officers in the institutions and in every imaginable circumstance outside the institutions. When a Probation Officer finds an offender in violation of the conditions of their probation or parole, they make arrests and return the offender to the institution. It is stressful, hazardous, dangerous duty.

Having Correctional Officers in Peace Officers' Retirement but not Probation Officers puts a chill on our efforts to promote Correctional Officers to Probation Officers because they are slow to leave their twenty-year retirement.

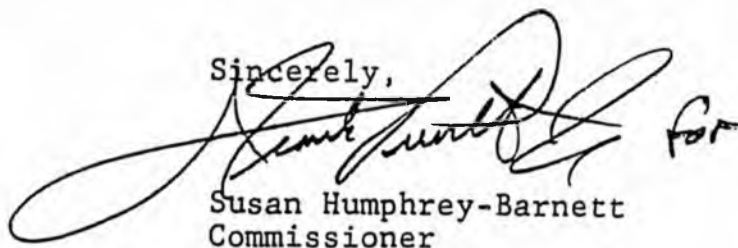
I discussed all of this in the Governor's Office during my first year as Commissioner. Because Governor Cowper is intent on holding down the State operating budget, we decided not to introduce the legislation. The Division of Retirement and Benefits estimates that including Probation Officers would cost \$560,000 per year.

Because of this budget consideration and because Probation Officers are the next logical series to include, I would think Probation Officers would come before other personnel who have direct contact with inmates.

The Honorable Jim Duncan
December 11, 1989
Page Two

I continue to appreciate your interest in the Department of Corrections and thank you for the opportunity to comment on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Humphrey-Barnett" with a large flourish at the end. To the right of the signature, the letters "for" are written in a smaller, simpler hand.

Susan Humphrey-Barnett
Commissioner

SHB:dlh

RECEIVED DEC 26 1989

Raymond Pugh + P.O.

December 21, 1989
P.O. Box 917
Douglas, AK 99824

The Honorable James Duncan
Alaska State Senate
Pouch "V"
Juneau, Alaska 99811

RE: PEACE OFFICER RETIREMENT FOR PROBATION OFFICERS

Dear Senator Duncan:

It is my understanding that you will be attempting to pass a bill during this legislative session which will give Alaskan Probation/Parole Officers 20 year retirement.

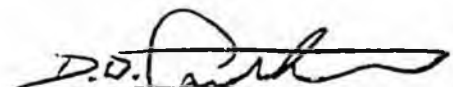
I wish to express my support of this bill and any actions you feel appropriate to have it passed into law.

I am presently the Superintendent of the Lemon Creek Correctional Center and have worked for the Alaskan Corrections system for approximately 14 years. I have had the privilege of being an institutional probation/parole officer at Lemon Creek for several years and a field probation/parole officer in Bethel Alaska for several years. It is a dangerous job and in my opinion, deserving of the 20 year retirement. I personally have been in numerous situations where I was stranded, due to weather, in small, isolated western Alaskan villages for days and had to deal with intoxicated felonious probationers shooting firearms or assaulting family members.

Additionally, institutional probation/parole officers deal one hundred percent of their time with some of Alaska's most dangerous prisoners. If a list were developed outlining several of the prisoners presently incarcerated and their offenses, I believe it would underscore the difficult and dangerous job these professional officers have.

Again, I appreciate your efforts in obtaining 20 years retirement for probation/parole officers and recognizing the important role they play in our Criminal Justice System. Thank you.

Sincerely,


D. W. Carothers

DWC/jmg
cc: Representative Swackhammer

file w/ bill

December 8, 1989

Senator Jim Duncan
Alaska Legislature
Pouch "V"
Juneau, AK 99811

RE: Peace Officer Retirement for
Probation Officers

Dear Senator Duncan:

As requested, this letter is submitted with a few examples of incidents which have occurred in the Kenai area during the last few years. These incidents are indicative of the types of assaults and threats directed at probation officers. There are more and I will attempt to document them for submission at a later date.

In September 1986, a Molotov cocktail was found to be burning on the front steps of a probation officer's residence in Kenai. It burned itself out and did not explode. Approximately ten days later, at 2:00 a.m., the same officer was asleep in his bed. He suddenly awoke to the sounds of breaking glass. Within seconds, his apartment was engulfed in fire and he barely had time to put on his pants and run outside. In the process, he suffered second degree burns on his feet, arms, and upper back. His hair and eyebrows were singed and he spent several weeks in the hospital undergoing treatment for his burns. To this day, he bears terrible scars which were left by the burns. Physically and psychologically he will be affected for a lifetime.

Police investigated the above incident. Evidence indicated that someone had thrown a Molotov cocktail through the P.O.'s window. The incendiary device exploded and engulfed the inside of the residence. The interior of his apartment and its contents were completely destroyed. If he had not escaped within seconds there is a good chance he would be dead. Although the above arson (attempted murder?) was never solved, no one in the community, including the police, have any doubt that the assault was committed by an individual on the probation officer's caseload. The officer had received several threats by offenders during the years he was a probation officer. Police investigation revealed that an individual on the officer's caseload had admitted to "getting him" and acknowledged an earlier attempt had failed. However, there was not enough evidence to indict the alleged assailant.

In addition to the above, another probation officer in Kenai was involved in an incident where his personal vehicle was stolen and set ablaze. According to the police investigation, the same offender who was reportedly involved in the first arson had knowledge of the theft and arson of the probation officer's vehicle.

The above two examples involved people who were supervised by probation officers and who may have been angered by the officer's actions, i.e.,

Senator Duncan
12/8/89
Page Two.

filing to revoke probation or parole due to violating their conditions. The offender who was believed to be involved in the above incidents had reportedly indicated that the probation officer was "getting too close to his drug dealings" and he was not going to go back to jail.

A third example involves what can happen when probation officers recommend that an offender be incarcerated for a substantial period of time. Approximately one year ago, I had recommended a maximum five year sentence for an offender with a substantial prior record in the state of Washington. His record included burglary, theft, sale of cocaine, assault and numerous violations of probation and parole. His crimes in Kenai involved burglary of a dwelling as well as several misdemeanor convictions. While detained in a side cell following sentencing, the offender stated, "Hey you punk, how can you recommend five years for me, you don't even know me. You're a f..... punk, remember this face you f..... punk, remember this face." The offender is very capable of following through with his veiled threats and will be released to the Kenai area (to my caseload) during the next year or so.

In addition to the above, an offender's parole was recently revoked and he was ordered to serve the balance of his sentence, which was several years. He had violated his parole for assaulting his wife as well as a friend, numerous thefts, using drugs and consuming alcohol. It was my testimony and documentation of his violations that resulted in the revocation of his parole. He placed the blame for his loss of freedom and his additional prison sentence directly on me. According to other inmates, he has talked of revenge upon release.

The above incidents are but a few. Probation officers are frequently threatened and many assaults have occurred. The potential for danger or death is always present, as is concern for the safety of the employee's family. A probation officer's job is inherently dangerous. However, due to the drug epidemic sweeping the country and the increasingly violent offender we are encountering, probation and parole officers are facing many of the dangers and stresses as experienced by other peace officers. We are the only peace officers included under the Police Standards Act that are not included under law enforcement retirement. For reasons as noted above, we feel we are justified in our desire for peace officer retirement.

Thank you for allowing me to share my perspective concerning this topic. If you have questions, please do not hesitate to contact me.

Sincerely,



Curt Geoffrion
District Supervisor
Adult Probation & Parole - Kenai

cc: Rep. Swackhammer

January 11, 1990

Rep.C.E. Swackhammer
Alaska Legislature
Pouch "V"
Juneau, Alaska 99811

Re: Peace Officer Retirement
for Probation Officers

Dear Rep. Swackhammer:

I am writing regarding the probation officers inclusion in the peace officers retirement program. I have worked as a probation officer in Ketchikan, Sitka, Anchorage, and Kenai for 14 of the past 16 years. I have worked in both field offices and institutions. I am currently employed as the assistant superintendent at Lemon Creek Correctional Center.

I have worked with numerous people through the years, 95% of whom have been convicted felons. It was suggested that I provide you with some specifics of dangerous situations I've been involved in as a probation officer. I should note that many of these events did not seem unusually dangerous at the time but in retrospect I'm amazed that I and some of my colleagues survived.

In Ketchikan a client convicted of assault told his psychiatrist that he'd given serious thought to getting a machine gun and returning to my office to "blow everyone away". The psychiatrist called to warn me to be careful with this fellow. Shortly thereafter, the client's wife found a note in his packet that she felt I should know about as it was very odd and appeared to threaten his probation officers life. I have attached a copy for your review.

In Anchorage, I had a client very angry because a condition of his probation said he would have to see a psychiatrist for treatment. Over several months he objected, I insisted and finally, he calmly indicated that his last probation officer had not required him to see a psychiatrist so if I insisted he could simply get rid of me and then he wouldn't have to see a psychiatrist. I did try to insure that he understood it didn't work that way, but this is the same fellow who didn't think he was a criminal just because he'd been convicted of murder. He felt criminals were folks who had stolen, or robbed banks, etc. To put this incident in perspective, this fellow became angry with the victim in his murder case following a verbal altercation. He left the bar, took a taxi to his residence, had the taxi wait, while he entered the house picked up his gun and then returned to the bar. He called his victim outside and shot him 5 times at close range.

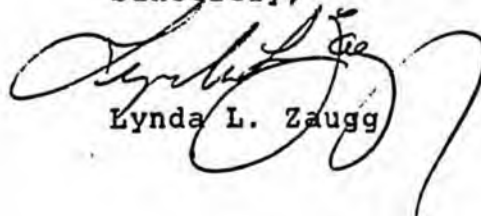
During my tenure in Sitka , my office was responsible for numerous smaller communities in the outlying area. On one of many trips to Angoon I was doing follow up on a complaint regarding a probationer. It was one of those situations where the community leaders wanted something done about a problem individual and other members of the community did not want anything done except for me to leave town. It was an overnight trip, unarmed, without back up. That evening as I walked down the road with the public health nurse a car attempted to run over me. If it had not been for the nurse flipping me into the ditch I would have been hit. The driver was the problem individual I had talked with earlier in the day. He had been drinking.

In Kenai I worked in an institution and faced the same hazards as any of the correctional officers working in the facility. I can provide examples but I think the attached copy of an incident report more clearly identifies the hazard all staff face working in an institution. I was also in Kenai when a friend and fellow probation officer was fire bombed in his home at 3:00 a.m.. He spent about 3 weeks in the burn unit at Providence Hospital. He has scars both physical and mental that will stay with him for the rest of his life. He stayed in probation about a year after the bombing, long enough to say he wasn't run off. He has since quit and moved out of state. He was a five or six year employee when he left. The police have identified one of his clients as his assailant however they have not been able to charge.

There are other instances of clients threatening my well-being and/or that of my family but ever other probation officer in the state can provide similar examples. I would hope that my examples have been able to point out that probation officers work with the same clients as other law enforcement personel. They have the same problems and experience similar risks. I strongly support probation officers inclusion in the peace officer's retirement program.

If there is any other information I can provide that would help as you consider the appropriateness of probation officers in the peace officer retirement system, please feel free to contact me. I would appreciate your support.

Sincerely,



Lynda L. Zaugg

cc: Senator Adam
Senator Eliason
Senator Fisher, P
Senator Sturgulewski
Senator Duncan

Rep. Ulmer
Rep. Hudson
Rep. Davis
Rep. Grussendorf
Rep. Navarre
Rep. Taylor

INCIDENT REPORT

NAME: INFORMATION	D.O.B.	INSTITUTION: WILDWOOD CORRECTIONAL CENTER	DATE: 06/27/85
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INCIDENT
 DISCIPLINARY
 ACCIDENT
 INJURY
 DESCRIBE INCIDENT: _____ RULE INFRACTION _____

At approximately 1500 hours, above noted date, while conducting a search of the basement area this Officer discovered the following items of contra-band/weapons.

1. One piece of metal approximately two and one half inches wide and approximately two and one half feet long fashioned and sharpened into a sword type knife. This item was located in the air vent in the janitorial closet in the basement. NOTE: It was necessary for me to acquire a screwdriver to gain access to this suspected weapon.
2. One soda pop can containing an unknown oily substance with a cloth running from the inside of the can to the outside. This item is suspected to be a firebomb. The item was located in a vent in the old weight room in the basement. This item was located and set up in a way that would cause the liquid to spill onto the front of the person who found it unless, of course, the person knew exactly where it was located.
3. One wooden stick approximately three feet long with razor blades attached to the end. This item is suspected to have been constructed for use as a weapon.

Item #1 and #3 are currently secured in evidence locker #1. Item #2 was destroyed due to the dangerous nature of the liquid inside.

COPY OF INCIDENT TO OFFENDER _____ DATE _____ TIME _____ OFFICER'S SIGNATURE: _____

DISPOSITION: These items were not found due to a random search. The search was conducted after I recieved a telephone call from Officer [redacted] from her home informing me that she had found a note in her jacket from an unidentified inmate with the areas that these items could be located. There is reason to believe that at least one additional firebomb is in the building.	CHAIRMAN:
	MEMBER:
	MEMBER:

EVIDENCE UPON WHICH DECISION WAS MADE:

*Cop to all proper staff
investigated*

YOU HAVE A RIGHT TO APPEAL THIS DECISION WITHIN 72 HOURS, IN WRITING TO THE SUPERINTENDENT. DATE AND TIME SUBMITTED _____ TO WHOM _____

REVIEWED BY SUPERINTENDENT _____

FINAL COPY TO OFFENDER _____ DATE _____ TIME _____ OFFICERS INITIAL _____

Alaska Probation and Parole Association

29 Nov 89

Dear Susan:

Please accept this material
to support passage of your Bill
Placing Probation Officers under
20 year retirement. The
weapons pictured were seized
in Fairbanks over about a 24 mo.
period. These are only some
in total and routinely what
Probation Officers face in
the field on a daily basis.
We're also sending Susan
Duncan a similar packet
all the Best
CW

November 21, 1989

Sen. Jim Duncan
P.O. Box V
Juneau, Alaska 99811-3100

RECEIVED NOV 27 1989

*Raymond
H. Pearson*

Dear Jim,

I am writing this letter to add my support to the bill you will be submitting this legislative session that would place Probation Officers under the 20 years retirement plan.

I have been with the Department of Corrections for approximately 21 years now. Four of those years has been as a Probation Officer assigned to the Lemon Creek Correctional Center. During my time at this facility as a Probation Officer I was exposed to the same dangers that Correctional Officers faced. As an institutional Probation Officer I have prepared many many reports that have resulted in inmates not getting out on parole. I have been required to qualify with weapons. I have had to pick up inmates on work furlough that had violated rules.

It should be noted that Probation Officers do have some power of arrest. It should be understood that Probation Officers face physical injury or death when attempting to arrest Parole/Probation violators that do not want to return to jail. Passage of this bill will of course make me eligible to retire. It will, I believe, save the State money down the road. There are many employees that would take advantage of the retirement that have lots of years in and are well up on the pay scale. The State of Alaska could hire replacements for those people for I would think one third the cost.

Thank you for your support in this matter

Yours Truly,

Brice H. Pearson

Susan G. Ford
P.O. Box 2748
Sitka, AK 99835

Senator Jim Duncan
P.O. Box 1
Gunnau, AK 99811-3100

November 21, 1989

Dear Senator Duncan:

I thought it would be helpful to share with you some "real life" experiences I have had in my role as a probation officer over the past 8 years. I believe you will agree that a probation officer is most definitely a peace officer and subject to the same stresses and hazards as law enforcement officers etc.

Approximately three years ago I was supervising a man with a history of misdemeanor assaultive conduct as well as felony level property crimes. This individual had a serious alcohol problem which further increased his potential for violence. While residing in Sitka this man violated his probation by committing a new, misdemeanor offense, consuming alcohol and failing to report to his probation officer. He was arrested and a bail review hearing was held. The judge released this man back to the community under the condition he not consume alcohol at frequent establishments that serve alcohol. Less than 6 hours later, while having dinner at a local

restaurant, I observed this man staggering through the restaurant. Consequently, I requested the assistance of our local police department and contacted this man on his fishing vessel. He was extremely intoxicated. I arrested him for violating probation and his conditions of release. This man proceeded to threaten me over the course of the booking process and for several days thereafter. He threatened to shoot me, sink my boat when my family was on it, blow me up, and harm my family. Following his court arraignment he whispered to me that I would be sorry if he got out of jail. Fortunately this man did not follow through on his threats but he did cause a good deal of anxiety and concern for my family and myself.

Approximately 4 years ago I was involved in the search of one of my probationer's houses. This individual had 2 prior felonies and an assaultive background. The search turned up several handguns and ammunition stolen in a burglary several weeks previously. Fortunately I was able to arrest this man without incident but the potential for

man is always there. The very nature of our jobs places probation officers in a touchy position; we enforce the orders of the Court which often means violating a persons probation and threatening their freedom.

On one occasion following a sentencing hearing 2 1/2 years ago in which I recommended a stiff sentence for a child abuser, the defendants wife became extremely angry. Not only did she verbally assault me in the courtroom but she attempted to physically confront me. The defendant (her husband) was able to grab her and hold her down while I left the Court Room.

Finally I wanted to share with you an incident that involved a fellow probation officer in the Anchorage/Kenai area. This man had his home fire bombed and was seriously burned as a result. Although the police investigation was never able to determine who was responsible, this man was very certain one of his probationers was to blame based on past supervision problems.

In conclusion, there is always the potential

-1254

you violence with this position. There
is certainly ongoing stress and the
underlying knowledge that many of
our day to day duties place us in dangerous
situations.

Thank you once again Senator Duncan
for your sponsorship of the bill relating to
placing probation officers under Peace
Officers Retirement.

Sincerely,

Susan J. Todd

P.O. Box 2748

SITKA, ALASKA 99835

CC Representative Ben BRUSSENDORF
Senator Richard ELIASON

Alaska State Legislature

HOUSE OF REPRESENTATIVES



RECEIVED NOV 14 1989

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1989

REPRESENTATIVE FRAN ULMER

November 13, 1989

Senator Jim Duncan
P.O. Box V
Juneau, AK 99811

Dear Senator Duncan:

I would like to let you know of my support for your proposed legislation which would include probation officers under the status of peace officers for retirement in the Public Employees Retirement System. I would be very interested in receiving more information pertaining to this proposed legislation, including information relating to the cost of adding these employees to PERS.

Please let me know if there is anything I can do to help with this proposal on the House side.

Sincerely,

Handwritten signature of Fran Ulmer in cursive script.
Fran Ulmer

Alaska Probation and Parole Association

November 3, 1989

Representative Swackhammer
312 Tyee St.
Soldotna, Alaska 99669

Dear Representative Swackhammer:

Senator Duncan will introduce the enclosed Bill placing Probation-Parole Officers under the Peace Officer Retirement System. Our association is well aware of your knowledge and interest in all correctional issues. Please support Senator Duncan's Bill on the House side.

If you consider it appropriate, we'd ask that you introduce this legislation on the House side.

Again, the members of our association and I thank you for your continued support.

Sincerely,



Lew Reece, President
APPA

Alaska State Legislature

COMMITTEES:

MEMBER

RULES

COMMITTEE ON COMMITTEES

WESTERN STATES LEGISLATIVE
FORESTRY TASK FORCE

FINANCE SUBCOMMITTEE
DEC



PO. BOX 1441
WRANGELL, ALASKA 99929
(907) 874-2318

While in Juneau
PO. BOX V
JUNEAU, ALASKA 99811
(907) 465-4905

House of Representatives

ROBIN L. TAYLOR
MINORITY LEADER

November 2, 1989

Keith Stell, Southeast Representative
Alaska Probation/Parole Association
17025 Glacier Hwy.
Juneau, Alaska 99801

Dear Keith,

Thank you for writing to me regarding the Peace Officer Retirement status. I agree with you 100%, we are long overdue for a bill granting Peace Officer Retirement status to probation officers. I will be more than happy to support this legislation in the House of Representatives. If there is anything else that I may do to assist you, please do not hesitate to let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robin L. Taylor".

Robin L. Taylor

RLT/sjw

Alaska State Legislature

HOUSE OF REPRESENTATIVES

102



REPRESENTATIVE FRAN ULMER

January 20, 1990

Ms. Lynda L. Zaugg
P.O. Box 020805
Juneau, Alaska 99802

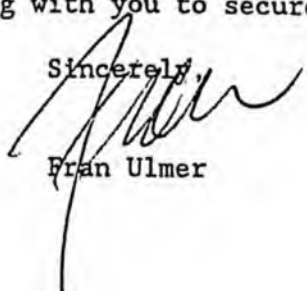
Dear Lynda:

Thank you for the copy of your letter to Rep. Swackhammer in support of HB 396, which allows probation officers to become part of the law enforcement retirement system. As co-sponsor of this bill I am aware of the hazardous nature of probation officers' duties.

After reading your letter, I must say I share your amazement that the dangerous situations you describe did not turn into deadly incidents. You make it graphically clear just why you and your colleagues should be included in the law enforcement retirement system.

Thank you again for sharing your experiences with me. I admire the courage and dedication it requires to pursue a career vitally necessary to our public safety which is fraught with danger. I look forward to working with you to secure passage of HB 396.

Sincerely,


Fran Ulmer

FU/d1

District 4B — Juneau

P.O. Box V • Juneau, Alaska 99811-3100 • (907) 465-4947

January 29, 1990

Representative Ron Larson
PO Box V
Juneau, Alaska 99801

Dear Representative Larson:

House Bill 396, which places probation officers in the Peace Officers and Fireman's Retirement System will soon have a hearing in the House Finance Committee. I urge you to pass this bill out of committee with a "due pass" so the House can have a floor vote on it. I hope the information which appears below will help you in deliberations.

Probation officers are defined as Peace Officers in Alaska Statute 11.81.900(38). Likewise, probation officers are covered under the Alaska Police Standards Council Act (AS 18.65.130). Probation officers can and do arrest probationers (AS 33.05.070) and parolees (AS 33.16.240). Probation officers encounter the same hazards and stresses as those experienced by other peace officers. For instance, probation officers sometimes carry guns in the execution of their work (Department of Corrections Policy and Procedure 902.16). Probation officers search the persons and residences of people on probation and parole. Probation officers often find themselves in dangerous situations where they may be physically assaulted or shot during an arrest or search.

Examples from my own experience as a probation officer include an instance where an offender hired a private investigator to investigate not only myself but my family so that he could find information in my background with which to embarrass or impeach me in Court. Another probationer did a "drive-by" shooting at the probation office. Earlier in the evening he had shot out the windows in an apartment building owned by the Chief Probation Officer. Interestingly, he shot out the Law Library windows one floor above the probation office by mistake as he thought the probation office was on the fourth floor rather than the third floor of the Court building. In any case, at a hearing, he was found guilty of deliberately shooting at us.

While arresting an offender and booking him into Lemon Creek Correctional Center, he became enraged when I would not agree to release him. He assaulted me in the booking room of the prison. Last year, it was necessary to obtain the assistance of the Juneau Police Department and the Alaska State Troopers to serve an arrest

January 29, 1990
Page Two

warrant on a probation violator. Since he would not come out, we had to kick down the door of his trailer and enter with guns drawn. This probationer was found extremely intoxicated. A rifle was within easy reach.

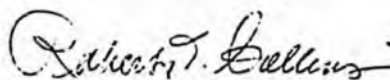
Several years ago, I searched the residence of a probationer and found substantial quantities of cocaine and two machine guns. Probationers and parolees often make threats of violence against probation officers and while I do not take each and every one of them seriously, cummulatively they cause a lot of stress.

Probation officers are required to enter correctional centers two to three times per week in order to do intake interviews, participate in parole hearings, and a host of other activities which usually include direct face-to-face contact with inmates who are angry and hostile. Some probation officers do all of their work in correctional centers and are in close proximity to inmates all day, every day. They work right next to correction officers who have had Peace Officer and Fireman Retirement for years. The dangers encountered by these probation officers are exactly the same as those encountered by their correction officer associates. The only difference is that correction officer have Peace Officer Retirement and probation officers do not.

All of our probationers and parolees are felons. We do not supervise misdemeanants. Since we face the same stresses and dangers as those experienced by police officers, correction officers, and Alaska State Troopers, it seems just that we be included in the Peace Officer Retirement System.

Thank you for giving me the opportunity to air my views. The above information is my own position and may not reflect the position of the Department of Corrections. If you have any questions, please do not hesitate to contact me.

Very Truly Yours,



Robert K. Collins
District Probation Supervisor
9340 View Drive
Juneau, Alaska 99801
Phone: 789-2074 (h)
465-3180 (w)

RKC/cm

cc Keith Stell, Chief Probation Officer, Juneau