

Н В

396

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
HB 396

PERS Benefits for Probation Officers

Received January 8, 1990
by Reps. Swackhammer, Koponen, Ulmer, and
Hudson

Heard January 17, 1990

Passed Out of Committee January 17, 1990
5 Do Pass

TABLE OF CONTENTS

HB 396: PERS Benefits for Probation Officers

- Item 1:** HB 396 by Swackhammer, Koponen, Ulmer, and Hudson
- Item 2:** Fiscal Note and Analysis by Division of Retirement and Benefits
- Item 3:** Memorandum from Rep. Swackhammer, January 11, 1990
- Item 4:** Position Paper from Alaska Probation & Parole Association, January 10, 1990
- Item 5:** Letter from Lynda L. Zaugg, Probation Officer, January 11, 1990

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 8, 1990

FURTHER REFERRALS: FINANCE

Date of Committee Action: _____

The STATE AFFAIRS 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 DOA 1/2/90

- fiscal note(s) _____
 zero fiscal note(s) _____
 zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not
Pass
No Rec
Amend

James H. ...
...
Gilbert P. ...
...
David ...

	Do Not Pass	No Rec	Amend

...
Chairman's Signature

Item 2

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: _____

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, 1989

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 FY90 payroll \$ 492,656,834
Increase in PERS rate X .03%

Total FY90 state cost\$147,797

U of A FY90 payroll \$ 63,654,027
Increase in PERS rate X .03%

Total FY90 U of A cost19.096

TOTAL FY 90 STATE COST.....\$166.893

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

Item 3

REPRESENTATIVE
C.E. "SWACK" SWACKHAMMER

Alaska State Legislature

SOLDOTNA
312 TYEE STREET
SOLDOTNA, ALASKA 99669
(907) 262-7841

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

House of Representatives

MEMORANDUM

January 11, 1990

TO: Committee on State Affairs

FROM: Representative C.E. "Swack" Swackhammer *Swack*

SUBJECT: House Bill 396, "An Act granting probation officers status as peace officers under the public employees' retirement system; and providing for an effective date."

Thank you for scheduling House Bill 396 for a hearing in your committee on January 17, 1990.

Section 1 of House Bill 396, a companion bill to SB 348, will amend AS 39.35.680(28) to include probation officers under the definition of "peace officer" or "fire fighter".

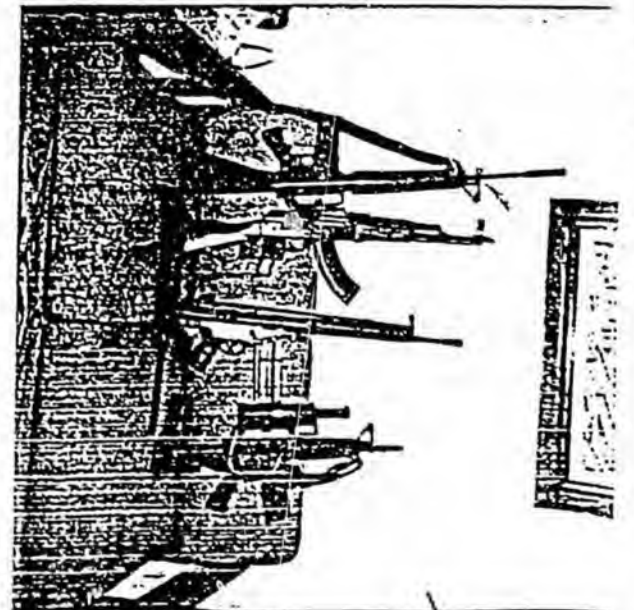
Currently, probation officers are not granted the status of peace officers under the public employees' retirement system. Probation officers are often required to work under dangerous, physically and mentally stressful situations. Oftentimes they and their families are violently threatened. Responsibilities of probation officers include arresting suspected probation and parole violators, taking them to jail and booking them in exactly the same manner as any other peace officer. They 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 recovered from the Fairbanks Probation District in the past year which includes many automatic weapons.)

Section 2 of the bill 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.

For these reasons, I believe probation officers should be granted the same coverage in the retirement system as those who work in exactly the same area and face the same risks and stress.

Attachments



ALASKA PROBATION and PAROLE ASSOCIATION
FACT SHEET

1. PROBATION OFFICERS are PEACE OFFICERS as defined by AS 11.81.900 (38).
2. Probation Officers have the authority to transport felons in custody, conduct searches and make arrests without warrants.
3. Probation Officers duties require that they deal exclusively with felons in community placement.
4. Probation Officers are the only employee class of Peace Officer under the Police Standards Council who are not included in Peace Officer retirement.
5. Probation Officers are routinely subjected to the same stress and danger that other Peace Officers are .
6. Probation Officers are tasked to enforce court orders, Alaska statutes for a special class of offenders- Felons.
7. In a sense of fairness and recognition of contributions to public safety Probation Officers should be included in Peace Officer Retirement.

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.33.0J.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.

REPRESENTATIVE SUCCESSION

November 8, 1989

Senator Jim Duncan
ATTN: Roxanne
PO Box V
Juneau, Alaska 99811

Dear Roxanne:

Lew Reece indicated to me the other day that Senator Duncan would be interested in some of the day to day activities of probation officers in terms of the Peace Officers Retirement. Let me give you some examples of things that have happened recently. In my own case, just a few days ago I assisted Bob Collins in arresting a murderer we have on parole. It was a fairly routine arrest except for the fact that the guy was a dangerous person who gets real dangerous when he has been drinking and that is basically why we arrested him. It is always a touchy situation when you go to arrest one of these fellows who has violently taken someone's life in the past (he stabbed his wife to death with a letter opener during one of his drinking bouts). At any rate, you don't know when you go to arrest one of these guys if they are armed or not. In this case he went along with us without any problems and we were relieved that that was the situation.

I just got a call from Sue Ford in our Sitka Probation Office. She notifies me that the probation office car has had the tires slashed. She doesn't know who did it but it could be any one of a number of people that she has supervised. Sue, by the way, has had several threats to her over the past years she has worked in Sitka and will be forwarding a copy to Senator Duncan detailing those threats.

Enclosed with this letter is a threatening letter to Patty Barnes, our probation officer in Ketchikan. The letter is postmarked from Seattle on 23 October 1989. The contents of the letter you can read for yourself and interpret for yourself what it might mean. Again, we don't know who sent the letter but assume it is someone she has been supervising, either on probation or parole.

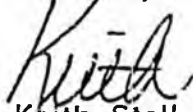
Finally, attached is a sheet of photographs of guns recovered from the Fairbanks Probation District in the past year. This does not include all of the guns that have been recovered but for graphic purposes does include many automatic weapons which are not, of course, used for hunting purposes.

Senator Jim Duncan
November 8, 1989
Page Two

I have encouraged the probation officers to contact your office with information concerning their daily activities with reference to the stress level and the hazardous duty that we really are engaged in. This is peace officer work, no two ways about it and the probation officers should be accorded the benefit of Peace Officer Retirement.

Again, Roxanne, thanks to you and Senator Duncan for your help with this.

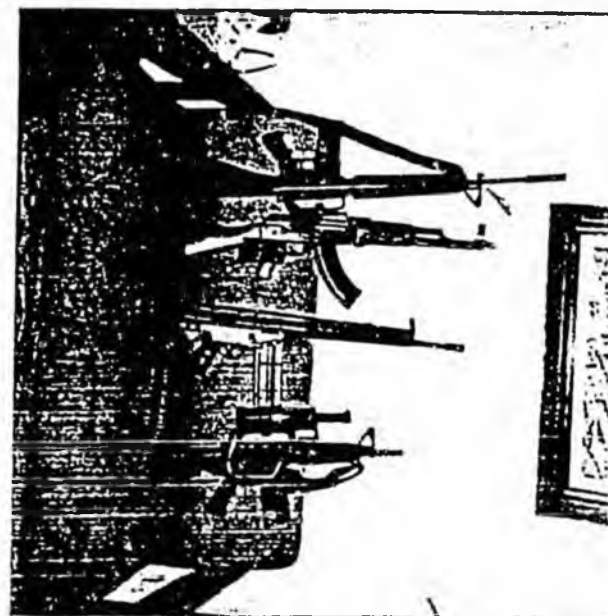
Sincerely,



Keith Stell
17025 Glacier Highway
Juneau, Alaska 99801

KS:cm

cc Representative Fran Ulmer
Representative Bill Hudson
Representative Swackhammer





Patty Barnes
415 main st rm 202
Ketchikan, Alaska
99901

BITCH,
HELL
IS
COMING
TO
GET
YOU!

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

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.

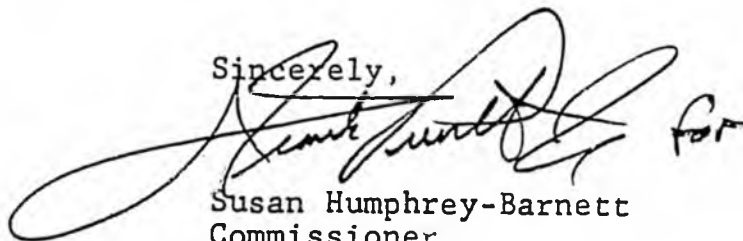
I discussed all of this in the Governor's Office during my first year as Commissioner. Because Governor Cowper is intent on holding down the State operating budget, we decided not to introduce the legislation. The Division of Retirement and Benefits estimates that including Probation Officers would cost \$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, stylized flourish extending to the left. To the right of the signature, the letters "for" are written in a smaller, cursive hand.

Susan Humphrey-Barnett
Commissioner

SHB:dlh

RECEIVED DEC 26 1989

Parham + 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.

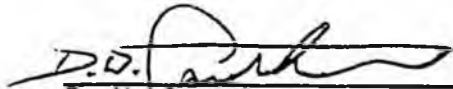
I wish to express my support of this bill and any actions you feel appropriate to have it passed into law.

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

December 6, 1989

Lt. Shirley Warner, President
Alaska Peace Officers Association
C/O 4501 S. Bragaw Street
Anchorage, AK 99507-1599

Dear Shirley,

The purpose of this letter is to request a resolution of support from the Alaska Peace Officers Association; the resolution would be in favor of probation and parole officers obtaining peace officer retirement. Historically, Department of Corrections employees, including probation officers, have been some of the most active and supportive members of APOA. APOA is an important organization, and one which promotes issues of concern to all peace officers. Therefore, we hope you will look favorably upon our request.

At the present time, Senator Dunman is sponsoring a bill which would include Adult Probation and Parole officers under peace officer retirement. Probation officers are defined as peace officers in A.S. 11.81.900(38). Probation officers are included under the Alaska Police Standards Council Act, AS 18.65.130. Probation officers work exclusively with felons and our primary responsibility is protection of the public. We have a variety of duties which include arresting probation and parole violators, search and seizure, monitoring/surveillance and urinalysis testing. We also provide the Superior Courts with comprehensive pre-sentence reports for all convicted felons. These reports offer a thorough assessment of the offender and incorporate a specific recommendation as to length of incarceration or probation, conditions of supervision, etc. When an offender is placed on probation or parole, we are the primary enforcement officer. As a result, we have a direct impact on crime by apprehending violators before they can commit additional offenses.

Probation officers are required to deal with an increasingly violent caseload and in an uncontrolled environment. Due to our job requirements, we are authorized to carry firearms. We often find ourselves in dangerous situations where we may be physically assaulted or shot in the performance of our duties. This is in addition to frequent threats, due to our recommendations to the court and parole board that an offender be imprisoned for a specific period of time.

Lt. Shirley Warner
Page Two.
12/6/89

Many offenders, some of which are sociopathic and maladjusted, harbor the perception that we are personally responsible for their return to prison. Others are mentally unstable, violent and dangerous. Additionally, our caseloads are high and we are historically understaffed and overworked. In essence, we encounter the same hazards and stress as those experienced by other peace officers. Based on the above, it seems only fair that we be included under the Peace Officer Retirement System.

Thank you for allowing me to voice my perspectives on this issue. Speaking on behalf of all probation and parole officers employed in the state of Alaska, we would sincerely appreciate APOA passing a resolution advocating the inclusion of probation and parole officers under the Peace Officer Retirement System. If APOA agrees to do so, copies of the resolution should be directed to myself, Senator Duncan in Juneau and Representative Swackhammer in Soldotna. If you desire additional information or clarification, please contact me or Lew Reece, President of the Alaska Probation and Parole Officers Association in Fairbanks.

Sincerely,



Curt Geoffrion

CJG/bn

Addresses:

Curt Geoffrion
District Supervisor
Adult Probation
110 Trading Bay Road, Suite 190
Kenai, AK 99611 283-3125

Senator Jim Duncan
P. O. Box 020690
Juneau, AK 99802

Representative C. E. Swackhammer
312 Tyee Street
Soldotna, AK 99669

Lew Reece
Chief Probation Officer
Adult Probation
P. O. Box 70109
Fairbanks, AK 99707 451-7762

Alaska Probation and Parole Association



29 Nov 89

Dear Swack:

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
of the total and routinely what
Probation Officers face in
the field on a daily basis.
We're also sending Sister
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
R
R*

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 or 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 enlisted the assistance of our local police department and contacted the 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

Prison 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 dependants wife became extremely angry. Not only did she verbally assault me in the courtroom but she attempted to physically confront me. The dependant (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

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
E 'RECEIVED'

1989
Cyan

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,


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



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

While in Juneau
P.O. 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".

Robin L. Taylor

RLT/sjw

October 26, 1989

Representative Fran Ulmer
Pouch V
Juneau, Alaska 99811

Dear Fran:

As requested, here is some information about why probation officers should be included in the Peace Officers Retirement System.

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.

Some examples in my own experience include having my life threatened many, many times. My family has been threatened. One probationer hired a private investigator to attempt to discover adverse information about myself and my family to use against me at Court hearings. Another probationer did a "drive by" shooting at the probation office windows with a 12 gauge shotgun. Interestingly, he shot out the law library windows one floor above us by mistake as he thought the probation office was on the fourth floor rather than the third floor, or perhaps he miscounted windows. In any case, at a hearing, he was found guilty of deliberately shooting at us. The above examples are by no means unique or unusual. Any other probation officer who has been around a while could recount similar examples.


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 institutions.

About a year ago, I was assaulted by an inmate in the booking office of Lemon Creek Correctional Center.

All of our probationers and parolees are felons. We do not supervise misdemeanants. Many of these felons are dangerous, violent, mentally unstable people. The stress of working with these people year in and year out is intense. Since we face the same stresses and dangers as those experienced by police officers and Alaska State Troopers, it seems only fair that we be included in the Peace Officer Retirement System.

Thanks 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
Juneau

RKC/cm
cc Keith Stell
Chief Probation Officer
Juneau

STATE OF ALASKA

STEVE COWPER, GOVERNOR

Raymond

DEPARTMENT OF CORRECTIONS

X

REPLY TO:

- JUNEAU PROBATION OFFICE
P.O. BOX 021224
JUNEAU, ALASKA 99802-1224
PHONE: (907) 465-3180
- KETCHIKAN PROBATION OFFICE
ROOM 202, 415 MAIN STREET
KETCHIKAN, ALASKA 99901-6398
PHONE: (907) 225-3179
- SITKA PROBATION OFFICE
304 LAKE STREET, ROOM 210
SITKA, ALASKA 99835-7599
PHONE: (907) 747-6641

RECEIVED October 12, 1989

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

Dear Jim:

Chief Probation Officer Keith Stell tells me that you are filing a bill which would place probation officers under the peace officers retirement system. Thank you very much for supporting these efforts. We have been trying, without much success, to get under the peace officers retirement system for years.

Probation officers deal only with felons (no misdemeanants). The felons we deal with every day are often violent, emotionally disturbed people. We are required to go out into the community, sometimes at night, and arrest these people when they violate probation or parole. Likewise, our very heavy workloads, danger, and deadlines imposed by the Court, cause a high level of stress in this job.

Although I am no actuary, there are so few probation officers I cannot believe that the cost of including us in the peace officers retirement system is going to be more than a "drop in the bucket." Furthermore, it is my understanding that probation officers (myself included) are certainly willing to shoulder a share of any financial burden that our entry into the peace officers retirement system might occasion.

Once again, I wish to thank you very much for all the help you have given us and other public employees over the years.

Best regards,

Robert K. Collins

Robert K. Collins
District Probation Supervisor
Juneau

RKC/cm

RECEIVED
Carline

November 2, 1989

Senator Jim Duncan
Alaska Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Duncan:

I thought that a few examples of danger and stress faced by probation officers might help you justify your Bill putting probation officers under the Peace Officers Retirement System.

Some examples from my own experience include threats made on my life by dangerous psychopaths like Wallace Creer in 1984. My life was threatened by Gary Nolt in 1986 and 1987. My family has been threatened by probationer Randy Rodrigues in 1987. These are only a few examples. In actuality, my life has been threatened many times by probationers and parolees but, unfortunately, I do not always make notes and so when relying on my memory, I can't always remember names and dates from long ago.

I was assaulted at Lemon Creek Correctional Center when I was booking probationer Laberne Ebona in 1988. I was assaulted by probationer Gary Nolt in 1982. Probationer Ken Lancaster drove by the probation office and shot at our windows with a 12 gauge shotgun in 1986 or 1987. He hit the windows of the law library one floor above us; however, at an adjudication hearing the Court found that Mr. Lancaster was attempting to hit the windows in the probation office.

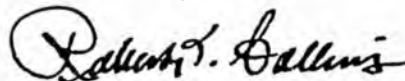
We routinely arrest probationers and parolees and are empowered to do so by statute (AS 33.05.070 and 33.16.240). In July, 1987 I accompanied several Juneau police officers and Alaska State Troopers to the residence of Daniel Trapp, a probation absconder. Mr. Trapp refused to answer our instructions to come out and surrender. The door was kicked down and we entered with guns drawn. Mr. Trapp was inside, extremely intoxicated, with a rifle not far away. In 1986 I searched the residence of probationer Scott McGonegal where I found substantial quantities of cocaine and a 9 mm sub-machine gun. I could cite a number of other examples.

Senator Jim Duncan
November 2, 1989
Page Two

I am enclosing a copy of Department of Corrections Policy and Procedure 902.16 which describes the Department's gun policy. It is currently being revised to allow probation officers more independent discretion.

Jim, I have called a number of other probation officers around the State and have asked them to give you a few examples from their own personal experience, hopefully the equivalent of the information I have provided above. If I can be of further assistance, please do not hesitate to call on me.

Very Truly Yours,

A handwritten signature in cursive script that reads "Robert K. Collins". The signature is written in dark ink and is positioned above the typed name.

Robert K. Collins
Probation Officer III
Juneau

RKC/cm
Enclosure

1-10-90
17025 Glacier Hwy
Juneau AK 99801

Rep "Red" Boucher
PO Box II
Juneau Ak. 99811

re: HB 396

Dear Representative Boucher

We have learned from Rep Swickhamm's office that HB 396 (Peace Officer Retirement for DOC Probation Officers) has been referred to your State Affairs Committee.

We would like to show with you some material pertaining to this issue which the Alaska Probation & Parole Officers Association has prepared and to urge the State Affairs Committee to act favorably toward passage of this legislation. As the information will attempt to show Probation Officers are very deserving of this retirement benefit owing to the stress and danger of this occupation. P O's are also the only peace officers who do not have peace officer retirement and within the Dept. of Corrections Probation & Parole Officers (about 130 of them) are the only group under the jurisdiction of the Police Standards Council that does not have peace officer retirement.

Since this legislation is not sponsored by the Dept. of Corrections it is difficult (and expensive) for us to attend your hearings. We will try to accommodate the Committee however.

Mr. Ken Reel, Chief P.O. from Fairbanks is the President and primary spokesman for our organization. His phone # and address is 451-7762 - 3074 Riverside Dr., Fairbanks AK. 99709. & other Probation Officers here in Juneau will be happy to try to answer any questions you

may have.

We feel basically that the PD's have been "overlooked" over the years and that the nature of the job definitely warrants 20 year retirement.

Both Rep. Swabeckhamm and Senator Duncan have introduced this bill. Senator Duncan's office is contacting the Div. of Retirement and Benefits for a cost analysis.

We thank you and the committee for your review of this much needed legislation.

Sincerely,
Keith Stell
S.E. Rep. Ak. Probation-Parole Comm.

Item 5

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.

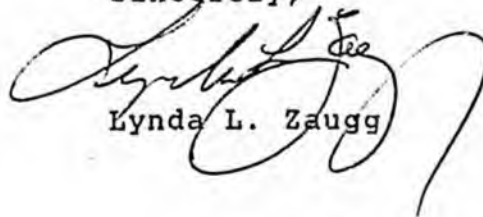
During my tenure in Sitka , my office was responsible for numerous smaller communities in the outlying area. On one of many trips to Angoon I was doing follow up on a complaint regarding a probationer. It was one of those situations where the community leaders wanted something done about a problem individual 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
----------------------	--------	--	-------------------

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 contraband/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 screw-driver 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
issues were*

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 INITIALS _____

b. Example / Checklist Contact Sheet

LEGISLATIVE SPONSOR: House State Affairs

TC DATE/DAY: Wednesday, Jan 17

Pub. Hear Work Ses. Inv. Hear

TIME: 8:30-10:00A

LEGISLATIVE REFERENCE: HB 396

JUNEAU ROOM: Cap 102

SUBJECT: PERS Benefits for

BRIDGE: _____

Probation Officers

OF PORTS: _____

CONTACT: Ann PH: 4931

DATE TAKEN/BY: Becky 1/12/90

TELECONFERENCE SITES:

LIO'S

LTC'S

VTS'S

- Anchorage
- Barrow *
- Bethel
- Delta Junction *
- Dillingham *
- Fairbanks
- Glennallen *
- Juneau
- Ketchikan
- Kodiak
- Kotzebue
- Mat-Su
- Nome
- Petersburg *
- Sitka
- Soldotna
- Valdez *

- Homer
- Wrangell

See List on Reverse Side

ALL LIO'S

OTHER SITES WELCME WITH PRIOR NOTIFICATION

CHAIRING SITE: Juneau

CHAIRPERSON: Bucher

[] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

- OFFNETS:
- Elizabeth Robson
Chief, Prob officer, ANCH
276-3363
 - Lou Reece (CPO/FA) #
Pres of AK ProbParole Assoc)
451-7762
 - Keith Stell (CPO/SE AK)
(# SET rep of AK ProbParole)
465-3180
17025 Glacier Hw
w/Robert Collins 9380
Hne Probation Officer

SIGNATURE OF SPONSOR/CONTACT PERSON

DATE

SPECIAL INSTRUCTIONS

*note: Lou & Beth may be on ANC together. Keith will let me know.

A -

~~Auntie~~
Ann

Keith 465-3180

D

Lew Reece

3074 Riverside Dr.

99709

Betsy / 411 W. 4th, Suite 1D 99501