

**S B**

**348**

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF  
SB 348

PERS Benefits for Probation Officers

Received April 3, 1990  
by Sen. Duncan, Zharoff, Sturgulewski, Halford

Heard April 17, 1990

Passed Out of Committee April 17, 1990  
3 Do Pass  
1 No Recommendation

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### SB 348: FERS Benefits for Probation Officers

- Item 1:** SB 348 by Sen. Duncan, Zharoff, Sturgulewski, Halford
- Item 2:** Fiscal Note and Analysis by Department of Administration
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# HOUSE COMMITTEE REPORT

4/18

(7)  
Date Referred: April 3, 1990

FURTHER REFERRALS:

FINANCE



Date of Committee Action: \_\_\_\_\_

The STATE AFFAIRS Committee considered:

SB 348

SENATE BILL NO. 348

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 \_\_\_\_\_

*Senate*

- fiscal note(s) \_\_\_\_\_
- zero fiscal note(s) \_\_\_\_\_
- zero fn/analysis DOA/2/13/90

SIGNING DO PASS:

SIGNING:  
(Check approp. column)

Do Not Pass No Rec Amend

Kevin Hanley Hanley

Eileen P. MacLean MacLean ✓

David Engelstein Engelstein

W. C. Boucher Boucher

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W. C. Boucher  
Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: 2/12/90 Agency Affected: Administration  
Title: An Act granting probation BRU: Retirement and Benefits  
officers status of peace officers under PERS  
Sponsor: Duncan Components: Retirement and Benefits  
Requestor: Senate HESS

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)

THIS BILL IS ESTIMATED TO COST THE STATE OF ALASKA \$166.9 IN INCREASED PERSONAL SERVICES FOR FY 91 AND EACH YEAR THEREAFTER.

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

Prepared by: Sally Smith Phone: 465-4470  
Division: Retirement and Benefits Date: 2/12/90  
Approved by Commissioner: Frank S. Baxter Date: 2/12/90  
Agency: Department of Administration

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

Senate Bill 348  
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 FY91 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 FY91 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.

POSITION PAPER

SENATE BILL NO. 348

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

This bill would amend the definition of "peace officer" in Title 39 to include probation officers and would permit probation officers to retire after twenty (20) years service.

Probation officers employed on the effective date of the act could claim prior years of probation officer service as peace officers for the purpose of credited service. Probation officers claiming this retroactive service would accrue an indebtedness to the retirement system equal to the difference between their actual employee contribution and the contribution which they would have made at the peace officer rate.

No distinction is made between juvenile and adult probation officers.

BACKGROUND

For most state employees the Public Employee Retirement System (PERS) provides for normal retirement at age 55 or 30 years service if hired before July 1, 1986 and at age 60 or 30 years service if hired after June 30, 1986.

Employees defined as "peace officers" or fire fighters are eligible to retire with normal benefits after 20 years of service without regard to age. PERS regulations and Title 39 define "peace officer" as an employee of a police agency or other governmental organization who has primary responsibility for "the prevention and detection of crime and the enforcement of the fish and game, penal, traffic or highway laws of the state...". This special retirement plan for peace officers was enacted in 1960 in recognition of the dangers and stress related to the performance of peace officer duties and the need for persons performing peace officer functions to be physically and mentally fit. Peace officers are encouraged to retire before the inevitable loss of the physical and emotional stamina required for peak performance.

Position Paper  
SB 348  
H&SS

Page 2

Over the years, eligibility for the 20 year peace officer retirement plan has been expanded to include other job classifications with the same characteristics as the original group of eligible positions. Fire fighters, fire chiefs, special officers commissioned by the state troopers, correctional officers and correctional superintendents have now been included in addition to the original group of police officers, state troopers and police chiefs.

Correctional officers and correctional superintendents became the first justice system employees to participate as "peace officers" who were not in the traditional law enforcement category. Failure to also include probation officers, youth counselors employed at juvenile correctional institutions and youth facility superintendents in the peace officer retirement system has resulted in an inequity between similar job classifications in the justice system. The job characteristics of law enforcement powers, danger, stress, and the need for physical and emotional fitness which justified inclusion of correctional officers and correctional superintendents are present to an equal or greater degree with juvenile and adult probation officers, youth counselors and youth facility superintendents. The same can be said for social workers assigned to perform child protection service (CPS) work. These employees perform some of the most stressful and dangerous work enforcing child protection laws of all justice system employees enforcing state laws.

The disparate treatment of these job classes with respect to 20 year retirement demoralizes the ineligible employees and reduces the benefits to the employing agency of an established progressive career track. There is little incentive for an employee of either the adult or juvenile correctional systems to seek professional advancement through the probation officer series, to work in youth corrections or to work in child protection rather than in an adult corrections institutions. To do so would deprive the employee of the security of a 20 year retirement option. Employees are drawn down the career ladder rather than up.

An agency whose employees are eligible for 20 year peace officer retirement potentially accrues a number of organizational benefits. Recruitment and retention of a skilled, satisfied and stable work force can contribute significantly to achievement of public service goals. Such an agency can more easily attract the most qualified workers.

Investment in in-service training and other staff development has a high pay off because employees stay with the agency longer and use acquired skills and knowledge for the benefit of the organization which invested in their development. In turn, reduced turn-over lowers long term staff development costs and the inevitable losses in productivity and quality associated with inexperienced staff.

#### DEPARTMENT POSITION

The Department defers to the Department of Administration regarding the effects of 20 year retirement on the Alaska's retirement and benefits system.

However, the department would be strongly opposed to expanding eligibility for 20 year peace officer retirement to probation officers only, and particularly if it were restricted to apply only to the newly created adult probation officer series. Doing so would only compound the inequity already present between equivalent justice system job classes. It would also create problems for this department in the recruitment and retention of staff to juvenile probation officer, youth counselor and social worker positions. These positions would become the entry point for persons into state service and the training ground for employees who seek the greater benefits which would be available in the adult correctional system. The Department of Health and Social Services would become the training ground for the Department of Corrections.

**POSITION PAPER/Department of Health & Social Services**

If eligibility for 20 year peace officer retirement is to be expanded, it should include not only juvenile and adult probation officers but also youth counselors, youth facility superintendents and social workers performing child protective service work. An effort to eliminate the current inequity between correctional officers and probation officers should not introduce an even greater inequity between similar justice system job classifications simply because of the department by which they are employed

*Russell Webb*  
Russell Webb, Director  
Division of Family and Youth Services

*2/21/90*  
Date

*Myra M. Munson*  
Myra M. Munson  
Commissioner  
Dept. of Health and Social Services

*2/22/90*  
Date

ALASKA PEACE OFFICERS ASSOCIATION, INC



Shirley A. Warner  
PRESIDENT

Telephone  
(907) 788-8851

4501 S. Bragaw St.  
Anchorage, Alaska 99507-1599

*Wayne*  
**PEACE OFFICERS ASSOCIATION**

P.O. Box 240108 • Anchorage, AK 99524-0108 • (907) 378-8481

*Paula RM 308*



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M James Messick

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Anchorage

Dale Flonan, Vice Pres  
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Don Otis, Member  
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Greg Russell, Member  
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Greg Hansen, Member  
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John Nealon

Ketchikan  
LeRoy Mestas

Petersburg  
Sctt Eddy

February 16, 1990

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

Dear Senator Duncan,

The Alaska Peace Officers Association, Inc. supports Senate Bill 348 which grants probation officers status as peace officers under the public employees' retirement system.

We believe that Probation Officers are a dedicated and professional group who encounter the same type of dangers as do peace officers. Probation Officers work hand in hand with law enforcement to maintain order and enforce the law when probationers do not abide. For these reasons Probation Officers should be entitled to the same retirement system. We appreciate your insight and your representation in sponsoring this bill on behalf of our fellow officers.

Sincerely,

*Shirley A. Warner*

Shirley A. Warner  
President

# STATE OF ALASKA

## DEPARTMENT OF CORRECTIONS

BOARD OF PAROLE

STEVE COWPER, GOVERNOR

ALASKA BOARD OF PAROLE  
P.O. BOX T  
JUNEAU, ALASKA 99811-2000  
PHONE: (907) 465-3384

February 27, 1990

Honorable Jim Duncan  
Alaska State Senate  
Room 119 Capitol Building  
P.O. Box V  
Juneau, Alaska 99811

RE: Senate Bill 348

Dear Senator Duncan:

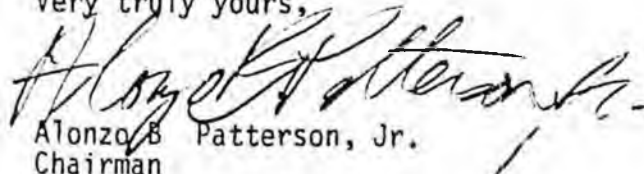
The members of the Alaska Parole Board would like to take this opportunity to commend you for the introduction & the support of Senate Bill 348. We strongly support this legislation.

As you know, the members & staff of the Parole Board work daily with the probation/parole officers around Alaska. We are aware of the physical danger, emotional stress, threats and intimidation they are subject to on a regular basis. I understand ample testimony has been provided to legislative committees so the members understand the hazards probation/parole officers are faced with. Probation/parole officers are peace officers & have the authority to arrest without a warrant. They interact daily with the same felons arrested by police officers & supervised by correctional officers in our correctional facilities.

The probation/parole officer's role has become more community protection oriented in recent years, making the job more hazardous and stressful. We believe the minimal funding necessary to put probation/parole officers under the 20 year retirement is fully justified and long past due.

We greatly appreciate your support in strengthening the criminal justice system in Alaska.

Very truly yours,

  
Alonzo B. Patterson, Jr.  
Chairman

ABP/rs

cc: Co-Sponsors

# STATE OF ALASKA

## DEPARTMENT OF CORRECTIONS

SOUTHCENTRAL REGION OFFICE

STEVE COWPER, GOVERNOR

2300 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.

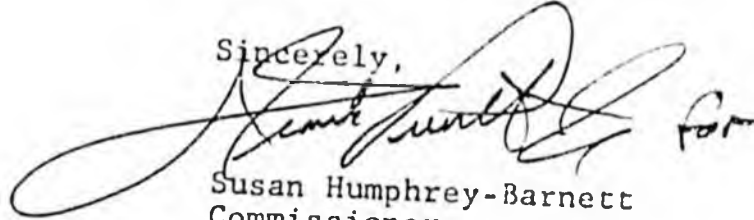
Because of this budget consideration and because Probation Officers are the next logical series to include, I would think Probation Officers would come before other personnel who have direct contact with inmates.

Department of Corrections  
Letter

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". The signature is fluid and cursive, with a large loop at the end.

Susan Humphrey-Barnett  
Commissioner

SHB:dlh

October 17, 1989

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 A.S.33.05.070 and A.S.22.15.210. Probation officers are designated officers of the Court under A.S.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 A.S.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 lose their physical vigor and strength with age is a self-evident proposition. The state should encourage the retirement of person 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 in 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.

b. EXAMPLE / Checklist Contact Sheet

LEGISLATIVE SPONSOR: HS State Affairs

TC DATE/DAY: Tues, Apr 17

Pub. Hear    Work Ses.    Inv. Hear

TIME: 8:30-10:00

LEGISLATIVE REFERENCE: SB 348

JUNEAU ROOM: Cap 102

SUBJECT: PERS Benefits for Probation Officers

BRIDGE: \_\_\_\_\_

# OF PORTS: \_\_\_\_\_

CONTACT: Ann    PH: 4963

DATE TAKEN/BY: 4/12 Debbie

\*\*\*\*\*

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 WELCOME WITH PRIOR NOTIFICATION

Fairbanks OFFNETS: Lou Reece } will go to LIO'S  
Betsy 276-3363

CHAIRING SITE: \_\_\_\_\_

CHAIRPERSON: \_\_\_\_\_

[ ] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

\_\_\_\_\_  
SIGNATURE OF SPONSOR/CONTACT PERSON

\_\_\_\_\_  
DATE

\*\*\*\*\*

SPECIAL INSTRUCTIONS

per Bill Parker



University of Alaska  
Fairbanks, Alaska 99775-5260

NOT IN  
PACKETS  
Brian Rogers  
Vice President for Finance  
(907) 474-7448

February 9, 1990

The Honorable Jim Duncan  
Room 119  
Capitol  
P. O. Box V  
Juneau, Alaska 99811

RE: Fiscal Note for Senate Bill 348

Dear Senator Duncan:

Enclosed is a copy of the University's fiscal note for Senate Bill 348, "An Act Granting Probation Officers Status of Peace Officers Under PERS."

If you have any questions about the note, please do not hesitate to contact me or Marsha Hubbard, Director of Statewide Budget at 474-7593.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to be "BR" with a flourish.

Brian Rogers  
Vice President for Finance

BR:kap

Enclosure

cc: Alison Elgee, Division Director for Office of Management & Budget  
Gina Spartz, Administrative Assistant for Legislative Finance Division  
Senator Fred Zharoff  
Senator Arliss Sturgulewski  
Senator Rick Halford

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: An Act Granting Probation  
Officers Status of Peace Officers  
 Sponsor Under PERS Duncan  
 Requestor: \_\_\_\_\_

Agency Affected: University of Alaska  
 BRU: A11  
 Components: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	19.1	19.1	19.1	19.1	19.1	19.1
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>19.1</b>	<b>19.1</b>	<b>19.1</b>	<b>19.1</b>	<b>19.1</b>	<b>19.1</b>
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	19.1	19.1	19.1	19.1	19.1	19.1
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>19.1</b>	<b>19.1</b>	<b>19.1</b>	<b>19.1</b>	<b>19.1</b>	<b>19.1</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**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: Marsha Hubbard Phone: 474-7593  
 Division: Director, Statewide Budget Date: 2/9/90  
 Approved by Commissioner: Brian Rogers Date: 2/9/90  
 Agency: University of Alaska


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

Fiscal Note Analysis for Senate Bill 348  
"An Act Granting Probation Officers Status of Peace Officers Under PERS"  
Prepared by the University of Alaska  
February 9, 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.

This bill, if amended to clarify the covered group, will increase the state FY91 PERS contribution rate by .03%. The University of Alaska PERS payroll is estimated to be \$63,654,027 in FY90 and relatively stable each year thereafter.

U of A FY90 PERS Payroll	\$63,654,027	
	<u>X</u>	<u>.03%</u>
		<u>\$19,096</u>

<b>State of Alaska</b> Department of Corrections  Policies and Procedures		Index #: 902.16      Page 1 of 7
		Effective Date: 86-R-15
Approved by: Roger V. Endell		Distribution: A, B, C
Supersedes:		Related ACA Standards: 2-3169, 2-3172, 2-3178
Chapter: INTAKE, CLASSIFICATION AND SUPERVISION		Subject: USE OF FIREARMS, RESTRAINTS AND OTHER FORCE

I. AUTHORITY:

In accordance with AS 44.28.030, AS 33.05.010, AS 33.16.180, and AS 33.30.030, the Department of Corrections shall develop and adopt policies and procedures that are consistent with laws for the guidance, government and administration of correctional facilities, programs and field services.

II. PURPOSE:

To establish procedures regarding the carrying of firearms, restraints and the use of force by probation officers.

III. APPLICATION:

To all employees.

IV. DEFINITIONS:

As used in this document, the following definitions shall apply:

A. Authorized Ammunition:

Handgun/Revolver: .357 Magnum Caliber, 158 grain, half-jacketed hollow point bullet, factory load service ammunition; or .38 Special Caliber, 148 grain wad-cutter, practice ammunition meeting SAAMI specifications.

B. Authorized Firearm:

Handgun/Revolver: Smith and Wesson, Model 19 or Model 66, two and one-half inch barrel (round-butt) for probation officers, .357 Magnum Caliber.

C. Certified Officer:

A Correction's employee who has received certified training in the use of firearms, chemical agents, and/or other security equipment and has met standards set for their proper and lawful use; and has met annual and otherwise required requalification for certification.

D. Deadly Weapon:

As defined as AS 11.81.900(b)(13); "means any firearm, or anything designed for and capable of causing death or serious physical injury

## Subject: USE OF FIREARMS, RESTRAINTS AND OTHER FORCE

including a knife, an axe, a club, metal knuckles, or an explosive"; and, in the case of prisoners, any tool, implement or apparatus that if wielded as a weapon could inflict serious physical injury.

E. Excessive Force:

An act of force in excess of what a reasonable person in similar circumstances would exert to subdue a resisting offender and/or to move a resisting offender to a secure location.

F. Force:

As defined as AS 11.81.900(b)(22); "means any bodily impact, restraint, or confinement or the threat of imminent bodily impact, restraint, or confinement; force includes both deadly and non-deadly force."

1. Deadly Force: As defined as AS 11.81.900(b)(12); "force which the person uses with the intent of causing, or uses under circumstances which he knows create a substantial risk of causing, death or serious physical injury; deadly force includes intentionally discharging or pointing a firearm in the direction of another person or in the direction in which another person is believed to be and intentionally placing another person in fear of imminent serious physical injury by means of a dangerous instrument."

2. Non-Deadly Force: As defined as AS 11.81.900(b)(32); "force other than deadly force."

G. Offender:

Person brought under the jurisdiction of the Department by Court or Parole Board Order or Conditional Commutation of Sentence by the Governor for purposes of probation, parole or other supervision or as the subject of a presentence investigation report.

H. Parolee:

An adult serving a sentence for violation of a state law who has been granted parole by the Alaska Board of Parole as defined and applied in 818.09, Parole, who has been released from incarceration by operation of law to parole supervision under AS 33.20.040(a); or a parolee from another jurisdiction under AS 33.10.010.

I. Physical Injury:

As defined as AS 11.81.900(b)(4); "means a physical pain or an impairment of physical condition."

Subject: USE OF FIREARMS, RESTRAINTS AND OTHER FORCE

J. Probationary:

An adult who has been convicted of a felony crime and ordered to a term of probation; may occasionally include misdemeanants from the District Court.

K. Restraint:

Security device designed for and applied to prevent the commission of violent or destructive acts including metal shackles such as handcuffs, leg irons, belly chains, and the like.

L. Risk:

A significant possibility as contrasted with a remote possibility that a certain result may occur or that certain circumstances may exist.

M. Serious Physical Injury: As defined as AS 11.81.900(b)(49):

1. "Physical injury caused by an act performed under circumstances that create a substantial risk of death; or"
2. "Physical injury that causes serious and protracted disfigurement, protracted impairment of health, protracted loss or impairment of the function of a body member or organ, or that unlawfully terminates a pregnancy."

N. Show of Force:

A demonstration of the present ability to apply force such as a shouted warning by an armed officer, display of a firearm, or the firing of a warning shot.

O. Substantial Risk:

Condition wherein it is substantially certain that a given result may occur or that given circumstances may exist.

V. POLICY:

- A. A Probation Officer employed by this Department may, pursuant to the procedures contained herein, carry a firearm and use non-deadly and deadly force, when justified, in the discharge of official duties.
- B. The identity of an employee involved in a shooting incident in the performance of duty will not be provided to the public. The Department will cooperate fully with any official investigation. It has been demonstrated that once the staff members identity becomes public knowledge, the potential for harrassment and possible retaliation substantially increases. If the employee's name has been made known through public records or through disclosure at public proceedings, the Regional Director or designee may verify the individual's identity in response to inquiries by news media representatives or other officials.

Subject: USE OF FIREARMS, RESTRAINTS AND OTHER FORCE

VI. PROCEDURES:

- A. Probation Officers may be authorized to carry a firearm on duty under the following circumstances:
1. Upon approval of the Regional Administrator, a Probation Officer may carry a firearm only when he or she is a certified officer and his or her immediate supervisor believes the use of deadly force may be necessary to prevent the officers death or serious physical injury. When the Regional Administrator is not readily available, the District Supervisor may authorize the carrying of a firearm;
  2. The carrying of firearms on duty for purposes other than training and/or qualification is prohibited except in accordance with this policy;
  3. The authorization to carry a firearm will be specific as to time and circumstance and will terminate upon reasonable belief that death or serious physical injury is no longer imminent;
  4. When a first line supervisor is not readily available, a Probation Officer may make the decision to carry independently if:
    - a. he or she believes that under the guidelines of this policy he or she would be permitted to carry;
    - b. if the need to conduct a necessary contact or supervision step is urgent and cannot reasonably await a supervisor's authorization; and
    - c. the action is immediately reported through a supervisor to the Regional Administrator, as circumstances allow; and
  5. This Policy does not require a Probation Officer to carry a firearm in the discharge of official duties.
- B. Documentation is required each and every time a Probation Officer is armed in accordance with this policy, as follows:
1. A Report of Carrying a Firearm (form 20-902.16A) will be completed by the requesting Probation Officer prior to each authorized carrying of a firearm other than for practice or qualification. Each officer shall file the report with his or her immediate supervisor;
  2. A line entry must be made in the Weapons and Ammunition Log (form 20-902.16B) each time a firearm and/or ammunition is issued;
  3. The Regional Administrator shall periodically review the records retained by the District Supervisors in accordance with 1. and 2. above;

Subject: USE OF FIREARMS, RESTRAINTS AND OTHER FORCE

4. The officer who draws or discharges a firearm for any reason in the line of duty, other than during practice or qualification, shall immediately submit a written Report of Firearm Discharge in memorandum format describing the circumstances of the discharge or show of force and shall prepare the Special Incident Report (form 20-104.01) in accordance with 104.01, Special Incident Reporting. The Reports must be routed through the officer's immediate supervisor to the Regional Administrator;
5. In the event of firearm display or discharge per 4. above, the Regional Director in coordination with the Regional Administrator shall appoint a three member panel to review the circumstances of the incident. This panel will include the Regional Administrator acting as chairperson; and
6. The officer who discharges a firearm under the circumstances described under 4. above may be granted administrative leave as is appropriate to the circumstances at the discretion of the Regional Administrator.

C. Use of Firearms:

1. Issued firearms will be carried under the officer's control and out of sight at all times, except when in use;
2. Firearms carried by officers will be loaded at all times. All customary firearms safety precautions will be continuously practiced;
3. A Probation Officer is not authorized to carry a firearm while traceable quantities of any behavior altering substance is in the bloodstream;
4. The use of firearms is justified only when the Probation Officer reasonably believes the use or show of deadly force is necessary for defense of self or others against death or serious physical injury during the lawful discharge of official duties;
5. Warning shots are only justified under the deadly force circumstances outlined under D. below. Warning shots pose a hazard to innocent parties and when and where they are applied as a show of force should be aimed to minimize the threat to persons;
6. Firing at a fleeing person is not permissible except as outlined under D.1. below; and
7. The authority to carry firearms carries with it an obligation and responsibility to exercise discipline, restraint and good judgment in their use.

Subject: USE OF FIREARMS, RESTRAINTS AND OTHER FORCE

D. Use of Force and/or Restraints:

1. Deadly force may be used as a last resort to prevent the loss of life and may be applied only upon a reasonable belief that death or serious physical injury is imminent. Deadly force may be used as a last resort to apprehend a fleeing felon only if the Probation Officer has a reasonable belief, based upon circumstances at the time, that the felon's escape will endanger life or inflict serious physical injury unless arrested without delay;
2. Non-deadly force may be applied under circumstances of self defense, arrest and to prevent injury to the Probation Officer or others and to stop a fleeing felon and may include the application of restraints;
3. Excessive force is never justified in the application of force by Probation Officers; and
4. Restraint Application:
  - a. Restraint equipment will be applied under all circumstances of arrest;
  - b. Restraints may be used as a precautionary measure against escape of an offender under escort for any purpose;
  - c. Restraints may be used to prevent self-mutilation, injury to others or property damage when other reasonable methods of control have been tried and have failed; and
  - d. Restraints may be used to immediately gain control of a violent or dangerous situation.

E. Firearms, Equipment and Ammunition:

1. The Department will provide authorized firearms, ammunition and equipment for all officers authorized to use them in accordance with this policy as outlined under A. above;
2. Firearms holsters and ammunition carriers will be provided by the Department. Officers may not provide nor utilize personal firearms, holsters or other weapons in the conduct of official business; and
3. Only authorized ammunition will be used in Department firearms.

F. Firearms Security:

1. Firearms and ammunition which are not in the possession of a qualified officer are to be secured in either a safe or file cabinet with a secure lock. A desk with a lock is not sufficient security;

## Subject: USE OF FIREARMS, RESTRAINTS AND OTHER FORCE

2. The District Supervisor in each office having firearms assigned shall maintain the arms not in use in a secure container with controlled access; and
3. The Regional Administrator may authorize suitable firearms and ammunition storage for District Offices requiring such to be in conformance with this policy.

G. Inventory:

An inventory of firearms and ammunition will be conducted annually by the District Supervisor in accordance with 302.06, Inventory Control.

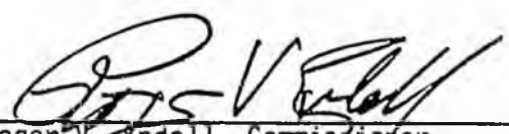
H. Training and Certification:

Training and certification in the use of firearms, restraints and other force will be accomplished in accordance with 401.04, Training For Specialized Groups of Employees, and 401.08, Firearms and Arrest Training For Probation Officers.

VII. IMPLEMENTATION:

This policy and procedure is effective as of the date signed by the Commissioner. Each Manager shall incorporate the contents of this document into local policy and procedure with 14 days. All local policies and procedures must conform to the contents of this document and any deviation from the contents of this document must be approved in writing by the Commissioner or designee.

DATE

August 15, 1986  
\_\_\_\_\_  
Roger V. Endell, Commissioner  
Department of Corrections

Forms applicable to this Policy.

INDEX #: 902.16A & B and 104.01

FORMS/A - Report of Carrying Firearm

B - Weapons and Ammunition Log

.01 - Special Incident Report

*Kayam*

STATE OF ALASKA

**DEPARTMENT OF CORRECTIONS**

X

STEVE COWPER, GOVERNOR

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 13, 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

March 19, 1990

Senator Jim Duncan  
Senate Finance Committee  
Pouch V  
Juneau, AK 99811

RE: SB 348

Dear Senator:

Senate Bill 348, which places Probation Officers in the Peace Officer's and Fireman's Retirement System will soon have a hearing in the Senate Finance Committee. I hope the information which appears below will help you in deliberations.

Probation Officers are defined as Peace Officers in AS 11.81.900 (30a). Likewise, Probation Officers are covered under the Alaska Police Standards Council Act, AS 18.65.130. Probation Officers arrest probationers (AS 33.05.070) and parolees (AS 33.16.240). Probation Officers carry guns (Department of Corrections Policy and Procedure 902.16). Probation Officers search the residences of probationers and parolees for weapons, stolen property, and drugs. All in all, Probation Officers encounter the same hazards and stresses as those experienced by other Peace Officers.

Examples of dangerous situations drawn from my own experience include an instance where an offender hired a private investigator to investigate not only myself but my family so 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. He shot out the windows of an office directly above the probation office. He thought he was shooting at our office and in subsequent hearings he was convicted of shooting at our office. That same day the windows in an apartment owned by the Chief Probation Officer were shot out.

While arresting an offender and booking him into Lemon Creek Correctional Center, he became enraged when I would not agree to release him and assaulted me in the booking office. Last year, it was necessary to obtain the assistance of the Juneau Police Department and the Alaska State Troopers to serve an arrest warrant on a probation violator. Since he would not come out of his residence we had to kick the door down and enter with guns drawn. This probationer was found extremely intoxicated with a rifle in easy reach.

Several years ago, I searched the residence of a probationer and found substantial quantities of cocaine and two machine guns. I often interview probationers and parolees at Lemon Creek Correctional Center. These are people whose probation I have revoked. They are, naturally, angry and hostile toward me and assault is always a distinct threat. Some Probation Officers work in Correctional Centers all the time. In doing so, they work next to Correction Officers who have

Senator Jim Duncan  
March 19, 1990  
page two

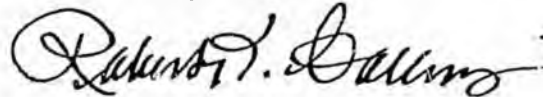
Peace Officer Retirement. This seems particularly unfair since both encounter the same stresses and dangers.

When I went to work for the Department of Corrections I was 32 years old. I felt that I was the physical equal (or perhaps better) of the 25 year old probationers and parolees with whom I dealt. Now, however, I am 48 years old. My caseload has remained in the 20-25 age group. In my opinion, it is unfair to me and a danger to the public to require older Probation Officers who are no longer the physical equal of their adversaries to arrest and struggle with younger, fitter, offenders.

All of our probationers and parolees are felons. We do not supervise misdemeanants. Thus, we supervise only the most dangerous kind of repeat offenders. 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, AK 99801  
789-2074 (home)  
465-3180 (work)

RKC/lc

cc: Keith Stell, Chief Probation Officer, Juneau

Jim:

This is all old news to you, but I wanted you to know what I'm sending to the other members of Senate Finance. Each of them got this letter. Thanks again for all your help.

Bob Collins

March 19, 1990



Senator Jim Duncan  
Senate Finance Committee  
Pouch V  
Juneau, AK 99811

RE: SB 348

Dear Senator:

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Several years ago, I searched the residence of a probationer and found substantial quantities of cocaine and two machine guns. I often interview probationers and parolees at Lemon Creek Correctional Center. These are people whose probation I have revoked. They are, naturally, angry and hostile toward me and assault is always a distinct threat. Some Probation Officers work in Correctional Centers all the time. In doing so, they work next to Correction Officers who have

RECEIVED

*Parham*

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.

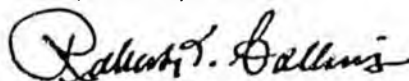
Letters of Support from  
Probation Officers Statewide

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,



Robert K. Collins  
Probation Officer III  
Juneau

RKC/cm  
Enclosure

Susan J. Ard  
P.O. Box 2748  
Sitka, AK 99835

Senator Jim Duncan  
P.O. Box 1  
Juneau, 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 probationers' 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

Charm 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 defendant 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

-12/7

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. Judd  
P.O. Box 2748  
Sitka, Alaska 99835

CC Representative Ben BRUSSENDORF  
Senator Richard ELIASON

November 21, 1989

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

RECEIVED NOV 27 1989

*Raymond  
A. [unclear]*

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*

December 8, 1989

*Parsons  
File*

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

110 Trading Bay Rd. #190  
Kenai, AK 99611

cc: Rep. Swackhammer

RECEIVED NOV 13 1989

Roxanne

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.

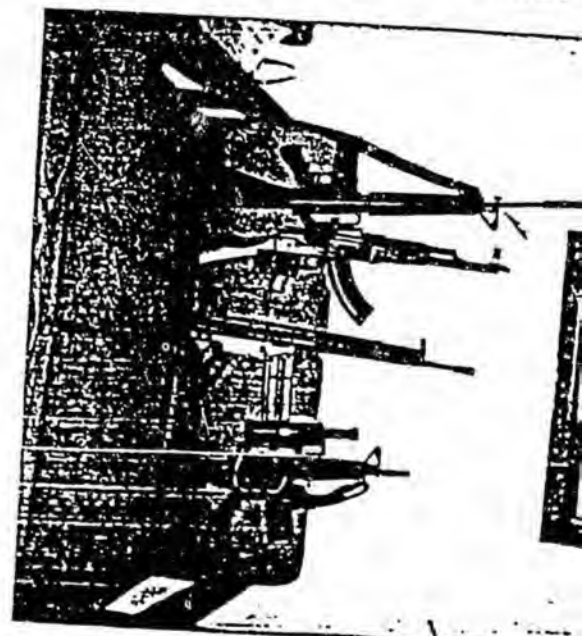
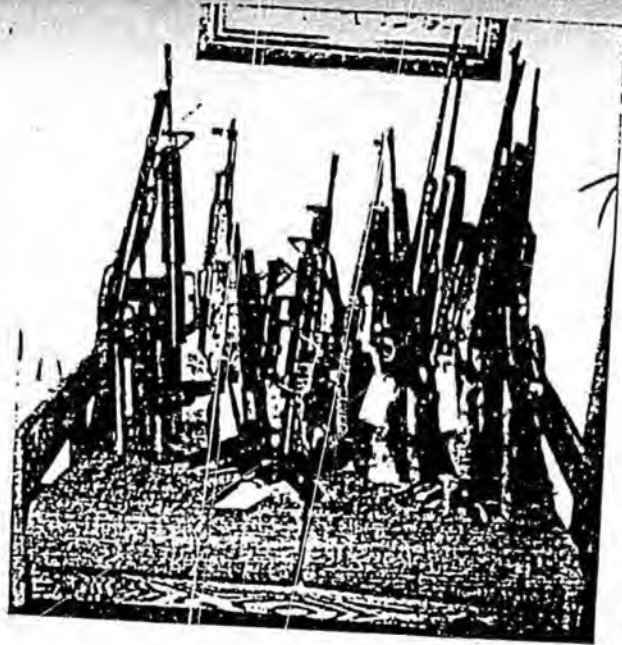
Sincerely,



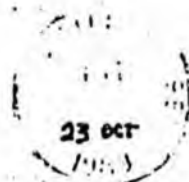
Keith Stell  
17025 Glacier Highway  
Juneau, Alaska 99801

KS:cm

cc Representative Fran Ulmer  
Representative Bill Hudson  
Representative Swackhammer



10/23/83



Patty Barnes  
415 main st rm 202  
Ketchikan, Alaska  
99901

BITCH,  
HELL  
IS  
COMING  
TO  
GET  
YOU!

RECEIVED DEC 26 1989

*Duncan*  
+ FLO

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.

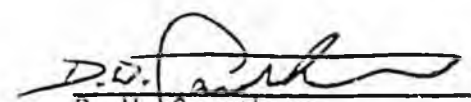
I wish to express my support of this bill and any actions you feel appropriate to have it passed into law.

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