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SENATE FINANCE COMMITTEE REPORT

DATE: 3/28/90

FURTHER:

DATE TURNED INTO OFFICE: 3/26/90

The Finance Committee considered

SB 348

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

and recommended:

- replace with _____ CS _____
 or adopt _____ CS _____
 attached amendment(s)
 _____ letter of intent adopted

- same title
 new title
 technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):
Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

SIGNING DO PASS:

Jim Duncan
Paul
Paul Frank

APPROVES PREVIOUS:

Dept/Date:
 fiscal note(s) _____

zero fiscal note(s) _____

DDA 2/12/90

OTHER RECOMMENDATIONS:

1. *John B. ...* 2. *Paul ... (DO PASS)*
Co-Chairs Signatures and Recommendations

STATE OF ALASKA
1990 LEGISLATIVE SESSION

Bill Version: SB 348
Publish Date: 2/13/90

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 *Sally Smith* Phone: 465-4470
Division: Retirement and Benefits Date: 2/12/90
Approved by Commissioner: Frank S. Baxter *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.

BY SEN. DUNCAN, Zharoff, Sturgulewski, Halford

1 IN THE SENATE

2

SENATE BILL NO. 348

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

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

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

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

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(28) "peace officer" or "fire fighter" means an employee

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occupying a position as a peace officer, chief of police, correctional

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officer, correctional superintendent, fire fighter, [OR] fire chief,

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or probation officer;

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* Sec. 2. An employee who was employed as a probation officer in the

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public employees' retirement system before the effective date of this Act,

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may convert the credited service for that position to credited service as a

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peace officer by claiming the service as peace officer service before the

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member is appointed to retirement. When the member claims this retroactive

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credited service, an indebtedness of the member to the system shall be

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established. The indebtedness is equal to (1) the contributions to the

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system that the probation officer would have made if the service had count-

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ed as peace officer service, less (2) the contributions to the system that

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the probation officer actually made. Interest as prescribed by regulation

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accrues on this indebtedness beginning July 1, 1991. Any outstanding

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indebtedness that exists at the time a person is appointed to retirement

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will require an actuarial adjustment to the benefits payable based upon the

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probation officer service.

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

Alaska State Legislature



SENATOR JIM DUNCAN

P. O. Box V JUNEAU, ALASKA 99811-3100
(907) 465-4766

COMMITTEES:
FINANCE
VICE CHAIR —
HEALTH EDUCATION
& SOCIAL SERVICES
BUDGET & AUDIT
BANKING &
ECONOMIC
DEVELOPMENT

MEMORANDUM

DATE: March 8, 1990

TO: Senator Rick Uehling, Co-Chair
Senate Finance Committee

FROM: Senator Jim Duncan

SUBJECT: Senate Bill 348, granting probation officers peace officer status.

MAR 8 1990

I request that you schedule Senate Bill 348, which will grant probation officers peace officer status in the Public Employees' Retirement System as soon as possible. I believe the nature of the duties and responsibilities of probation officers are such that they should be included in the 20 year and out system.

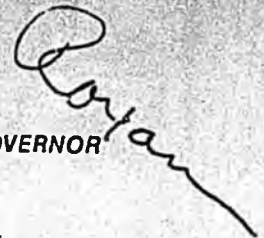
Field probation officers deal directly with felons in an uncontrolled environment while institutional probation officers perform evaluation and counseling in prison settings. Correctional officers who work side-by-side with institutional probation officers are classified as peace officers. When a correctional officer is promoted to a probation officer position, they must move from peace officer classification into the regular Public Employees' Retirement System. I feel in the interest of equity, we should act promptly to place probation officers in the 20 and out system.

There has been a considerable amount of support from Probation Officers throughout the State for passage of this legislation. I would appreciate the opportunity for a limited teleconference on the bill when it is scheduled. In addition, the Alaska Peace Officers Association and the Alaska Parole Board have endorsed SB 348.

Your favorable consideration of this request will be appreciated.

Attachments

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.

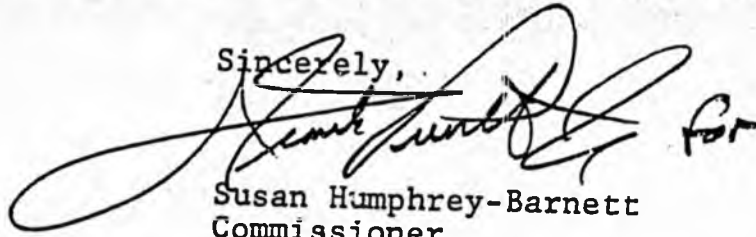
Because of this budget consideration and because Probation Officers are the next logical series to include, I would think Probation Officers would come before other personnel who have direct contact with inmates.

1109

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 cursive script, appearing to read "Susan Humphrey-Barnett for". The signature is written in black ink and is positioned above the printed name of the signatory.

Susan Humphrey-Barnett
Commissioner

SHB:dlh

State of Alaska 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. Probationer:**

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:

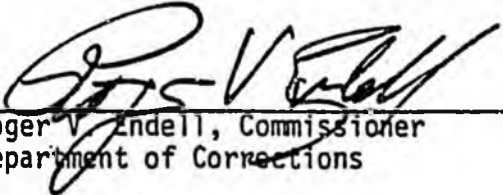
Training and certification in the use of firearms, restraints and other force will be accomplished in accordance with 401.04, Training For Specialized Groups of Employees, and 401.08, Firearms and Arrest Training For Probation Officers.

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

March 19, 1990

Senator Rick Uehling
Co-Chairman, 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 Rick Uehling
March 19, 1990
page two

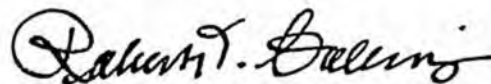
Peace Officer Retirement. This seems particularly unfair since both encounter the same stresses and dangers.

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

MAR 14 1990

March 9, 1990

Rick Uhelwig
Senate Finance Committee
Pouch V
Juneau, AK 99811

S.B. 348

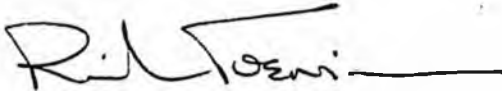
Dear Sir,

I have been advised that you and other members of your Committee are reviewing a Bill sponsored by Senator Jim Duncan and others which would place Probation Officers under the Peace Officer Retirement System. I am a Probation Officer at Hiland Mountain Correctional Center and would ask you for your support on this effort.

Correctional Officers have been members of the Peace Officers Retirement program since 1975. I work on a daily basis side by side with those officers. I come face to face on a daily basis with more felons than any Law Enforcement Officer sees in a month (they are on the retirement program, as well!!!).

I would appreciate your supporting this Bill and remembering us when it comes up for a vote on the floor. Thank you for your consideration of this letter and this matter.

Sincerely,



Rick Toenies, POII
Hiland Mtn. Corr. Ctr.
PO Box 600
Eagle Rv., AK 99577

STATE OF ALASKA

DEPARTMENT OF CORRECTIONS

BOARD OF PAROLE

STEVE COWPER, GOVERNOR

ALASKA BOARD OF PAROLE
P.O. BOX 7
JUNEAU, ALASKA 99811-2000
PHONE: (907) 485-3384

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:

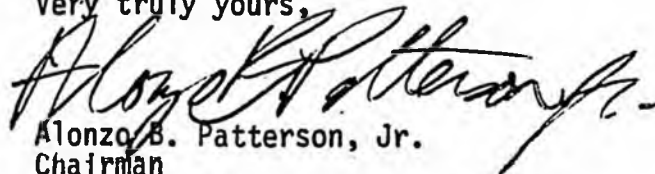
The members of the Alaska Parole Board would like to take this opportunity to commend you for the introduction & the support of Senate Bill 348. We strongly support this legislation.

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

ALASKA PEACE OFFICERS ASSOCIATION, INC.



Shirley A. Warner
PRESIDENT

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

Telephone
(907) 786-8451

PEACE OFFICERS ASSOCIATION

P.O. Box 240106 • Anchorage, AK 99524-0106 • (907) 376-8481

Payanne
file

Transcript RM 308



EXECUTIVE DIRECTOR

M. James Messick

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Fairbanks

Don Otis, Member
Juneau

John Shower, Member
Fairbanks

Greg Russell, Member
Kenai

Greg Hansen, Member
Anchorage

Terry Quanton, Member
Wasilla

CHAPTERS

Anchorage
Terry Marquart

Bethel
Simon Brown

Craig
James See

Fairbanks
Mike Judd

Kenai
Greg Russell

Juneau
Ted Bachman

Kotzebue
Carlos Salazar

Bristol Bay
Terry Rodgers

Palmer
Joe Pendergrass

Seward
Mike Chapman

Valdez
John Nealon

Ketchikan
LeRoy Mestas

Petersburg
Scott 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

Mike Miller
Box 2149A, Juneau, AK 99802
586-3067

February 6, 1990

Hon. Jim Duncan
Alaska State Senate
Capitol Building
Juneau, AK 99811

Dear Senator ~~Duncan~~: *JIM*:

I would like to take this opportunity to commend you for introducing SB 348.

You will no doubt recall that during my time in the legislature I was, like you, a strong advocate for the original Alaska Peace Officers retirement provisions in PERS and -- again, like you -- an equally strong advocate for the later inclusion of certain Department of Corrections employees in the plan.

I certainly agree with you that Probation/Parole officers should also be included in the Peace Officers provisions and that their inclusion is long overdue.

As you are aware, since my retirement from the House I've been a member of the Alaska Parole Board and from my position on that board I have come to have a deep and abiding respect for the Probation and Parole Officers of this state. Dealing now first-hand with the probationers and parolees these public servants are required to supervise, I have become more convinced than ever of the appropriateness of their inclusion in the Peace Officers plan.

Literal physical danger, heavy caseloads, and burnout are only a few of the reasons Probation Officers should be included. (Concerning danger: Just last week the Parole Board had before it a revoked parolee who obtained a gun and shot through the windows of what he thought was the local probation/parole office. He was upset because the parole officer was doing his job of supervising. Fortunately in this instance, no one was injured. But this example (which, incidentally, is not isolated) gives you some idea of the type of personality that probation/parole officers deal with on a daily basis. Heavy caseloads and burnout, though perhaps not as dramatic, are likewise standard conditions of this type of work. I would be glad to give you personal observations in these areas as well, if you wish.

Again, I commend you and your co-sponsors for initiating this legislation. If you feel it would be useful, feel free to share this letter with any of your colleagues.

Best personal regards.

Sincerely,


Mike Miller

January 29, 1990

Senator Jim Duncan
PO Box V
Juneau, Alaska 99801

Dear Senator Duncan:

Senate Bill 348, which places probation officers in the Peace Officers and Fireman's Retirement System will soon have a hearing in the Senate Health, Education and Social Services Committee. I urge you to pass this bill out of committee with a "due pass". I hope the information which appears below will help you in deliberations.

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

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

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

January 29, 1990
Page Two

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

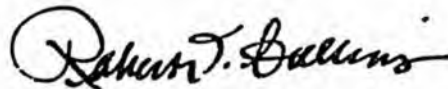
Several years ago, I searched the residence of a probationer and found substantial quantities of cocaine and two machine guns. Probationers and parolees often make threats of violence against probation officers and while I do not take each and every one of them seriously, cummulatively they cause a lot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

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

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

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

Very Truly Yours,



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

RKC/cm
cc Keith Stell, Chief Probation Officer, Juneau

PS: Jim, thanks so much for all your work.
It wouldn't be happening except for you,
B.

P.O. Box 33938
Juneau, AK 99803
January 11, 1990

RECEIVED JAN 16 1990

Handwritten note:
A
K
S
Z
Y
T
H
R
E
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The Honorable Jim Duncan
Alaska Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Duncan,

I was employed as a Probation Officer II by the Dept. of Corrections from February, 1978 through June, 1980 and by the Division of Family and Youth Services from July, 1980 through June, 1984. After years of receiving threatening phone calls and physical confrontations while with my family, and two serious attempts on my life, I quit probation. I am currently employed at Lemon Creek Correctional Center as a Correctional Officer III, monitoring Compliance with the "Cleary" court order.

From 1978 through 1980, I was the lead Probation Officer at Lemon Creek. Arnold Bradley, an inmate on my case load, was released from custody the summer of 1978. Prior to release, he vowed to beat me to a "bloody pulp" if he saw me on the streets. This was based on an earlier recommendation I had made to the Parole Board in which I described Bradley as being an extremely poor candidate for parole. While stopping at a local store with my wife, I encountered Bradley in the parking lot. He was intoxicated and extremely abusive, making a number of threats to me and my wife. While I was verbally fencing with him, my wife went to our car, removed a .357 I had received permission to carry, and pointed it at Bradley.

In February, 1980, Inmate Donny Hendrix, a very emotionally disturbed inmate with a long history of arsons committed against authority figures in his life, threatened to burn down my house. He cited my residence address, my wife's name, employer and work hours and the names of my children and their day care provider. About one month after his release, I saw Hendrix lurking about the neighborhood and contacted the Troopers. Hendrix admitted that he was "spying" on me, but denied any wrong doing. Shortly after he was arrested for, among other things, terroristic threats against Chief Prosecutor Dan Hickey. Hendrix had been talking about bombing the Attorney General's office because of some alleged wrong doing committed by Mr. Hickey.

In 1980, I switched to Juvenile Probation Field Services in Juneau, a move akin to going from the frying pan to the fire. Over the next four years, I was wounded when a female probationer threw a Chinese Flying Star at me while I was attempting to arrest her; I was assaulted at the Juneau Receiving Home by a drunken probationer; assaulted in my office by an irate 16 year old who outweighed me by 30 pounds; hit with numchucks twice; and almost thrown over the second floor railing of the Court Building while trying to stop a distraught parent from jumping over the railing to the foyer below.

September, 1982, I disarmed a 17 year old probationer after the Juneau Police Department had conducted a day long search for him. The probationer, R.R., had been given a suspended institutional order earlier in the year. After several months, his behavior had deteriorated and the boy's foster parent told him that I would be advised of his wrong behavior, which would mostly likely lead to a stay at McLaughlin Youth Center. R.R. decided that if he killed his probation officer, in this case me, he wouldn't have to go to McLaughlin. He proceeded to ransack his foster home, stealing a .44 magnum pistol with 40 rounds of ammo, then left a note saying that after he killed me, he would return to kill the foster parent. I literally ran into R.R. at Foodland, bumping into him as I left the store. He had the pistol in his pants and was attempting to draw it when I collided with him.

I "retired" in June, 1984, a victim of burnout. At that time I was effectively working seven days a week, sixteen hours a day. I was constantly receiving crisis calls from probationers, their parents, the Receiving Home or from JPD/AST to assist in juvenile arrests. The "retirement" was brief. I continued to receive calls and have threats made against me. In October, I was informed that R.R. had been released from McLaughlin and returned to Juneau. Shortly after his return, he attempted to purchase a firearm, telling several peers that he was going to finish the job he had started with me.

In January, 1985, I sustained a broken jaw, broken nose, broken ribs and lost 2 teeth when assaulted downtown by a group of four or five former clients. The basis for this assault was nothing more than revenge for acts I had committed in an official capacity while working as a Probation Officer.

I actually feel safer and more secure as a Correctional Officer than I ever did as a Probation Officer. Prisoners, as a rule, are less hostile and more accepting of supervision than probationers. Probationers tend to focus their anger at the P.O. rather than the nebulous "system" that prisoners express their anger towards. Also, a probation officer deals with the same people that a correctional officer does, but the P.O. is usually one on one, whereas in a correctional setting, there are always a number of staff on hand to diffuse any disturbance or disagreement.

I have long argued that Probation Officers face the same dangers and stresses that police and correctional officers do. I am strongly in support of including probation officers in the Peace Officer Retirement Program.

Sincerely,



N. L. Anderson

NLA/jmg

RECEIVED JAN 22 1990

*Raymond
File*

Jan. 11, 1990

Senator Jim Duncan
Alaska Legislature
Pouch M
Juneau, AK 99801

Dear Senator Duncan:

Like my fellow Probation Officers, I should like to take this opportunity to pass along helpful information regarding your bill putting probation officers under the Peace Officer Retirement System.

Have worked as a probation officer in Alaska since 1969 in Ketchikan and Anchorage. My degree is in psychology and I first began working with criminals at Montana State Prison in 1967. Most Criminal Justice Managers that I know from across the nation have adopted Peace Officer Retirement Programs or are moving in that direction. Factors of employee stress, risk and burnout are paramount to this issue.

In Alaska there are, in adult corrections, two basic types of probation officers. Those in the "field" who work with offenders who are on probation or parole and "institutional" probation officers who are assigned to correctional facilities such as Highland Mountain, Cook Inlet Pretrial Facility and Spring Creek located in Seward.

An issue long overlooked is that correctional officers have been in the Peace Officer Retirement System since 1975. Institutional Probation Officers share the same work place and the same proximity to prisoners as correctional officers do every day. Risk and stress factors are the same.

Community Probation Officers are those agents who daily are placed in the position of directing offenders into or away from certain behavior, placing restrictions upon them or becoming the authority responsible for the offenders loss of freedom when a condition of release has been violated. Occasionally, for their effort, threats are made against the officer and while most are hollow at best, the officers fear for his welfare and associated stress is no less greater. Here are some examples of threats

made against me.

1972: Father of a person I placed in custody threatens to kill me. He is stopped at a local air charter service in Ketchikan. He is intoxicated and has a rifle in his possession.

1973: I'm called at my office by a house parent at the local childrens home and asked to help with a problem involving two male residents. Upon my arrival at the childrens home I learned that the two male residents had attempted to set up an ambush. It was planned that as I walked in the door I would be struck with metal tubs removed from bunk beds.

1974: I travel by charter plane to Metlakatla, on Annette Island near Ketchikan to arrest a client. I locate him at his parents home and advise that I'm placing him under arrest and taking him back to Ketchikan. He wants to know if he can pack some clothing in the next room. Permission is granted and a few moments later he is heard loading a high powered rifle. After a few minutes of desperate pleading by his mother and this writer he puts the weapon down.

1976: An adult female person is shot by a high powered rifle in Ketchikan. The shooter called me at home soon afterwards and advised that he wanted to see me. He admits to shooting the woman but says he no longer has the weapon. I know from experience that this person does not like me so after advising him that I will meet him at a local hotel where he has a room I contact the local police department. The police subsequently go to the hotel and make an arrest. The person in question still has the rifle in his possession and advised police that he was going to shoot me.

1979: Disgruntled client threatens to kill me and members of my family when he is released from prison.

There have been other threats made against me throughout the years but this should give you some idea of what I have had to occasionally put up with. No threat has ever been carried out but the fear and stress of same to me and my wife has been real none the less.

No one can last in this business for thirty years and remain productive. Alaska is unable to attract competent employees because there are few incentives for them. And when they are hired they don't tend to stay very long. An example of this is the Anchorage Probation office. In the last twenty-four months there has been a 90% turnover in line officers. It takes two years to train a probation officer. Frequently employees will quit before training is complete.

I am hoping this information proves to be of benefit to you. We look forward to passage of this bill.

Thanking You in Advance

Barton Penny
4561 Sandy Beach Dr.
Anchorage, Ak. 99502
243-7666

RECEIVED

JAN 13 1990

*Debbie
Where is the
Return Address
For James*

January 11, 1990

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

Re: Peace Officer Retirement
for Probation Officers

Dear Senator Duncan:

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.

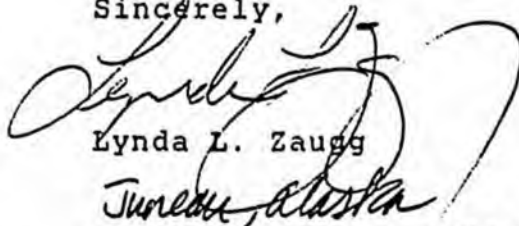
During my tenure in Sitka , my office was responsible for numerous smaller communities in the outlying area. On one of many trips to Angoon I was doing follow up on a complaint regarding a probationer. It was one of those situations where the community leaders wanted something done about a problem individual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

Juneau, Alaska

cc: Senator Adam
Senator Eliason
Senator Fisher, P
Senator Sturgulewski
Rep. Swackhammer

*P.O. Box 020805
Juneau, AK 99802*

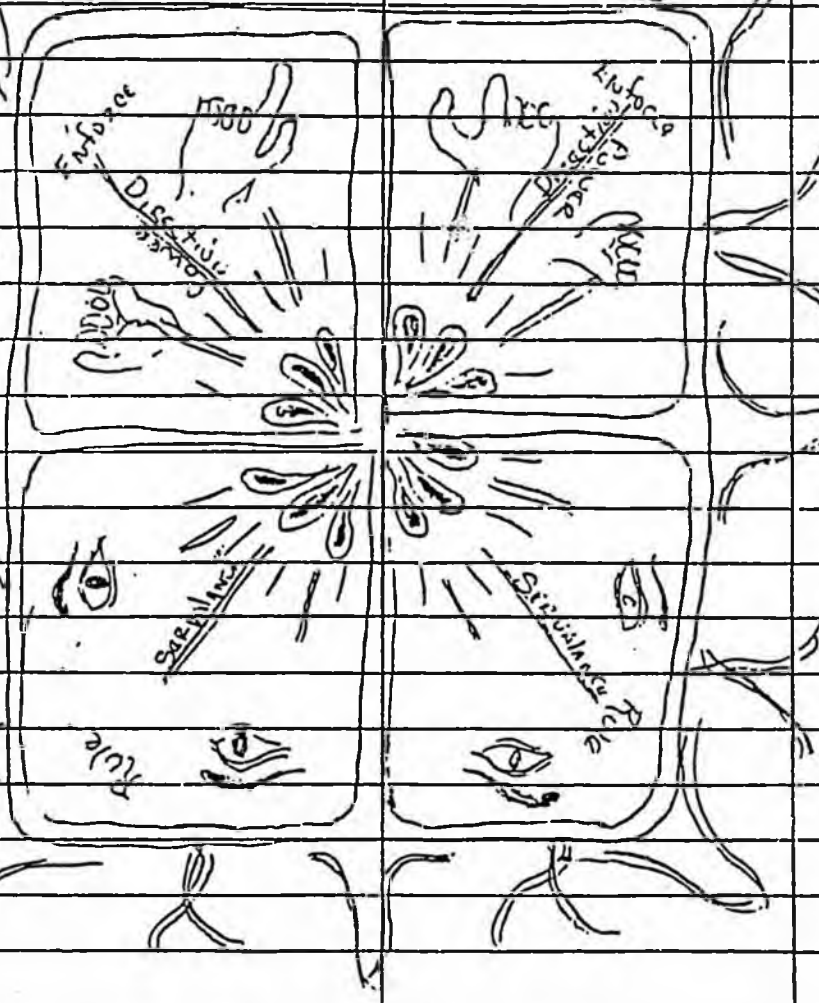
Probation will only hurt your self!!

Time Clock	Date	19	Driver		Cab No.	
	SPEEDOMETER	TOTAL MILES	PAID MILES	UNITS	TRIPS	EXTRAS
FINISH		She will die trying				
START		She is not helping anyone				
Mrs. Worked	DIF.	But going to hurt her self.				

TRIP	No. Pass.	TIME OUT	TIME IN	FROM	TO	OUT OF TOWN	CITY
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							

DICTATORSHIP - IS NOW!

I will not cooperate
I will not cooperate



I will not follow
I will not follow

DICTATORSHIP IS BETTER

GASOLINE	1	2	3	4	5	6	7	8	9	10	OIL	1	2	3	4	5
----------	---	---	---	---	---	---	---	---	---	----	-----	---	---	---	---	---

TRIP	No. Post.	TIME OUT	TIME IN	FROM GOOD	TO BAD	OUT OF TOWN	CITY
23					They have not DEVIED me, but		
24					only destroyed them selves.		
25					You have come to your FND.		
26	Edm			People	You that have come to hurt		
27	Edm			bliss	me ARE STARING at self destruction		
28	Edm			bliss	Right in the fac. For the Fox will		
29	Edm			bliss	Starting At my NERVES		
30	Edm			bliss	Arriving		
31	Edm			bliss	Make my des. of		
32	Edm			bliss	Truth. (Only here)		
33	Edm			bliss	MAKE me happy		
34	Edm			bliss	and a here		
35	Edm			bliss	THE		
36	Edm			bliss	THE		
37	Edm			bliss	THE		
38	Edm			bliss	THE		
39	Edm			bliss	THE		
40	Edm			bliss	THE		
41	Edm			bliss	THE		
42	Edm			bliss	THE		
43	Edm			bliss	THE		
44	Edm			bliss	THE		
45	Edm			bliss	NEVER SURVIVE. OR AN OTHER ALTERNATIVE		
46	Edm			bliss	Self destruction will be on my part		
47	Edm			bliss	suffered. Two failures me nothing.		
48	Edm			bliss	The third is the one that counts.		
49	Edm			bliss	You will suffer which ever direction		
50	Edm			bliss	You will stop.		

INCIDENT REPORT

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

DESCRIBE INCIDENT: _____
 RULE INFRACTION _____

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

1. One piece of metal approximately two and one half inches wide and approximately two and one half feet long fashioned and sharpened into a sword type knife. This item was located in the air vent in the janitorial closet in the basement. NOTE: It was necessary for me to aquire 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 _____

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
 11/27/85*

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

REVIEWED BY SUPERINTENDENT _____

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

RECEIVED DEC 26 1989

James Duncan + 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.

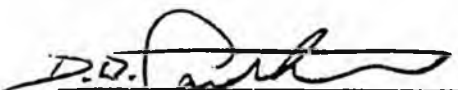
I wish to express my support of this bill and any actions you feel appropriate to have it passed into law.

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

November 21, 1989

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

RECEIVED NOV 27 1989

*Raymond
P. Kelly*

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

*Juneau
Lemon Creek Corr-Ctr*

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

Senator Jim Duncan
P.O. Box V
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 enlisted 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

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

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

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

In conclusion, there is always the potential

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. Toed

P.O. Box 2748

SITKA, ALASKA 99835

CC Representative Ben GRUSSENDORF
Senator Richard ELIASON

Alaska State Legislature

HOUSE OF REPRESENTATIVES



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1989

REPRESENTATIVE FRAN ULMER

November 13, 1989

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

Dear Senator Duncan:

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

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

Sincerely,

Handwritten signature of Fran Ulmer in cursive script.
Fran Ulmer

Ketchikan

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 Duncar,
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.

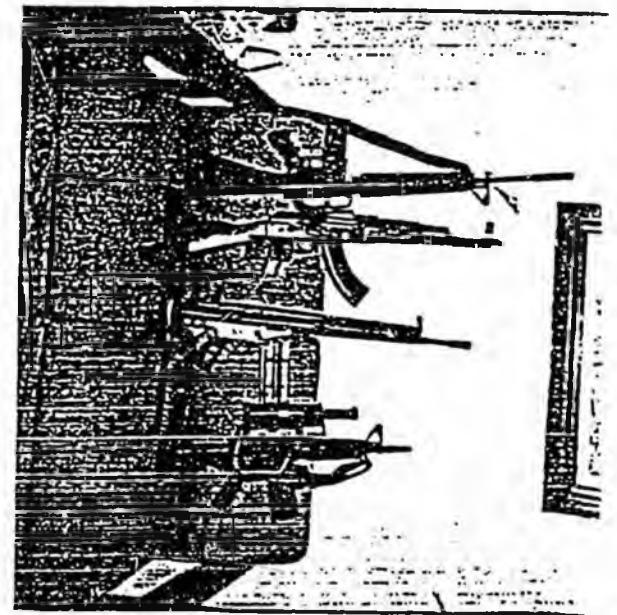
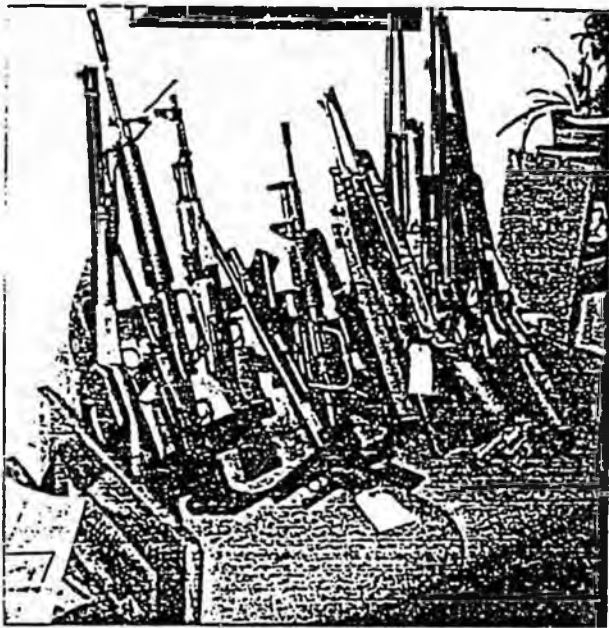
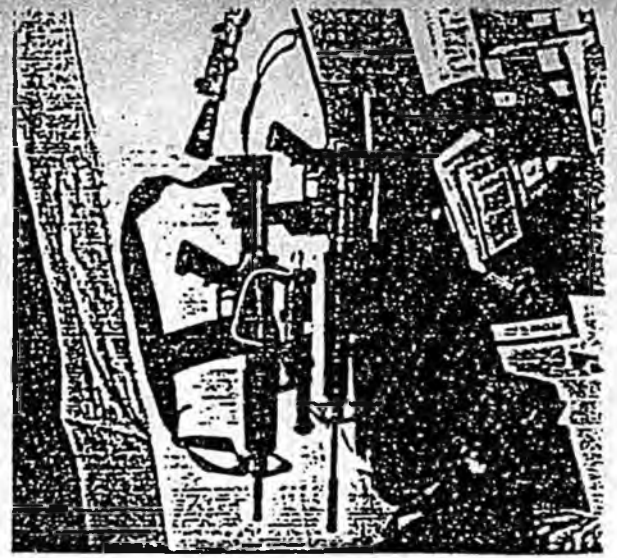
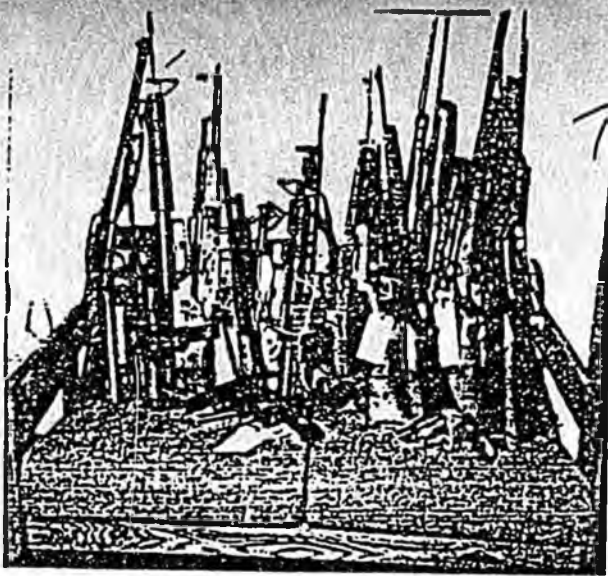
Sincerely,



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!

RECEIVED

Carlson

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.

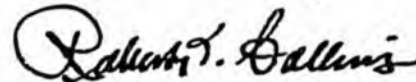
We routinely arrest probationers and parolees and are empowered to do so by statute (AS 33.05.070 and 33.16.240). In July, 1987 I accompanied several Juneau police officers and Alaska State Troopers to the residence of Daniel Trapp, a probation absconder. Mr. Trapp refused to answer our instructions 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,



Robert K. Collins
Probation Officer III
Juneau

RKC/cm
Enclosure

RECEIVED OCT 27 1989

File

October 23, 1989

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

Dear Senator Duncan:

Great news has been forwarded to us of the job well performed in your recent introduction of a bill recognizing Probation Officers be implemented in the Peace Officers retirement. Your work, support and action on our behalf is greatly appreciated. Contact has been made to our State Senator and House Representative in Juneau, Alaska, requesting they support or co-sponsor your bill.

Again, Senator, great thanks for your recent work and support of the bill.

Sincerely,

Paul P. Smith
Paul P. Smith
Probation Officer III

Donald L. Constantine
Donald L. Constantine
Probation Officer II

Rebecca A. Hildreth
Rebecca A. Hildreth
Probation Officer II

Robert D. Rearden
Robert D. Rearden
Probation Officer I

*P.O. Box 1114
Bethel, Alaska 99559-1114*

RECEIVED OCT 24 1989

Royanne

October 23, 1989

Senator Jim Duncan
P. O. Box "V"
Juneau, AK 99811-3800

Dear Senator Duncan,

I am writing this letter to express my appreciation concerning the bill you have submitted which would grant probation officers law enforcement retirement.

As you are aware, probation officers believe that peace officer retirement is long overdue. We will do whatever we can to generate support for the bill and trust that you will work vigorously to see that it passes.

If there is anything that myself or other probation officers can do to assist you in the passage of this bill, please let us know. Once again, a sincere thanks for sponsoring the bill and for considering the interests of state employees. There are many of us who will not forget your efforts past and present.

Sincerely,

Curt Geoffrion

Curt Geoffrion
District Supervisor
Adult Probation
Kenai

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0-1

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 under the council who do not receive peace officer retirement. 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.

Probation Officers are vitally concerned - as are other Peace Officers - about the rampant drug use taking place in the communities of Alaska. In the war on drugs, however, the Probation Officer is often forgotten. When it comes to funding the PO is often overlooked. More and more cases etc., etc. But beyond that, it should be noted that an ever increasing number of the Probation Officer's cases are drug related. These cases can be very hazardous. There is often a great deal of money involved and in many cases - guns.

The photographs of the confiscated guns from the Northern District Probation Office are representative of firearms seized through drug related crimes. Many of the threats made on the lives of Probation Officers are drug related as a result of the Probation Officer simply doing his/her job in arresting or rearresting some dope dealer. The job is hazardous and stressful. Recognition of Peace Officer status for retirement purpose is a very positive step the Legislature can take to recognize the need to compensate these officers for the years of work protecting society.

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.

Kayam

DEPARTMENT OF CORRECTIONS

STEVE COWPER, GOVERNOR

REPLY TO:

- X 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

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: University of Alaska
 Title: An Act Granting Probation
Officers Status of Peace Officers BRU: All
 Sponsor Under PERS Duncan Components: _____
 Requestor: _____

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						
TOTAL OPERATING	19.1	19.1	19.1	19.1	19.1	19.1

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	19.1	19.1	19.1	19.1	19.1	19.1
FEDERAL FUNDS						
OTHER						
TOTAL	19.1	19.1	19.1	19.1	19.1	19.1

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)

This fiscal note did not accompany the bill.

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>



Brian Rogers
Vice President for Finance
(907) 474-7448

University of Alaska
Fairbanks, Alaska 99775-5260

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 handwritten signature in black ink, appearing to read "BR", written over a horizontal line.

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