

**HB**

**474**

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO: HB 474**

Revision Date: 4-7-98 Dept. Affected: Alaska Police Standards Council  
 Title: An Act... relating to Correctional Officers BRU: Alaska Police Standards Council  
 Sponsor: House Judiciary Component: \_\_\_\_\_  
 Requestor: (H) Jud COMPONENT SERIAL NO. \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL EXPENDITURES</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	-0-	-0-	-0-	-0-	-0-	-0-
1006 GF/MHTIA						
Other						
<b>TOTAL</b>						

Estimate of current year (FY 98) impact: \$ -0-

**POSITIONS:**

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

**ANALYSIS: (Attach a separate page if necessary.)**

The purpose of HB 474 is to provide the Alaska Police Standards Council regulatory authority for certification and training to Municipal Correctional Officers hired under contract by the Department of Corrections. Estimates are to train a minimum of 15 officers per year at a cost of \$ 1500.00 per officer for the 120 hour course. The Alaska Police Training Fund allows for the establishment of training programs through the Alaska Police Standards Council, such as the Department of Corrections Municipal Correctional Officer Academy.

Prepared By: Laddie Shaw Phone: 465-4378  
 Division: Alaska Police Standards Council Date: 4-7-98  
 Approved by Commissioner: *Ronald L. Otte* Date: 4/7/98  
 Agency: Ronald L. Otte, Dept. of Public Safety

# Alaska State Legislature

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Representative Joe Green  
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## SPONSOR STATEMENT

### HOUSE BILL 474

“An act relating to the Police Standards Council”

The Alaska Police Training Fund, created by the legislature, was established January 1, 1996. The purpose of this fund is to “...provide a stable funding source for law enforcement and corrections officer training...” To this end, the legislature established a schedule of surcharges to be applied to various offenses and provided that the equivalent of the surcharges be deposited in the Police Training Fund. This fund allows for the establishment of training programs through the Alaska Police Standards Council, such as the Department of Corrections Municipal Corrections Officer Academy.

HB 474 amends the Alaska Police Standards Council minimum standards for Probation, Parole, and Corrections Officers to include Municipal Correction Officers. Its purpose is to provide the Alaska Police Standards Council regulatory authority for certification and training of Municipal Correctional Officers hired under contract by the Department of Corrections.

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PROPOSED  
ALASKA POLICE STANDARDS COUNCIL  
ARTICLE 2  
MINIMUM STANDARD FOR PROBATION, PAROLE, [AND]  
CORRECTIONAL OFFICERS AND MUNICIPAL  
CORRECTIONAL OFFICERS

13 AAC 85.200. APPLICABILITY

- (a) The requirements of 13 AAC 85.200 - 13 AAC 280, except for 13 AAC 85.215 and 13 AAC 85.235, apply to probation, parole, and correctional officers hired or rehired by [A CORRECTIONAL AGENCY] the Department of Corrections six months or more after the effective date of 13 AAC 85.215 and 13 AAC 85.235 and those previously hired officers who seek to become certified after the effective date of 13 AAC 85.215 and 13 AAC 85.235;
- (b) The requirements of 13 AAC 85.200 - 13 AAC 85.280, except for 13 AAC 85.210 and 13 AAC 85.230 apply to municipal correctional officers hired or rehired by a municipality six months or more after the effective date of 13 AAC 85.215 and 13 AAC 85.235 and those previously hired officers who seek to become certified after the effective date of 13 AAC 5.215-13 AAC 85.235. This subsection only applies to those municipal correctional officers employed by a municipality that has adopted an ordinance under AS18.65.285 that requires a person employed at a municipal correctional facility to meet the requirements of AS 18.65.130-18.65.290.

(NEW) 13 AAC 85.215. BASIC EMPLOYMENT STANDARDS FOR MUNICIPAL CORRECTIONAL OFFICERS

- (a) A municipality operating a correctional facility under contract with the State Department of Corrections may not hire a person as a municipal correctional officer unless the person meets the following minimum qualifications:
- (1) is a citizen of the United States, or a resident alien who has demonstrated the intent to become a citizen of the United States;
  - (2) is 19 years of age or older;
  - (3) is of good moral character;
  - (4) is capable of reading, understanding and has demonstrated the ability to apply operational rules and policies;
  - (5) is, at the time of hire, certified by a licensed physician, certified physicians assistant, or nurse practitioner on a medical form supplied by the council to be physically sound and free from physical handicaps, including vision, hearing, and speech impairments that would, even with a reasonable accommodation, adversely affect performance as a municipal correctional officer.

- (b) A municipality may not hire as a municipal correctional officer a person,
- (1) who has been convicted of a felony by a civilian court of this state, the United States, or another state or territory, or by a military court;
  - (2) who has been convicted by a civilian court of this state, the United States, or another state or territory, or by a military court, during the three years immediately before hire as a municipal correctional officer, of a misdemeanor crime of dishonesty or moral turpitude, of a misdemeanor crime that resulted in serious physical injury to another person, or of two or more DWI offenses;
  - (3) who has been convicted by a civilian court of this state, the United States, or another state or territory, or by a military court, of the sale, possession for purposes of sale, manufacture, or transport of controlled substances;
  - (4) who has within three years before the date of hire, illegally used a controlled substance other than marijuana unless the person was under the age of 21 years at the time of using the controlled substance;
  - (5) who has been denied any certification by the council or has had a basic certificate revoked by the council regarding qualifications to be a municipal correctional officer, unless the denial or revocation has been rescinded by the council.
- (c) A municipality must within 90 days after the date of hire, confirm that the person hired as a municipal correctional officer meets the standards of (a) and (b) of this section. Upon written request by the municipality, the council will in its discretion, grant an extension of the 90 day period if the council determines that the person will probably be able to meet the standards by the end of the extension period. If a municipality concludes at the end of an investigation that a person does not meet the required standards, the agency shall immediately discharge the person from employment as a municipal correctional officer. When determining whether a person meets the standards of (a) and (b) of this section, the municipality shall
- (1) obtain proof of age, citizenship status, and applicable education;
  - (2) obtain fingerprints on two copies of FBI applicant card FD-258, and forward both cards to the automated fingerprint identification section of the Department of Public Safety;
  - (3) obtain a complete personal history of the person on a form supplied or approved by the council;
  - (4) conduct a thorough personal-history investigation of the person to determine character traits and habits indicative of moral character and fitness as a municipal correctional officer, which includes a criminal history, wants and warrants check, a check of



**13 AAC 85.220. PERMANENT EMPLOYMENT FOR PROBATION, PAROLE, [AND] CORRECTIONAL OFFICERS AND MUNICIPAL CORRECTIONAL OFFICERS.**

- (a) A correctional agency may not grant a person permanent status as a probation, parole, or correctional officer unless the person has a current basic certificate issued by the council under 13 AAC 85.230; or as a municipal correctional officer unless the person has a current basic certificate issued by the council under 13 AAC 85.235.
- (b) A correctional agency may not employ a person as a probation, parole, or correctional officer, or municipal correctional officer for more than 14 consecutive months unless the person has a current basic certificate issued by the council under 13 AAC 85.230 or 18 AAC 85.235, or an extension is granted under (c) of this section.
- (c) The council will, in its discretion, grant an extension for employment for longer than 14 consecutive months if the chief administrative officer of the correctional agency makes a written request for extension and certifies that the agency is temporarily understaffed. An extension will not exceed six months.

**13 AAC 85.230. BASIC CERTIFICATE FOR PROBATION, PAROLE AND CORRECTIONAL OFFICERS (No Change Except for Title)**

**(NEW) 13 AAC 85.235. BASIC CERTIFICATE FOR MUNICIPAL CORRECTIONAL OFFICERS**

- (a) The council will issue a basic certificate to a municipal correctional officer meeting the standards set out in this section. No certificate will be issued unless documents required under 13 AAC 85.215 are submitted to the council.
- (b) To be eligible for the award of a basic municipal correctional officer certificate, an applicant must
  - (1) successfully complete the Department of Corrections basic municipal correctional officer training program meeting the standards set out in 13 AAC 87.075 and field training required by 13 AAC 85.215;
  - (2) be a full time, paid municipal correctional officer employed by a correctional agency in Alaska;
  - (3) have worked 12 consecutive months as a municipal correctional officer on a probationary status with the participating municipality where the applicant is employed at the time of application for certification;
  - (4) meet the basic employment standards set out in 13 AAC 85.215; and
  - (5) attest and subscribe to the municipal correctional officer Code of Ethics.
- (c) The municipal correctional officer Code of Ethics is:  
As a municipal correctional officer, my fundamental duty is to respect the

dignity and individuality of all people, to provide professional and compassionate service, and to be unfailingly honest. I will respect the right of the public to be safeguarded from criminal activity, and will be diligent in recording and making available for review all case information that could contribute to sound decisions affecting the public safety, or an inmate. I will maintain the integrity of private information, and will neither seek personal data beyond that needed to perform my duties, nor reveal case information to anyone not having a proper professional use for the information. In making public statements, I will clearly distinguish between those that are my personal views and those that are made on behalf of the agency. I will not use my official position to secure privileges or advantages for myself, and will not accept any gift or favor that implies an obligation inconsistent with the objective exercise of my professional duties. I will not act in my official capacity in any matter in which I have a personal interest that could in the least degree impair my objectivity. I will not engage in undue familiarity with inmates. I will report any corrupt or unethical behavior of a fellow municipal correctional officer that could affect either an inmate or the integrity of the agency, but will not make statements critical of colleagues or other criminal justice agencies unless the underlying facts are verifiable. I will respect the importance of, and cooperate with, all elements of the criminal justice system, and will develop relationships with colleagues to promote mutual respect for the profession and improvement of the quality of service provided.

- (d) Notwithstanding (a) and (b) of this section, the council will, in its discretion, issue a basic municipal correctional officer certificate, to an applicant with a current basic correctional officer certificate in this or another state, or a certificate which has lapsed for a period of less than five years. The council will in its discretion, require supplemental training by the applicant, as a condition of issuing a certificate under this subsection.
- (e) College credits or degrees awarded by an institution of higher learning will be recognized by the council only if the institution is accredited by the National Association of Post-Secondary Education.

#### 13 AAC 85.240. WAIVER AND RECIPROCITY

- (a) The council will, in its discretion, waive part or all of the training required under 13 AAC 85.230(b)(1) or (c)(1) or 13 AAC 85.235 (b)(1) if an applicant furnishes satisfactory evidence of successful completion of an equivalent training program.
- (b) The council will, in its discretion, enter into reciprocity agreements for certification with states that regulate or supervise the quality of probation, parole or correctional officer training, or municipal correctional officer training and that require training standards for probation, parole, or correctional officers, or municipal correctional officers equivalent to the standards set by the council.

- (c) Notwithstanding (a) of this section, the council will not grant a waiver if the applicant was previously issued a certificate that lapsed more than five years before the waiver was sought.

### 13 AAC 85.250. PERSONNEL REPORTS

- (a) A correctional agency shall report to the council the name, address, and other pertinent information concerning each newly appointed probation, parole [OR], correctional officer or municipal correctional officer within 30 days after the probation, parole [OR], correctional officer, or municipal correctional officer is appointed.
- (b) If a probation, parole [OR], correctional officer, or municipal correctional officer resigns or is terminated from the agency, the agency shall notify the council within 30 days after the resignation or termination and shall state the reason for the resignation or termination.
- (c) Forms for the notification required in (a) and (b) of this section will be supplied by the council. The council will keep the information, and will, in its discretion, furnish it to an agency that has hired or is considering the hire of a person who resigned or was terminated from employment as a probation, parole, [OR] correctional officer, or municipal correctional officer.

### 13 AAC 85.260. DENIAL OF CERTIFICATE

- (a) The council will, in its discretion, deny a basic certificate upon a finding that the applicant for the certificate
  - (1) falsified or omitted information required to be provided on the application for certification or on supporting documents; or
  - (2) has been discharged or resigned under threat of discharge, for cause other than dishonesty or misconduct, from employment as a probation, parole or, correctional officer, or municipal correctional officer in this state or any other state or territory.
- (b) The council will deny a basic certificate upon a finding that the applicant for the certificate
  - (1) has, after hire as a probation, parole, [OR] correctional officer, or municipal correctional officer, been convicted of a felony or of a misdemeanor crime listed in 13 AAC 85.210(b)(2), or 13 AAC 85.215(b)(2) or (3), as applicable;
  - (2) has, after hire as a probation, parole, [OR] correctional officer, or municipal correctional officer
    - (A) used marijuana;
    - (B) illegally used or possessed any other controlled substance;
    - or
    - (C) illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance;
  - (3) does not meet the standards in 13 AAC 85.210, or 13 AAC

85.215. as applicable; or

- (4) has been discharged or resigned under threat of discharge, for cause relating to dishonesty or misconduct, from employment as a probation, parole, [OR] correctional officer, or municipal correctional officer in this state or any other state or territory.
- (c) The executive director may act on an application for certification, consistent with standards and qualifications adopted by the council and consistent with AS 18.65.130 - 18.65.290. The executive director may deny an application if the applicant does not satisfy those requirements. An applicant aggrieved by the decision of the executive director may petition for review of that decision by the council. The council's review of that decision is controlled by the Administrative Procedures Act.
- (d) If a person has been denied a basic certificate under this section, the person may petition the council for rescission of the denial after one year following the date of the denial. The petitioner must state in writing the reasons why the denial should be rescinded. A denial will, in the discretion of the council, be rescinded for the following reasons:
- (1) Newly discovered evidence that by due diligence could not have been discovered before the effective date of the denial;
  - (2) the denial was based on a mistake of fact or law or on fraudulent evidence; or
  - (3) conditions or circumstances have changed so that the basis for the denial no longer exists.
- (e) If a petition for rescission is based on one or more of the reasons set out in (d) of this section, a hearing on the petition for rescission will be held before a hearing officer or the council. Following the hearing, the council will decide whether to rescind the denial, and will state on the record at the hearing, or in writing, the reasons for the decision. If the denial is rescinded, the applicant is eligible for hire by a correctional agency, but must serve the full probationary period required under 13 AAC 85.230 or 13 AAC 85.235, as applicable, before reapplying for certification.

#### 13 AAC 85.270. REVOCATION OF CERTIFICATE

- (a) The council will, in its discretion, revoke a basic certificate upon a finding that the holder of the certificate
- (1) falsified or omitted information required to be provided on an application for certification, or in supporting documents;
  - (2) has been discharged or resigned under threat of discharge, for cause other than for dishonesty or misconduct, from employment as a probation, parole, [OR] correctional officer, or municipal correctional officer in this state or any

- other state or territory; or
- (3) does not meet the standards in 13 AAC 85.210 (a) or (b) or 13 AAC 85.215 (a) or (b), as applicable.
- (b) The council will revoke a basic certificate upon a finding that the holder of the certificate
- (1) has, after hire a probation, parole, [OR] correctional officer, or municipal correctional officer, been convicted of a felony or of a misdemeanor crime listed in 13 AAC 85.210 (b)(2) or 13 AAC 85.215 (b)(2) or (b)(3), as applicable;
- (2) has, after hire as a probation, parole, [OR] correctional officer, or municipal correctional officer.
- (A) used marijuana;
- (B) illegally used or possessed any other controlled substances; or
- (C) illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substances; or
- (3) has been discharged or resigned under threat of discharge, for cause relating to dishonesty or misconduct, employment as a probation, parole, [OR] correctional officer, or municipal correctional officer in this state or any other state or territory.
- (c) The executive director of the council may initiate proceedings under the Administrative Procedure Act for the revocation of a certificate issued by the council when the revocation complies with AS 18.65.130 - 18.65.290 and 13 AAC 85.200 - 13 AAC 85.280.
- (d) If a basic certificate was revoked under this section, the former probation, parole, [OR] correctional officer, or municipal correctional officer may petition the council for rescission of the revocation after one year following the date of the revocation. The petitioner must state in writing the reasons why the revocation should be rescinded. A revocation will, in the discretion of the council, be rescinded for the following reasons:
- (1) Newly discovered evidence that by due diligence could not have been discovered before the effective date of the revocation;
- (2) the revocation was based on a mistake of fact or law or on fraudulent evidence; or
- (3) conditions or circumstances have changed so that the basis for the revocation no longer exists.
- (e) If a petition for rescission is based on one or more of the reasons set out in (d) of the section, a hearing on the petition for rescission will be held before a hearing officer or the council. Following the hearing, the

council will decide whether to rescind the revocation, and will state on the record at the hearing, or in writing, the reasons for the decision. If the revocation is rescinded, the petitioner is eligible for hire by a correctional agency, but must serve the full probationary period required under 13 AAC 85.230 or 13 AAC 85. 235. as applicable. before applying for reinstatement of a basic certificate.

**13 AAC 85.280. LAPSE OF CERTIFICATE**

- (a) A basic certificate lapses if the holder is not employed as a probation, parole, [OR], correctional officer, or municipal correctional officer with a correctional agency for a period of 12 consecutive months.
- (b) A person may request reinstatement of a lapsed certificate after serving an additional 12-month probationary period. The council will, in its discretion, require supplemental training as a condition of reinstatement. A certificate will not be reinstated if it has lapsed for more than five years.

**(NEW) 13 AAC 85.900. DEFINITIONS**

In this chapter,

- (1) "controlled substance" means a controlled substance as defined in AS 11.71.900 ;
- (2) "correctional agency" means the Department of Corrections or a municipality that has adopted an ordinance under AS 18.65.285 that requires a person employed at a municipal correctional facility to meet the requirements of AS 18.65.130 - 18.65.290;
- (3) "correctional officer" means a person [(A)] appointed by the commissioner of corrections whose primary duty under AS 33.30 is to provide custody, care, security, control, and discipline of persons charged or convicted of offenses against the state or held under authority of state law; [OR(B) EMPLOYED IN A MUNICIPAL CORRECTIONAL FACILITY BY A MUNICIPALITY THAT IS A CORRECTIONAL AGENCY];
- (4) "council" means the Alaska Police Standards Council;
- (5) "felony" means a crime classified as a felony in Alaska at the time the crime was committed; a conviction in another jurisdiction by a civilian or military court is a felony conviction if the crime has elements similar to those of a felony under Alaska law at the time the offense was committed; a completed suspended imposition of sentence, expungement of record, or a pardon does not remove a felony conviction from a person's record;

- (6) "for cause relating to dishonesty or misconduct" means acts or conduct that would cause a reasonable person to have substantial doubts about an individual's honesty, fairness, and respect for the rights of others and for the laws of the state and the United States or that are detrimental to the integrity of the department or agency where the officer works, including
- (A) illegal conduct, including the illegal purchase, use, possession, transportation, distribution, cultivation, manufacture, or sale of any controlled substance, any imitation controlled substance, or alcohol in an area that has adopted a local option under AS 04.11.490-04.11.500;
  - (B) conduct involving moral turpitude, including dishonesty, fraud, deceit, or misrepresentation in an application, examination, or other document for securing employment, eligibility, or certification;
- (7) "good moral character" means the absence of acts or conduct that would cause a reasonable person to have substantial doubts about an individual's honesty, fairness, and respect for the rights of others and for the laws of the state and the nation; for purposes of this standard, a determination of lack of "good moral character" is not restricted to acts that reflect moral turpitude, but may be based upon a consideration of all aspects of a person's character; the following are indicia of a lack of good moral character:
- (A) illegal conduct;
  - (B) conduct involving moral turpitude, including dishonesty, fraud, deceit, or misrepresentation;
  - (C) intentional deception or fraud, or attempted deception or fraud in an application, examination, or other document for securing employment, eligibility, or certification;
  - (D) conduct that adversely reflects on a person's fitness to perform as a police, probation, parole, [OR] correctional officer, or municipal correctional officer; examples include intoxication while on duty, unauthorized absences from duty not involving extenuating circumstances, or a history of personal habits off the job which could affect the officer's performance on the job, such as excessive use of alcohol; undue familiarity with inmates,

probationers, or parolees is conduct that adversely reflects on a person's fitness to perform as a probation, parole, [OR] correctional officer, or municipal correctional officer;

- (E) illegal purchase, use, possession, transportation, distribution, cultivation, manufacture, or sale of any controlled substance, any imitation controlled substance, or alcohol in an area that has adopted a local option under AS 04.11.490-04.11.500;
- (8) "imitation controlled substance" means an imitation controlled substance as defined in AS 11.73.099 ;
- (9) "misdemeanor" means a crime classified as a misdemeanor in Alaska at the time the crime was committed; a conviction in another jurisdiction by a civilian or military court is a misdemeanor conviction if the crime has elements similar to those of a misdemeanor under Alaska law at the time the offense was committed; a completed suspended imposition of sentence, expungement of record, or a pardon does not remove a misdemeanor conviction from a person's record unless the offense was committed by the person before the age of 21;
- (10) "moral turpitude" means an act
  - (A) contrary to justice, honesty, principle, or good morals;
  - (B) that violates the private and social duties that a person owes to another or to society in general; or
  - (C) that is immoral in itself, regardless of illegality;
- (11) "municipal correctional officer" means a person employed by a municipality in a municipal correctional facility on a full time basis
  - (A) where the facility is operated under a contract with the Department of Corrections, and the municipality has adopted an ordinance under AS 18.65.265 that requires a person employed at a municipal correctional facility to meet the requirements of AS 18.65.130-8.65.290;and
  - (B) whose primary duty is to provide custody, care, security and control of persons charged or convicted of offenses against the state or held under authority of state law: the term "municipal correctional officer" does not include emergency guard hires who are not required to be certified under this chapter:
- [11] (12) "parole officer" means a person appointed by the

- commissioner of corrections to perform the duties of supervising the parole of prisoners under AS 33.16 ;
- [12] (13) "participating police department" includes the Alaska Department of Public Safety and a police department of any political subdivision of the state that has not excluded itself under the provision of AS 18.65.280 (b);
- [13] (14) "police department" means a civil force of police officers organized by the state or a political subdivision of the state whose basic purpose and function is to maintain peace and order and to prevent and investigate criminal offenses;
- [14] (15) "probation officer" means a person appointed by the commissioner of corrections to perform the duties of a probation officer under AS 33.05 ;
- [15] (16) "probationary period" means employment as a police, probation, parole, [OR] correctional officer, or municipal correctional officer for a period of 12 consecutive months with a single police department or a single correctional agency; separation of less than 91 consecutive days will be considered unbroken;
- [16] (17) "serious physical injury" means serious physical injury as defined in AS 11.81.900 ;
- [17] (18) "undue familiarity" means developing, or attempting to develop, an intimate, personal, or financial relationship with an inmate, probationer, or parolee, or otherwise failing to maintain an appropriate professional relationship with an inmate, probationer, or parolee;
- [18] (19) "DWI offense" means the offense of operating a motor vehicle, aircraft, or watercraft while intoxicated under AS 28.35.030 or another law or ordinance with substantially similar elements, or of refusal to submit to a chemical test under AS 28.35.032 or another law or ordinance with substantially similar elements;
- [19] (20) "for cause relating to other than dishonesty or misconduct" means inefficiency, incompetency, dishonesty, misconduct, or some other reason that adversely affects the ability and fitness of the officer to perform job duties or that is detrimental to the reputation, integrity, or discipline of the department or agency where the officer works, including conduct that adversely reflects on a person's fitness to perform as a police, probation, parole, [OR] correctional officer, or municipal correctional officer; the term "for cause relating to other than dishonesty or misconduct" includes intoxication while on duty, unauthorized absences from duty

not involving extenuating circumstances, a history of personal habits off the job that could affect the officer's performance on the job, such as excessive use of alcohol, and undue familiarity with inmates, probationers, or parolees.

**PROPOSED  
ALASKA POLICE STANDARDS COUNCIL  
ARTICLE 3  
CERTIFICATION OF PROBATION, PAROLE, CORRECTIONAL OFFICER  
AND  
MUNICIPAL CORRECTIONAL OFFICER TRAINING PROGRAM**

**(NEW) 13 AAC 87.075. CERTIFICATION OF BASIC MUNICIPAL  
CORRECTIONAL OFFICER TRAINING PROGRAM**

- (a) The Department of Corrections shall
  - (1) establish a program of instruction to qualify students for municipal correctional officer certificates under 13 AAC 85.235;
  - (2) apply for certification of the program of instruction by the council;
  - (3) provide information to the council showing that the requirements for certifications of the program have been met; and
  - (4) comply with requirements of this chapter.
- (b) The council will approve the Department of Corrections' application for certification of a program of instruction as meeting the requirements of the training program provided for in 13 AAC 85.235, upon a showing that the program meets the following minimum standards;
  - (1) the program of instruction meets the requirements of 13 AAC 87.080 and the courses, curriculum and instruction are adequate in content, quality, and length to provide students with the education and training necessary to become successful, knowledgeable, and effective municipal correctional officers;
  - (2) the directors and administrators have adequate training and experience, and all full time instructors have been certified under 13 AAC 87.085;
  - (3) a copy of the rules of operation, program outline and policies pertaining to absences, grading, conduct, and conditions for dismissal for unsatisfactory conduct, is provided to each student upon enrollment;
  - (4) adequate records are kept to show attendance and grades, and satisfactory standards relating to attendance, progress, and conduct are enforced in accordance with the requirements of 13 AAC 87.080;
  - (5) written examinations are required for each student in those courses

- for which written examinations are appropriate, and practical tests are required in those courses where practical tests are appropriate; and
- (6) the Department of Corrections gives students, upon successful completion of the program, a certificate indicating the program of instruction was satisfactorily completed.
  - (c) Within 10 working days after the completion of each program the Department of Corrections shall provide the council with a roster of those students who attended at least 90 percent of the classes offered (in class hours), and the roster must show the full name, rank, employing agency, and examination scores for each student completing the program.
  - (d) The program of instruction for municipal correctional officers is subject to periodic inspection by the council or its representatives to assure compliance with this section.
  - (e) The council will in its discretion, certify additional training courses for municipal correctional officers, offered by the Department of Corrections, designed to provide for continuing education, and supervisory, mid-management, executive, specialized, and in service training.

**(NEW) 13 AAC 87.080. MUNICIPAL CORRECTIONAL OFFICER TRAINING PROGRAM REQUIREMENTS**

- (a) The basic program of instruction for municipal correctional officers must include a minimum of 120 hours of instruction in security and search procedures, supervision of inmates, use of force and methods of self defense, report writing, rights and responsibilities of inmates, fire and emergency procedures, domestic violence, communication skills and interpersonal relations, special needs inmates, recognition of the signs and symptoms of mental illness and retardation, substance abuse, physical deficiencies and suicide prone behavior and suicide prevention, cross cultural awareness, legal issues and liability, cardiopulmonary resuscitation (CPR), and first aid instruction sufficient to qualify students for a standard Red Cross first aid certificate.
- (b) To receive credit for the municipal correctional officer training program for purposes of certification under 13 AAC 85.235, a person must attend all sessions of the course, except for absences approved by the head of the program, and be awarded a certificate of graduation by the head of the program. A person may not be certified for successful completion of the municipal correctional officer program if the person;
  - (1) has excused absences exceeding 10 percent of the total hours of instruction;
  - (2) fails to achieve a passing grade of 70 percent or higher in each block of instruction; or
  - (3) fails to achieve a cumulative average of 70 percent or higher.

**(NEW) 13 AAC 87.085. CERTIFICATION OF MUNICIPAL CORRECTIONAL INSTRUCTORS**

- (a) Except as provided in (d) of this section, an instructor in the municipal correctional officer training program must be certified by the council as qualified to provide instruction to municipal correctional candidates for certification under 13 AAC 85.235.
- (b) The council will certify an instructor who meets the following minimum qualifications in the following areas of education, training, and experience:
  - (1) A person applying for certification to teach municipal correctional subjects must meet the following minimum criteria:
    - (A) a high school diploma or its equivalent;
    - (B) three years experience in corrections;
    - (C) 40 hours of verified training in each subject to be taught;
    - (D) at least 40 hours of instructor development training approved by the council, including training in the areas of communication, psychology of learning, techniques of instruction, use of instructional aids, preparation and use of lesson plans, preparing and administering tests, teaching resources, and motivation; and
    - (E) the recommendation of the director of the Department of Corrections training program established under 13 AAC 87.080
  - (2) A person applying for certification to teach general subjects, including management, administration, or human relations must have
    - (A) a baccalaureate degree;
    - (B) at least three years of experience in the subject to be taught;
    - (C) 40 hours of verified training in each subject to be taught; and
    - (D) the recommendation of the director of the Department of Corrections' training program established under 13 AAC 87.080.
- (c) The council will, in its discretion, waive any part of the requirements of (b) of this section, if it finds that a person is qualified to be an instructor based upon education, training, or experience, despite the person's inability to meet the specific requirements of (b) of this section.
- (d) An instructor used on a one-time basis for a specialized subject area of a training program may be classified as a guest lecturer. Requirements for application and certification as an instructor do not apply to a guest lecturer. A guest lecturer is defined as a person who, by reason of position

or experience, can make a worthwhile contribution to a training program. A guest lecturer must be experienced in a specialized area, and the instruction limited to that area of experience.

- (e) The director of the Department of Corrections training program shall supervise all instructors to ensure instructional excellence is maintained.
- (f) Instructor certification will, in the council's discretion, be revoked if an instructor is found by the council to be no longer qualified. Revocation of instructor certification will be considered by the council if
  - (1) the instructor is terminated, is asked to resign, or resigns instead of discharge for cause by the Department of Corrections;
  - (2) there is a recommendation to revoke certification by the Department of Corrections for failure of the instructor to provide adequate instruction; or
  - (3) the holder of the instructor certificate falsified or omitted required information on any application for certification or on supporting documents.
- (g) A person who is currently certified or licensed by the State of Alaska or a nationally recognized certifying body need not be certified by the council to teach municipal correctional officer candidates in the subject for which the person is certified or licensed.
- (h) The director of the Department of Corrections training program must furnish the council documentary verification of the certification or licensure of a person described in (g) of this section before council approval as an instructor will be considered.
- (i) An instructor certificate becomes inactive if the holder of the certificate does not instruct at least one course certified by the council during an interval of three consecutive years.
- (j) An inactive instructor certificate may be reactivated upon written request of the Department of Corrections following the applicant's instruction of at least one course, certified by the council, under direct supervision of a currently certified instructor.

Article 3 definitions (becomes Article 4)

**HOUSE BILL NO.**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Introduced:  
Referred:**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to correctional officers."**

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

3 **\* Section 1. AS 18.65.285 is amended to read:**

4           **Sec. 18.65.285. Municipal correctional employees.** A municipality that  
5           employs persons in a municipal correctional facility that does not, under contract  
6           with the state, house prisoners committed to the custody of the commissioner of  
7           corrections may, by ordinance, require that those persons meet the requirements of  
8           AS 18.65.130 - 18.65.290 that are applicable to correctional officers.

9 **\* Sec. 2. AS 18.65.290(2) is amended to read:**

10                           (2) "correctional officer" means a person

11                                    **(A)** appointed by the commissioner of corrections whose  
12                           primary duty under AS 33.30 is to provide custody, care, security, control, and  
13                           discipline of persons charged or convicted of offenses against the state or held  
14                           under authority of state law;

15                                    **(B)** employed on a full-time basis by a municipality and

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whose primary duty is to provide custody, care, security, control, and discipline of persons charged or convicted of offenses or held under authority of law in a municipal correctional facility, and the municipality

(i) holds persons who are committed to the custody of the commissioner of corrections in the correctional facility under a contract with the department of corrections; or

(ii) has adopted an ordinance under AS 18.65.285 making AS 18.65.130 - 18.65.290 applicable;