

Register _____, _____ 2016, Department of Public Safety

13 AAC 85.210 (a) is amended to read:

(a) A person may not be hired as a probation, parole, or correctional officer unless the person meets the following minimum qualifications **at the time of hire**:

(1) is a citizen of the United States [, OR A RESIDENT ALIEN WHO HAS DEMONSTRATED AN INTENT TO BECOME A CITIZEN OF THE UNITED STATES];

(2) is 21 years of age or older;

(3) is of good moral character;

(4) has a **state recognized** high school **diploma, a diploma from a home school program recognized by their state or certified by a state or local school district as having met that state's graduation requirements** [DIPLOMA, OR ITS EQUIVALENT], or has passed a General Educational Development (GED) test;

(5) is [, AT THE TIME OF HIRE,] certified by a licensed physician, **nurse practitioner, or physician assistant** on a medical record form supplied by the council to be physically capable of performing the essential functions of the job of probation, parole, or correctional officer;

(6) has taken the Department of Corrections' psychological screening examination and is mentally capable of performing the essential functions of the job of probation, parole, or correctional officer and is free from any emotional disorder that may adversely affect the person's performance as a probation, parole, or correctional officer.

13 AAC 85.210 (b) is amended to read:

(b) A person may not be hired as a probation, parole, or correctional officer if that person

(1) has been convicted of **any** [A] felony or a misdemeanor crime of domestic violence by a civilian court of this state, the United States, or another state or territory, or by a military court;

(2) 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 10 years immediately before the date of hire as a

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probation, parole, or correctional officer, of a crime of dishonesty or crime of moral turpitude, of a crime that resulted in serious physical injury to another person, or of two or more **DUI or** DWI offenses;

(3) has illegally manufactured, transported, or sold a controlled substance, unless the person was under the age of 21 at the time of the act and the act occurred more than 10 years before the date of hire;

(4) within the **five** [10] years before the date of hire, has illegally used a controlled substance other than marijuana, unless the person was under the age of 21 at the time of using the controlled substance **or an exigent circumstance existed to justify the use of a controlled substance not specifically prescribed to the person;**

(5) within the one year before the date of hire, has used marijuana, unless the person was under the age of 21 at the time of using marijuana;

(6) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, unless the denial, [OR] revocation, **or surrender** has been rescinded by the council under 13 AAC 85.270 or by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction; or

(7) is under suspension of a basic certificate in another jurisdiction, for the period of the suspension, unless the suspension has been rescinded by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction.

13 AAC 85.210 (c) is amended to read:

(c) A person hired as a probation, parole, or correctional officer may not remain employed in that position without written confirmation from the Department of Corrections, submitted within 90 days after the date of hire, that the person meets the standards of (a) and (b) of this section. The council will grant an extension of the 90-day period, upon a written request by the Department of Corrections that explains the reason the extension is necessary, and if the council determines that the person will

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probably be able to meet the standards by the end of the extension period. If the Department of Corrections concludes at the end of an investigation that a person does not meet the required standards, the person may not continue employment as a probation, parole, or correctional officer. For purposes of determining whether a person meets the standards of (a) and (b) of this section,

(1) the following information must be provided:

(A) proof of age, citizenship status, and applicable education;

(B) fingerprints on two copies of FBI Applicant Card FD-258; both cards must be forwarded to the automated fingerprint identification section of the Department of Public Safety;

(C) a complete personal history of the person on a form supplied [OR APPROVED] by the council;

(D) a complete medical history report of the person; the report must be provided to a licensed physician, **nurse practitioner, or physician assistant** for use in conducting a physical examination of the person;

(E) information as to whether the person

(i) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, and whether the denial or revocation, if any, has been rescinded by the council under 13 AAC 85.270 or by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction; or

(ii) is under suspension of a basic certificate in another jurisdiction, for the period of the suspension, and whether the suspension, if any, has been rescinded by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction;

(2) a thorough personal-history investigation of the person must be conducted to determine character traits and habits indicative of moral character and fitness as a probation, parole, or correctional officer; the investigation must include a check of

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(A) criminal history;

(B) wants and warrants;

(C) job references from at least three previous employers unless the person has had less than three previous jobs;

(D) job references from all previous law enforcement or criminal justice system employers in the preceding 10 years; and

(E) at least two personal references; and

(3) the person must take the Department of Corrections' psychological screening examination and the person must undergo an examination by a licensed psychiatrist or psychologist.

13 AAC 85.210 (d) is amended to read:

(d) All information, documents, and reports provided or developed under (c) of this section must be placed in the permanent files of the Department of Corrections and must be available for examination, at any reasonable time, by representatives of the council. A copy of any criminal record discovered and of the following completed council forms must be sent to the council within 90 days after the date of each hire:

(1) repealed 10/24/92;

(2) the medical examination form;

(3) the health questionnaire;

(4) the personal history statement;

(5) the psychological screening report; and

(6) verification of a psychological or psychiatric examination report.

(7) the compliance form to record the agency's compliance with (c)(1-3) above.

13 AAC 85.210 (e) is amended to read:

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(e) A probation, parole, or correctional officer must begin field training, using the Department of Corrections Field Training Manual, immediately after the date the officer is hired. The Field Training Manual must be completed and sent to the council within **twelve** [SIX] months after the date the officer began work with the department.

13 AAC 85.210 (f) is amended to read:

(f) The information in the council's files regarding an applicant or a probation, parole, or correctional officer is confidential, and available only for use by the council in carrying out the requirements of AS 18.65.130 - 18.65.290 and the regulations adopted under AS 18.65.130 - 18.65.290. However, training records and the documents listed in (c) and (d) of this section relating to an applicant or a probation, parole, or correctional officer may be reviewed by the applicant or officer. Information that indicates that a person might not qualify for certification as an officer, or that adversely reflects upon a person's ability to be a competent officer **may** [WILL, IN THE COUNCIL'S DISCRETION,] be furnished by the council to a correctional agency. An officer or applicant may not review information in the council's files which was supplied to the council with the understanding that the information or the source of the information would remain confidential, except that any information that serves as the basis for a decision to deny or revoke certification will be revealed to the officer or applicant.

Authority: AS 18.65.220 AS 18.65.248 AS 18.65.242