Introduction

Created in the late 1970's, the Village Public Safety Officer (VPSO) program's stated purpose is to assist in the protection of "life and property" and coordinate probation and parole in rural communities.

Currently, ten entities operate VPSO grants (hereinafter "grantee"). Eight of the ten grantees are regionally based nonprofit corporations whose missions are to cultivate self-determination among local tribal citizens. However, the grantee nonprofit corporations themselves are comprised of federally recognized tribes and their formation dates to a time when all three state branches of government refused to acknowledge that tribes existed in this state. The tribes formed nonprofits as a way to interact with state agencies to operate state grant programs, like the VPSO program.

Of the ten grantees, seven compact with the federal government under the Indian Self-Determination and Education Assistance Act (P.L. 93-638 as amended) as federally recognized tribes to deliver healthcare and other governmental programs to their tribal citizens including cultural services, early childhood education, language preservation, and economic and resource development assistance.

The Northwest Arctic Borough, a home rule regional government seated in Kotzebue, is the only grantee organization that is a municipal government.

The grantees are listed below:

- **Chugachmiut is consortium of seven tribes in the Chugach region of Southcentral Alaska surrounding the Prince William Sound. The corporation serves a population of roughly 2,200 Sugpiaq (Alutiiq) and Eyak peoples in communities including Chenega, Seward, and Valdez.**

- **Copper River Native Association is headquartered in Glenallen and delivers services to the Ahtna Athabaskan peoples of the Copper River Basin, 150 miles east of Anchorage.**

- **Aleutian Pribiloff Islands Association serves Unangax tribal citizens in 13 communities in Southwestern Alaska, the Aleutian Chain, and the Pribilof Islands.**

- **Kodiak Area Native Association serves Alaska Natives, primarily Sugpiaq tribal citizens, on the Kodiak Archipelago.**

- **Kawerak is the nonprofit arm of the Bering Straits Native Association which was formed in 1967 as an association of the Native Villages in the Bering Straits region: It serves tribal citizens who are primarily Inupiat, Yup'ik and St. Lawrence Island Yupik.**

- **Northwest Arctic Borough is a regional government in Northwestern Alaska whose population is approximately 7,800 and includes the communities of Ambler, Buckland, Deering, Kiana, Kivalina, Kobuk, Kotzebue, Noatak, Noorvik, Selawik & Shungnak.**

- **Alaska Village Council Presidents is a consortium that includes 56 tribes in the Yukon-Kuskokwim Delta. The population served is primarily Yup'ik, Cup'ig, and Cup'ik.**

- **Bristol Bay Native Association is a consortium of tribal councils in the Bristol Bay region that serves tribal citizens located in communities including King Salmon, Iliamna, and Naknek.**

- **Tanana Chiefs Association is located in interior Alaska and represents represents 42 primarily Athabaskan tribes in the Yukon-Koyukuk area and Greater Fairbanks.**

- **Central Council of Tlingit & Haida Indian Tribes of Alaska is the first federally recognized tribe in the state, and serves Tlingit and Haida tribal citizens in Southeast Alaska.**

While the VPSO program has provided valuable service to participating areas, the past decade has seen shrinking numbers of VPSOs, significant difficulty in recruitment and retention of officers, and community needs that surpass the current duties of VPSOs. There is undoubtedly a need [FOR CHANGE] to address the crisis in public safety infrastructure and service in rural Alaska.

On May 9th, 2019, Senate President Cathy Giessel and House Speaker Bryce Edgmon announced the creation of a Joint House/Senate Working Group **to provide** [FOR THE PURPOSES OF PROVIDING] substantive policy recommendations related to the VPSO program.

Appointed to the working group were: Senator Donny Olson, Co-Chair; Representative Chuck Kopp, Co-Chair; Senator Click Bishop; Senator Mike Shower; Representative Bryce Edgmon; and Representative George Rauscher.

The working group was assigned to coordinate with stakeholders to examine the underlying causes of the recruitment and retention obstacle and provide proposals to turn around the epidemic rate of personnel turnover within the VPSO program.

The working group has since held meetings, attended community meetings, participated in listening sessions, and worked with stakeholders to arrive at the proposals outlined in this report. The proposals will primarily address the core problem of increasing the number of VPSO's available to communities. This report will further address other fundamental issues such as: inequity in pay, lack of housing, officer safety, low morale, **the** [AND] inability to generate more

interest from applicants in rural Alaska, and the role of Alaska Native Tribes **in reaching solutions** [AS A POSSIBLE SOLUTION WILL BE CONSIDERED].

Working Group Activities

The VPSO working group and its co-chairs spent the interim engaging VPSO program stakeholders. Engagement activities **primarily included** [INCLUDED PRIMARILY] formal listening sessions, but also meetings and conversations at the Alaska Federation of Natives annual meeting and the Tribal Unity Caucus' annual meeting. The following is a list of those events (summaries of the events convened by the working group are included in Appendix 3):

- **August 14, 2019:** Full working group holds listening session with the Commissioner of the Department of Public Safety (hereinafter "commissioner") and her staff that manage the VPSO grants.
- **August 19, 2019:** Co-chairs attend the U.S. Department of Interior, Bureau of Indian Affairs rural public safety listening session in Nome.
- **September 4, 2019:** Co-chairs attend AFN's Council for the Advancement of Alaska Natives committee pre-convention planning meeting.
- **September 27, 2019:** Full working group holds listening sessions with the VPSO grantee organizations' VPSO coordinators (hereinafter "grantee", "grantee organization," or "provider").
- **October 17, 2019:** Co-chairs participate at the AFN annual convention panel focusing on rural public safety.
- **November 15, 2019:** Full working group attends the Northwest Arctic Borough's Public Safety Commission meeting, along with Assistant U.S. Attorney Bryan Wilson.
- **December 2, 2019:** Full working group attends the Tribal Unity Caucus' annual meeting, including a listening session for the working group comprised of the statewide Tribal leaders, many whose organizations administer VPSO grants.
- **January 8, 2020: Co-chairs meet with the grantee organizations leadership and VPSO management personnel at the Aleutian Pribiloff Islands Association headquarters in Anchorage.**
- **January 9, 2020: Full working group meeting at the Anchorage LIO to review the draft report.**

Summary

Working group members represent a wide swath of Alaska and have districts that touch rural and urban communities. Among the members, there was immediate agreement that the public safety needs of Alaskans are paramount, and that all discussions related to the VPSO program should begin with the recognition that keeping our communities safe is the highest priority. There was similarly unanimous agreement that the program is in need of change to better serve Alaskans. Individual working group members, specifically Co-Chair Olson, who lives in a rural village

well served by the VPSO program, do not view the program as failed or broken. When the working group met with the VPSO **grantees'** [ORGANIZATION'S] coordinators, the people that manage the program for each **grantee** [ORGANIZATION], the consensus view among them was that the program is not broken, **though** [BUT] it is distressed.

Upon the conclusion of the legislative session, the working group met with the commissioner of the Department of Public Safety (hereinafter "department") and her staff to discuss the VPSO program's current state. In conversations with the commissioner and her team, they made it clear that statutory barriers **prevent** [EXISTED TO] changing the course of the VPSO program. This guidance gave the working group a clear direction for investigation and the certainty that changes by the legislature were required. As is reflected in this report, statute changes represent the most efficient way to seek rapid improvements to the program.

The working group found the commissioner and her staff earnest and sincere in their management of the program. **In taking** [HOWEVER, AS THE WORKING GROUP TOOK THE] commissioner's advice to examine the VPSO statutes, it became clearer that she, her predecessors, and the department have **indeed** been constrained by a weak and ambiguous statutory vision, mission, and duties for the VPSO program and personnel. When one examines the statutes, especially compared to the statutory duties of State Troopers, it becomes obvious that the statutes have led to the current shortcomings the program experiences. Essentially, the current VPSO statute provides virtually no mission, vision, or statutory law enforcement duties for the program or the VPSO personnel.

The statutory deficiency has led to differing expectations for the program. This confusion results in difficulty in grant administration, strain in community policing expectations, and contradictory appropriation expectations.

In the working group's individual meeting with the commissioner and her staff and then the **grantees'** [ORGANIZATIONS'] coordinators, requests for funding were discussed by both **parties**. At the department level, many of the programs' requests are viewed as inappropriate. The **grantees'** [ORGANIZATIONS'] perspective is that there is a lack of transparency to all matters relating to funding as well as a mother-may-I approach to funding requests and that the department nickel and dimes the programs via the approval process.

Neither is entirely right and neither is entirely wrong. Both represent a view of the problem from each's perspective. With little clarity available from the statutes, those differences are likely to persist. The department is an executive branch agency bound by its statutes and the constitutional restrictions to not exceed the bounds of its statutory authority. The grantee**s**[ORGANIZATIONS], even though not defined as law enforcement agencies, are the de facto law enforcement first responders to all public safety crises in their regions. They are, out of necessity, fulfilling law enforcement functions, even though the statutes do not give them formal law enforcement status.

The **grantees** [ORGANIZATIONS] live this dilemma daily, crisis by crisis in their home communities and this is what drives their perspective. The department personnel may understand this dichotomy, but historically have not pushed the program's law enforcement function beyond the letter of the existing VPSO statutes.

In the course of the multiple listening sessions the working group heard from citizens on the urgent need to improve the program and find solutions to the recruitment and retention challenges. At each listening session the working group heard account after account of the hardships created by the lack of VPSO personnel and thus any public safety presence in a number of the communities served by the program.

The working group's recommendations focus on **both** short-term goals—that can be accomplished within a year or perhaps legislative session —and long-term goals.

Outside of **clarifying** [CLARIFICATION OF] the law enforcement duties expected of the program's officers, other short-term improvement proposals have surfaced through the working group's listening sessions. Relating to the issue of fund disbursement and approvals, the working group believes that updates to the VPSO statute can include specific authority that streamlines funding disbursement. Likewise, broadened and specific statutory law enforcement duties and functions should provide the flexibility to reduce the perceived overly restrictive funding approval process.

Separating the operational oversight from the funding management is another solution that seems achievable in the short term. A perception **among** [OF] the VPSO **grantees** [PROVIDER ORGANIZATIONS] is that an inherent conflict between the VPSO programs and the Division of Alaska State Troopers exists as it relates to the VPSO appropriation. These perceptions, along with the historic conflicting views of the program and the program's funding needs, make it seem unlikely that these competing views can be reconciled in the short term. Thus, the working group believes it best for the VPSO program if the financial oversight for the grants be moved to a different department.

The long-term goals will require the legislature and Alaskans generally to confront long standing and often ignored issues that impact public safety in the state's rural areas. First among these is how the state chooses to acknowledge and work with tribal governments.

The working group believes a lack of any formal working relationship with tribal governments in regard to public safety has greatly contributed to the lack of infrastructure and service in rural communities. However, working with tribal governments also includes working with and coordinating with the federal government. The federal government has reserved for itself the authority to set policy for how it, and consequently [THE] states, deal and interact with this country's indigenous peoples' and their governments.

There is an opportunity for the legislature to change the way in which it acknowledges tribal governance, following in the example of the Alaska Supreme Court and, as of 2017, the executive branch. This report categorizes **the** [THIS] formalization of a working relationship with Tribal governments as a long-term goal due to the significance of the policy change that it represents. However, the working group similarly has full confidence that it is within the legislature's power to make this important change.

The working group has taken great interest in the U.S. Attorney General's and the U.S. Department of Justice's interest and commitment to better meeting rural public safety needs. **The Attorney General declared a public safety emergency in rural Alaska in June 2019, roughly six weeks after this working group was established. With the Attorney General's declaration, he freed up roughly $10 million to help address the crisis.** Thus far, **this funding** [THE FUNDING COMING FROM THE U.S. ATTORNEY GENERAL] appears to be one-time or special funding. Finding a way to **secure** [CREATE] recurring federal funds for these programs is something that the legislature, tribes, and our Congressional delegation can commit to working on together for the long-term health of our rural communities.

A working group of this nature and with limited time necessarily has limitations. This report does not seek to answer or address broader questions such as how to manage or provide for the state's police power. Nor does it attempt to establish how or what role municipalities should play and how they relate to the VPSO program. The working group's starting assignment was to find solutions to improve the program.

Further, this report reflects priorities the working group heard while discharging its duties and reflect the experience many of the grantees have under P.L. 93-638 and the flexibility they have managing both the federal programs and the funds to operate those programs. The success the tribes have had under the federal law is one reason the working group cites exploring long-term ways the state may model compacting after the federal model. By almost any measure, the federal policy of Self-Determination has been successful as the tribes have been able to institute creative solutions to local challenges. The working group would like to mirror this success with similar state policies. The working group also recognizes, however, that this level of flexibility requires a long-term view.

Long Term Goals:

- Continue working with federal partners on:
    - Training: with formal state tribal recognition, tribes may be able access federal law enforcement training programs; these federal programs could augment the Trooper academy where current VPSO training is offered. The federal training could be offered in other regions of the state besides Sitka. The monolithic/Sitka only training makes recruitment difficult; offering training closer to home for other regions could improve VPSO recruitment and retention;

  - Greater recurring federal funds for public safety: Alaska is a Federal P.L. 280 state where states have concurrent criminal jurisdiction with Tribes, unlike non-P.L.280 states. The BIA historically does not request tribal court or law enforcement appropriations for P.L 280 states, making the law an unfunded mandate for P.L. 280 tribes and states. Senator Murkowski has secured special funding for tribal court development in P.L. 280 states. These efforts need to continue and the state should take every step necessary to encourage the Alaska Congressional delegation to secure such recurring funding.

- Explore passing a state version of the Indian Self-Determination Act and Education Assistance Act (P.L. 93-638 as amended): if passed, the state could formally compact with Tribes and offer the maximum amount of program design/redesign and financial flexibility for the various VPSO **grantees;**[ORGANIZATIONS];
- Consider creating upward mobility for VPSO positions: either through compacting or state statutory changes or both, consider providing for different levels of VPSO personnel related to levels of training; the highest VPSO level being equivalent in function, training, and pay to a State Trooper.
- **Work to define the true cost of providing fully operational public safety services throughout rural Alaska. To date the VPSO program represents a line item with a single department's annual budget. And the budget request for the program has varied depending differing administrations' views and goals for the program. However, with a more specific statutory mission the legislature will need an accurate assessment of the VPSO program costs required to meet that mission.**
- [CONSIDER EXPANDING AND POSSIBLY ROLLING THE VPSO PROGRAM INTO THE REGIONAL PUBLIC SAFETY OFFICER PROGRAM OF AS 18.65.680 WHICH HAS A CLEARLY ARTICULATED LAW ENFORCEMENT MISSION AND STATUTORY DUTIES.]

VPSO Recommendations and Findings

Short Term Recommendations

Recommendation 1. Update the VPSO statutes to provide a clear law enforcement and public safety vision and mission for the program and provide VPSO personnel clear law enforcement duties and powers.

Findings:

1. The current VPSO statute contains no clear law enforcement function or duties for VPSO personnel. Neither does the statute contain a clear vison or mission for the VPSO program

   Table 1: VPSO statutes compared to State Trooper statutes:

VPSO Duties	State Trooper Statutory Duties

There is created in the Department of Public Safety a village public safety officer program
 	
• to assist local governments and villages
  ○ through nonprofit regional corporations, Alaska Native organizations, or municipalities
• to appoint, train, supervise, and retain persons
  ○ to serve as village public safety officers
  ○ to administer functions relative to
  ▪ The protection of life and property in rural areas of the state; and
  ▪ providing probation and parole supervision to persons under supervision by communicating with and monitoring the activities and progress of these persons at the direction of probation and parole officers
 	
Alaska Statute § 18.65.670
	The Department of Public Safety and each member of the state troopers is charged with
	• the enforcement of all criminal laws of the state, and
	• has the power of a peace officer of the state or a municipality and
	• those powers usually and customarily exercised by peace officers.
	• Each member of the state troopers may
	  ○ prevent crime,
	  ○ pursue and apprehend offenders,
	  ○ obtain legal evidence,
	  ○ institute criminal proceedings,
	  ○ execute any lawful warrant or order of arrest,
	  ○ make an arrest without warrant for a violation of law committed in the presence of the state trooper, and
	  ○ may cooperate with other law enforcement agencies in
	  ▪ detecting crime,
	  ▪ apprehending criminals, and
	  ▪ preserving law and order in the state.
	
	Alaska Statute § 18.65.080

2. The lack of clearly articulated law enforcement duties for the VPSOs has hindered the program's effectiveness by allowing different expectations for the program to grow between the grantee organizations (and their constituencies) and the Department of Public Safety.
    a. While the current statute lacks **a** clear public safety and law enforcement vision and mission, the Commissioner of the Department of Public Safety has broad authority over the program and over public safety statewide. No commissioner in the history of the program has exercised the available discretion to give the program a clear public safety or law enforcement mission, vision, or functions.
    b. The history of the program has shown it is not reasonable to expect a department or one person at the commissioner level to exercise the legislature's public policy function and give the VPSO program a clear public safety and law enforcement mission, vision, and functions.
    c. The legislature shares responsibility **for** [IN] allowing the state of public safety in rural Alaska to reach its current condition by failing to recognize earlier the deficiencies in the VPSO statutes.
3. Consider the Regional Public Safety Officer statute as a model. AS 18.65.680

Table 2. Regional Public Safety Officer statute compared to State Tooper statute:

Regional Public Safety Officer Duties	State Trooper Duties
The commissioner of public safety may appoint regional public safety officers to (1) provide an expanded public safety and law enforcement presence in rural areas of the state; (2) provide oversight and training for the village public safety officer program; (3) administer functions relating to (A) protecting life and property in the rural areas of the state; (B) conducting investigations; (C) conducting search and rescue missions; (D) conducting local training programs in drug and alcohol awareness and prevention, water safety, and gun safety; (4) perform other duties relating to public safety as directed by the commissioner. Alaska Statute § 18.65.010(b)	The Department of Public Safety and each member of the state troopers is charged with • the enforcement of all criminal laws of the state, and • has the power of a peace officer of the state or a municipality and • those powers usually and customarily exercised by peace officers. • Each member of the state troopers may o prevent crime, o pursue and apprehend offenders, o obtain legal evidence, o institute criminal proceedings, o execute any lawful warrant or order of arrest, o make an arrest without warrant for a violation of law committed in the presence of the state trooper, and o may cooperate with other law enforcement agencies in ▪ detecting crime, ▪ apprehending criminals, and ▪ preserving law and order in the state. Alaska Stat. § 18.65.080

Recommendation 2. Create more financial flexibility for the VPSO grantee organizations into the updated VPSO statutes.

Findings:

1. Historic and current Department of Public Safety statutory and program interpretation has denied to the grantee organizations an effective voice in the planning and implementation of this important program for the benefit of the residents within their respective regions; and
2. The grantee organizations' work with federal partners in managing and delivering health and social service programs set a clear example that a compacting relationship can occur with less conflict; and
3. Examples of problems with the program's management by the department include current regulations and denials for funding requests that:
    a. forbid spending grant money on facilities or housing;

b. forbid grantee organizations from supplementing VPSO salaries or offering bonuses with other non-VPSO grant funds;
c. The Copper River program has four villages on the road system. The department has forbidden the VPSOs from traveling between villages by only approving enough funds to fill a half a tank of gas for their State-provided vehicle.
d. Other regions commented that they also have been denied funds to move VPSOs from village to village within the region when the needs arise. Or denied funds to have a VPSO in "roving" status so they could be flexible and responsive to public safety needs that occur or to manage vacancies within the VPSO work force.
e. Flexibility for the funds changes often with fluctuations in the department

Recommendation 3. Restore VPSO funding levels to FY18 levels.

Findings

1. The combination of a lack of clear law enforcement vision, mission, and duties for the program and the problematic approach to grant funding approvals has led to artificial funding lapses with the program.
2. The funding lapses were used as justification for reducing the current year VPSO program budget.

Recommendation 4. **Fund** **[**REPEAL] unfunded mandates.

Findings.

1. Current regulations require the **grantees to** [GRANTEE ORGANIZATIONS] provide certain infrastructure or absorb additional liability and costs but forbid grant funds from covering the expenses. Examples include:
    a. Grantees must provide housing and program related facilities (office space, holding cells);
    b. Grantees must indemnify the state for liability arising from the program's operations and thereby incur the associated insurance cost.

Recommendation 5. Related to Recommendation 4, in an updated VPSO statute, mandate that grant awards pay grantee organization their full indirect costs.

Findings.

These findings are based on comments made during listening sessions and on a presentation made at the 3/4/2019 House Tribal Affairs Committee (presentation is included as Appendix 4).

1. The Department institutes a cap on how much the program will pay of an organization's indirect costs. Indirect costs represent overhead type costs a nonprofit or tribal organization incurs in operating multiple programs with different cost centers. Examples of items that factor into indirect costs include:
    a. Human resources services including recruitment efforts;

   b. Computer and IT infrastructure;
   c. Finance services including payroll and accounts receivable/payable;
   d. Organization administration, etc.
2. Artificially capping how much the program will pay indirect costs is an unfunded mandate and has the effect of requiring the grantee organizations to subsidize the VPSO program.
3. The VPSO program fulfills the public safety mission and police powers of the State of Alaska and the state should not require the program operators to subsidize a state program.

Recommendation 6. Move financial grant management to the Department of Commerce**, Community, and Economic Development**.

Findings.

1. Current lack of clear law enforcement mission, vision, and duties for the program has led to a conflict of roles within the department between the VPSO program and the Division of Alaska State Troopers;
2. Findings of examples of denied funding requests or VPSO role suppression:
   a. New tires for all terrain vehicles where the vehicles themselves were approved program expenses;
   b. Funds to allow VPSO personnel to rove between villages within a grantee organization region;
   c. The department via regulation has forbidden VPSOs from working on felonies even though the department's own data shows that when VPSOs work felonies like sexual assault, the conviction rate for those crimes go up.
   d. VPSOs are not permitted to attend SART (sexual assault response team) training. The justification given that "SART training is for Alaska State Troopers."

Recommendation 7. Maintain operational advisory, training and experience requirement oversight at the Department of Public Safety.

Findings.

1. Continued qualification and training oversight will be needed for the continued operation of the VPSO program.
2. For the short term, the department is still the agency most capable of providing the program with operational oversight.

Recommendation 8. In statute create a Tribal/Grantee organization consultation process before the Department can change training and experience requirements.

Findings.

1. While formal statutory state/tribal compacting is examined as a long term goal, community public safety and effective law enforcement is an important enough public policy issue that allowing a government-to-government process for important elements of the program can only help to empower the communities operating the program and help to create a stronger and more viable program.
2. The grantee**s** [ORGANIZATIONS] are in the best position to know and understand the training and experience needs required to offer effective law enforcement for their communities.

Recommendation 9. Revised versions (consistent with the recommendations of this report) of current VPSO regulations need to be placed in statute in order to operationalize the VPSO program and to facilitate the grant management moving to the Department of Commerce.

Appendix 1

Current VPSO Statutes and Regulations

Statutes

Sec. 18.65.670. Village public safety officers program. (a) There is created in the Department of Public Safety a village public safety officer program to assist local governments and villages through nonprofit regional corporations, Alaska Native organizations, or municipalities to appoint, train, supervise, and retain persons to serve as village public safety officers to administer functions relative to

(1) the protection of life and property in rural areas of the state; and

(2) providing probation and parole supervision to persons under supervision by communicating with and monitoring the activities and progress of these persons at the direction of probation and parole officers.

(b) With funds appropriated for that purpose, the commissioner of public safety shall provide grants to nonprofit regional corporations and Alaska Native organizations for village public safety officers. If a nonprofit regional corporation for a rural area or Alaska Native organization declines a grant under this subsection, the commissioner may provide the grant to a municipality with a population of less than 10,000 willing to administer the grant for the rural area. Before awarding a grant to a municipality, the commissioner shall consult with the nonprofit regional corporation or Alaska Native organization that declined the grant. The commissioner of public safety shall coordinate with the commissioner of corrections when providing grants under this section, and the commissioners shall jointly execute an agreement with the nonprofit regional corporations, Alaska Native organizations, or municipalities, as appropriate.

(c) The commissioner of public safety may adopt regulations related to village public safety officers, including minimum standards and training, criteria for participation by a community, a municipality, an Alaska Native organization, or a corporation, and the interaction between the Department of Public Safety and village public safety officers. Regulations adopted by the commissioner of public safety under this subsection may not prohibit village public safety officers who otherwise meet minimum standards and training from carrying firearms. If the commissioner of public safety adopts regulations regarding training for village public safety officers, at a minimum, that training must include disability training that provides training in the subjects set out in *AS 18.65.220(3)*. The commissioner of corrections may adopt regulations related to the functions of village public safety officers providing probation and parole supervision.

(d) *[Repealed, § 30 ch 92 SLA 2004.]*

(e) In this section,

(1) “Alaska Native organization” means an organization listed in *AS 47.27.070(a)*;

(2) "rural area" means a community with a population of less than 1,000 within

(A) the unorganized borough; or

(B) a borough, if the community is not connected by road to Anchorage or Fairbanks.

HISTORY: § 1 ch 48 SLA 1993; am §§ 4, 5 ch 97 SLA 2001; am § 30 ch 92 SLA 2004; am §§ 1 — 4 ch 49 SLA 2009; am § 1 ch 97 SLA 2014; am § 6 ch 8 SLA 2017; am §§ 87 — 90 ch 4 FSSLA 2019.

Sec. 18.65.680. Regional public safety officers. The commissioner of public safety may appoint regional public safety officers to

(1) provide an expanded public safety and law enforcement presence in rural areas of the state;

(2) provide oversight and training for the village public safety officer program;

(3) administer functions relating to

(A) protecting life and property in the rural areas of the state;

(B) conducting investigations;

(C) conducting search and rescue missions;

(D) conducting local training programs in drug and alcohol awareness and prevention, water safety, and gun safety;

(4) perform other duties relating to public safety as directed by the commissioner.

HISTORY: § 6 ch 97 SLA 2001.

Regulations

Article 1
Powers and Duties of the Department

13 AAC 96.010. Powers and duties of the department. (a) The provisions of *13 AAC 96.010 -- 13 AAC 96.900* apply to the award of grants to nonprofit regional corporations to provide villages with village public safety officers.

(b) The department

(1) will review proposals for grants to provide village public safety officers;

(2) will monitor compliance with the terms of the grants and agreements of the village public safety officer program and with the regulations in this chapter;

(3) will consult with nonprofit regional corporations and villages regarding their village public safety officer programs and mediate disputes between corporations and villages, if mediation is feasible;

(4) will consult with village public safety officers and provide technical assistance and advice on matters relating to public safety and law enforcement;

(5) will, in its discretion, conduct background investigations into the qualifications and personal history of applicants for village public safety officer positions; and

(6) will, in its discretion, provide training and equipment to village public safety officers.

AUTHORITY: AS 18.65.670. **History:** Eff. 8/18/95.

Article 2
Corporation and Village Participation

13 AAC 96.020. Grant applications. A nonprofit regional corporation may apply to participate in the village public safety officer program by submitting to the department a written application to provide village public safety officers to participating villages that are located within the region that the corporation serves. The corporation shall submit a grant application annually and shall

(1) include a projected budget, including costs of administration;

(2) include, a list of the villages to which a village public safety officer may be assigned; and

(3) at the request of the department, other information related to the village public safety officer program.

AUTHORITY: AS 18.65.670. **History:** Eff. 8/18/95.

13 AAC 96.030. Department agreements with corporations. The department will not provide grant money to a nonprofit regional corporation until the corporation makes a written agreement with the department. The agreement must include the following terms:

(1) a requirement that the corporation comply with this chapter and with state and federal law;

(2) a salary-and-benefit schedule for village public safety officers, with a provision that the corporation may provide salaries and benefits no greater than those established under that schedule;

(3) a provision that names the corporation as the employer, for all purposes, of a village public safety officer;

(4) a provision by which the corporation agrees to indemnify and hold harmless the State of Alaska, and officers, employees, and agents of the State of Alaska,

for an act or omission in the administration of the village public safety officer program or in the monitoring, assisting, or training of a village public safety officer;

(5) a requirement that the corporation maintain insurance as follows, without reimbursement from the department for a deductible amount that the corporation might owe:

(A) worker's compensation insurance as required under AS 23.30;

(B) comprehensive general liability insurance, including police professional practices, with

(i) limits of no less than $1,000,000; and

(ii) the State of Alaska, and officers, employees, and agents of the State of Alaska, named as additional named insureds;

(6) a requirement that the corporation comply with AS 18.80.220.

AUTHORITY: AS 18.65.670. **HISTORY:** Eff. 8/18/95.

13 AAC 96.040. Administration by corporations and villages. (a) A nonprofit regional corporation that receives a grant under this chapter shall provide

(1) a village public safety officer to a village only if the village provides the officer

(A) office space;

(B) a telephone with long distance service; and

(C) a place to temporarily hold individuals under arrest; and

(2) no more than one village public safety officer to a village, unless an

(A) additional position is provided for a period of 30 days or less for training, orientation, or a special circumstance as authorized by the department; or

(B) application as set out in *13 AAC 96.020* for a full-time second position has been submitted to and approved by the department.

(b) A nonprofit regional corporation that receives a grant under this chapter, or a village participating in the village public safety officer program,

(1) shall keep financial, personnel, and other records relating to village public safety officers and, upon request, shall provide that information to the department;

(2) shall provide, for the department's review, annual financial audits that satisfy the requirements of *2 AAC 45.010*, regardless of whether the amount of the grant is below the minimum for which *2 AAC 45.010* requires an audit;

(3) shall help the department conduct periodic and unannounced site visits to monitor

(A) the performance of a village public safety officer; and

(B) compliance with this chapter or with an agreement made under this chapter;

(4) shall promptly notify the department if the corporation or village fails to comply with

(A) this chapter or with state or federal law; or

(B) an agreement relating to the village public safety officer program between the

(i) department and the corporation; or

(ii) corporation and a village;

(5) shall promptly notify the department if a village public safety officer resigns or vacates a position;

(6) shall promptly notify the department and submit a written report about an incident in which a village public safety officer points any firearm in the direction of any person or fires any firearm while on duty;

(7) may not, directly or indirectly, allocate grant money to lobbying activity before a federal, state, or local government body;

(8) may permit a village public safety officer to carry a firearm in the performance of the officer's duties; and

(9) shall provide, for the department's review, the name of each village public safety officer that is authorized to carry a firearm in the performance of the officer's duties.

AUTHORITY: AS 18.65.670. **HISTORY:** Eff. 8/18/95, am 3/28/2014.

13 AAC 96.050. Corporation agreements with villages

A nonprofit regional corporation may not use grant money to employ a village public safety officer for a village unless the village through its governing body enters into a written agreement with the corporation. The agreement must

(1) be comparable to agreements that the corporation has made with all other villages in the region that the corporation serves;

(2) require that the corporation and the village comply with this chapter and with state and federal law; and

(3) set out a job description for the village public safety officer that includes a salary, working hours, and duties that the corporation and the village expect the officer to perform.

AUTHORITY: AS 18.65.670. **HISTORY**: Eff. 8/18/95.

13 AAC 96.060. Termination of grants. **(a)** The department will, in its discretion, terminate a grant, in whole or in part, to a nonprofit regional corporation before the end of the grant period if the corporation or a participating village

(1) fails to comply with a provision of

(A) this chapter or with state or federal law; or

(B) an agreement relating to the village public officer program between the

(i) department and the corporation; or

(ii) corporation and the village; or

(2) has a village public safety officer position vacant for an extended period of time during the contract period.

(b) If terminating a grant in whole or in part, the department will provide written advance notice to the corporation and the affected village, stating the reasons for the termination, the effective date, and, if the termination is partial, the portion of the grant to be terminated.

(c) If a grant or portion of a grant is terminated under this section, the department is entitled to reimbursement of the grant money that covers the period following the termination.

(d) A nonprofit regional corporation may terminate a grant as provided by the terms of the grant or by the terms of the agreement between the corporation and the village.

AUTHORITY: AS 18.65.670. **HISTORY:** Eff. 8/18/95.

Article 3

Minimum Standards, Training, and Certification

13 AAC 96.080. Basic standards for village public safety officers. **(a)** A nonprofit regional corporation may not use grant money to employ a village public safety officer unless the individual

(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 high school diploma, or its equivalent, or has passed a General Educational Development (GED) test;

(5) before attending a basic training program under *13 AAC 96.100*,

(A) receives a physical examination from a physician lawfully admitted to practice in this state; and

(B) submits, on a medical record form supplied by the department, a certification from that physician that the individual

(i) is free from a physical or hearing condition that would adversely affect performance of an essential function of a village public safety officer;

(ii) has normal color discrimination, normal binocular coordination, normal peripheral vision, and corrected visual acuity of 20/30 or better in each eye; and

(iii) is free from a mental or emotional condition that would adversely affect performance of an essential function of a village public safety officer;

(6) has not been convicted, by a civilian court of this state, the United States, or another state or territory, or by a military court, of one or more of the following offenses, or of an offense with substantially similar elements to such an offense under Alaska law:

(A) a felony;

(B) a misdemeanor within five years of the date of hire, if the misdemeanor does not involve an act listed under (C) of this paragraph;

(C) a misdemeanor within 10 years of the date of hire, if the misdemeanor involves

(i) an assault against a family member, former family member, member of the individual's household, or former member of the household; or

(ii) the violation of a domestic violence restraining order; or

(D) two or more DWI offenses;

(7) has not

(A) illegally manufactured, transported, or delivered

(i) a controlled substance; or

(ii) an alcoholic beverage in violation of a local option under AS 04.11 or a municipal ordinance;

(B) illegally used a controlled substance other than marijuana during the 10 years immediately before the date of hire, unless the person was under the age of 21 at the time of using the controlled substance;

(C) used marijuana within one year before the date of hire;

(8) has neither been denied village public safety officer certification nor had that certification revoked; and

(9) has neither been discharged for cause nor resigned under threat of discharge for cause from employment as a village public safety officer, a village police officer, or a police officer in this state or any other state.

(b) A nonprofit regional corporation may not use grant money to employ a village public safety officer for a period of more than 24 months unless the officer obtains a village public safety officer certificate from the department as set out in *13 AAC 96.110*. Upon written application from a nonprofit regional corporation, the department will, in its discretion, extend this period up to six months to permit the officer to complete the training necessary under *13 AAC 96.110*, if the officer is unable to do so in the first 24 months of employment because of an illness, injury, or emergency.

AUTHORITY: AS 18.65.670. **HISTORY:** Eff. 8/18/95.

13 AAC 96.090. Personnel and training record. (a) Before employing an individual as a village public safety officer, a nonprofit regional corporation shall

(1) submit to the department the individual's

(A) completed application and personal and medical history forms;

(B) proof of age, citizenship status, and education; and

(C) fingerprints on two copies of FBI Applicant Card FD-258;

(2) review the results of the background investigation, if the department conducts one under *13 AAC 96.010*; and

(3) submit the application and personal and medical history forms to the physician who examined the individual under *13 AAC 96.080*, and review the results of the physician's examination and certification of the applicant.

(b) The information required by (a)(1)(A) of this section shall be submitted on forms prepared by the department and signed by the applicant. False statements are punishable under AS 11.56.210.

(c) Copies of all personnel information, documents, and reports of personnel actions relating to a village public safety officer that are in the possession of a participating nonprofit regional corporation shall be promptly provided to the department, and the original records shall be maintained in the personnel files of the corporation for at least three years after the officer's termination of employment. If a village public safety officer receives training that the department did not provide, the corporation shall provide a description of that training to the department.

(d) Personnel and training information that the department or a nonprofit regional corporation holds about a village public safety officer is confidential and available only for review by that officer. A village public safety officer or an individual who applies for employment as a village public safety officer may not review information that another individual supplied with the understanding that the information or its source would remain confidential, unless the information serves as the basis for a decision to deny or revoke a certificate under *13 AAC 96.110* -- *13 AAC 96.120*.

AUTHORITY: AS 18.65.670. **HISTORY:** Eff. 8/18/95.

13 AAC 96.100. Village public safety officer basic training. **(a)** A village public safety officer basic training program must provide at least 240 hours of instruction and must include

(1) a physical training program that includes instruction in physical methods of arrest, use of batons, and use of chemical defensive weapons;

(2) instruction in Alaska criminal and procedural law;

(3) instruction in the Alaska criminal justice system;

(4) instruction in police procedures;

(5) instruction in first responder basic first aid;

(6) training in cardiopulmonary resuscitation (CPR); and

(7) rural fire protection specialist training.

(b) An individual seeking village public safety officer certification under *13 AAC 96.110* shall attend all sessions of the basic training required in (a) of this section, except if the director of the training program approves an absence. An individual who is absent for over 10 percent of the total hours of instruction will not be considered to have successfully completed basic training.

(c) An individual who fails to comply with the attendance and performance requirements of the training program may be dismissed from the training. The department will not consider a dismissed individual to have successfully completed basic training.

(d) In determining the completion of basic training, the department may accept other police officer or firefighter training and experience that

(1) equals or exceeds the hours required under (a) of this section; and

(2) covers the subject matter required under (a) of this section.

AUTHORITY: AS 18.65.670. **HISTORY:** Eff. 8/18/95.

13 AAC 96.105. Firearms training.

(a) A village public safety officer may not, except in an emergency, carry a firearm in the performance of the officer's duties until the officer has successfully completed a basic firearms training program that is certified by the Alaska Police Standards Councilor or substantially similar training as determined by the department.

(b) In determining the successful completion of basic firearms training, the department may consider prior training and experience that is substantially similar to the training required under (a) of this section.

AUTHORITY: AS 18.65.670. **HISTORY:** Eff. 3/28/2014.

13 AAC 96.110. Village public safety officer certification. The department will issue a village public safety officer certificate to an individual who

(1) has satisfactorily completed 12 months as a full-time paid village public safety officer, with neither a break in service longer than 90 consecutive days nor a combination of breaks in service totaling 120 days or more;

(2) meets the standards of *13 AAC 96.080(a)*;

(3) has successfully completed a basic training program meeting the requirements of *13 AAC 96.100*; and

(4) attests and subscribes to the law enforcement Code of Ethics set out in *13 AAC 85.040(b)(5)*.

AUTHORITY: AS 18.65.670. **HISTORY:** Eff. 8/18/95.

13 AAC 96.120. Denial, revocation, and lapse of certificates. **(a)** The department will deny or revoke a village public safety officer certificate if the officer

(1) falsified or knowingly omitted information on an application or other document required for employment or certification;

(2) has been discharged for cause, or resigned under threat of discharge, from a village public safety officer position;

(3) does not meet the standards of *13 AAC 96.080*; or

(4) after the officer's date of hire, has illegally used, possessed, delivered, or transported a controlled substance, including an alcoholic beverage in violation of a local option under AS 04.11 or a municipal ordinance.

(b) The holder of a certificate shall immediately return the certificate to the department upon notification of revocation.

(c) An individual who is denied a certificate or a holder whose certificate is revoked may appeal to the commissioner for reversal of the denial or revocation. The appeal must be received in writing within 30 days after the date of the notice of denial or revocation and must set out the reasons for the appeal. The commissioner or the commissioner's designee will issue a written decision within 45 days after receipt of the appeal.

(d) A certificate lapses if the holder is not employed as a full-time village public safety officer for a period of 12 consecutive months.

(e) An individual may request reinstatement of a lapsed certificate after undergoing additional training and serving an additional probationary period of up to 12 months as required by the department in its discretion.

AUTHORITY: AS 18.65.670. **HISTORY:** Eff. 8/18/95.

13 AAC 96.900. Definitions. In this chapter, unless the context requires otherwise,

(1) "commissioner" means the commissioner of the Department of Public Safety;

(2) "controlled substance" means a controlled substance as defined in AS 11.71.900;

(3) "corporation" or "nonprofit regional corporation" means a nonprofit corporation, formed under Alaska law for the benefit of the people of a specific geographic or cultural region of the state;

(4) "department" means the Department of Public Safety;

(5) "DWI offense" means the offense of

(A) operating a motor vehicle, aircraft, or watercraft while intoxicated under AS 28.35.030 or another law or ordinance with substantially similar elements; or

(B) refusing to submit to a chemical test under AS 28.35.032 or another law or ordinance with substantially similar elements;

(6) "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 pardon does not remove the felony conviction from an individual's record;

(7) "for cause" means for inefficiency, incompetency, dishonesty, misconduct, or some other reason that adversely affects the ability and fitness of the officer to perform job duties;

(8) "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 an individual'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 an individual's fitness to perform as a village public safety 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;

(9) "governing body" means the elected city council, traditional council, or elders council that the state recognizes as having governmental functions and that the corporation accepts as appropriate to supervise the daily activities of a village public safety officer;

(10) "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 pardon does not remove a misdemeanor conviction from an individual's record unless the offense was committed by the individual before the age of 21;

(11) "moral turpitude" means an act contrary to justice, honesty, principle, or good morals, an act that violates the private and social duties that a person owes to another or to society in general, or an act that is immoral in itself, regardless of illegality;

(12) "village" means a community with a population of less than 1,000 individuals based on the most recent federal census.

AUTHORITY: AS 18.65.670. **HISTORY:** Eff. 8/18/95.

Appendix 2

Department of Public Safety Proposed Changes to Current VPSO Statutes and Regulations

*Per the Commissioner, these proposed changes were derived in consultation with the VPSO grantee organizations but are on hold pending the outcome of the legislative VPSO Working Group.

APPENDIX 2

DEPARTMENT OF PUBLIC SAFETY PROPOSED CHANGES

VILLAGE PUBLIC SAFETY OFFICER PROGRAM STATUTES AND REGULATIONS

Sec. 18.65.670 Village Public Safety Officer program.

a) There is created in the Department of Public Safety a village public safety officer program to assist local governments and villages through nonprofit regional corporations or municipalities to appoint, train, supervise, and retain persons to serve as village public safety officers to administer functions relative to

(1) the protection of life and property in rural areas of the state; and

(2) providing probation and parole supervision to persons under supervision by communicating with and monitoring the activities and progress of these persons at the direction of probation and parole officers.

b) With funds appropriated for that purpose, the commissioner of public safety shall provide grants to nonprofit regional corporations for village public safety officers. If a nonprofit regional corporation for a rural area declines a grant under this subsection, the commissioner may provide the grant to a municipality with a population of less than 10,000 willing to administer the grant for the rural area. Before awarding a grant to a municipality, the commissioner shall consult with the nonprofit regional corporation that declined the grant. The commissioner of public safety shall coordinate with the commissioner of corrections when providing grants under this section, and the commissioners shall jointly execute an agreement with the nonprofit regional corporations or municipalities, as appropriate.

c) The commissioner of public safety may adopt regulations related to village public safety officers, including minimum standards and training, criteria for community, municipality, or corporation participation, and the interaction between the Department of Public Safety and village public safety officers. Regulations adopted by the commissioner under this subsection may not prohibit village public safety officers who otherwise meet minimum standards and training from carrying firearms. If the commissioner of public safety adopts regulations regarding training for village public safety officers, at a minimum, that training must include disability training that provides training in the subjects set out in AS 18.65.220(3). The commissioner of corrections may adopt regulations related to the functions of village public safety officers providing probation and parole supervision.

d) [Repealed, Sec. 30 ch 92 SLA 2004].

e) In this section, "rural area" means a community with a population of less than ~~1,000~~ 2000 within

(1) the unorganized borough; or

(2) a borough, if the community is not connected by road to Anchorage or Fairbanks.

Sec. 18.65.680. Regional public safety officers.

The commissioner of public safety may appoint regional public safety officers to

(1) provide an expanded public safety and law enforcement presence in rural areas of the state;

(2) provide oversight and training for the village public safety officer program;

(3) administer functions relating to

(A) protecting life and property in the rural areas of the state;

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(B) conducting investigations;
(C) conducting search and rescue missions;
(D) conducting local training programs in drug and alcohol awareness and prevention, water safety, and gun safety;
(4) perform other duties relating to public safety as directed by the commissioner.

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DEPARTMENT OF PUBLIC SAFETY PROPOSED CHANGES

VILLAGE PUBLIC SAFETY OFFICER PROGRAM STATUTES AND REGULATIONS

Article 1
Powers and Duties of the Department

13 AAC 96.010 Powers and duties of the department

(a) The provisions of 13 AAC 96.010 - 13 AAC 96.900 apply to the award of grants to nonprofit regional corporations to provide villages with village public safety officers.

(b) The department
- (1) will review proposals for grants to provide village public safety officers;
- (2) will monitor compliance with the terms of the grants and agreements of the village public safety officer program and with the regulations in this chapter;
- (3) will consult with nonprofit regional corporations and villages regarding their village public safety officer programs and mediate disputes between corporations and villages, if mediation is feasible;
- (4) will consult with village public safety officers and provide technical assistance and advice on matters relating to public safety and law enforcement;
- (5) will, in its discretion, conduct background investigations into the qualifications and personal history of applicants for village public safety officer positions; and
- (6) will, in its discretion, provide training and equipment to village public safety officers.

Article 2
Corporation and Village Participation

13 AAC 96.020. Grant applications

A nonprofit regional corporation may apply to participate in the village public safety officer program by submitting to the department a written application to provide village public safety officers to participating villages that are located within the region that the corporation serves. The corporation shall submit a grant application annually and shall
- (1) include a projected budget, including costs of administration;
- (2) include, a list of the villages to which a village public safety officer may be assigned; and
- (3) at the request of the department, other information related to the village public safety officer program.

13 AAC 96.030. Department agreements with corporations

The department will not provide grant money to a nonprofit regional corporation until the corporation makes a written agreement with the department. The agreement must include the following terms:
- (1) a requirement that the corporation comply with this chapter and with state and federal law;
- (2) a salary-and-benefit schedule for village public safety officers, with a provision that the corporation may provide salaries and benefits no greater than those established under that schedule;
- (3) a provision that names the corporation as the employer, for all purposes, of a village public safety officer;

(4) a provision by which the corporation agrees to indemnify and hold harmless the State of Alaska, and officers, employees, and agents of the State of Alaska, for an act or omission in the administration of the village public safety officer program or in the monitoring, assisting, or training of a village public safety officer;

(5) a requirement that the corporation maintain insurance as follows, either independently or with the assistance of the department for coverage premiums, without reimbursement from the department for a deductible amount that the corporation might owe:

(A) worker's compensation insurance as required under AS 23.30;

(B) comprehensive general liability insurance, including police professional practices, with

(i) limits of no less than $1,000,000; and

(ii) the State of Alaska, and officers, employees, and agents of the State of Alaska, named as additional named insureds;

(6) a requirement that the corporation comply with AS 18.80.220.

13 AAC 96.040. Administration by corporations and villages

(a) A nonprofit regional corporation that receives a grant under this chapter shall provide

(1) a village public safety officer to a village only if the village provides to the officer, at no cost

(A) office space;

(B) a telephone with long distance service; and

(C) a place to temporarily hold individuals under arrest; and

~~(2)~~ no more than one village public safety officer to a village, unless an

~~(A)~~(2) ~~additional position is provided for a period of 30 days or less for training, orientation, or a special circumstance as authorized by the department; or~~

(A) application as set out in 13 AAC 96.020 for a full-time second position has been submitted to and approved by the department.

(3) a traveling or roving village public safety officer to villages lacking adequate infrastructure on an itinerant basis only if the village

(A) enters into the appropriate agreement with the corporation

(B) provides at no cost to the officer

(i) office space

(ii) a place to temporarily hold individuals under arrest

~~(B)~~(C) upon application as set out in 13 AAC 96.020 for a itinerant rover position has been submitted to and approved by the department.

(b) A nonprofit regional corporation that receives a grant under this chapter, or a village participating in the village public safety officer program,

(1) shall keep financial, personnel, and other records relating to village public safety officers and, upon request, shall provide that information to the department;

(2) shall provide, for the department's review, annual financial audits that satisfy the requirements of 2 AAC 45.010, regardless of whether the amount of the grant is below

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the minimum for which 2 AAC 45.010 requires an audit;

(3) shall help the department conduct periodic and unannounced site visits to monitor
  (A) the performance of a village public safety officer; and
  (B) compliance with this chapter or with an agreement made under this chapter;

(4) shall promptly notify the department if the corporation or village fails to comply with
  (A) this chapter or with state or federal law; or
  (B) an agreement relating to the village public safety officer program between the
    (i) department and the corporation; or
    (ii) corporation and a village;

(5) shall promptly notify the department if a village public safety officer resigns or vacates a position;

(6) shall promptly notify the department and submit a written report about an incident in which a village public safety officer points any firearm in the direction of any person or fires any firearm while on duty;

(7) may not, directly or indirectly, allocate grant money to lobbying activity before a federal, state, or local government body;

(8) may permit a village public safety officer to carry a firearm in the performance of the officer's duties;
  (A) only after the VPSO has completed; ~~and~~
    (i) a APSC approved or equivalent firearms training course authorized by the department
    (ii) completed a psychological examination conducted by a mental health professional approved by the department
    (iii) successfully qualified on the departments standard firearms qualification course; and
    ~~(8)~~(iv)completes all required department annual firearms qualification requirements

(9) shall provide, for the department's review, the name of each village public safety officer that is authorized to carry a firearm in the performance of the officer's duties.

APPENDIX 2

DEPARTMENT OF PUBLIC SAFETY PROPOSED CHANGES

VILLAGE PUBLIC SAFETY OFFICER PROGRAM STATUTES AND REGULATIONS

13 AAC 96.050. Corporation agreements with villages

A nonprofit regional corporation may not use grant money to employ a village public safety officer for a village unless the village through its governing body enters into a written agreement with the corporation. The agreement must

(1) be comparable to agreements that the corporation has made with all other villages in the region that the corporation serves;
(2) require that the corporation and the village comply with this chapter and with state and federal law; and
(3) set out a job description for the village public safety officer that includes a salary, working hours, and duties that the corporation and the village expect the officer to perform.

13 AAC 96.060. Termination of grants

The department will, in its discretion, terminate a grant, in whole or in part, to a nonprofit regional corporation before the end of the grant period if the corporation or a participating village

(1) fails to comply with a provision of
  (A) this chapter or with state or federal law; or
  (B) an agreement relating to the village public officer program between the
    (i) department and the corporation; or
    (ii) corporation and the village; or
(2) has a village public safety officer position vacant for an extended period of time during the contract period.

(b) If terminating a grant in whole or in part, the department will provide written advance notice to the corporation and the affected village, stating the reasons for the termination, the effective date, and, if the termination is partial, the portion of the grant to be terminated.

(c) If a grant or portion of a grant is terminated under this section, the department is entitled to reimbursement of the grant money that covers the period following the termination.

(d) A nonprofit regional corporation may terminate a grant as provided by the terms of the grant or by the terms of the agreement between the corporation and the village.

Article 3
Minimum Standards, Training, and Certification

13 AAC 96.080. Basic standards for village public safety officers

(a) A nonprofit regional corporation may not use grant money to employ a village public safety officer unless the individual

(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 high school diploma, has a diploma from a home school program recognized

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or certified by a state or by a local school district within a state as having met that state's graduation requirements, or its equivalent, or has passed a General Educational Development (GED) test;

(5) before attending a basic training program under 13 AAC 96.100,

(A) receives a physical examination from a ~~physician~~ licensed physician, advanced practice registered nurse, or physician assistant~~lawfully admitted to practice in this state~~; and

(B) submits, on a medical record form supplied by the department, a certification from that licensed physician, advanced practice registered nurse, or physician assistant~~physician~~ that the individual

(i) is free from a physical or hearing condition that would adversely affect performance of an essential function of a village public safety officer;

(ii) has normal color discrimination, normal binocular coordination, normal peripheral vision, and corrected visual acuity of 20/30 or better in each eye; and

(iii) is free from a mental or emotional condition that would adversely affect performance of an essential function of a village public safety officer;

(6) has not been convicted, by a civilian court of this state, the United States, or another state or territory, or by a military court, of one or more of the following offenses, or of an offense with substantially similar elements to such an offense under Alaska law:

(A) a felony;

(B) a misdemeanor crime of domestic violence

~~(B)~~(C) a misdemeanor within five years of the date of hire, if the misdemeanor does not involve an act listed under (C) of this paragraph; or

~~(C) a misdemeanor within 10 years of the date of hire, if the misdemeanor involves~~

~~(i) an assault against a family member, former family member, member of the individual's household, or former member of the household; or~~

~~(ii) the violation of a domestic violence restraining order; or~~

(D) ~~two or~~three or more ~~DWI~~ DUI offenses;

(7) has not

(A) illegally manufactured, transported, or delivered, 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:

(i) a controlled substance; or

(ii) an alcoholic beverage in violation of a local option under AS 04.11 or a municipal ordinance;

(B) illegally used a controlled substance other than marijuana during the 10 years immediately before the date of hire, unless the person was under the age of 21 at the time of using the controlled substance;

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

(8) has neither been denied village public safety officer certification nor had that certification

revoked.~~; and~~

(9) has been denied certification as a police officer, has had the person's police certification revoked, or has surrendered the person's police certificate, in this state or another jurisdiction.

~~(8)~~

~~(9)~~(10)has been discharged, or resigned under threat of discharge, from employment as a village public safety officer, village police officer, or police officer in this state or any other state or territory for cause for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States or that is detrimental to the integrity of the police department where the police officer worked.~~has neither been discharged for cause nor resigned under threat of discharge for cause from employment as a village public safety officer, a village police officer, or a police officer in this state or any other state.~~

(b) A nonprofit regional corporation may not use grant money to employ a village public safety officer for a period of more than 24 months unless the officer obtains a village public safety officer certificate from the department as set out in 13 AAC 96.110. Upon written application from a nonprofit regional corporation, the department will, in its discretion, extend this period up to six months to permit the officer to complete the training necessary under 13 AAC 96.110, if the officer is unable to do so in the first 24 months of employment because of an illness, injury, or emergency.

13 AAC 96.090. Personnel and training records

(a) Before employing an individual as a village public safety officer, a nonprofit regional corporation shall

(1) submit to the department the individual's

(A) completed application and personal and medical history forms;

(B) proof of age, citizenship status, and education; and

(C) fingerprints on two copies of FBI Applicant Card FD-258;

(2) review the results of the background investigation, if the department conducts one under 13 AAC 96.010; and

(3) submit the application and personal and medical history forms to the physician who examined the individual under 13 AAC 96.080, and review the results of the physician's examination and certification of the applicant.

(b) The information required by (a)(1)(A) of this section shall be submitted on forms prepared by the department and signed by the applicant. False statements are punishable under AS 11.56.210.

(c) Copies of all personnel information, documents, and reports of personnel actions relating to a village public safety officer that are in the possession of a participating nonprofit regional corporation shall be promptly provided to the department, and the original records shall be maintained in the personnel files of the corporation for at least three years after the officer's termination of employment. If a village public safety officer receives training that the department did not provide, the corporation shall provide a description of that training to the department.

(d) Personnel and training information that the department or a nonprofit regional corporation holds

about a village public safety officer is confidential and available only for review by that officer. A village public safety officer or an individual who applies for employment as a village public safety officer may not review information that another individual supplied with the understanding that the information or its source would remain confidential, unless the information serves as the basis for a decision to deny or revoke a certificate under 13 AAC 96.110 - 13 AAC 96.120.

13 AAC 96.100. Village public safety officer basic training

(a) A village public safety officer basic training program must provide at least 240 hours of instruction and must include
  (1) a physical training program that includes instruction in physical methods of arrest, use of batons, and use of chemical defensive weapons;
  (2) instruction in Alaska criminal and procedural law;
  (3) instruction in the Alaska criminal justice system;
  (4) instruction in police procedures;
  (5) instruction in first responder basic first aid;
  (6) training in cardiopulmonary resuscitation (CPR); and
  (7) rural fire protection specialist training.

(b) An individual seeking village public safety officer certification under 13 AAC 96.110 shall attend all sessions of the basic training required in (a) of this section, except if the director of the training program approves an absence. An individual who is absent for over 10 percent of the total hours of instruction will not be considered to have successfully completed basic training.

(c) An individual who fails to comply with the attendance and performance requirements of the training program may be dismissed from the training. The department will not consider a dismissed individual to have successfully completed basic training.

(d) In determining the completion of basic training, the department may accept other police officer or firefighter training and experience that
  (1) equals or exceeds the hours required under (a) of this section; and
  (2) covers the subject matter required under (a) of this section.

APPENDIX 2

DEPARTMENT OF PUBLIC SAFETY PROPOSED CHANGES

VILLAGE PUBLIC SAFETY OFFICER PROGRAM STATUTES AND REGULATIONS

13 AAC 96.105. Firearms training

(a) A village public safety officer may not, except in an emergency, carry a firearm in the performance of the officer's duties until the officer has successfully completed a basic firearms training program that is certified by the Alaska Police Standards Council~~or~~ or substantially similar training as determined by the department.

(b) In determining the successful completion of basic firearms training, the department may consider prior training and experience that is substantially similar to the training required under (a) of this section.

13 AAC 96.110. Village public safety officer certification

The department will issue a village public safety officer certificate to an individual who

(1) has satisfactorily completed 12 months as a full-time paid village public safety officer, with neither a break in service longer than 90 consecutive days nor a combination of breaks in service totaling 120 days or more;

(2) meets the standards of 13 AAC 96.080(a) ;

(3) has successfully completed a basic training program meeting the requirements of 13 AAC 96.100; and

(4) attests and subscribes to the law enforcement Code of Ethics set out in 13 AAC 85.040(b)(5).

13 AAC 96.120. Denial, revocation, and lapse of certificates

(a) The department will deny or revoke a village public safety officer certificate if the officer

(1) falsified or knowingly omitted information on an application or other document required for employment or certification;

(2) has been discharged for cause, or resigned under threat of discharge, from a village public safety officer position;

(3) does not meet the standards of 13 AAC 96.080; or

(4) after the officer's date of hire

(A) ~~,~~ has illegally used, possessed, delivered, or transported a controlled substance, including an alcoholic beverage in violation of a local option under AS 04.11 or a municipal ordinance; ~~,~~

(B) has been convicted of a misdemeanor crime of domestic violence;

(C) has been convicted of a felony;

(D) a misdemeanor crime listed in 13 AAC 85.010 (b)(2);

(E) used marijuana;

(F) sold, cultivated, transported, manufactured, or distributed marijuana;

(5) a nonprofit employer may hire a person, and the commissioner is not required to deny or revoke certification of a person, if the person clearly and convincingly establishes that, in connection with a conviction for a misdemeanor crime of domestic violence, the person;

(A) was not represented by counsel and did not, by guilty plea or otherwise, knowingly and intelligently waive the right to counsel;
(B) was entitled to a jury trial, did not receive a jury trial, and did not, by guilty plea or otherwise, knowingly and intelligently waive the right to a jury trial; or
(C) is not currently under any condition of an expungement, conviction set aside, pardon, or restoration of civil rights that expressly provides the person may not ship, transport, possess, or receive firearms, and the conviction
i. has been expunged or set aside;
ii. is for an offense for which the person has been pardoned; or
~~(4)~~iii. is for an offense for which the person has had civil rights restored that were lost upon the conviction.

(b) The holder of a certificate shall immediately return the certificate to the department upon notification of revocation.
(c) An individual who is denied a certificate or a holder whose certificate is revoked may appeal to the commissioner for reversal of the denial or revocation. The appeal must be received in writing within 30 days after the date of the notice of denial or revocation and must set out the reasons for the appeal. The commissioner or the commissioner's designee will issue a written decision within 45 days after receipt of the appeal.
(d) A certificate lapses if the holder is not employed as a full-time village public safety officer for a period of 12 consecutive months.
(e) An individual may request reinstatement of a lapsed certificate after undergoing additional training as determined by the department and serving an additional probationary period of up to 12 months as required by the department in its discretion. A certificate will not be reinstated if it has been lapsed for more than 10 years.

Article 4
Definitions

13 AAC 96.900. Definitions
In this chapter, unless the context requires otherwise,
(1) "commissioner" means the commissioner of the Department of Public Safety;
(2) "controlled substance" means a controlled substance as defined in AS 11.71.900;
(3) "corporation" or "nonprofit regional corporation" means a nonprofit corporation, formed under Alaska law for the benefit of the people of a specific geographic or cultural region of the state or municipality in an area where the nonprofit regional corporation declines the village public safety officer grant;
(4) 'department' means the Department of Public Safety;
(5) "DWI offense" means the offense of
(A) operating a motor vehicle, aircraft, or watercraft while intoxicated under AS 28.35.030 or another law or ordinance with substantially similar elements; or

(B) refusing to submit to a chemical test under AS 28.35.032 or another law or ordinance with substantially similar elements;

(6) "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 pardon does not remove the felony conviction from an individual's record;

(7) "for cause" means for inefficiency, incompetency, dishonesty, ~~misconduct,~~ or some other reason that adversely affects the ability and fitness of the officer to perform job duties;

(8) "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 an individual'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 an individual's fitness to perform as a village public safety 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;

(9) "governing body" means the elected city council, traditional council, or elders council that the state recognizes as having governmental functions and ~~that the corporation accepts as appropriate to supervise the daily activities of a village public safety officer~~enters into a memorandum of agreement with the corporation;

(10) "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 pardon does not remove a misdemeanor conviction from an individual's record unless the offense was committed by the individual before the age of 21;

(11) "moral turpitude" means an act contrary to justice, honesty, principle, or good morals, an act that violates the private and social duties that a person owes to another or to society in general, or an act that is immoral in itself, regardless of illegality;

(12) "village" means a community with a population of less than ~~1,000~~2000 individuals based on the most recent federal census~~.~~

Appendix 3

Summary of Full Working Group Meetings

The Legislative VPSO workgroup and Commissioner Price and staff met at 10:00am, August 14, 2019 in the Foraker conference room in the Anchorage LIO.

Present in the room were: Co-Chairs Senator Olson and Representative Kopp. From the Department of Public Safety: Commissioner Price, Colonel Wilson, and Captain Merrill. Legislative staff: Dale Erickson, Jake Almeida, Terrence Shanigan, and Logan Basner.

Present on the teleconference were: Senator Bishop, Senator Shower, Representative Lincoln, legislative staff Rose Foley, Laura Stidolph, Christopher Clark, and Ken Truitt.

The working group had an informal and free flowing conversation with the Commissioner and her staff that manage the VPSO program.

Co-Chair Kopp opened the meeting at 10:04am. The following are the highlights of the conversation that occurred.

1. **Update the existing VPSO statutes.** Commissioner Price's main message was the current statutes need to be addressed to fully satisfy the VPSO grantees. She said this several different ways. She started her discussion by pointing out DPS is nothing more than a granting agency and they manage appropriations according to how the statute permits them to. Later in the meeting she made the point to the working group "to consider whether the statutes as they are written meets the current [policy] needs."

    a. **DPS has no broad vision for the program.** When asked about long term goals or vision for the program the commissioner relayed they did not have that and reiterated that they implement the statutes as they are written.

    b. **Vetoes to the program.** Co-Chair Olson asked the commissioner what her role was in the vetoes that the program suffered. A discussion of prior administrations' veto processes was offered by Senator Bishop. The commissioner relayed the ultimate decision for vetoes were handled within the governor's office.

2. **No working group consensus on status/health of current VPSO program.** The commissioner and Captain Merrill made statements that the program is broken and cannot be fixed. Captain Merrill made the point that "having non-profits running police forces is a fundamental problem, there's no fixing it." The commissioner deflected slightly by pointing out that former Commissioner Monegan and Governor Walker were the first to publicly announce that the program is broken. Both working group co-chairs refuted the conclusion that the VPSO program is broken.

3. **No working consensus on the DPS assertion that grantees have been unable to spend the full appropriation.** The commissioner and staff reported that a problem they have in managing the program is grantees being unable to spend the grand funds within the fiscal

year. And grantees attempting to improperly use grant funds on non-program related items or functions. Captain Merrill gave a regional high school basketball tournament and VPSO travel expenses as an example.

a. **Further analysis.** Discussion amongst the legislators and DPS officials ensued. Representative Lincoln, a non-working group member who is on the House Tribal Affairs Committee disputed this assertion. Senator Olson also expressed that it was more likely a difference in opinion in how to interpret and apply the statutes than either an inability to spend funds or improperly use funds. Senator Shower expressed interest in exploring broad changes to address the identified issues.

4. **VPSO's carrying firearms.** The working group and the commissioner discussed the issue of VPSO's carrying firearms. The commissioner reported that none of the programs arm their VPSOs even though a statute change several years ago allowed for that. She mentioned the main reason was liability issues.

5. **Reducing grant awards to "struggling" programs and re-appropriating funds to "successful" program.** The commissioner mentioned that in this grant year they would be taking away from "struggling" programs and re-appropriating those funds to the "good" programs.

Co-Chair Kopp announced that the workgroup will tentatively meet on October 16, 2019, in Fairbanks during the pre-AFN week Tribal Summit. Many of the VPSO grantee organizations would be there and it would be an ideal time to hold a field hearing. AFN is finalizing its agenda and when the date is firm formal notice will follow.

Co-Chair Kopp also announced that he and fellow co-chair Senator Olson will be attending the Department of Interior, Assistant Secretary for Indian Affairs' rural public safety listening sessions the week of August 19, 2019, in Nome (8/19/2019) and Bethel (8/21/2019).

The meeting adjourned at 11:20am.

The Legislative VPSO workgroup and the Village Public Safety Officer grantee VPSO Coordinators met at 10:00am, September 27, 2019 in the 4th floor conference room in the Anchorage LIO.

Present in the room were: Co-Chairs Senator Olson and Representative Kopp. From the VPSO grantees: Jason Wilson Tlingit & Haida, Leonard Wallner Chugachmiut, Chris Hatch Copper River Native Association, TC Kamai Kodiak Area Native Association, Michael Nemeth Aleutian Pribiloff Islands Association, Gina Appolloni Kawerak, Aucha Kameroff Northwest Arctic Borough. Legislative staff: Amory Lelake, Kari Nore, Sam Greely, and Logan Basner.

Present on the teleconference were: Senator Bishop, Representative Edgmon, and Representative Rauscher. From the VPSO grantees: Alvin Jimmie Alaska Village Council Presidents, Bonnie Kopoff Bristol Bay Native Association, Tiffany Simmons Tanana Chiefs Conference. Legislative staff Rose Foley, Christopher Clark, Dale Erickson, Derrell Breese, and Ken Truitt.

The working group members had an informal and free flowing conversation with the VPSO Coordinators.

Co-Chair Kopp opened the meeting at 10:04am. Co-Chairs Olson and Kopp offered opening remarks including referencing the questions for discussion distributed with the meeting invite:

1. What is working well about the VPSO program?
2. What problems do you encounter in trying to make the program successful?
3. What changes could the legislature make statutorily that could address those problems?
4. What could the legislature do to increase the numbers of VPSO officers?
5. Anything else about the program and the management of it you think we should know.

Both co-chairs thanked the VPSO coordinators, some of them traveled to be at the teleconference site in person. Senator Olson opened by expressing his appreciation for the program in his district and said it is working very well in his region, but that he understands how hard it is to sustain programs especially when a program might lose a long tenured VPSO to retirement.

The following are the highlights of the conversation that occurred.

1. **What is working well about the VPSO program?** From the coordinators:

    a. The VPSO workforce itself. There's been some negative press about the VPSO workforce recently, but by and large the workforce statewide is a competent force that excel in providing community based policing.
    b. The VPSO statewide program coordinators provide solid statewide leadership for the program. Among the coordinators are a retired Sergeant from the State Troopers and a retired municipal chief of police as well as coordinators with decades of experience as VPSOs. The coordinators are employed by each grantee agency. The coordinators meet

as a group regularly and work well together and arrive at innovative solutions to the unique challenges they encounter in operating the program.

c. The coordinators and programs generally have a positive working relationship with the Department of Public Safety.
d. The program is a good program and is not broken. It is challenged just like any other public safety agency whether it be fire fighting or police.

2. **What problems do you encounter in trying to make the program successful?** From the coordinators:

   a. **Lack of support from the Department of Public Safety and a historic lack of support at the commissioner level:** Even more than the amount of funding for the program, the coordinators expressed the lack of full support as a higher fundamental challenge. The group has the sense that the department is conflicted in its management of the VPSO program and historically has never fully supported the program. This was expressed in several ways:

      i. "The department/State Troopers always put themselves before the VPSO program."
      ii. "Support for the VPSO program varies depending on the commissioner."
      iii. "In my time running a program, there has never been a commissioner come out and publicly support the VPSO program."
      iv. Regarding the current Commissioner: "I applaud that she spent an entire day with us getting to know our program. That's something no other commissioner has ever done. But, we have heard no positive messages from the Commissioner about the VPSO program."

   b. **Lack of flexibility in using program funds and timeliness of decisions about requests for use of funds**. The group mentioned that this dynamic at times is even more problematic than the amount of funds appropriated to run the program. This particular item almost every region commented on and as a group they said there were many more examples that they could give, but held their examples to the following:

      i. The Copper River program has four villages on the road system. The department forbids the VPSOs from traveling between villages by only approving enough funds to fill a half a tank of gas for their State provided vehicle.
      ii. A request for new tires for an all terrain vehicle was denied, yet this was for a vehicle that was itself an approved purchase with VPSO funds.
      iii. Other regions commented that they also have been denied funds to move VPSOs from village to village within the region when the needs arise. Or denied funds to have a VPSO in "roving" status so they could be flexible and responsive to public safety needs that occur or to manage vacancies within the VPSO work force.
      iv. Flexibility for the funds changes at the whim of the department.
      v. The coordinators have been conditioned/trained not to ask for some public safety related needs because they know their requests will be denied.
      vi. Regarding the inflexibility of funds, one coordinator said: "[T]he coordinators know what's needed in their regions. I'd put any coordinator up against any trooper

about local knowledge. The trooper is not going to know. Thus, if a coordinator requests funding for a need, it is a legitimate need."

vii. On the timeliness of funding decisions, the group told a story from the Southeast region. A holding cell experienced a burst pipe in the late fall/early winter. The coordinator requested approval to use his funds for the repair right away. Because of the climate black mold set into the walls, floor, and subfloor while his request was pending. He would check on his request and just be told "it was still being reviewed." Then, on the next to last day of the grant year which is one day before the state fiscal year ended he was told he could use the funds to fix the holding cell but that he had to have all the funds expended by the next day's close. Because it was impossible to follow his organization's procurement rules in time to secure a contractor (if one could even be available on zero notice), do the demolition/mold abatement and reconstruction in less than 24 hours, he had to let the funding lapse.

c. **Micro-management by the department**. Related to the inflexibility with the program funds, most all the coordinators expressed frustration with the micro-management the inflexibility produces. One coordinator remarked that it was getting worse, that they now have to ask permission to hire and ask for permission in how they use and deploy VPSOs where they never had to in the past. Also, there is a "flex funds" line in their grant budget awards and they now have to receive permission to expend those funds where in the past the funds were treated as discretionary.

d. **Lack of transparency about program decisions and program funds**. The coordinators expressed a general lack of transparency about program decisions both policy and funding which make such decisions seem arbitrary. Several examples:

i. As a group they are aware that the department holds in reserve VPSO program funds to deal with unanticipated exigencies, but they have no idea how much is held back.
ii. Or, if one organization gets more positions whether that means that another organization loses positions.
iii. While the group operates by consensus, they are not always able to reach consensus. When this occurs, the commissioner is the final decision maker. Historically, the rationale for these decisions are not always shared with the coordinators.
iv. Initial VPSO training was cut in half even though the coordinators as a group supported the longer training regimen.
v. The department unilaterally announced with no prior notice that the grantees would be responsible for background checks for new hires.
vi. Annual continuing training for VPSOs was cut.

e. **Conflict between VPSO and State Trooper roles.** The group identified this as both a barrier to more effective public safety/law enforcement and morale problems for the VPSO program. Specific areas identified:

i. The department via administrative regulation has forbidden VPSOs from working on felonies even though the department's own data shows that when VPSOs work felonies like sexual assault, the conviction rate for those crimes go up.
ii. The inconsistency of this prohibition with advancing public safety and the reality of rural public safety was captured by this comment: "In reality, VPSOs have always worked felonies." The commenter provided examples of where weather can keep flights out of some locations for 21 – 45 days, in those instances, he wondered "who's going to work those cases? The trooper who can't get there? Or the VPSO on the ground?"
iii. VPSOs are not permitted to attend SART (sexual assault response team) training, the reason being "that's for Troopers".
iv. Prohibitions against allowing standard police emergency lights to be mounted on the state provided VPSO vehicles. It was expressed that this can cause confusion with the public for programs on the road system and also sends a non-verbal message to all involved in the VPSO program that they are viewed differently by the department and not in a good way.

3. **What changes could the legislature make statutorily that could address those problems?** Senator Olson asked the group what they thought of moving the grants management of the program from the Department of Public Safety to a different department, possibly the Department of Commerce.

a. The group was generally favorable to the suggestion. No organization's representative spoke against the idea, those that commented were open to it. No formal vote was taken of the coordinators. The following comments reflect what the working group heard from the coordinators:

i. "Would not object because sometimes the VPSO program interests conflict with the department regarding use of funds." This idea was echoed and the group expressed the sense that the department has a bias against the VPSO program such that the difficulty in expending the funds somehow then gets diverted to the State Troopers. This was expressed as a question, not an accusation. Different coordinators expressed their respect for the department personnel they interact with and appreciation to the commissioner.
ii. "The [VPSO] program is not set up to succeed in the current format."
iii. "It no longer feels like a partnership between the VPSO program and the department." The sense being "they [the department] will meet with us and give a 'thank you for your input' and then they'll do whatever it was they wanted to do in the first place. It feels like the Trooper's division is trying to push the VPSOs out."

b. Variations on whether to move the grants management to another agency yielded other ideas for programmatic changes. The notion of having more autonomy with program funds was the dominant theme, comments reflecting this:
i. "The role of the department should be technical expertise, not disbursement of funds."

ii. "A lot of [the conflict over inflexibility of funds] would go away if the funds came directly to the grantees instead of coming through the Department of Public Safety."
iii. "Authorize the organizations to run their own programs without the need for the department's approval for such minute dollar amounts."
iv. "Get rid of the capped indirect rate." This comment reflects that many of the organizations have compacts with the federal government for either healthcare (DHHS) or other education and social program through the BIA. The federal law requires that federal agencies fully fund each organization's indirect rate. The indirect rate is negotiated between the organization and the federal government and approved by the federal government.

At the close of the meeting Aucha Kameroff of the Northwest Arctic Borough invited the work group to the borough for a site visit.

Being primarily a listening session for the working group, the group took no formal action on anything discussed during the meeting. But different members expressed the desire to produce something meaningful that could be accomplished in the next legislative session and the desire to "once and for all get support for these public servants."

The meeting adjourned at 12:00 noon.

The Legislative VPSO workgroup was invited to attend the Northwest Arctic Borough's Public Safety Commission meeting on November 15, 2019, in Kotzebue Alaska at the Northwest Arctic Borough assembly chambers.

The VPSO work group was on the Safety Commission's agenda for a listening session. Work group members present: Co-Chair Representative Kopp, Co-Chair Senator Olson via teleconference, Representative Edgmon, Representative Rauscher. Also present Representative Lincoln and Assistant United States Attorney Bryan Wilson (at the invitation of the VPSO work group).

At the start of the VPSO work group agenda item the co-chairs Senator Olson and Representative Kopp summarized the work group's activities and preliminary views to date. The Public Safety Commission proceeded to take public testimony.

Public testimony offered:

- VPSO presence in local communities is greatly appreciated and considered to be highly valuable by residents.

- Need to have established protocol for hand off of VPSOs by elders into the community to make sure they are welcomed and have support, this improves retention of the officer.

- Village public safety officer coordinators report a very strong interworking relationship, and that they appreciate the partnership with the Department of Public Safety and the Alaska state trooper division.

- The Northwest Arctic Borough emphasized that changes to state and federal grant requirements would help them to be eligible for funds to supplement their VPSO programs, specifically Community Oriented Policing Services (COPS) grants. Currently only tribal entities are authorized to apply for these funds and the NWAB is not a tribal entity even though they have pulled the VPSO program underneath their funding umbrella and support it financially. They presently do not qualify for program capital renovation COPS grants so they work through third parties like the Manilaq health corporation to apply for the grant and then pass through the funds to the NWAB.

- NWAB Public Safety Commission:

    - Recommended the VPSO work group to consider Public Safety compacting in different regions of Alaska; it would allow more innovation and local control of the public safety challenges. It would also allow more community partnerships to fully engage on public safety needs.

        - Current Department management of the VPSO program "nickels and dimes" grantee organizations, whereas under a compact this would be much less likely;
    - VPSO positions should be based on need, not based on how many positions were funded at the end of the last fiscal year;
    - Strongly support arming the VPSOs if there could be an agreement on extending state immunity protections to VPSOs and the grantee organizations.

- Department of public safety personnel attending the meeting gave a very good summary of how the AST/VPSO partnership has changed over the decades.

    - Currently, the department does not have the time and resources to do proper oversight of the VPSO program as the law enforcement officers job is getting more difficult and there is less respect in general for both VPSOs and troopers.
    - There is a recognized need for more infrastructure, jails, housing, and transportation.
    - Overtime burn out is becoming a real issue for the troopers. Demands of the job are becoming so extreme that there is almost no margins built-in to the workweek to provide needed support to VPSOs.
    - Troopers are focused on communities where there are no VPSOs.

- Long delay in background checks for applicants create hiring problems: a very slow CJIS clearance process. DPS Personnel said this is something they cannot control, that the backlog is with the department of justice.

    - Assistant United States attorney Bryan Wilson attended the meeting and said he would work with the department of justice to speed up the background investigation process for applicants as this would help applicants to not get discouraged and give up during the lengthy background investigation. He also said he would look to see how the federal grants could allow Borough and other municipality Public Safety commissions be eligible for VPSO funds that right now only tribes are allowed to apply for.

- Northwest Arctic Borough Assembly

    - Has tried to address recruitment of VPSOs with sign-on bonuses and additional pay, only to be told by DPS that the grantee organizations are forbidden from offering supplemental benefits. See 13 AAC 96.030(2).
    - The assembly recognizes the need for having a good behavioral health plan and moral support offered to VPSOs.
    - Their long-term goal is to get younger people interested in preparing for a public safety career with strong training opportunities. The need to reestablish the law enforcement explorer post program for high school age youth was discussed.

Work demands of the troopers have prevented them from partnering with this program in recent years.

Appendix 4

House Tribal Affairs Committee
Presentation on Indirect Cost Rates
March 12, 2019

Indirect Cost Proposal

By: Corrine Garza

Federal Regulations/Audit

- The federal regulations addressing the indirect rates are 2 CFR Part 225.

- In addition, the Tribe must follow Generally Accepted Accounting Principles (GAAP).

Classification of Costs

- Treated consistently in like circumstances.
- Direct Costs – identified with a cost objective.
- Typical direct costs include:
  - Compensation
  - Materials
  - Equipment
  - Travel

Indirect Costs

- Incurred for a common purpose.
- Allocable to more than one cost objective:
  - Finance
  - Computer Information Services (CIS)
- Not assignable without effort disproportionate to results:
  - Copying
  - Long distance
  - Cell phone calls

Examples of Unallowable Costs

- Contributions and donations
- Fines and penalties
- Fund raising and investment management costs
- General government expenses except as provided under Self-Determination Act
- 50% of Tribal Council/Tribal Assembly expenses are unallowable as charges to the indirect cost pool
- Contingencies
- Lobbying
- Under-recovery of costs under federal agreements

Cost Allocation

	Direct	Indirect	Administrative	Unallowable
Personnel	X	X	X	X
Travel	X	X	X	X
Gifts				X
Tribal Council travel	50%	50%		X
Facilities		X	X	
Lobbying				X
Donations				X
Finance Department		X	X	
Information Technology		X	X	
TANF	X		X	
Head Start	X		X	
VPSO	X		X	

Reconciliation to Audit

- Prior to development of the *Indirect Cost Proposal*, the figures must be tied to the audited financial statements.
- All variations must be identified. The Interior Business Center typically will require a breakdown of meeting fees to make sure we are only charging 50% to the indirect cost pool.

Limitations

- Indirect Cap Examples:
  - Head Start
  - TANF
  - Community Service Block Grant (CSBG)
  - Village Public Safety Officer (VPSO) Program
  - Child Care
- Limits available contractors: those with available revenue to compensate shortfall
- Unrecoverable amounts may not be shifted from one Federal award to another.

Example: VPSO

- Shared Cap at 30%
  - Those with lower rates compensate for contractors with higher rates
  - Always under indirect cap as a group
- Active Efforts to minimize Indirect
  - Offsite Offices
  - Computer Network
  - Shifting Indirect burden to programming when possible

Tribe's Indirect Rates

- Administrative Pools are subtracted from the Indirect Cost Pool.
- Programs with Administrative Pools are subtracted from the Direct Base.
- One rate =

  (Indirect Cost Pool - Admin. Pool) ÷ (Direct Cost Pool - Less Direct Program Funds with Admin. Pools)

Interior Business Center

- The Interior Business Center (IBC) requires tribes to follow their template to derive carry-forwards.
- Tribe calculates carry-forward.
- Carry-forwards of indirect over/under recovery are applied two years in the future.
- Over-recoveries occur when the Tribe collects more indirect costs from a program than is apportioned to that program from the Indirect Cost Pool.
- The excess revenue is subtracted from the pool two (2) years in the future.

Carry-Forwards

- Under-recovery of revenue results in an increase in the next period's rate.
  - Actual indirect expenses exceed the calculated rate expenses and the collected amount.
- Over-recovery of revenue results in a decrease in the next period's rate.
  - Actual indirect expenses are less than the calculated rate expenses or collected amount.

Shortfalls vs. Carry-forward

- Shortfalls occur when there is a cap on a grant which is less than the approved indirect rate.
- Carry-forwards occur when the overall recovery from all funding sources deviates from the budgeted amount of recovery.
- Carry-forwards can be recovered in future years.
- Shortfalls will not be recovered. Shortfalls are not included in the calculation of carry-forwards.
- The deficit is both the shortfall and carry-forward if an under-recovery.

Certification

- The Tribe certifies the following in the proposal:
  - All costs are allowable in accordance with federal requirements.
  - Proposal does not include unallowable costs.
  - Any excluded costs pay for their own administrative costs.
  - All costs are properly allocable on the basis of a beneficial or casual relationship between expenses incurred and agreements to which allocated.
  - The same costs that have been treated as indirect costs have not been claimed as direct costs and similar types of costs have been accounted for consistently.

Interior Business Center

- Tribe submits the *Indirect Cost Proposal* to IBC for review.
- The IBC approves or disapproves of all costs in the pool.
- The Tribe must justify all expenses in the pool.
- The IBC issues an indirect cost agreement.

Appendix 5

Resolutions and Letters of Support

AVCP

Association of Village Council Presidents
P.O. Box 219 • Bethel, Alaska 99559 • Phone (907) 543.7300

55TH ANNUAL CONVENTION
BETHEL, ALASKA SEPTEMBER 24-25, 2019

RESOLUTION 19-09-03

TITLE: A Resolution of Support for the Alaska State Legislature Village Public Safety Officer Working Group

WHEREAS The Association of Village Council Presidents (AVCP) is the recognized tribal organization and non-profit Alaska Native regional corporation for its fifty-six member federally recognized tribes within Western Alaska; and

WHEREAS Public Safety has been the number one priority of the AVCP Region Tribes for the past three years; and

WHEREAS AVCP operates the Village Public Safety Officer (VPSO) program in the Yukon-Kuskokwim Delta Region through a contract with the State of Alaska; and

WHEREAS In May 2018, AVCP led the State in planning a Statewide VPSO Strategic Planning meeting; and

WHEREAS At the conclusion of that meeting, the VPSO tribal contractors and the State of Alaska agreed on a strategy with five components:

(1) Improving communication through better branding, community engagement, and strengthening and building partnerships at all levels;
(2) Making a VPSO available in every community;
(3) Giving Tribal contractors the flexibility needed to provide public safety in a way that works for each individual region;
(4) Ensuring adequate funding for all Program needs;
(5) Defining the VPSO's role and responsibilities; and

WHEREAS Instead of following the 2018 Strategic Plan, in 2019 the State of Alaska's Office of the Governor slashed the VPSO Program's budget and declined to give tribal contractors the flexibility they need; and

WHEREAS the Alaska State Legislature has created a Village Public Safety Officer Working Group to provide substantive policy recommendations related to the VPSO Program for submittal to the Alaska Legislature no later than January 31, 2020.

NOW THEREFORE BE IT RESOLVED That the Association of Village Council Presidents is in full support of the Alaska State Legislature VPSO Working Group.

2019 CONVENTION RESOLUTION 19-09-03

NOW THEREFORE BE IT FURTHER RESOLVED that the Association of Village Council Presidents calls on the Alaska State Legislature to seek and consider the input of Alaska Tribes/Tribal entities that provide public safety services in their communities in its recommendations.

NOW THEREFORE BE IT FURTHER RESOLVED that the Association of Village Council Presidents sponsors this resolution to the 2019 Alaska Federation of Natives Convention to be held in Fairbanks, Alaska October 17-19, 2019.

ADOPTED by the Members of the Association of Village Council Presidents during the Association's fifty-fifth annual convention held in Bethel, Alaska, this 25th day of September with a duly constituted quorum of delegates present.

Raymond Watson, Chair

Vivian Korthuis, Chief Executive Officer

NORTHWEST ARCTIC BOROUGH SCHOOL DISTRICT

Ambler · Buckland · Deering · Kiana · Kivalina · Kobuk · Kotzebue · Noatak · Noorvik · Selawik · Shungnak
PO Box 51 · Kotzebue, Alaska 99752 · Phone (907) 442-1800

January 8, 2020

Dear VPSO Working Group,

The Northwest Arctic Borough School District (NWABSD) writes this letter in support of the Village Public Safety Officer Program. The NWABSD covers 38,000 square miles of the rural northwest coast of Alaska. Headquartered in Kotzebue, the District operates schools in eleven villages for approximately 1,850 students. Schools range in size from Deering with approximately 30 students and 4 teachers, to Kotzebue with 664 students and 54 teachers. All villages in the NWABSD are off the road system and have limited law enforcement resources.

The core tenant of the NWABSD is to provide a safe and healthy learning environment for its students and staff. The VPSO Program provides a vital resource for rural schools in achieving this constructive environment. VPSOs frequently serve as the first responders to student incidents, threats against schools, or weather emergencies that arise at times in the harsh Alaska climate. Unfortunately, the last decade has seen a dramatic decrease in funding for the VPSO program. Today, no VPSOs serve the District's villages. This absence makes our communities and schools less safe. All too frequently, students and staff must wait for law enforcement to fly in, hours or days after the initial call was made.

AS 14.03.015 sets forth Alaska's education policy. It states, "[T]he purpose of education is to help ensure that all students will succeed in their education and work, shape worthwhile and satisfying lives for themselves, exemplify the best values of society, and be effective in improving the character and quality of the world about them." Fundamental to a successful education is a safe learning environment. Students cannot learn if they do not feel safe and supported in their schools and in their homes. A robust VPSO program is integral to this mission in rural Alaska. The absence of VPSOs in NWABSD villages constitutes an abdication of the State's responsibility to provide a safe learning environment for its children.

Alaska thrives when its students thrive. The NWABSD fully supports this Working Group's stated goals of improving the VPSO program and placing additional officers in more communities. The District looks forward to working with the Legislature to explore ways in which we all can provide a safer learning environment for our students. Thank you for this opportunity to provide comment.

Sincerely,

Terri Walker
Superintendent, NWABSD
(907) 442-1802

Alaska Municipal League
Resolution #2020-04

Expressing support for rural law enforcement efforts such as the VPO and VPSO program, while recognizing the need for increased investment and the potential for reform to ensure both public safety and the sustainability of law enforcement efforts in rural Alaska.

WHEREAS, local governments play an important role in delivering public safety in Alaska, with 70 local governments in Alaska having police powers; and

WHEREAS, the combined budgets of 40 municipal police departments amount to $75 million more than the entire budget of the State's Department of Public Safety; and

WHEREAS, public safety is a shared responsibility between the State and local governments; and

WHEREAS, public safety has been a priority of this administration, even as the nation's Attorney General has declared a public safety crisis in rural Alaska; and

WHEREAS, there exist important programs in the form of the Village Public Safety Officer (VPSO) and Village Police Officer (VPO), which perform essential public safety functions in communities without municipal law enforcement or a permanent State Trooper presence; and

WHEREAS, these programs face the same challenges as all law enforcement in Alaska, especially in terms of recruitment and retention of qualified officers; and

WHEREAS, vetting of VPOs is constrained by the capacity of local governments, even as recruitment of candidates is constrained by local options and by lack of visibility of potential candidates from across the state, among other reasons; and

WHEREAS, training opportunities for VPOs are limited and may be unaffordable for many local governments; and VPSO training costs have increased at the State Trooper academy; and

WHEREAS, the VPSO program has struggled to maintain full staffing, even as funding is reduced to reflect reduced numbers of VPSOs, and numerous challenges have been identified by program grantees and the Legislature; and

WHEREAS, multiple and intersecting challenges affect the efficacy of both the VPO and VPSO programs.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League supports rural law enforcement efforts such as the VPO and VPSO programs; and

BE IT FURTHER RESOLVED, that the Alaska Municipal League recognizes the need to match spending to needs identified by both programs, and for any necessary reform to ensure both public safety and the sustainability of law enforcement efforts in rural Alaska.

PASSED AND APPROVED BY THE ALASKA MUNICIPAL LEAGUE ON THE 22nd DAY OF NOVEMBER 2019.

Signed: _____
President, Alaska Municipal League

Attest: _____
Executive Director, Alaska Municipal League

Appendix 6

Creation of VPSO Working Group

Alaska State Legislature

SENATOR
CATHY GIESSEL
Senate President
State Capitol
Juneau, Alaska 99801-1182

REPRESENTATIVE
BRYCE EDGMON
Speaker of the House
State Capitol
Juneau, Alaska 99801-1182

To: Members of the Alaska Legislature

From: Senate President Cathy Giessel and House Speaker Bryce Edgmon

RE: Creation of Village Public Safety Officer working group

Date: May 9, 2019

This letter is to announce, as the Presiding Officers of the House and Senate, the creation of a Joint House/Senate Working Group (working group) for the purposes of providing substantive policy recommendations related to Alaska Village Public Safety Officers Program (VPSO) for submittal to the Alaska legislature no later than January 31, 2020.

Background

The VPSO program was created in the late 1970's to provide rural communities with critically needed public safety at the local level. The VPSO program today is plagued with high turnover and retention rates that are epidemic in proportion and leave many small communities in Alaska, challenged by long response distances, difficult weather and transportation challenges, without any law enforcement presence. As this document is being generated, the program has approximately 40 VPSO's in place serving over 150 remote communities.

Working Group

The working group, in coordination with all stakeholders, will be tasked with providing options for the legislature to consider to structurally revamp the VPSO program during the 2020 legislative session. The solutions will primarily address the core problem of increasing the number of Village Police Safety Officers available to communities. It will address other fundamental issues such as: inequity in pay, lack of housing, officer safety, low morale, and inability to generate more interest from applicants in rural Alaska, and the role of Alaska Native Tribes as a possible solution will be considered.

This working group will consist solely of members from the legislature including, three members each from the House and Senate, with one being from the minority caucus of each body. A member from each body shall be designated as a co-chair.

As such we are pleased to announce the following members as appointees to the 2019-2020 VPSO Working Group:

Senator Donny Olson, Co-Chair
Senator Click Bishop
Senator Mike Shower

Rep. Chuck Kopp, Co-Chair
Rep. Bryce Edgmon
Rep. George Rauscher

For more information please contact the offices of the presiding officers.

####

Cc: Office of the Governor, Michael J. Dunleavy
Commissioner of Public Safety, Amanda Price