

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 within a single department's annual budget. The budget request for the program has varied depending on 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.

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 vision or mission for the VPSO program

Table 1: VPSO statutes compared to State Trooper statutes:

VPSO Duties	State Trooper Statutory Duties
<p>There is created in the Department of Public Safety a village public safety officer program</p> <ul style="list-style-type: none"> • to assist local governments and villages <ul style="list-style-type: none"> ○ through nonprofit regional corporations, Alaska Native organizations, or municipalities • to appoint, train, supervise, and retain persons <ul style="list-style-type: none"> ○ to serve as village public safety officers ○ to administer functions relative to <ul style="list-style-type: none"> ▪ 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 	<p>The Department of Public Safety and each member of the state troopers is charged with</p> <ul style="list-style-type: none"> • 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 <ul style="list-style-type: none"> ○ 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

<p>monitoring the activities and progress of these persons at the direction of probation and parole officers</p> <p>Alaska Statute § 18.65.670</p>	<p>○ may cooperate with other law enforcement agencies in</p> <ul style="list-style-type: none"> ▪ detecting crime, ▪ apprehending criminals, and ▪ preserving law and order in the state. <p>Alaska Statute § 18.65.080</p>
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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 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 Trooper statute:

Regional Public Safety Officer Duties	State Trooper Duties
<p>The commissioner of public safety may appoint regional public safety officers to</p> <ol style="list-style-type: none"> (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 <ol style="list-style-type: none"> (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; 	<p>The Department of Public Safety and each member of the state troopers is charged with</p> <ul style="list-style-type: none"> • 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 <ul style="list-style-type: none"> ○ prevent crime, ○ pursue and apprehend offenders, ○ obtain legal evidence, ○ institute criminal proceedings, ○ execute any lawful warrant or order of arrest,

<p>(4) perform other duties relating to public safety as directed by the commissioner.</p> <p>Alaska Statute § 18.65.010(b)</p>	<ul style="list-style-type: none"> ○ 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 <ul style="list-style-type: none"> ▪ detecting crime, ▪ apprehending criminals, and ▪ preserving law and order in the state. <p>Alaska Stat. § 18.65.080</p>
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Recommendation 2. Create more financial flexibility for the VPSO grantee organizations in 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 sets 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 workforce.
 - 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 in the program.

2. The funding lapses were used as justification for reducing the current year VPSO program budget.

Recommendation 4. Fund unfunded mandates.

Findings.

1. Current regulations require the grantees to 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 a grantee'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 grantees 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.