

**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, 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 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.

**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**

(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.

**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.

**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.

#### **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 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, 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.