

*Original*

1 IN THE HOUSE

BY MESSRS. KAY, FAGERSTROM,  
GREUEL & DUFFIELD

2 HOUSE BILL NO. 17

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to create a Department of Terri-  
7 torial Police, prescribe its duties and  
8 powers, and repealing Sec. 1, Ch. 65,  
9 S.L.A. 1941, and Sec. 1, Ch. 49, S.L.A.,  
10 1947."

11 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

12 Section 1. There is hereby created a Department of Terri-  
13 torial Police, the head of which shall be the Superintendent  
14 of Territorial Police. The Superintendent shall be appointed  
15 by the Police Board, consisting of the Governor, Attorney  
16 General and Treasurer, and shall hold office for a term of  
17 four (4) years, subject to removal by the Police Board for  
18 inefficiency or malfeasance or when in the judgment of the  
19 Police Board the good of the service requires it. The Super-  
20 intendent of Territorial Police, before assuming the duties of  
21 his office, shall take and subscribe an oath of office and give  
22 a surety bond to be approved by the Attorney General of the  
23 Territory of Alaska in the sum of Twenty-thousand Dollars  
24 (\$20,000.00) for the faithful performance of his duties, the  
25 premium on which bond shall be paid in the same manner as other  
26 expenses of the Department of Territorial Police. The oath of  
27 office and bond of the Superintendent shall be filed in the  
28 office of the Attorney General. The Superintendent of Terri-  
29 torial Police shall receive an annual salary of Ten Thousand

1 (\$10,000.00) payable as are the salaries of other Territorial  
2 Officers.

3 Section II. The Superintendent of Territorial Police is  
4 authorized and directed to appoint a Territorial police force,  
5 consisting of such number of officers and privates as shall be  
6 requisite or necessary in the performance of the duties required  
7 by this Act. All such officers and privates shall, without  
8 exception, be selected on the basis of character, experience,  
9 physical fitness, and merit as demonstrated by written exam-  
10 ination, and without regard to race, creed, color, political  
11 affiliations or other considerations. The Department shall con-  
12 sist of the headquarters, central bureau of identification and  
13 information, detective bureau, and criminal detection laboratory.

14 Section III. The Superintendent, with the approval of the  
15 Police Board shall establish such salary scale and personnel  
16 policy for the employees of the Department as he shall deem  
17 necessary and proper. Personnel of the Department shall be  
18 removable by the Superintendent for malfeasance, misfeasance  
19 or non-feasance in office after written charges have been pre-  
20 ferred and a hearing granted, in the manner provided for in this  
21 Act. Any member who voluntarily withdraws from the Territorial  
22 Police Force without the consent of the Superintendent and all  
23 persons removed from the force for cause after hearing, shall  
24 be ineligible for reappointment.

25 Section IV. A trial board to hear charges against person-  
26 nel of the department, shall consist of the Superintendent, the  
27 Attorney General and one officer of the department appointed by  
28 the Superintendent. The Superintendent shall be the presiding  
29 officer thereof and make all necessary rulings during the course

1 of the hearing. The presiding officer is empowered to compel  
2 the attendance of witnesses and the production of evidence, and  
3 failure or refusal to obey any such subpoena shall be brought  
4 to the attention of the District Court in the judicial division  
5 wherein the trial board may be sitting and shall be punished by  
6 said court as a contempt. If the charges be proved to the  
7 satisfaction of the trial board, the board shall make a written  
8 finding and recommendation as to the removal or discipline of  
9 the employee, which order shall be promptly enforced by the  
10 Superintendent. Decisions of the trial board shall be subject  
11 to review by the district court on appeal. Nothing herein con-  
12 tained shall be deemed to require a hearing before a trial board  
13 prior to disciplinary measures taken by the Superintendent or  
14 any commanding officer for the punishment of infractions of the  
15 rules and regulations of the Department.

16 Section V. The Territory shall provide the members of the  
17 Territorial Police with standard uniforms, vehicles, supplies  
18 and equipment necessary to carry out the objects and purposes  
19 of this Act and all such property shall remain the property of  
20 The Territory of Alaska. The Superintendent shall, from time  
21 to time, with the approval of the Police Board establish  
22 stations at such places and localities as he may deem advisable  
23 for the enforcement of the laws of the Territory of Alaska and  
24 to that end he may, with the approval of the Governor, have the  
25 right to use lands and buildings for the accommodation of the  
26 members of the Territorial Police, their vehicles and equipment.  
27 The Superintendent shall have authority to direct that members  
28 of the force serve without wearing uniforms.

29 Section VI. The Superintendent shall, under the supervision

1 of the Police Board, create a detective bureau and criminal  
2 detection laboratory with the department, which bureau shall  
3 maintain facilities for the detection of crime by the Terri-  
4 torial Police and shall cooperate with and afford central  
5 information, records of finger prints, expert information on  
6 handwriting, ballistics, stains and other evidences of crime.  
7 It shall be the duty of all police officers of the Territory  
8 or any municipality or subdivision thereof to cooperate with  
9 the Department in creating and maintaining files of the bureau.  
10 Standardized forms shall be supplied by the department and all  
11 information shall be classified and kept available for the  
12 detection of crime and the identification of criminals. Any  
13 person who removes, destroys, or mutilates any of the records  
14 of the Department of Territorial Police is guilty of a mis-  
15 demeanor and, upon conviction thereof, shall be sentenced to  
16 pay a fine not exceeding Five Hundred Dollars (\$500.00) or  
17 committed to a jail for a term not exceeding one (1) year, or  
18 both in the discretion of the court.

19 Section VII. The Department of Territorial Police and  
20 each of the members thereof shall be charged with the enforce-  
21 ment of all criminal laws. They shall have the power now  
22 had by any peace officers of the Territory, municipalities  
23 or United States Marshals, and they hereby are authorized and  
24 empowered to prevent crime, to pursue and apprehend offenders  
25 and to obtain legal evidence necessary to insure the conviction  
26 in the courts of such offenders, to institute criminal pro-  
27 ceedings, to execute any lawful warrant or order of arrest  
28 issued against any person or persons for any violation of the  
29 law, to make arrests without warrant for violations of the law

1 committed; in their presence, and for felonies committed, the  
2 same as are or may be authorized by law for other peace officers;  
3 to give first aid to the injured; to succor the helpless, and  
4 to have in general the same powers and authorities as those  
5 conferred by law upon all peace officers. The members of the  
6 Territorial Police are empowered to cooperate with any other  
7 law enforcement agency in detecting crime, apprehending  
8 criminals, and preserving law and order throughout the Territory.

9 Section VIII. The Board of Road Commissioners shall  
10 deliver to the Department of Territorial Police all such motor  
11 vehicles, property and other equipment owned by the Territory  
12 of Alaska as is now used by the Highway Patrol. Chapter 65,  
13 Section 1., S.L.A. 1941, and Chapter 49, Section 1, S.L.A. 1947,  
14 are hereby repealed and the Highway Patrol created thereunder  
15 hereby abolished.

16 Section IX. The Territorial Police, with the approval of  
17 the Attorney General, may be called upon by any other department  
18 of the Territorial government to enforce criminal laws appli-  
19 cable or pertaining to such department, or any regulation  
20 thereof. The Department of Territorial Police and all members  
21 thereof shall have the power to command the assistance of any  
22 able-bodied citizen of the United States to aid in accomplishing  
23 the purposes of his office; when so called any officer or  
24 person shall, during the time his assistance is required, be  
25 considered a member of the Territorial Police and subject to  
26 the provisions of this Act.

27 Section X. No member of the Department of Territorial  
28 Police shall in any way, directly or indirectly, be active or  
29 participate in any political contest or any general or special

1 election, except to cast his ballot. No member of the Depart-  
2 ment shall be detailed or ordered to duty at or near any voting  
3 precinct where any election is being held, nor shall any member  
4 of the Department remain in or about such precinct except for  
5 the time necessary to cast his ballot.  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26