

DEPARTMENT OF PUBLIC SAFETY OPERATING PROCEDURES MANUAL		
CHAPTER 123	GOVERNMENT TO GOVERNMENT RELATIONS WITH VILLAGES	
	Effective: 10/31/2012	Commissioner Approval: 
	Authorities: Click here to enter text.	
	Applicability: ALL DEPARTMENTAL EMPLOYEES	
	Special Instructions: Click here to enter text.	

123.100 PURPOSE

The Department of Public Safety recognizes that the responsibility of ensuring safety in villages within rural Alaska is shared by the State of Alaska, the community inclusive of the village and tribal governments, and the federal government; and that the effective delivery of services is inter-dependent on the collaboration and cooperation of each of these entities.

This policy is intended to—

- reinforce government –to-government relationships between the department and the villages in Alaska through consultation on significant matters of mutual concern;
- provide guidance to all department employees involved in any departmental action that significantly or uniquely affects a village, or any village action that significantly or affects this department;
- establish and maintain effective government-to-government communications between the department and the villages in Alaska;
- promote consultation and coordination with villages in a culturally sensitive manner;
- assure consistency within the different divisions and offices of the department;
- improve the internal management of the department concerning these matters; and
- clarify department protocols for consulting with villages, and the respective governments within them. Where both governments exist within a village, consultation with both entities should occur to the extent possible.

This policy is not intended to expand, contract, or otherwise diminish or limit the sovereignty held by the state or any federally recognized tribe in Alaska.

123.300 DEPARTMENT COMMITMENT TO CONSULTATION

The department is committed to consulting with villages in Alaska as early in the department's decision-making process as practicable, and as permitted by law, prior to taking action or undertaking activities that significantly or uniquely affect a village. Department actions shall favor maximum participation of the affected village(s), with the goal of achieving informed decision-making through mutual consultation.

123.310 RESPONSIBILITIES, PROCESS, AND PROTOCOLS

To ensure processes and procedures are generally consistent throughout Alaska, while maintaining necessary flexibility, the department will adhere to the following steps when consulting with a village:

A. *Notice to affected village.* The department will make a good faith effort to notify a village, at the earliest practicable time, of any proposed departmental actions that significantly or uniquely affect the village.

1. When circumstances permit, the department will afford the village reasonable time to respond to any notification and to participate in consultation with the department.
2. Consultation will be initiated as early in the decision-making process as practicable and will continue throughout the department's decision-making process, except where expressly prohibited by law.
3. If the department determines that any state or federal law expressly prohibits continued consultation at a specified point in the decision-making process, the department will so inform the village at the outset of the consultation process or as soon as possible after the department becomes aware of the prohibition.
4. The department is not obligated to notify a village of any departmental actions identified in 123.310 I as exclusions.

B. *Authorized initiators.* Any department employee with decision-making authority regarding an action that significantly or uniquely affects a village(s) is authorized to initiate a request for consultation with the affected village(s).

The department will likewise accept an unsolicited request for consultation from any representative of a village or tribe who has decision-making authority on behalf of that village or tribe. The department employee will provide timely notification to the department's appropriate Division Director regarding any consultation.

C. *Identification of the participants.* The department and the affected village(s) will identify their respective representatives for the consultation process and collaborate to identify any other affected villages which should be involved in the consultation.

D. *Dissemination of information.* At the outset of the consultation process, prior to the first consultation meeting, the department will provide the affected village(s) with sufficient information about the proposed action(s) to ensure that the village(s) can properly assess and respond to such proposed action(s).

E. Consultation process. Consultation will incorporate processes for ongoing communications between the parties that will be established by mutual agreement whenever possible.

1. At the beginning of the consultation, the department will work with the affected village(s) to develop a mutually agreed upon list of participants, establish a timeline, and establish the method and frequency of communication to be used during the consultation.
2. At the conclusion of the consultation, the department will notify the village(s) of any final decisions on a proposed action within a reasonable time period and prior to the time that the decision takes effect, unless extraordinary or emergency circumstances preclude it.

F. Village request for consultation. Any time a village or tribe desires to request government-to-government consultation regarding a matter that significantly or uniquely affects the village, tribe, or the department, the requester should provide that information to the Division Director with dominion over the issue. Contact information for the appropriate Division Director shall be provided to the requester.

G. Inter-departmental cooperation. The department will work cooperatively with other state and/or federal agencies, to accomplish the goals and responsibilities outlined within this policy. Requests for consultation which are determined to be outside of the department's jurisdiction will be referred to the appropriate agency by the Division Director.

H. Attendance and Participation in Meetings Encouraged. Employees of the department are encouraged to attend and participate, to the extent permitted, in meetings of village and tribal governments regarding issues of importance to the department. Regardless of the initiation of an official consultation, it is the department's expectation that employees with official responsibilities in villages will develop and foster professional relationships and engage in regular communication with those village and tribal leaders.

I. Exclusions. The department has an obligation to enforce the statutes and regulations of the State of Alaska and to provide services that protect the safety and wellbeing of its peoples.

Certain departmental activities are exempt from this policy and include the following:

1. Actual or suspected violations of state law.
2. Criminal investigations.
3. Initiation of the criminal justice process.
4. Civil law enforcement investigations.
5. Initiation of the civil law enforcement process.

6. Civil litigation.

Nothing in this policy is intended to prohibit communication between authorized representatives of parties in litigation, nor in the seeking of joint resolutions of public safety issues, whether formally or informally.

123.900 DEFINITIONS

Consultation – timely process of meaningful inter-governmental dialogue between departmental divisions and/or offices and villages in Alaska regarding a proposed departmental action(s) that significantly or uniquely affects a village, tribe(s) or the department. When assessing what action will be subject to consultation, the department will take into account the cultural and traditional activities of the tribe that will be significantly or uniquely affected by the proposed action, as well as any relevant state and/or federal law. Consultation may take place by in-person meeting, teleconference, videoconference, and exchange of written documents, e-mail, or other means appropriate to the circumstances.

Department – the Alaska Department of Public Safety and its divisions and councils including offices, officials, and/or employees.

Departmental Action – any proposed action(s), activities, decision(s), legislation, regulation(s), plan(s), policy, procedure(s), program(s), project(s), service(s), or other actions that significantly or uniquely affect a village and/or tribe in Alaska other than those described as exclusions in 123.310 I.

Tribe – any tribe in Alaska that is on the list of federally recognized tribes published by the federal Bureau of Indian Affairs.

Village - a community which meets the definition of a village under State statutes and does not have a population in excess of 10,000 inhabitants.