

Chapter 96. Village Public Safety Officer Program.**Article 1. Powers and Duties of the Department.**

13 AAC 96.010 is amended to read:

13 AAC 96.010. Powers and duties of the department. (a) The provisions of **this chapter** [13 AAC 96.010 - 13 AAC 96.900] apply to the award of grants to **a grant recipient** [NONPROFIT REGIONAL CORPORATIONS] to provide **participating** villages with **public safety, including** village public safety officers **and supporting positions, services, equipment, and facilities that advance rural public safety. For the purposes of this chapter, a "grant recipient" means a nonprofit regional corporation, an Alaska Native organization, or a regional municipality authorized to receive grant funds in AS 18.65.670(b).**

(b) The department **will**

(1) [WILL] review proposals for **regional** grants to provide village public safety **officer programs** [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) in its discretion, allow grant recipients spending flexibility and discretion to achieve public safety objectives in the region;

(4) [(3) WILL] consult with **a grant recipient** [NONPROFIT REGIONAL CORPORATIONS] and **a village** [VILLAGES] regarding [THEIR] village public safety officer programs and mediate disputes between **the grant recipient** [CORPORATIONS] and **the village** [VILLAGES], if mediation is practical;

(5) [(4) WILL] consult with **and provide operational oversight to** village public safety officers and provide technical assistance and advice on matters relating to public safety and law enforcement;

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

(7) [(6) WILL,] in its discretion, provide training and equipment to village public safety officers. (Eff. 8/18/95, Register 135; am ____/____/_____, Register _____)

Authority: AS 18.65.670

Article 2. Corporation and Village Participation.

13 AAC 96.020 is amended to read:

13 AAC 96.020. Grant applications. A [NONPROFIT] regional corporation **or Alaska Native organization** may apply to participate in the village public safety officer program by submitting **a written application** to the department [A WRITTEN APPLICATION] to provide village public safety officers **as provided in AS 18.65.670** [TO PARTICIPATING VILLAGES THAT ARE LOCATED WITHIN THE REGION THAT THE CORPORATION SERVES]. **After at least one officer is assigned to one or more villages, either directly or by roving assignment, a grant recipient may apply for additional supporting positions, services, equipment, and facilities to support expansion of the program within the region that the grantee serves. The grant recipient shall submit a grant application annually.** (Eff. 8/18/95, Register 135; am ____/____/_____, Register _____)

Authority: AS 18.65.670

13 AAC 96.030 is repealed and readopted to read:

13 AAC 96.030. Department agreements with corporations. The department will not provide grant money to a grant recipient until the grant recipient enters into a written agreement with the department. The agreement must include the following terms:

(1) all of the terms as set out in AS 18.64.670(d)(1) - (4); and

(2) 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. (Eff. 8/18/95, Register 135; am ____/____/_____, Register _____)

Authority: AS 18.65.670

13 AAC 96.040 is repealed and readopted to read:

13 AAC 96.040. Administration by grant recipient. (a) In each community or village that maintains a village public safety officer, a grant recipient shall ensure that the village public safety officer has

(1) office space;

(2) a telephone, facsimile, or cellular service that includes long distance service;

and

(3) a facility to temporarily hold individuals who are under arrest in a safe and secure manner.

(b) Expenses incurred under this section shall not be the responsibility of the officer.

(Eff. 8/18/95, Register 135; am 3/28/2014, Register 209, am ____/____/_____, Register _____)

Authority: AS 18.65.670

13 AAC 96.050 is amended to read:

13 AAC 96.050. Grant recipient [CORPORATION] agreements with villages. A **grant recipient** [NONPROFIT REGIONAL CORPORATION] may not use grant money to **acquire, improve, or maintain facilities for a village public safety officer or** employ [A VILLAGE PUBLIC SAFETY OFFICER] **such officers** for a village unless the village, through its governing body, enters into a written agreement with the **grant recipient** [CORPORATION]. The agreement must

(1) be comparable to agreements that the **grant recipient** [CORPORATION] has made with [ALL] other villages in the region that the **grant recipient** [CORPORATION] serves;

(2) require that the **grant recipient** [CORPORATION] and the village comply with this chapter and with state and federal law; and

(3) set out a **public safety program objective and specific job descriptions** [DESCRIPTION] for [THE] village public safety **officers** [OFFICER] that **include** [INCLUDES] **the duties and responsibilities** [A SALARY, WORKING HOURS, AND DUTIES] that the **grant recipient** [CORPORATION] and the village expect **an** [THE] officer to perform. (Eff. 8/18/95, Register 135; am ___/___/_____, Register _____)

Authority: AS 18.65.670

13 AAC 96.060 is amended to read:

13 AAC 96.060. Termination of grants. (a) The department **may** [WILL, IN ITS DISCRETION,] terminate a grant [,] in whole or in part [,] to a **grant recipient** [NONPROFIT

REGIONAL CORPORATION] before the end of the grant period if the **grant recipient**
[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 safety officer program

between the

(i) department and the **grant recipient** [CORPORATION]; or

(ii) **grant recipient** [CORPORATION] and the village; or

(2) has [A] village public safety officer position **vacancies** [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 **30-day** written
advance notice to the **grant recipient** [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 **grant recipient** [NONPROFIT REGIONAL CORPORATION] may terminate a
grant as provided by the terms of the grant or by the terms of the agreement between the **grant**
recipient [CORPORATION] and the village.

(e) After consultation with a grant recipient, the department may reapportion
available unspent funds to support the other priorities within the program. (Eff. 8/18/95,

Register 135; am ___/___/_____, Register _____)

Authority: AS 18.65.670

Article 3. Minimum Standards, Training, and Certification.

13 AAC 96.080 is repealed and readopted to read:

13 AAC 96.080. Village public safety officer qualifications. (a) A grant recipient may not use grant money to employ an applicant as a village public safety officer unless the applicant

(1) meets the criteria as set out in AS 18.65.672;

(2) receives a physical examination from a licensed physician, advanced practice registered nurse, or physician assistant before attending a basic training program prescribed under AS 18.65.676 and submits, on a medical record form supplied by the department, a certification from that licensed physician, advanced practice registered nurse, or physician assistant that the applicant individual

(A) does not have a physical or hearing condition that would adversely affect the performance of the powers and duties of a village public safety officer;

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

(C) does not have a mental or emotional condition that would adversely affect the performance of the powers and duties of a village public safety officer;

(3) certifies the applicant 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, specified in AS 18.65.672, including an offense with substantially similar elements to such an offense under Alaska law;

(4) certifies the applicant has not been discharged, or resigned under threat of discharge, from employment as a village public safety officer, village police officer, or police

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officer in this state or any other state or territory 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. (Eff. 8/18/95, Register 135; am ____/____/_____, Register _____)

Authority: AS 18.65.670 AS 18.65.672 AS 18.65.674

13 AAC 96.090 is repealed:

13 AAC 96.090. Personnel and training records. Repealed ____/____/_____. (Eff. 8/18/95, Register 135; repealed ____/____/_____, Register _____)

13 AAC 96.100 is repealed and readopted to read:

13 AAC 96.100. Village public safety officer basic training. A village public safety officer basic training program must provide public safety related instruction as required by AS 18.65.676. (Eff. 8/18/95, Register 135; am ____/____/_____, Register _____)

Authority: AS 18.65.670 AS 18.65.676

13 AAC 96.105 is repealed:

13 AAC 96.105. Firearms training. Repealed ____/____/_____. (Eff. 3/28/2014, Register 209; repealed ____/____/_____, Register _____)

13 AAC 96.110 is repealed:

13 AAC 96.110. Village public safety officer certification. Repealed ___/___/___.

(Eff. 8/18/95, Register 209; repealed ___/___/_____, Register _____)

13 AAC 96.120 is repealed:

13 AAC 96.120. Denial, revocation, and lapse of certificates. Repealed ___/___/___.

(Eff. 8/18/95, Register 135; repealed ___/___/_____, Register _____)

Article 4. Definitions.

13 AAC 96.900 is repealed and readopted to read:

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

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

(2) "governing body" means the elected city council, traditional council, or elders council that the state recognizes as having governmental functions and enters into a memorandum of agreement with the grant recipient;

(3) "grant recipient" means an organization identified under AS 18.65.670(b);

(4) "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;

(5) "village" means a community with a population of less than 2,500 individuals based on the most recent federal census;

(6) "village public safety officer program" means the efforts, including personnel, services, and infrastructure, intended to address public safety challenges encountered in rural

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Alaska villages, to include search and rescue and missing persons, structural and wildland fire prevention and suppression, parole and probation enforcement, public safety education, emergency medical services, law enforcement and other related functions necessary to preserve the public peace. (Eff. 8/18/95, Register 135; am ___ / ___ / _____, Register _____)

Authority: AS 18.65.670