



DEPARTMENT OF PUBLIC SAFETY OPERATING PROCEDURES MANUAL		
CHAPTER 3	POLICE PROTECTION	
	Effective: 6/17/2024	Commissioner Approval: 
	Authorities: 18.65.080-085; 18.70.020; 22.20.100-130; 18.65.090; 18.65.050; 18.65.100; 18.65.110; 18.65.020; 18.65.130; 18.22.20; 18.65.010; AK CONSTITUTION ARTICLE XV; Alaska A.G Opinion J-66-005-75	
	Applicability: All Department Employees	
	Special Instructions: Click here to enter text.	

3.100 INTRODUCTION

It is the responsibility and authority of the DPS Commissioner to assign duties pertaining to law enforcement.

3.110 POWERS AND DUTIES OF COMMISSIONED AND CERTIFIED PERSONNEL

A. Powers and duties of commissioned personnel. Commissioned personnel are charged with the enforcement of all criminal laws of the state and have the power usually and customarily exercised by a peace officer of the state or a municipality. Commissioned personnel may 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 their presence, and may cooperate with other law enforcement agencies in detecting crime, apprehending criminals, and preserving law and order in the State. [Ref AS 18.65.080-085]

B. *Authority and responsibility of Deputy Fire Marshals.* Under the general direction and command of the State Fire Marshal, Deputy Fire Marshals primarily enforce state fire laws and regulations. Deputy Fire Marshals are sworn police officers certified by the Alaska Police Standards Council (APSC). Deputy Fire Marshals are assigned a limited range of law enforcement duties by the Commissioner or designee. [Ref AS 18.70.020-30]

C. *Authority and responsibility of Court Services Officers.* Under the general direction and command of Judicial Services supervisors, Court Services Officers (CSOs) are designated by the Commissioner of Public Safety as executive officers of the courts to assist commissioned personnel in the performance of prisoner transport, court security, and process service required under AS 22.20.100-140. CSOs who meet the APSC requirements for certification are sworn police officers. CSOs who do not qualify for APSC certification are sworn peace officers. CSOs are assigned a limited range of law enforcement duties by the Commissioner or designee.

D. *Authority and responsibility of Village Public Safety Officers.* With Commissioner certification under AS 18.65.670 and under the general direction and oversight of Alaska State Troopers, as Peace Officers, VPSOs assist commissioned personnel in protection of life and property and maintaining public order through, fire prevention and suppression, provision of emergency medical services, participating in and coordinating search and rescues, providing probation and parole supervision, and enforcing criminal laws of the state or a municipality. At

the direction of an employing VPSO Program grantee and with appropriate training VPSOs may be armed.

E. Assistance to other agencies. DPS shall assist departments of the state, municipal, and federal governments in the enforcement of criminal laws and regulations. [Ref AS 18.65.090]

F. DPS to maintain central information. DPS shall establish a central repository containing information on fingerprints, handwriting, ballistics, stains, and other evidence of crime [Ref AS 18.65.050]

G. Officers may command assistance. Commissioned personnel of DPS may command the assistance of any able-bodied person to accomplish the purposes listed in OPM Section 3.100 (A). During the time that assistance is required, the person is considered to be an employee of the Department with the powers of commissioned personnel under OPM Section 3.100 (A). [Ref AS 18.65.100]

H. Only lawful interference with rights or property permitted. Employees of DPS may not interfere with the rights or property of any person, except in a lawful manner necessary for the prevention of crime or the capture and arrest of an offender. [Ref AS 18.65.110]

I. Department to supply uniforms and equipment. The State shall provide commissioned personnel and other officers of AST, AWT, FLS, CSO, and VPSO with standard uniforms, vehicles, supplies, and equipment necessary to carry out the objectives and purposes of AS 18.65.010-110. All issued property shall remain the property of the State. [Ref AS 18.65.020]

J. Commissioner shall establish headquarters and stations. The commissioner shall establish stations and headquarters at the places and localities that are necessary for the enforcement of the laws. [Ref AS 18.65.130]

3.320 DUTY OF THE COMMISSIONER

A. DPS Commissioner is executive officer of the Supreme Court. The Commissioner is the executive officer of the supreme court and shall serve and execute all process issued by the supreme court or a supreme court justice, attend the supreme court, and execute the authority necessary for the performance of these duties. [Ref AS 22.20.100]

B. Duty to appeals, superior, and district courts. When required by the supreme court, the Commissioner shall serve and execute all process issued by the court of appeals, the superior court, and the district courts, attend to and wait upon grand and petit juries, maintain order, attend the sessions of the courts, and exercise the power to perform the duties concerning all matters within the jurisdiction of the courts. The Commissioner is the executive officer of the court of appeals, the superior court, and the district courts. [Ref AS 22.20.110]

C. Authority of former U.S. Court vested in Commissioner. The authority and duties vested in the U.S. Marshal by statute regarding execution of process service of the former U.S. District Court for the Territory of Alaska, seizure and detention of property, sale of property forfeited or levied upon, and arrest of persons in connection with civil matters, is vested in the

Commissioner. State courts issuing process may direct the execution of service to the Commissioner or his designee. [Ref Alaska Constitution Article XV]

3.330 APPOINTMENT OF SPECIAL OFFICERS

A. *Commissioner may appoint Special Officers.* For a limited or set duration, the Commissioner may appoint, as Special Officers, qualified police officers of the federal, state, or local governments; or persons over 19 years old with adequate police training, as may be necessary to aid and assist DPS in the enforcement of criminal laws of the State. Each Special Officer serves, without compensation, at the pleasure of the Commissioner. [Ref AS 18.65.010]

B. *Authority of Special Officers.* Each person appointed as a Special Officer may be authorized by the Commissioner to prevent crime, issue citations, pursue and apprehend offenders, obtain legal evidence, institute criminal proceedings, execute warrants of arrest or search and seizure, or other criminal process issuing from any court of the State. If authorized by the Commissioner, Special Officers may make arrests in the same manner as the commissioned personnel of DPS. The Commissioner, at his or her discretion, may limit the authority and duties of each Special Officer and may set geographic limits on the authority of each Special Officer.

C. *Applications.* Applications for Special Officer status must include the following:

1. A specific statement describing how the issuance of the Special Commission will directly support the mission of the Alaska State Troopers;
2. The official job description and job duties of the proposed Commission holder if not employed as a police officer;
3. The delineation of crimes the proposed Commission holder shall be authorized to investigate and the geographic limits of the requested authority; and
4. The policies and procedures of the requested agency as they relate to the purpose of the requested Special Commission.
5. Applications not including the above documentation will be returned to the requesting agency for more information.

D. *Special Officers to carry identification.* Each Special Officer shall carry identification issued by the Commissioner and firearms in the manner required by the Commissioner. Each person appointed shall take the constitutional oath of office. Persons appointed may hold other public or private employment.

E. *Special Officer Commission Committee.* The Commissioner may delegate authority to approve, renew, or revoke Special Officer Commissions to a committee. Such committee, comprised of departmental employees, will be: Deputy Commissioner, Special Assistant to the Commissioner for Human Resources, AST Director and/or designee, and AWT Director and/or designee.

1. ***Assign or continue Special Officer Commission.*** In order to maintain the integrity of a Special Commission, the committee shall review such requests to

determine appropriateness of issuance or continued eligibility. Denial of a commission may occur if the requestor has committed an act of unacceptable behavior involving, but not limited to, criminal acts, acts of moral turpitude, or behavior that has brought, or may bring, discredit or embarrassment upon the Department of Public Safety.

2. **Suspension of existing Commissions.** The committee has authority to suspend a commission during a review of any incident of unacceptable behavior, as described above.
3. **Determinations.** The committee shall make a written determination notice as to the issuance, renewal, reinstatement, suspension, revocation, or limitations of a commission within fifteen (15) days of the committee's review. The committee will prepare a summary of each request and the justification for each approval or denial for review by the Commissioner prior to finalization.
4. **Appeals.** The requestor may submit a written appeal to the Commissioner within ten (10) days of determination notification.

F. Final Determinations. The Commissioner's decision regarding the status of a Special Officer Commission is final. Special Commissions are issued at the sole discretion and pleasure of the Commissioner.

3.900 DEFINITIONS

Peace Officer – A public servant vested by law with a duty to maintain public order or to make arrests, whether the duty extends to all offenses or is limited to a specific class of offenses or offenders; an officer of the Alaska State Troopers. [Ref AS 11.81.900(b)(44), AS 01.10.060(a)(7)(A)]

Police Officer – A employee of the state or a municipal police department with the authority to arrest and issue citations; detain a person taken into custody until that person can be arraigned before a judge or magistrate; conduct investigations of violations of and enforce criminal laws, regulations, and traffic laws; search with or without a warrant persons, dwellings, and other forms of property for evidence of a crime; and take other action consistent with exercise of these enumerated powers when necessary to maintain the public peace. [Ref AS 18.65.290(7)(a)]