


DEPARTMENT OF PUBLIC SAFETY OPERATING PROCEDURES MANUAL		
CHAPTER 125	INTERAGENCY AND GOVERNMENT INTERACTION	
	Effective: 11/25/2019	Commissioner Approval: <i>AP</i>
	Authorities: <a href="#">AS 39.26.010</a>	
	Applicability: ALL DEPARTMENTAL EMPLOYEES	
	Special Instructions:	

### 125.100 INTRODUCTIONS

This chapter describes policies regarding interacting with other State agencies as well as other governmental entities.

### 125.300 REQUESTS FOR ATTORNEY GENERAL'S OPINION

The Division Directors through the Commissioner's office will initiate requests for written opinions from the Attorney General's office. There are no exceptions to this policy.

### 125.310 ALASKA LEGAL BULLETINS AND SEARCH AND SEIZURE BULLETIN MANUAL

The Alaska Legal Bulletin and the Search and Seizure Bulletins are available for the purpose of providing a source for legal and search and seizure information. These documents are hosted on the Alaska Police Standards Council web site at <https://dps.alaska.gov/APSC/Legal-Bulletins>.

### 125.320 SERVICES TO THE DIVISION OF LANDS

From time to time, the Division of Lands serves civil process on squatters trespassing on State lands. Those papers are drafted by the Attorney General's office, but are not issued by the court. In the event that trouble may occur, the Division of Lands may request assistance from a Trooper. Command personnel will review those requests to determine if Trooper assistance is needed. Division of Lands personnel may at any time enter upon any public or private lands for the purpose of preventing, suppressing, or controlling wild land fires and other destructive agents. Wild land fires include all lands on which grass, brush, timber or other natural vegetation occurs. (Ref. [AS 41.15.040](#))

### 125.330 BOROUGH OR MUNICIPAL ORDINANCE

It is the general policy of the Department not to enforce borough or municipal ordinances. Enforcement of these ordinances must be done through the boroughs or municipalities legal mechanism, not the District Attorney. Any enforcement of these ordinances by officers must be approved in advance by the Commissioner's office. This includes the enforcement of ordinances shortening bar hours.

**125.340 INVESTIGATION OF ALLEGED POLICE MISCONDUCT WITHIN NON-DPS AGENCIES**

**A. Assistance to outside agencies conducting investigations.** DPS personnel are to provide reasonable assistance to a law enforcement agency other than an agency within DPS, if requested, to assist the agency in conducting its own investigation of possibly improper or illegal conduct by a member or members of the non-DPS agency.

**B. Requests for DPS to conduct investigations of possibly improper or illegal conduct by a member or members of a law enforcement agency other than a non-DPS agency.** Requests for DPS to conduct investigations of possibly improper or illegal conduct by a member or members of a law enforcement agency other than an agency within DPS will be considered only if made by the by the State of Alaska Deputy Attorney General for the Criminal Division. It is the expectation of DPS that the Deputy Attorney General, in making the request, will provide direction as to the scope and focus of the requested investigation. It also is the expectation of DPS that a request will be made only after the chief official or designee of the non-DPS law enforcement agency has interviewed the complainant, assuming a readily identifiable complainant exists.

**C. Commissioner to be notified.** The DPS Commissioner's Office is to be notified of all requests within the scope of this section for investigative assistance or for DPS to conduct an investigation.

**125.350 LEGISLATIVE AND MEDIA CONTACT**

This policy is intended to:

1. Govern the flow of information from department employees to employees and staff of the legislature and legislative agencies;
2. Provide a formal process whereby key department personnel are kept fully informed of what information is being provided, by whom and on what topics;
3. Ensure that requests are responded to in a timely manner; and
4. Ensure that the information provided is accurate and consistent with the official position of the department and the administration.

This policy is not intended to subrogate the provisions of AS 39.26.010 in any way but, in fact, is intended to ensure that department employees strictly adhere to them while at the same time acting in the best interests of the department.

**A. Cooperation.** It is in the best interests of the department and the administration and it shall be the policy of the department to cooperate actively with the legislative branch wherever practical.

All requests for information shall be promptly acted upon either by directly providing the requested information or by directing the request to the appropriate source in the department.

Unless some extraordinary circumstance or emergency exists, supervisory personnel will handle requests for information only. Doing so will help to ensure that any information provided is consistent with the official position of the department and the administration and will keep non-supervisory personnel focused on carrying out core mission tasks.

Unless otherwise directed to do so, employees will not provide comments on the appropriateness of department policies, positions on issues or on adequacy of budget or the work force. Any inquiries concerning those topic areas will be referred to the Commissioner's Office for response. Employees will restrict their responses to appropriate operational topics and provision of accurate information or data that is generally public in nature. The content of policies may be discussed.

Employees must be very careful not to provide inaccurate information and must not provide information about topics with which they are not intimately familiar. If an employee is asked about a topic to which they are not intimately familiar, the proper course of action is to refer the requestor to an employee who is familiar with the topic. Requestors will often be very persistent in attempting a response in these circumstances, often due to their own time constraints. When referring a request to another employee, it is expected that a following up with that employee will occur to ensure a response was completed.

**B. *Personal Opinions and Agendas.*** Active cooperation does not include personal opinion or agenda no matter how compelling or strongly held. When representing the agency, providing information contrary to the official position of the agency and the administration only serves to frustrate the needs of the information seeker by failing to provide that which has been requested.

Personal opinions and agendas are very appropriate when delivered clearly and totally outside the context of employment by the department. Otherwise, information delivered must represent the official position of the department and the administration. No employee may testify at a legislative hearing as an official representative of the department unless specifically directed to do so by the Commissioner's Office.

Persons offering personal opinions or seeking to further personal agendas while on their own time and outside the context of employment with the department must be very careful that any information or opinions they provide are not based on information they would not or could not have access to but for their employment with this agency.

**C. *Media Contacts.*** Much of the direction embodied in this policy also applies to media contacts. Just as with the legislature, it shall be the policy of the department to cooperate actively with the media wherever practical. The media serves an important role in our society. They represent the single largest source of information about what we do and for what we stand.

Employees at every level are encouraged to be cooperative and helpful with the media whenever appropriate. Those of you who are out there every day doing the work of the department are our best ambassadors to the press.

The same restrictions concerning personal opinion, personal agendas, policies, positions on issues, adequacy of personnel or budgets and other topics that are not directly related to operational events apply to contacts with the media. The same caution about knowledge of the topic at hand also applies.

**D. Immediate Notification of Legislative Contacts.** All requests, however trivial and whether filled by the recipient or passed to an appropriate source, must be immediately reported to the employee's immediate supervisor and to the Legislative Contact Notification e-mail group at [DPS.leg.contact.notif@alaska.gov](mailto:DPS.leg.contact.notif@alaska.gov) using the Legislative Contact Notification e-mail format as shown in Section E. All conversations, initial and subsequent, with a legislator regarding information they sought, received, and/or wanted to discuss shall be disclosed in the notification e-mail.

It is not necessary to capture the conversations verbatim but it is important to capture the issues discussed and the employee's response.

**E. Legislative Contact Notification Email Format.** The format that follows is an example of the format and the sort of text entries that are to be used when sending an email notification as required by this policy. Any employee likely to receive legislative contacts is encouraged to create an email template in this format so that they have the required headings readily available. Employees using the Commissioner's Notification system are expected to be familiar with how to use this system. A local computer support person is available to assist if necessary.

These e-mails are internal work product documents and are not to be sent or shared outside of DPS.

**Explanation of Fields**

Field	Explanation
To:	At a minimum, address the email to: leg_contact_notif@dps.state.ak.us and your immediate supervisor. Others may be added as appropriate.
Subject:	Leave as Legislative Contact Notification; do not add to or otherwise modify the subject. If this is a follow-up email with additional information about one sent previously, indicate that in the body of the email.
Date:	The date the contact occurred.
Time:	The time the contact occurred.
Employee Contacted:	Employee name and position.
Contacted by:	The name and position of the person generating the contact such as "Senator Doe" or "Mary Smith, staff person for Senator Doe."
Office of: Telephone: Fax:	While seemingly covered by the previous field, this is important when it is a committee staff person or a staff person from one of the Legislative Affairs offices. Include both the telephone number and facsimile number.
Subject(s):	What subject or subjects did the employee discuss or were asked about by the person making the contact?
Synopsis of conversation:	This does not need to be verbatim but needs to be sufficient to allow the reader to understand the gist of what was discussed and what information was provided to the requestor.
Documents or Materials Requested:	Describe any documents or materials that the requestor asked for or that were suggested to them. If none, enter "none."
Provided:	Describe any documents or materials that were actually provided to the requestor. Be sure to maintain a copy of anything that was provided. The respondent may be asked to forward the copy to the Commissioner's Office.

If an employee is in doubt about the proper course of action they shall contact their supervisor immediately while maintaining a polite and responsive demeanor.