Improving Public Safety in Rural Alaska: A Review of Past Studies

Justin Roberts

The Alaska Rural Justice and Law Enforcement Commission, a federal commission appointed in the fall of 2004, is currently hearing testimony and debating potential recommendations on the future of rural justice and public safety in Alaska. One of the commission’s subject areas, public safety, has been the subject of dozens of reports in the twenty-five years since the inception of the Village Public Safety Officer (VPSO) program. This article attempts to summarize the recommendations of these previous studies and reports.

In reviewing these recommendations, the reader should bear two things in mind. First, most of these reports have been external program evaluations completed by agencies, universities, and policy institutes, not by local governments or organizations. Accordingly, some of the recommendations may suffer from cultural or institutional biases. In addition, some of the recommendations may be outdated since the reports span twenty-five years. Determining the usefulness of individual recommendations will be up to the commission members and the public.

Overview

Since its inception, the most commonly cited benefits of the VPSO program have been that it increases local control and self-determination and provides basic public safety services in areas of rural Alaska where they were previously lacking. Some reports have praised the career ladder the program creates for Alaska Natives in the public safety field (although employment as a VPSO is not restricted to Alaska Natives) and the communication link it provides between villages and state troopers. Others have highlighted the program’s focus on overall public safety as opposed to policing, its minimal cost, its cultural and regional flexibility, and its direct economic and employment benefits to rural Alaska.

Rural Justice and Law Enforcement Commission

Since last autumn the federally-appointed Alaska Rural Justice and Law Enforcement Commission has been examining various aspects of rural justice services. The legislation that set up the commission requires it to make recommendations on the following:

- Creating a unified law enforcement system, court system, and system of local laws or ordinances for Alaska Native villages and communities of varying sizes, including the possibility of first, second, and third class villages with different powers;
- Meeting the law enforcement and judicial personnel needs in rural Alaska, including the possible use of cross deputization in a way that maximizes the existing resources of federal, state, local, and tribal governments;
- Addressing the needs to regulate alcoholic beverages, including the prohibition of the sale, importation, use, or possession of alcoholic beverages, and to provide restorative justice for persons who violate such laws including treatment; and
- Addressing the problem of domestic violence and child abuse, including treatment options and restorative justice. (Public Law 108-199)

The commission is working toward releasing a final report by the end of this June. Whatever the recommendations it finally makes, some of the by-products from its work have already advanced the public discussion of rural justice.

The main article in this issue of the Alaska Justice Forum is a summary of the evaluations made over the last quarter century with regard to the Village Public Safety Officer Program—which has been one of the most important focuses of the commission. The broader report from which the article is derived is probably the most thorough overview of the VPSO program yet prepared. It was researched and written by Justin Roberts for the Alaska Federation of Natives. AFN has made the study available to the Rural Justice and Law Enforcement Commission.

The Forum plans to publish other articles and reports related to the work of the commission as they emerge.

* * *

As part of its public education mission, the Justice Center at UAA is compiling a bibliography of studies, reports, and other documents related to Alaska rural justice. This bibliography covers the period since the early 1990s. It builds upon an earlier work published by the Alaska Judicial Council that covers Alaska rural justice from territorial days through 1992.

The Justice Center has made this new bibliography, which is still in draft form, available to the Rural Justice and Law Enforcement Commission. A monograph accompanies the bibliography. The document will be released in final form later this spring.
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| Total                                            | $62,200,392   | 324.1 officers                                   |                                                 |                 |                                                 |

* Totals from all COPS-granted programs.

Source: Office of Community-Oriented Policing Services (COPS)
COPS Funds in Alaska

Alaska has received over $62 million in grant funds from the federal Office of Community Policing Services, U.S. Department of Justice, since late 1994. According to figures released by the COPS program in September 2004, these COPS funds have made possible the hiring of 324.1 full-time equivalent (FTE) officer positions.

The original thrust of the COPS program was to put additional officers into communities, both urban and rural, so much of the Alaska grant money was either directed at hiring new officers or at freeing sworn officers from administrative duties in order to permit them to engage in direct police work. In general, the COPS hiring programs have provided individual agencies with funds for additional officer positions for a period of three years only. The program was not designed to be a permanent source of funding for officer positions. COPS provided a percentage of the money required for each position, with the recipient agency contributing matching funds. In addition, the agency agreed to retain the new positions for at least one full fiscal cycle beyond the expiration of grant funding. Under certain conditions small communities could receive funding for an additional year. COPS funding directed through the Tribal Resources Grant Program, an important source for village Alaska, was structured by somewhat different conditions.

Of the $62 million that has come to Alaska, just over $30 million has gone to the Anchorage Police Department, the Alaska State Troopers, the Fairbanks Department of Public Safety and the Juneau Police Department. These four agencies were able to fund a total additional 112.1 officer positions.

The total funding going to communities with populations under 1000 has been around $16 million. This sum funded 167.6 FTE positions in approximately 70 rural communities as well as training, equipment purchases and technical support.

It is not known how many of the COPS-funded positions have turned into permanent positions—beyond the term specified in the grant. According to the Alaska Police Standards Commission, at the end of February 2005, there were 1190 certified sworn officers in Alaska. Since 1994, the number of sworn officers has grown by at least two-thirds. Some of this growth has undoubtedly been due to the influx of COPS money.

Some communities that have received COPS grants have officers—Village Police Officers (VPOs) or Tribal Police Officers (TPOs)—who have not been certified by the Alaska Police Standards Commission. The map appearing on page 4 shows the distribution of VPOs and TPOs, as well as Village Public Safety Officers (VPSOs) at the end of February 2005.

On a national basis funding for the COPS program has declined in the last several years and its future is now in doubt.

Rural Alaska
(continued from page 1)

However, the same reports have identified problems with what the Institute of Social and Economic Research (ISER) at the University of Alaska has deemed the “burdensome concept of the program”—a reference to the number of agencies involved in administering the program, the poorly defined roles and responsibilities of the various parties, and the competing visions of success held by the Alaska State Troopers versus those of the villages and regional Native nonprofit corporations. Other areas cited as problems have included personnel selection, training, turnover, cost-effectiveness, and the view in some villages that the VPSO is solely an agent of the state.

In the following discussion, some reports are cited in particular. Others covering the same issues are listed in the attached bibliography.

Personnel Selection

Village public safety officers are hired through a cooperative arrangement that considers the input of the village, the regional nonprofit Native corporation, and the Alaska State Troopers. In the 1980s, Arthur Hippler from the Institute of Social and Economic Research at University of Alaska Anchorage and Otwin Marenin from the University of Alaska Fairbanks criticized the program for not attracting, selecting, and retaining the most qualified personnel. However, since then, most reports have praised the cooperative selection process. Many reports also have urged the state to hire more Alaska Natives in criminal justice and law enforcement positions.

Training

Over the years, dozens of reports have recommended increased training for rural public safety officers. Two of the most common training recommendations have been to increase individualized, on-site training of VPSOs in their villages and to increase cultural training of state troopers who serve rural Alaska.

The initial concept for the VPSO program

Please see Rural Alaska, page 4
Each VPSO’s Oversight Trooper provides a close on-site working relationship and make daily telephone contacts that give the VPSO on-the-job-training, formal training modules, and day-to-day guidance.

The need for cultural training of Alaska State Troopers has also been a common theme over the past twenty-five years. Numerous studies and reports, including the two internal briefing papers noted above, have recommended increasing cultural training for state troopers who serve rural Alaska. According to the briefing papers, cultural training should include instruction on area traditions, ways of living, “a historical and current perspective of tribal courts, traditional and elected councils; how they interface with the criminal justice system and what part the VPSO Program plays in relation to these issues.”

Outside Alaska, the International Association of Chiefs of Police and commissions in Australia and Canada also have recommended extensive cultural training for officers who serve in predominantly Native areas.

Other training recommendations included in various reports have included:
- holding a second VPSO academy in Sitka so VPSOs do not have to wait up to a year to receive training;
- increasing the training and number of VPSO Field Training Officers;
- offering additional training to local law enforcement officers (village and tribal police officers);
- evaluating teaching modules for appropriate vocabulary;
- better integrating the academy and follow-up training;
- introducing Troopers to the villages they will serve before they assume their duties;
- offering bilingual instruction;
- providing management training to village councils so they can oversee law enforcement.

The ideal situation would be to have each VPSO’s Oversight Trooper provide a close on-site working relationship and make daily telephone contacts that give the VPSO on-the-job-training, formal training modules, and day-to-day guidance.

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- offering bilingual instruction;
- providing management training to village councils so they can oversee law enforcement.
forcement in an unbiased manner;
• working toward Alaska Police Standards Council certification of the VPSO training academy;
• establishing a formal oversight trooper training course;
• pursuing cooperative training programs between police and employment training agencies;
• offering courses in tribal justice systems to state policymakers; and
• providing VPSOs with more training in probation, juvenile justice, and other community-based services.

Support

Virtually every report on rural justice in the past twenty-five years has recommended that the state increase its law enforcement presence in rural Alaska. In 1977, Lloyd Weinreb, a professor from Harvard Law School, recommended that a constable regularly visit every village in Alaska at least once or twice a month, without a display of force, to enable people to seek him out. According to Professor Weinreb, “[t]his is essential if the constable’s presence is to be sought and accepted.” The same sentiment was expressed in the original design of the VPSO program, which included stationing two additional state troopers in each regional hub with the sole duties of VPSO oversight and support.

Oversight troopers were to be experienced officers with specialized training in issues commonly encountered by VPSOs. They were expected to visit every village once a month to offer on-site training and support to the VPSO and to provide a regular means of communication between the village residents and the state. The recommended ratio of VPSOs to oversight troopers in the original concept paper was seven to one.

In 1984, Price Waterhouse conducted an Overall VPSO Program Evaluation for the Department of Public Safety. One of their recommendations was that, unless they were faced with a life-threatening emergency, oversight troopers should only perform duties related to the VPSO program. By FY86, however, the state had eliminated over half of the sixteen VPSO oversight trooper positions, and the VPSO/oversight trooper ratio had increased to twenty-three to one.

The 1992 internal Department of Public Safety briefing paper recommended moving back to the seven-to-one ratio at an estimated annual cost of $1,130,000. According to the paper:

Since there are not an adequate number of Oversight Troopers, VPSO Oversight duties, for the most part, are now a secondary responsibility for post Troopers sent into a village to carry out an investigation or some other law enforcement function. These trips to a village are generally short in duration and there is little time to concentrate on each VPSO’s needs.

The paper commented that “the VPSO
Oversight duty is no longer the highly specialized assignment it was at program inception and recommended spending $20,000 on a formal trooper oversight training course.

Other oversight recommendations over the years have included:

- increasing the personal contact between troopers and VPSOs;
- making trooper responsiveness more evident to villagers;
- providing additional administrative staff and equipment to rural troopers;
- adding troopers in the regional hubs; and
- increasing communication and interactions between troopers, community leaders, and rural residents.

**Turnover**

In a statistical study conducted in 2000 of officer attrition in the VPSO program, *Turnover among Alaska Village Public Safety Officers: An Examination of the Factors Associated with Attrition*, Darryl Wood of the Justice Center at the University of Alaska Anchorage found that VPSO attrition rates from 1983 to 1997 averaged 55 percent, at least 10 times greater than the attrition experienced by metropolitan police departments. The average officer lasted less than one year.

Wood found that VPSOs were more likely to quit if they were single, non-Native, younger, and dissatisfied with their training. They were less likely to quit if they served in their own village and had other police (village police, tribal police, or VPSOs) in the village. Wood found no discernible statistically significant link between officer turnover and lack of contact with oversight troopers, dissatisfaction with equipment, officer stress, role ambiguity, mistreatment by the village, or pressures associated with policing relatives.

One common recommendation to reduce turnover has been to increase the career advancement opportunities of VPSOs. Previous reports have recommended expanding the training and number of sergeant-level VPSO Field Training Officer positions and establishing an annual VPSO/Municipal Police Academy (MPA) Transition Course.

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**Studies, Reports, and Documents Relevant to the VPSO Program**

Compiled by Justin Roberts and the Justice Center, UAA


In 1989, the state offered a VPSO/Municipal Police Academy Transition Course to twenty VPSOs. Three years later, the 1992 Department of Public Safety briefing paper urged the establishment of an annual course, noting that three of the participants in the first course became municipal police officers, one became a state trooper, one became a fish and wildlife enforcement officer, and one became a VPSO coordinator with a regional nonprofit corporation.

Another suggestion for reducing VPSO turnover expressed in the 1992 and 1997 briefing papers was to increase the number of specialized VPSO oversight troopers. According to the 1992 report, “without consistent Oversight Trooper support, including training and personal contact with each VPSO, as well as interaction with the leaders of the community and local residents, the VPSO turnover problem will continue or possibly worsen.”

Several studies have also commented on the importance of village support for the VPSO program in reducing turnover. In a 1989 report, Otwin Marenin at the University of Alaska Fairbanks noted that VPSOs were more likely to remain in their position and carry out their duties if there were strong political institutions in the village.

Other turnover recommendations have been to:
- increase VPSO salaries;
- make health and retirement benefits commensurate with those for troopers;
- increase support and backup;
- build or improve office facilities and holding cells;
- raise allowable overtime;
- provide reimbursement for incidental costs;
- reintroduce the monthly VPSO fuel allowance;
- provide housing;
- offer stress-related support services; and
- create a VPSO retreat fund.

**Communication**

Numerous studies have highlighted the importance of regular meetings between state, federal, and tribal officials to improve coordination. For example, in 1979, in *Alaskan Village Justice: An Exploratory Study*, John Angell of the Justice Center at the University of Alaska Fairbanks noted the importance of village support for the VPSO program in reducing turnover.

*Please see Rural Alaska, page 8*
Rural Alaska  
(continued from page 7)

University of Alaska Anchorage recommended creating regional guidance committees for justice planning. These would meet regularly and involve all branches of the justice system, tribal and rural governments, and Native organizations.

Other recommendations in the area of communications have included:

- establishing standardized systems for data collection;
- improving the collaboration and sharing of criminal justice information and resources between federal, state, and local governments; and
- creating a standard system for informing village police and residents about the resolution of cases involving the village—such as posting probation and parole terms in a prominent place in the village.

**Resources**

Previous reports also have recommended increasing the number and quality of holding cells and public safety buildings, providing VPSOs with vehicles and trailers, building local SAFE houses, and providing legal manuals to villages. In addition, the Alaska Criminal Justice Assessment Commission recommended creating community partnerships for probation and parole supervision and offering additional substance abuse and sex offender treatment programs in villages and regional hubs.

**Cross-deputization**

In recent years, it has been argued that cross-deputizing village, tribal, and state officers, including VPSOs, could improve public safety in Native communities. According to the VPSO Program Field Manual, one of a VPSO’s duties is enforcing local ordinances. However, the authority of VPSOs to enforce local tribal laws, as opposed to city or village laws, remains murky.

A number of bodies that have looked at rural law enforcement have advocated cross-deputization. In 1994, the Alaska Natives Commission recommended that village public safety officers should enforce all village ordinances as well as state statutes. Both the Alaska Commission on Rural Governance and Empowerment and Commonwealth North’s Urban Rural Unity Study recommended that the state partner with local governments and tribes in the distribution of law enforcement. The International Association of Chiefs of Police and the National Congress of State Legislators have recently supported the use of intergovernmental law enforcement agreements between states and Indian tribes. In addition, eight states submitted an amicus brief to the U.S. Supreme Court last year in United States v. Lara, 541 U.S. 193 (2004) supporting the use of cooperative law enforcement agreements between tribal and state governments.

**Local Control**

Probably the most common observation regarding rural law enforcement has been that the public safety system should incorporate local control and self-determination—one of the cited benefits of the VPSO program. In the original concept paper for the program, the Department of Public Safety stated that the program . . . could help to provide a mechanism to address local problems . . . by the application of sanctions reflecting village norms and conditions without entering the formal process of the State’s criminal justice system.

In addition, according to the VPSO Program Field Manual, “the City Manager, Mayor and/or Village Council, in conjunction with the [regional nonprofit] Contractor, decide what the VPSO’s specific duties will be.” This focus on local control has been echoed in virtually every study on rural law enforcement, including reports by the Alaska Natives Commission, the Alaska Commission on Rural Governance and Empowerment, and the Alaska Advisory Committee to the U.S. Civil Rights Commission.

Recommendations have included that criminal justice agencies assess their operating procedures and resolve any conflicts between local and state social control methods, that police incorporate traditional values and follow community preferences, that Native policy be based on self-help and self-determination, and that state and federal governments encourage Native and local institutions.

In the past twenty-five years, there have been hundreds of recommendations for improving the VPSO program and public safety in rural Alaska. Some are likely flawed or outdated, others may need to be revised, and still others may be useful in their original form. Distinguishing usable options will require public input and engaged discussion. The Alaska Rural Justice and Law Enforcement Commission will, it is hoped, prove to be an effective forum for such a debate.

Justin Roberts, an Anchorage lawyer, has been researching rural public safety as a consultant for the Alaska Federation of Natives.