

Report to the St. Paul, Alaska City Manager

Issues Behind

**Petition Regarding Saint Paul Department of Public Safety Involvement in
the Saint Paul Island Volunteer Fire Department**

And

**Petition regarding Saint Paul Department of Public Safety Cultural
Awareness and Community Sensitivity**

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Report to the City Manager

Thank you for the invitation to return to Saint Paul. It has been an enjoyable honor and a privilege. I will long remember not only being on the Island the warmest, sunniest days of summer, but the warmth of the welcome, hospitality, and cooperation I experienced.

I particularly wish to thank City Manager Linda Snow, and City Clerk Phyllis Swetzof not only for their hospitality, but for their aid in finding background documents and material; and to Public Safety Director K.C. Alberg and Tribal Enforcement Director Phil Zavadil, both of whom gave up over six hours of their time, effort, and office space to assist me in understanding the many successes and challenges of providing for the safety and security of the community of Saint Paul Island, Alaska.

I know there was some resistance from the city council at first blush, however I think that you made the right decision to bring someone in from the outside to conduct this investigation for you. Doing so fostered the following positive results:

1. It kept all of you in the loop as participants. Any one of you may have been able to delve as deeply into this inquiry as I have, however how would the process have benefited by not having one of you participate? It is not possible to both direct and contribute to an investigation at the same time.

2. I was able to present a neutral, non-biased position. Investigating a situation in which you could later be accused of favoritism is a potentially destructive way to spend your valuable time. And because the circumstances of this conflict are such that you most likely could not assure requested personal confidentiality, you risk both your reputation and the trust of the public by trying to tackle this situation on your own. Historical conflicts between the City, the Tribe and TDX unquestionably render the appearance of in-house neutrality as moot.

My success in achieving an impartial, noncommittal presence was aptly demonstrated by the willingness and eagerness of many residents to find me and offer opinion and observation. I was able to conduct hours of interviews in my dining room, the offices and homes of others, and on the beach and street. I spoke to approximately 10% of the Island's population.

3. Your action is evidence that you are serious about community concerns. More than once I heard of past petitions that, once presented to an Island council or board, were assumed to have been tossed with little or no consideration. By bringing me in you have sent a message that you are serious about change, and that you are willing to put resources behind your commitment. You are clearly invested in the process, and you expect your partners and the public to follow your lead.

I'm glad I was the right person for the investigation. Shaking the hands, being patted on the back, and catching up with old friends clearly opened the lines of communication. I have the experience, education and training to know what I was looking for, and recognize it when I found it. I could cut to the chase, laboriously peel away layers of extraneous information or just chit chat as called for. I believe I have been able to reassemble the sequence of events and to locate the information requested.

I conducted this investigation much as an investigative reporter may have. Imagine what someone from the Anchorage Daily News might have done if they were assigned this story. My approach here was to interview, not interrogate participants. I followed the standard protocol of a civil, not criminal investigation. My goal was one of achieving understanding and finding fact, not necessarily fixing blame.

I have personally verified (found evidence) and believe what I report here, and I believe readers should be comfortable with having faith in it also. During my investigation I interviewed witnesses and community members with background information and personal observations. I reviewed police reports and logs, audio and video tapes, emails, receipts and shipping orders, city ordinances and state law, job descriptions, personal records and employment contracts.

I did so in an attempt to find answers to six specific questions that I have been contracted to explore:

Question #1: Is there evidence that the Public Safety Department (PSD) has violated anybody's civil rights?

I found no evidence of civil rights violations by members of the police department. In fact, nobody I spoke to even raised an accusation of civil rights violations.

I found no evidence of members using excessive force towards the residents of Saint Paul. There was a recent juvenile arrest that I heard about from several people I spoke to, each insinuating excessive force had been used. I contacted the juvenile involved, who said that he had been inappropriately touched by the officer. While this young man was extremely polite and cooperative toward me, after watching the video tape of the incident and reading the charging document from the state probation officer, I did not find any inappropriate or excessive force used to effect the arrest.

Chief Alberg is fond of saying that department members practice “minimum enforcement to effect voluntary compliance”. I found ample evidence to believe this to be true. In fact I found many examples and evidence that the Chief's procedures, policies and planning efforts reflect modern police best practices.

The first item to the council on the Public Safety Department petition is a request that the Public Safety Department be directed to use discretion in applying and enforcing state laws. I found many current instances of discretion while reviewing case reports and the call log. One young man with jail time to serve practically checks himself in and out of jail. You can't ask for much more minimal intrusion than that.

Regarding the call for service log, Chief Alberg has set up a Facebook page to disseminate police activity to the public. This is normally done through a local newspaper, however as Saint Paul does not have a paper, Facebook seems a reasonable

choice over a local bulletin board. I received several comments about the Facebook logs, all of them negative. Residents concerned about the logs most often said that they made locals seem like a bunch of alcoholics, or made fun of them. I pointed out that Chief Alberg does not list names in his activity reports, as most jurisdictions do (see a comparison of activity reports from Saint Paul and Skagway, Appendix A), although I was told this didn't matter, as the community was small enough that "everyone knows who it is about" anyway.

For the record, the printing of police activity logs is a long-held tradition. Police work is not to be conducted in secret, and the public has the right to know what the police do, and when and where they do it. The disbursement of activity information protects the public, and is their right to possess.

Approach to policing was another topic continually brought up. Chief Alberg's style was often compared negatively to past Chiefs Putman and Meese's approach. Approach is relative, and not usually right or wrong, although the tenets of community policing ask that the approach to policing match as closely as possible the needs of the community. I have the luxury in Skagway (where I am a police officer) to be a peacekeeper, and rarely a law enforcer. The demands on Chief Alberg are reversed. Saint Paul as a community may *desire* a peacekeeper, however I believe it *needs* a law enforcer. I find the level of violence in Saint Paul unacceptably high. I would argue that Saint Paul can not shift to peacekeeper mode before peace actually exists to be kept.

I surveyed a six month period of police responses (December 2011 to May 2012). During this time, officers responded to a total of 45 assault calls (an average of almost 8 per month, or almost 2 per week) and 13 disturbance or disorderly conduct calls (an average of 2 per month, or one every other week). Projected out, Island residents could suffer under 90 reported assaults and 26 reported disturbances annually. In comparison, Skagway, a town with 2-3 times the residential population base of Saint Paul, took 2 assault reports and 2 disturbance reports over the same time period.

I did hear repeatedly and practically universally that the SPPSD officers were intimidating and harassed the local populace. I don't think I ever heard Officer Dodson's name used in a sentence that didn't also include either the words intimidation or harassment. I heard Officer Dodson described to me as "showboat, walking tall, rubs wrong way, little man, badge heavy, gung ho, and herds people like animals".

I find this interesting, as I uncovered no actual evidence of intimidating or harassing practice by any member of the police department. I was told that officers intimidate and harass by driving past a house while on patrol, driving past or around a business (usually the tavern), parked watching an area, stopping by a business (again usually the tavern, although I was told that a uniformed officer stopping by the grocery to buy lunch supplies was also harassing or intimidating behavior), dance or activity, standing with their hand on their gun, or by following vehicles around town with their bright headlights on.

It was here my interviews got a little cloudy. A minority of residents complained that they experienced or observed the intimidating behavior first hand, while most said they "heard" about it. Many complained that Officer Dodson would stand "with his hand on his gun", but few could demonstrate how he actually stands when I asked them to (Chief Alberg confirmed that when conditions warrant, officer practice a method of covering their handgun using an accepted firearms retention technique). I found it disheartening that everyone is convinced the harassment occurs, even if they only know it second or third hand.

The most alarming testimony I heard was Officer Dodson "had lead (meaning a bullet, or that he was going to shoot) for (someone)". I heard this story first from a respected member of the community, and second from a city councilmember, who said they heard it in Anchorage. I considered this alleged action very serious, and sought to track it down. I was able to locate the source of the story, who told me what actually happened was that he had tracked down Officer Dodson. He pointed out an individual to Dodson, and told Dodson to be careful if he ever had to contact the individual. The source said the individual had been know to talk about committing "suicide by cop" in

the past, and the source did not want Dodson to get hurt if that were to happen. Dodson replied something along the lines of he “hoped it wouldn’t come down to having to shoot the individual.” That comment is perfectly reasonable, and took the sting out of the story.

I regret that Officer Dodson was not on the Island during my investigation and I was unable to speak to him firsthand about all of these allegations, or watch him in action. I did however review reports and logs, and most importantly I watched him interact with people on calls via a small video camera the officers wear as part of their uniform. These cameras have become standard issue in many departments, and are a godsend for being able to review events before writing a report or settling controversy over what actually took place on a call.

What I observed on video was the viewpoint of looking over Officer Dodson’s shoulder, in real time, as events unrolled. I heard an abundance of “please” and “thank you” in his speech. He called everybody “sir” or “ma’am”. His voice was usually low and of unremarkable cadence. No matter how much he was being yelled at or argued with. I found he usually took considerable time to take action, and instead seems to prefer to talk a situation out. I observed nothing in my review of tapes that explained the reputation of badge heavy, showboating, gung ho or aggressive.

I understand that Island history has some bearing on these complaints. The petition concerning the “Department of Public Safety cultural awareness and community sensitivity” starts thus:

“St. Paul Island has been a government-controlled town, where its citizens were enslaved and treated as wards of the federal government. Community members of the past, many who are still alive today, have survived a time of management by fear, intimidation and suppression. The Aleut people gained their freedom from this domineering form of management that prohibited or disallowed them the right to self-governance.

St. Paul Island's current citizens and residents, Aleut and non-Aleut alike, through the actions and methods of the current City of Saint Paul and Saint Paul Department of Public Safety administration feel that the days of past management by fear, intimidation and suppression are upon us once again."

I certainly understand and empathize the violation the Island's elders must still feel from the old ward days. I believe these feelings must be taken into account when considering and implementing modern day practices. However I have found no evidence whatsoever to equate the policies and practices of the "current City of Saint Paul and Saint Paul Department of Public Safety administration" that equates with that ward system, and would cause the "feel(ing) that the days of past management by fear, intimidation and suppression are upon us once again." Under the old guard, citizens were subject to strict rules, travel restrictions, and the constant threat of punishment. That is not true today. Today Saint Paul is a locally governed second class city, and residents are afforded all of the rights and responsibilities granted under the Alaska and US constitution and administrative laws.

One other bit of more recent Island history must also be considered when listening to people talk about Island law enforcement. I heard talk repeatedly about the "Stenders". While at the airport checking my luggage for my flight out, two young men struck up a conversation about how their elders worry that "we are going back to the time of the Stenders" or worry that the police (usually Officer Dodson) were either going to "shoot somebody or get shot themselves". Like I said, residents were hungry to grab any time they could to talk with me.

The Stenders in question were two brothers, Scott and Jeff, who worked for the police department in the early 90's. Scott was the chief, and Jeff was one of his officers. Scott at the very least was vastly unpopular, and in my opinion overly aggressive and unprepared for the duties of Chief. One night on a call Scott shot and killed an Island resident, Matfey Fratis. The shooting was later found justifiable by the State. I am

familiar with the officers involved, and I am familiar with the case facts, and here I would have to agree with Island sentiment that “justifiable” is a pretty low bar to meet, and that it does not mean the same thing as “necessary”. This shooting has left a bad taste in the mouth of many Island memories, and has colored resident’s view of law enforcement.

It is my opinion however that no policy, procedure or manner of the current police department resembles in any way the reign of Scott Stender. It is important here to understand the comparison between departments, but not validate them.

Question #2: Are the complaints about the Department of Public Safety broadly supported or the product of a vocal minority?

The complaints are both, and neither. These petition complaints are tied to fire department initiated complaints, which are entrenched and tied to a growing number of family, friends and entities. If by “supported” we mean “repeated”, then yes the complaints are broadly repeated, and probably even believed by the people doing the repeating. However by far the most complaints repeated to me started as “I heard that...,” and I found few first person experiences.

The petition regarding the police department grew out of the fire department petition. Both petitions grew out of discussions among fire department command staff. On face value neither petition asks for anything that isn’t either already in place, or isn’t commonly accepted as best practices, with the possible exception of forming a hiring committee to hire future police chiefs. The city manager has indicated that she finds that process unduly cumbersome, and will probably continue her current hiring practices.

In all of my discussions I found only one person, Phil Zavadil, who could intelligently and knowingly speak to the points of either petition. Every single other person I spoke to knew the petitions were “about the cops”, or “told the city to stay out of fire department business.” Mr. Zavadil is a Fire Lieutenant, as well as the Director of the Tribal Enforcement Department. I believe Mr. Zavadil to be the main editor and author of both petitions.

The unrest and dysfunction between the city and the volunteer fire department is probably a bigger problem than the police department complaints. The series of events leading to the petitions grew like this:

(a) The Public Safety Director is in charge of the police, fire, EMS, harbor and emergency management divisions. This is outlined in city code (Chapter XII), the Director's job description, and his contract with the city. See Appendix B for a copy of the city ordinance and job description.

(b) The Director made plans to bring the volunteer fire division into state compliance by meeting state standards, as required by the above documents. *The Saint Paul Island Volunteer Fire Department, as organized and operated before the hire of Chief Alberg, did not meet standards and requirements as set forth by the Alaska Fire Standards Council and Alaska state law.*

(c) The Director discussed these plans with the volunteer Fire Chief. These communications were never passed down to the firefighters by their chief.

(d) The Director started to implement his plans. The firefighters rebelled over what they interpreted as the Director meddling in the fire department's business.

I spoke to all of the fire department officers and many of the firefighters. There seems to be three sincerely – but unfortunately false - universally held beliefs by members important to this assumption of meddling.

The first is that the fire department does not report (or maybe “belong”) to the city. The firefighters, in what looked to me to be a very accomplished and proud notion, saw themselves as volunteers, and as such clearly not city employees. They saw themselves as answering only to themselves. It almost looked to me like they perceived themselves as an entity on par with the City, TDX, or the Tribe.

Second is the misunderstanding that they don't answer to the Director. Most of my interviews affirmed a prior understanding that the police chief helped out at budget time, but other than that maintained a hands-off approach to fire department affairs. This is reflected in the way that Chief Putman and Meese probably did run things.

Finally is the notion that Saint Paul firefighters do not have to meet state standards. For example, there is a serious friction point between Chief Alberg and the firefighters in that the firefighters may not fight structure fires from inside the structure. The Chief maintains that the firefighters must be trained and certified to a recognized level before they can do that. The firefighters maintain that they are all for safety and training, however they have had sufficient on the job training passed down from prior firefighters to allow them to fight interior structural fires, just as they always have.

The fire department petition asks for the city manager to adopt policies and procedures to address three areas: 1) Define the Saint Paul Department of Public Safety's role and interaction with the Saint Paul Island Volunteer Fire Department, 2) Recognize the roles and duties of the Saint Paul Island Volunteer Fire Department and its volunteer members, and 3) Develop an agreement with the Saint Paul Island Volunteer Fire Department that outlines the assistance and support of and between the City of Saint Paul and its departments.

I believe that between current city code, and planning documents created by Chief Alberg (in his role of director of activities of all volunteer public safety organizations, per his job description) which he has shared with the city manager and volunteer fire chief, each of the three areas of concern from the petition have been fully and professionally addressed. It appears to me that all of the plans and procedures created by Chief Alberg on behalf of the volunteer fire division were done so solely with the effectiveness and efficiency of the division in mind, while driving home the goal of meeting Alaska Fire Standards Council requirements for certification.

The City has a perfectly good fire department management model on the books. I have no preference and no recommendation to the city whether they keep this model, or

try another, except to remember that changing models could eliminate city funding. There are several effective ways available, and by researching and studying how other successful volunteer agencies around the state operate the city should be able to find a good match for Saint Paul, *should you decide to change*. My highest recommendation however is that you FOLLOW whatever model is adopted, and that you meet the state standards regardless of the model. It is RECKLESS and NEGLIGENT and leaves the city open to unnecessary liability should you continue to have one procedure adopted in code, and then ignore it and do something else.

The need to meet state standards and certification requirements is no different than the requirements placed upon the city's finance, power, public works, or police departments. I believe that after my discussions most of the firefighters understand this. The best example of the need for state certification I can give is the EMS program. Everybody "gets" it that emergency medical responders have to be trained before aiding people, and everybody understands that aid can't be provided outside the scope of one's training. An ETT can provide pressure to a wound, or start CPR. An EMT 1 can splint a broken bone. An EMT 2 can start an IV or administer some drugs. Nobody believes that an ETT should be able to start an IV, as this is outside their training.

EMS certification is an arduous process. Anyone earning such certification also earns the respect of the community and can be understandably proud of their achievement. Certification through the progressing levels of firefighting should be held in similar regard.

The "Petition regarding Saint Paul Department of Public Safety cultural awareness and community sensitivity" is similar in that it asks for nothing out of mainstream current best practices. I did find a major disconnect with the requests on the petition, and the thoughts of the people I interviewed. The need for increased "cultural awareness and cultural sensitivity" came up rarely in talks, if at all. And I heard just the opposite when it came to increased "participation in community activities and events". Most residents I spoke to complained of harassment or intimidation when officers showed up at dances, open gym or businesses. I believe the petition requests

(and I do believe in the petition requests) represent more the will of the author, and not so much the wishes of the people.

Question #3: Do the people complaining have personal interest in that they or a family member has been arrested or incarcerated for commission of a crime?

Although one would think this to be an important question in gauging hidden agendas or biased reporting, I found it to be largely irrelevant. Almost everybody on the Island has a friend or family member who has been arrested or incarcerated. Most everybody has been willing, even anxious, to talk at length with me. I discovered an underlying fairness in people's willingness to accept the necessity of arrest, and I found that getting arrested did not lessen or invalidate what I considered honest testimony.

I checked on a lady in jail to discuss her living conditions and how she was treated, and she had already prepared a lengthy written statement, hoping I would come by or that she could get it to me. While upset about the lack of access to cigarettes while in jail, she had no complaints about being incarcerated except that it was boring.

I believe that most residents signed the petitions because they were asked to by a trusted family member or friend. I do not believe they signed it out of retaliation for a prior arrest.

Question #4: What specific ideas do the complainants have for improving law enforcement that is consistent with applicable law? Disregarding applicable laws or selectively enforcing such laws is not a viable option.

"Disregarding applicable laws or selective enforcement" (discretion) is often framed as a bad thing, however discretion and selective enforcement are mainstays of modern policing. Chief Alberg's belief in "minimum enforcement to effect voluntary compliance" is in fact indicative of this. The petition asks for the use of discretion - and call logs show it is in abundant use in this community by this department. I applaud the

wise use of discretion. Remember that discretion in and of itself does not equate a lack of enforcement. Discretion instead affords upholding the spirit of the law, rather than necessitating enforcement of the letter of the law.

Nobody I interviewed advocated a blanket policy of not enforcing specific (such as domestic violence, or driving under the influence) laws. Some Tribal Court members I interviewed voiced concern about young people having felony records that will follow them into college, the military or future job hunts. They indicated a preference in seeing felony charges dropped to misdemeanors when possible, and thought the police may be overcharging (charging a more serious crime than necessary) at times. I could not find evidence of overcharging by the police department in the cases I reviewed. I did find instances where the State had added charges to cases after reports were forwarded from the police for review by the prosecutor's office, however this is outside the department's control.

A concern I have with the tribe's desire to see fewer felony charges is that I don't see a *prevention* plan rather than the *responsive* plan offered. Again, the high level of violence seems accepted, and even minimized by residents. The tribal focus seems to be on healing and treatment and advanced supervision after the crime has been committed, rather than telling people to quit hurting each other to begin with.

There is a memorandum of understanding (MOU) between the city and tribe for enforcement and follow up services. There have been stumbling points in the efforts to enact this agreement. I believe it would be positive to continue this effort. Two recent log entries show how well this MOU can work:

On 08/25/2012, an SPDPS police officer on patrol handled an "on-view" complaint. He noticed a young juvenile outside unattended and unable to contact his parents. The juvenile was transported to the Police Services office where he was provided with food and attempts to contact family where made. With the assistance of Tribal Enforcement and Tribal

Government's Health and Human Services, a suitable sitter was located and the child returned to his home.

On 09/01/2012, SPDPS received a report of a sexual assault of a juvenile via tribal government's health and human services office A police officer responded, completed an investigative report, and actions necessary to protect the victim. The investigation is ongoing.

A copy of this MOU is available in Appendix C. Another friction point exists between the carrying out of DPS and Tribal Enforcement duties. When queried, both sides told me they agree in principle with the description of city and tribal duties Chief Alberg printed within a Facebook entry last spring. This description of duties reads as follows:

"A MESSAGE FROM THE DIRECTOR: I just want to take the opportunity to clear up some of the confusion of late relative to the roles of the Saint Paul Department of Public Safety (SPDPS) versus the Tribal Enforcement Department (TED). SPDPS is responsible for police, fire, EMS, harbor and emergency management in and for the City of Saint Paul (the entire island and out to three statute miles). While I serve as the Police Chief, I am also the Director of Public Safety and oversee, direct and manage each of these functions.

SPDPS Police Officers (Multidisciplinary) are highly-trained, professional "all-hazards" responders, as state-certified police officers, firefighters and EMS responders. We also have search and rescue (SAR) and emergency management training and experience. Our Police Officers are, from time to time, assisted by Harbor Officers (who are not police officers, but, are given limited authority as peace officers) who are also "all-hazards" responders.

TED is responsible for enforcing tribal civil (non-criminal) ordinances and serving as officers of the Tribal Court (to include probation services). Two Tribal Enforcement Officers recently attended the paraprofessional Village Public Safety Officer Academy. We applaud that accomplishment! However, Village Public Safety Officers are NOT police officers. Rather, they have limited peace officer authority under oversight of the Alaska State Troopers (AST).

While TED chose to send Tribal Enforcement Officers (TEO) through VPSO training (which differs from the state DPS Police Academy), their officers are neither state-certified or given the authority of VPSOs (or any criminal authority whatsoever), nor have the oversight of AST. They are not authorized to make arrests, issue criminal citations, enforce state laws, rules or regulations (or City ordinances), operate vehicles equipped with emergency lights/sirens or conduct traffic stops. They do not carry firearms. They do not back up police services personnel on high-risk calls.

With that said, TED officers are valuable members of the tribal government's efforts within the community and SPDPS continues to work as closely as possible with TEOs within our respective roles. Two TEOs are also volunteers with our Fire and EMS Divisions. We truly appreciate their commitment to the community and their support related to SPDPS operations.

I just wanted to clarify these issues as many in the public have questioned the purposes of our respective agencies' personnel. Should you have any questions related to the role of SPDPS, please do not hesitate to give me a call. Thanks so much and have a great weekend!"

Tribal Enforcement Director Zavadil told me that while the above description is currently true, the tribe has future plans to attain criminal jurisdiction. He went on to

clarify there is no timeline in place for this to happen, and the tribe recognizes that city and/or state statutory changes must occur before this plan can be implemented. I believe that all sides need to respect the other's office and act in the community's best interest to the best of their ability according to their available resources and responsibilities. An outstanding example of this cooperation was reported in a recent log entry:

On 09/01/2012, SPDPS received a call of a domestic violence assault in progress from tribal enforcement. A police officer responded and was offered assistance from a tribal enforcement officer (who was in route for a different matter) which was accepted per Alaska Statutes regarding assistance to law enforcement. The alleged assailant fled from a police officer and neither SPDPS or TED officers could locate him.

While interviewing victims, a 911 emergency call of a residential burglary in progress came in. SPDPS & TED officers responded to this emergency call and learned the alleged assailant from the previous call had attempted to force entry into a residence. The suspect returned to the scene of the original crime, while officers where handling the burglary call. Officers responded back to the original scene.

Upon arrival, an officer witnessed the suspect assault a female in the residence. SPDPS and TED officers took action to stop the felony assault and arrest the person. During the course of the arrest, the suspect physically resisted, threatened, and assaulted a police officer, who was forced to use pepper spray to stop any additional unlawful actions against the several people in the residence. The suspect fled on foot; both SPDPS and TED officers gave chase. To effect a lawful arrest on a fleeing felon, the tribal officer deployed his TASER, ending the foot pursuit. Officers took the suspect into custody and EMS treated him for pepper spray exposure. The suspect was arraigned on numerous felony and misdemeanor charges. Alcohol was determined to be a factor in this incident.

Question #5: Is racial discrimination an element in the complaints on the part of the public?

Obviously. The city council had testimony offered in chambers, at an official meeting, broadcast over the FM airwaves as far as they would reach, that white people need to get off the Island. It is clear that talk such as this is openly shared from dining to bar room tables.

Interestingly, I not only interviewed non-natives of different races that had personally experienced racial discrimination (usually in the form of hate speech), but there appears to be a form of non-local prejudice (St. Paul Aleut vs St. George Aleut for example) practiced as well.

Racial discrimination is also practiced with an interesting tunnel vision. I was told specifically that the City should not be employing a white “outsider” as city manager; although when I probed the same people did not see an issue with the Tribe employing a white CEO. Another resident questioned why the Department of Public Safety could not hire local, native police officers... although the person posing the question did not similarly question why the two tribal enforcement officers were neither island-born nor Alut.

Racial discrimination is not unique to the Island. In fact, race and ethnicity are one of the “big five” factors that make up the science of rural justice studies. When looking at all five pieces - geographic isolation, availability of guns, economic factors (chronic poverty, economic extremes, thin economies), race and ethnicity, and social climate (informal control, mistrust of government, reluctance to share internal problems) – it becomes clear that Saint Paul could proxy as a Petri dish for rural justice scientists. Alaska is actually ahead of the curve when it comes to rural justice studies. For an explanation of the science of Alaskan rural justice, see Appendix D.

Question #6: Did a central figure or organization orchestrate the petitions? Was intimidation or promises involved?

The petitions grew out of meetings of members of the volunteer fire department command staff. I found no evidence of anybody not willingly signing the petitions, although I found very, very few that knew and understood what the petitions were actually asking for. Most of the signers I spoke to knew that the petitions were “about the cops” or “about getting control of our fire department back”. I heard of no intimidation; most signers received the petition from a family member or trusted friend, and just signed it when asked.

As fire staff come from the ranks of the city, TDX or the tribe, it is difficult to say that any particular organization may be behind the petitions. The fire department petitions are pretty straight forward, addressing the concerns of the fire department staff. The second petition about the police department had its start out of frustration and friction between the fire staff and police chief, however it then morphed into language concerning cultural awareness and community sensitivity. I found few citizens that found this a priority, and instead this petition seems based on the concerns and understandings of primary author/editor Zavadil.

Where do we go from here?

I believe building and maintaining healthy and productive working relationships should be everyone’s goal. Of the two issues discussed here, I believe the relationship between the public safety department and the fire department should be addressed first. Everything the petition authors asked the city for already exists (although granted possibly not in the form they envisioned) in city code and an excellent set of plans charted by Chief Alberg. I believe that the volunteers are dedicated and professional enough to understand the absolute need to follow city and state standards and achieve the necessary certifications to do their job safely and effectively. The firefighters will stand as proudly with their certification as the EMTs do with theirs.

The volunteers felt blindsided by changes they had no input nor advanced warning of. The failure on the part of the fire chief to communicate these changes to his troops has been identified and acknowledged. A work around of this danger zone can be

created by both sides, and progress can be made. The energy generated by this group of passionate, engaged individuals must be carefully harnessed and directed, keeping it from overheating and melting down (no pun intended) and ruining the process.

I know that there is a do-it-ourselves sense of individualism among all Islanders; however I feel the stakes are high enough, and the potential rewards great enough that I am again going to suggest bringing in an outsider to mediate. It would not have to take long, probably only a couple of days, but the right person could steer, direct and keep on track discussions and talks to bring forth an **agreement** between stakeholders and forge the beginnings to lasting cooperation between the volunteers and the city. I am probably not that person, however I can certainly help find those that are. We have seen that dissent emanating from the fire department can be distracting at best and debilitating at worse. Endorsement from this group could bring about real change.

Success would be too rewarding not to fully prepare to go after it. Einstein said that the definition of insanity was doing the same thing over and over and expecting different results. Successful conflict resolution is an art and a science. Lay people may become quite good at handling day-to-day office politics by the seat of their pants and a few in-service trainings. This conflict carries so much historical baggage and intertwines so many Island entities I can't imagine finding anybody on Island that can be accepted as neutral and non-biased as well as willing to throw any number of possible solutions onto the table. It is in this vein that I advise seeking an outside facilitator.

After solid results are attained with the fire volunteers, I would then advance with finding community support for the police department. With the firefighters as allies the notions of harassment and intimidation can be defeated, person by person, family by family, group by group. It sounds somewhat like a pipe dream at the moment, having gone through such recent hostility and discontent, however once the spirit of compromise and cooperation start to grow it should sufficiently continue. The community leaders are going to have to step up to the plate and pledge not only their support, but their vow to start turning opinion.

Good luck!

Saint Paul DPS Police Activity Log
Posted on Facebook June 16-30, 2012

On 06/16/2012, SPDPS received a walk-in complaint from an adult male asking to speak to an officer. Two police officers responded to check an issue at his home. It was determined to be a civil matter and no enforcement action was taken.

On 06/16/2012, SPDPS received a call complaining of loud music. A police officer responded and asked if the occupant would voluntarily turn the music down due to complaint. The occupant agreed and no enforcement action was taken. Alcohol was determined to be a factor.

On 06/16/2012, SPDPS received a complaint about suspicious activity in the harbor. A police officer responded and contacted two unknown individuals who the complainant observed trespassing on several vessels. However, an initial investigation was conducted pending confirmation that a purchase deal for marine parts was struck with a local party. The pair was warned to be mindful of the other vessel owners' property rights. No enforcement action was taken.

On 06/16/2012, SPDPS received a marine radio call indicating a problem within a residence. Three police officers responded and found that the occupants could not agree on why assistance was summoned. It was determined that no crime was committed. No enforcement action was taken. Alcohol was determined to be a factor in this incident.

On 06/16/2012, SPDPS received a call reporting a possible fight. The complainant stated that yelling and loud music was heard from a neighboring home. Two police officers responded and investigated finding loud music, however, no disturbance. The occupant voluntarily turned the music down and no enforcement action was taken.

On 06/16/2012, SPDPS received a call over the marine band radio requesting police to respond to a specific residence. Three police officers responded and found two argumentative, adult males at the residence. The officers were able to calm down the two males. No enforcement action was taken.

On 06/17/2012, SPDPS received a request from the St. Paul Health Center for an EMS response and medevac. Two Police Officers (including a certified EMT) provided the requested services.

On 06/18/2012, SPDPS officer, while on routine curfew patrol, contacted three youths out after midnight and determined two were in violation of the city's curfew ordinance. Both juveniles were transported to Police Services office. Contact was made with both parents who came and picked them up. No citation was issued.

On 06/19/2012, SPDPS was called to a domestic disturbance within a residence. Two police officers responded and found that an adult male and an adult female--both highly intoxicated--had minor injuries which may or not have been fresh. When asked of the source of the injuries, each of them accused the other. A third individual claimed that he saw the entire altercation and that it was verbal with no acts of violence involved. The investigating officers were unable to determine a principal physical aggressor. Permission not to arrest was granted upon contacting an Assistant District Attorney. The investigation continues. Alcohol was determined to be a factor in this incident.

On 06/21/2012, SPDPS received a request to investigate an assault that occurred outside of this jurisdiction. It was alleged that an adult male assaulted an adult female. A police officer spoke to the victim about the events. The investigation continues.

On 06/21/2012, SPDPS received a call from a concerned resident related to assistance with providing temporary identification for a relative. The police chief arranged the acceptance of certain identifying documents with a passenger air carrier.

On 06/21/2012, SPDPS received a report of a silent commercial burglar alarm at a local business. Two police officers responded together with a subscriber. The alarm was determined to be false.

On 06/22/2012, SPDPS received several calls regarding an assault. Two police officers responded and interviewed the adult female victim and the adult male suspect who were at different locations. Based on injuries and statements, officers determined the principal physical aggressor and made an arrest. Medical treatment was provided as requested. The suspect was lodged at the Saint Paul Holding Facility for investigation of Assault in the Fourth Degree (Domestic Violence). Alcohol was determined to be a factor in this incident.

On 06/23/2012, SPDPS received a request from the health center to transport a patient back to their residence. Two police officers provided the requested service. Alcohol was determined to be a factor in the initial medical emergency.

On 06/23/2012, SPDPS received a call from the health center requesting assistance in locating and placing a person into protective custody for their own safety. Two police officers responded and initiated a search for the subject. He was located by a police officer and clinic staff. No further action was taken. Alcohol was determined to be a factor in this incident.

On 06/23/2012, SPDPS received a call from a concerned resident that his all-terrain vehicle was missing. A police officer assisted the citizen in locating and retrieving his vehicle. No criminal charges will be filed in this case.

On 06/23/2012, SPDPS received a call reporting repeated harassing phone calls and requesting a police officer contact the other party and ask they cease contact. A police officer contacted the person. No enforcement action was taken. Alcohol was determined to be a factor in this incident.

On 06/24/2012, SPDPS noted damage to a City-owned vehicle that was maliciously caused. A felony investigation was opened as the actor(s) disabled an emergency vehicle.

On 06/25/2012, SPDPS handled a walk-in complaint incident at the Police Services office. An adult male was upset and causing a disturbance. The individual made threats against a police officer and was ordered out of the office. The officer verbally warned the individual about their behavior. No other enforcement action was taken.

On 06/28/2012, a SPDPS police officer found a long metal stick placed under a police vehicle in such a manner and location as to cause disabling damage had the vehicle been driven. Currently there are no suspects or leads. This discovery was reviewed in connection to several other incidences where sharps were distributed around Public Safety vehicles.

On 06/29/2012, SPDPS was notified of a possible DUI. Two police officers responded and checked the area. While checking the area, the caller called back and retracted the statement. It was said that the people in the car where drinking but not the driver. No one was detained or arrested.

On 06/30/2012, SPDPS received a call from the postmaster that the facility under her charge had a fire alarm sounding. Though the alarm was alleged false by telephone, the police chief and fire chief were dispatched to check/advise. The police chief walked through the building and reset a pull station and reset the alarm panel. It was determined that an unknown person manually activated the alarm.

On 06/30/2012, SPDPS received a call from a community health aid requesting an ambulance at a residence. Two police officers and a volunteer ETT responded. The patient was transported to the Saint Paul Health Center.

On 06/30/2012, SPDPS received a call from a local resident that an item was stolen from his property by a known suspect. The police chief contacted the individual and negotiated the return of the property. The suspect signed a trespass admonishment barring him from certain private property. The issue was resolved with neither an arrest nor charges anticipated.

Skagway Police Activity Log

Printed in the Skagway News June 16-30, 2012

06-16 A Main street resident complied with a verbal warning by turning down loud music emanating from his workspace.

06-16 Dispatch contacted the on duty provider for a needed stitch to a forehead.

06-17 Police asked a downtown establishment to work on keeping their doors closed after receiving a complaint of loud music.

06-17 Police were unsuccessful in locating 2 men arguing and possibly fighting on 6th Avenue.

06-17 Police received a complaint of a vehicle running a stop sign at 4th and Broadway, and a complaint that officers do not do enough to enforce stop sign violations in town.

06-17 Dispatch contacted the on duty provider for a person needing medication.

06-17 EMS responded and transported to the clinic a man who felt ill and had passed out.

06-17 Police issued a verbal warning for seatbelt violations to a man who had 8 passengers in a rented Toyota Camery.

06-18: Police contacted a residence on State Street following a complaint of a loud party.

06-18: A gold colored spray painted cruiser bicycle was reported missing from an Alaska Street residence. It was recovered a few days later.

06-18: EMS assisted with two air medevacs for patients from the clinic.

06-18: Police sealed a black bear hide shot off the Klondike Hwy area on behalf of Fish & Game.

06-19: EMS assisted with two air medevacs for patients from the clinic.

06-19: A bicycle reportedly missing from a State Street residence was located at employee housing on 21st Avenue.

06-19: A State Street resident reported being bitten by a puppy being taken for a walk by an unknown elderly gentleman.

06-19: Dispatch passed on a complaint of driving too slowly on Broadway to a tour bus company.

06-19: Dispatch furnished the number to Paws and Claws to a man who's dogs tangled (and lost) with a porcupine.

06-20: EMS responded to a report of a man having a seizure at a downtown restaurant. Subject was transported to the clinic.

06-21: Dispatch contacted the on duty provider for a woman suffering an allergic reaction.

06-21: High winds were responsible for a large trampoline being blown over the fence from one backyard, taking out two telephone lines and landing against a neighboring vehicle.

06-22: A blue North Face tent was reported missing from a Dyea Rd residence after high winds blew it away.

06-22: EMS transported to the clinic from 6th Avenue an elderly woman who fell and hurt her head and wrist .

06-22: Dispatch contacted the on duty provider for a man feeling ill.

06-23: Matthew L. Ainsley, 32, Skagway, was arrested and charged with 2nd degree assault for stabbing a roommate with a kitchen butcher knife in employee housing on Alaska Street. Ainsley was transported to Lemon Creek Correctional Center in Juneau. His 47 year old victim was air medevaced to Bartlett Regional Hospital.

06-23: Police received a complaint of a yellow lab tied to a bench outside a downtown business for over an hour. The dog reportedly was snarling at people as they passed.

06-23: Police sealed a black bear hide shot near the rifle range on behalf of Fish & Game.

06-23: Police contacted the occupants of a tent illegally camping at Seven Pastures. Police offered suggestions where they could legally camp.

06-23: A motorist advised he had parked outside the liquor store on 2nd Avenue. His vehicle was apparently struck by a white vehicle while he was inside. Motorist couldn't find any witnesses to the collision.

06-23: EMS assisted with an air medevac for a patient from the clinic.

06-23: Police responded to a reported fist fight at the Solstice Party at Seven Pastures. Fight over on arrival.

06-23: Police responded to a man reportedly threatening to drown himself in the Skagway River.

06-24: Police responded to a complaint of a disturbance and mischief on State Street. Police contacted three individuals and gave them a courtesy ride away from the area.

06-24: Police responded to a report of a small vehicle stuck in the sand on the Dyea Flats. Officer was able to tow the vehicle to hard ground with his patrol car.

06-24: Police received a report of a bus broken down and blocking traffic just south of the Klondike Highway summit. Area checked, vehicle apparently gone on arrival.

06-25: Police received a report of an unauthorized walking tour being given on Broadway Street. Group was located and disbanded.

06-25: A reported shoplifter dropped two stolen dresses worth \$88 and took off running after he set off the alarm sensors at a downtown store. The black male was reportedly believed to be a member of a ships crew.

06-25: A light blue BMX bicycle with black handlebars and a flat tire was reported stolen from a Main Street residence.

06-25: Dispatch contacted the on duty provider for a man possibly needing a cut stitched up.

06-26: Police received a report of an unauthorized walking tour being given at Lower Lake whenever the Golden Princess was in port. Cruise line agent was contacted who advised ship to discontinue this activity.

06-26: Officers contacted a tour agency after receiving a complaint that their bus failed to stop at the railroad crossing while a train was approaching.

06-26: Police were called to a possible fraudulent business transaction where an Australian couple paid for a (now non-existent) tour off of a Haines' man website by credit card.

06-27: EMS transported to the clinic from 2nd Avenue a woman who fell and possibly broke her ankle.

06-27: Police were able to gain access into a vehicle in which the keys had been locked inside.

06-28: Police contacted a downtown business about posting advertising flyers on refuse cans about town.

06-28: Police were able to gain access into a vehicle in which the keys had been locked inside.

06-28: Police spoke to an individual who cut a bicycle lock and tossed the unlocked bicycle into the street. He did not like where the bike had been left.

06-29: Police investigated an individual reported trespassing around the Liarsville area.

06-29: A State Street resident arrived home and found people taking fire wood from her yard. She asked them what they were doing, to which they replied "taking wood." She informed them that it was not their wood; and she was told that if she didn't want people taking her wood she shouldn't have left it in the yard. Police contacted the scavengers and told them not to take what wasn't theirs.

06-29: Police gave a heavily intoxicated man a ride home. After delivering him the man's employer called to give the man a ride elsewhere. Police declined to furnish another ride.

06-29: EMS assisted with three air medevacs for a patients from cruise ships.

06-30: Police spoke to campers at Seven Pastures about trash and beer cans all about.

06-30: A white Trek bicycle was reported stolen from a Broadway Street campsite.

06-30: Police received a traffic complaint about two vehicles racing about town. Both drivers were located, and told to return to Seven Pastures and stay off the city streets for the rest of the night.

06-30: A small black 4-wheeler trailer was reported abandoned in the front yard of a Broadway Street residence.

Note: The stabbing reported on 06-23 was the first reported stabbing in Skagway in at least a dozen years.

CHAPTER XII. PUBLIC SAFETY

Section 1. Public Safety Department

XII.01.010 Department Established

There is established a public safety department consisting of three separate divisions providing police, fire, and emergency medical services respectively. The public safety department shall be responsible for the protection of life and property of the citizens.

XII.01.020 Chief of Police

- A. The chief of police shall be the head of the public safety department. The chief of police is an administrative officer of the city appointed by the city manager to serve an indefinite term and removable by the city manager.
- B. The chief of police shall carry out the duties and responsibilities of the public safety department under the supervision and control of the city manager.
- C. The chief of police shall plan, direct, supervise and coordinate the police and volunteer fire and emergency medical services activities of the public safety department.
- D. The chief of police selects all public safety department employees, but all such appointments and the number thereof shall require the prior written approval of the city manager. The chief of police evaluates and documents the performance of all subordinate employees, administers the personnel rules of the city to ensure the fair treatment of all employees, administers and documents disciplinary actions, and fires employees with the prior written approval of the city manager.
- E. The chief of police may approve departmental expenditures in accordance with SPMC VI.06 Purchasing.

XII.01.030 Duties and Responsibilities

It shall be the duty of the public safety department, through the chief of police, to perform the following police duties and responsibilities:

- A. To apprehend and arrest and bring to justice all violators of the ordinances of the city;
- B. To suppress all riots, affrays, and unlawful assemblies, which may come to their knowledge, and generally to keep the peace;
- C. To serve all warrants, writs, executions, and other processes properly directed and delivered to them;

- D. To apprehend and arrest persons violating federal or state laws as provided by law, and turn them over to the proper authorities;
- E. In all respects to perform all duties pertaining to the offices of police officers; and
- F. To have charge of and operate the city jail when the city operates its own jail;
- G. To insure the participation of department personnel in the regional Local Emergency Planning Committee (LEPC);
- H. Other duties and responsibilities as may be assigned by the city manager and/or described in the city job classification manual.

It shall be the duty of the public safety department, through the chief of police, to perform the following fire and emergency medical services:

- A. Cause lives and property to be protected from destructive losses due to fire and/or other catastrophic events;
- B. Assure the overall training, preparedness and safety of the volunteer fire and emergency medical services personnel and the availability and readiness of the apparatus and equipment.
- C. Cause an investigation for the purpose of assisting in the determination of cause and origin of fires resulting in property damage, injury or death; and
- D. Inspect or cause to be inspected, at reasonable hours and upon reasonable notice to the owners or occupants, all buildings and structures and premises which are or are suspected of being in an unsafe or dangerous fire prevention or control condition.
- E. To assure the volunteer members of the fire and emergency medical services divisions are permitted to organize into a voluntary departmental association, elect their own officers and adopt bylaws. The elected officers shall include a fire chief whose powers shall not be limited by the association or the bylaws.
- F. Other duties and responsibilities as may be assigned by the city manager and/or described in the city job classification manual.

XII.01.040. City Ownership of Public Safety Department Property

All property of any type owned by the police, fire, and emergency services divisions of the public safety department is property of the city.

XII.01.050. Fees for Public Safety Department Services

The city council may, by resolution, set and amend fees charged for emergency medical services. The city manager may approve and amend incidental administrative division fees for services upon recommendation by the chief of police.

CHIEF OF POLICE

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Revised 02/13/2008

General Description:

The Chief of Police is an exempt Administrative Officer position of the City and is not entitled to overtime compensation. This position is one .of Department Head rank, and the Police Chief works under the supervision of the City Manager. The Police Chief deals with a broad range of administrative and professional activities and regularly exercises personal judgment in selecting courses of action consistent with departmental rules, regulations, and procedures.

The Chief of Police supervises all Public Safety department employees and directs the activities of volunteer public safety organizations. The Chief of Police directs the public safety functions of the City, including law enforcement, fire suppression, emergency medical response, search and rescue response, disaster control planning and civil defense.

This position involves extensive contact with department employees and the public, frequent contact with other departments and other entities in St. Paul, as well as occasional contact with other law enforcement agencies. Contact requires the exercise of diplomacy in dealing with controversial and potentially violent situations. The working environment is inherently dangerous due to the nature of the position and the work involved. The Chief of Police maintains an "on-call" status.

Essential Functions:

- Plans, directs, supervises and coordinates the police, fire and emergency medical care activities of Public Safety. Supervises all Public Safety employees. Enforces applicable city, state, and federal laws and ordinances.
- Hires all Public Safety employees, evaluates and documents the performance of all subordinate employees, administers the personnel rules of the City to ensure fair treatment of all employees; administers disciplinary actions and documents same; fires employees when needed.
- Meets with the City Manager on a regular basis to provide a monthly written report of Department activities and statistics, as well as to assure coordination and conformance to municipal policies and procedures.
- Makes recommendations for implementing new and/or improving existing City policies and procedures. Develops policies, procedures, regulations and ordinances related to public safety activities. Reviews department activities relative to changing City requirements and prepares and presents plans for improvement.

- Meets with the City Council as requested of, by, or through the City Manager.
- Develops and maintains the St. Paul Disaster Plan and the Emergency Planning Guide. Reviews these documents on an annual basis and makes revisions as needed to keep the documents current.
- Serves as a local expert on public safety issues and advises on public issues within this field of expertise. Attends and participates in public meetings related to the public safety of the community.
- Plans and assists officers in mobile and foot patrols for the purpose of deterring crime, arresting offenders and conducting investigations. Acts as lead investigator on major case investigations as needed.
- Provides advice and assistance to subordinates in the conduct of non-routine criminal or other investigations.
- Provides cover or relief for police officers during staff shortages due to vacation and/or sick leave, or training. Acts as secondary, back-up responder as needed.
- Directs and monitors jail operations. Assists with the receiving, identification processing, booking and transportation of prisoners.
- Acts as the regular on-duty officer during day time, business hours, but may rotate this duty for the purpose of training subordinate officers or for other necessary and practical reasons as determined by the Chief..
- Supervises and monitors operation of the evidence room, ensuring protection and accurate tracking of evidence.
- Supervises and monitors various licensing programs.
- Supervises and monitors the maintenance and use of department equipment including firearms, chemical weapons, emergency equipment, public safety vehicles and restraint devices.
- Operates firearms, tasers, chemical weapons, vehicles, emergency equipment and restraint devices.
- Coordinates the availability of Public Works equipment and services with the Public Works department for assistance with disaster planning, accidents and emergency activities.

- Provides administrative and planning support to volunteer fire, rescue and emergency medical operations.
- Maintains working relationships with other criminal justice agencies, including courts, prosecutors, and other law enforcement agencies.
- Develops and participates in community relations programs to explain the activities and functions of the department and encourage favorable public relations.
- Directs the planning and conduct of training programs for departmental personnel.
- Prepares the annual public safety budgets including police, fire and EMS budgets and controls expenditures within authorized limits.
- Receives and investigates complaints against the department or its personnel and takes appropriate action.
- Performs other activities as required or as directed.

Knowledge, Skills, and Abilities

Requires knowledge of:

Basic English, grammar, spelling and simple mathematics.

City, state and federal laws and their enforcement.

City and state fire and safety codes, laws, statutes and ordinances.

Principles and practices of modern police administration and investigation and law enforcement methods.

Methods and procedures used in evidence processing, identification processing and jail operations.

Criminal justice procedures employed in the prosecution and adjudication of alleged law violations.

Emergency medical procedures, including first aid methods and vessel and air-borne medi-vac operations.

CHIEF OF POLICE

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Hazardous material handling.

Fire-fighting procedures.

Search and rescue operations.

Emergency disaster operations.

Record keeping systems.

Personnel management and budgeting principles.

Requires ability to:

Supervise and train others.

Perform simple mathematical calculations.

Analyze situations quickly and objectively, to recognize actual and potential danger, and to determine the proper course of action.

Cope with stressful situations firmly and tactfully with respect to individual rights.

Communicate effectively with City personnel, the public and other government agencies, whether over the radio, on the telephone or in person.

Record activities, conditions and comments on logs, reports, and other documentation in a factual, clear, unbiased and understandable manner in handwritten and typefaced form.

Make observations of crime scenes and the behavior of witnesses, alleged suspects and victims. Retain and record observations and factual information.

Interpret and comprehend memos, laws, reports procedures and other documentation in handwritten and typed form.

Enter information in and manipulate data and information on personal computers in work processing documents, spreadsheets, etc. Manipulate general office machines.

Possess visual skill sufficient to perceive depth, detect colors and to perceive a field of vision in order to operate equipment and firearms, detect the activities of others, drive, identify suspects, examine crime scenes and to perform assigned responsibilities.

Possess ability to smell and detect fire hazards.

Possess hearing skills sufficient to communicate in the work environment, communicate on a two-way radio and detect the presence of others.

Move about field work environments in adverse weather conditions.

Lift and carry an excess of 150 pounds.

Work outside in remote places and in severe cold weather conditions.

Perform or assist law enforcement, fire suppression, emergency medical response, and search and rescue response work which requires various physical activities which include, but are not limited to:

- climbing stairs, ropes, ladders, etc.
- crawling in tight places in homes, ships, etc.
- bending and twisting

Safely utilize safety equipment, emergency equipment, public safety vehicles, firearms, and other weapons and restraints.

Practice safety procedures to: protect against exposure to both airborne and skin contact to hazardous materials, severe cold weather conditions, work in high places, and other hazardous situations encountered while performing job responsibilities.

Education and Experience

Bachelor's degree preferred with a minimum Associate's degree plus a combination of administrative and supervisory experience in police work or another professional area of public safety.

Minimum of eight years of experience in law enforcement, with a minimum of three years supervisory law enforcement experience.

Other combinations of education and experience which could provide the knowledge, skills and abilities listed will be evaluated on an individual basis.

Licenses and Special Requirements

Alaska Advanced State Police Certification or attendance at available training at City expense, attaining certification during the first year in position.

Valid state drivers license and clean driving record.

Employees are required to carry and be proficient with a firearm.

Must pass a criminal and personal background investigation.

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
ALEUT COMMUNITY OF ST. PAUL ISLAND
AND THE
CITY OF SAINT PAUL**

This Memorandum of Understanding ("MOU") establishes a voluntary, cooperative understanding between the Aleut Community of St. Paul Island, a federally recognized Indian tribe, operating through the Tribal Government, (the "Tribe"), and the City of Saint Paul (the "City"), a municipality and political subdivision of the State of Alaska.

Together, the Tribe and the City enter into this voluntary MOU to mutually promote the safety, health, and welfare of persons residing on St. Paul Island through the close cooperation and continuous communication between the Aleut Community of St. Paul Island Tribal Enforcement Department and the City of Saint Paul Department of Public Safety. Accordingly, the Tribe and City enter into this MOU and agree as follows:

I. PURPOSE AND SCOPE

The purposes of this MOU are to:

- a. Establish a process by which the Tribe and the City will work together to enhance public safety efforts through communication and cooperation.
- b. Develop training and procedures in accordance with state and federal law through which the Tribe and the City may share information and data related to incidents and reports of crime and violations of State, City, or Tribal law.
- c. Recognize the ability for Tribal law and the Tribal Court system to supplement City and State law and the State court system by providing opportunities to apply principles of restorative justice to tribal member incidents.
- d. Identify areas of safety and welfare concern, repetitive civil and criminal offenses, and law enforcement difficulties within the community of St. Paul and work together to establish procedures to allow for Tribal Enforcement to address these areas concurrently with Public Safety.
- e. Preserve the parties' existing criminal and civil jurisdictions so that neither the Tribe nor the City is altering any claim of jurisdictional authority by entering into this MOU.

The scope of this MOU is limited to the purposes stated above and outlined below. The MOU shall not affect or alter in any way the allocation of existing criminal and civil jurisdiction between the Tribe and the City.

II. AUTHORITY OF TRIBAL ENFORCEMENT

Tribal Enforcement: Tribal Enforcement is the department within the Tribal Government authorized by the Tribal Council, pursuant to the Constitution of the Aleut Community of St. Paul Island, to provide law enforcement services to tribal members and enforce Tribal ordinances and certain Federal laws through delegated jurisdiction. It is the mandate of Tribal Enforcement to encourage cooperation of all residents of St. Paul Island to reduce and limit the opportunities for crime and violations of Federal, State, City, and Tribal law.

III. RESPONSIBILITIES

Appointees under this MOU: Each party will appoint a person to serve as the official contact and coordinate activities of their respective departments in carrying out this MOU. The initial appointees of each party are:

Phillip A. Zavadil, Director of Tribal Enforcement
Aleut Community of St. Paul Island
Tribal Government
2050 Venia Minor Road
PO Box 86
St. Paul Island, AK 99660
(907) 546 - 3230
pazavadil@tgspe.com

Gerald Meece, Chief of Police/Director of Public Safety
City of Saint Paul
PO Box 901
St. Paul Island, AK 99660
(907) 546 - 3130
gmeece@stpaulak.com

Identification of Officers: The Tribe and City shall provide each other a current list of all of its respective licensed and/or sworn officers and shall at all times keep the other party advised of the names of officers exercising authority pursuant to this MOU.

Retention of State/City Criminal Jurisdiction and Responsibility: This MOU shall not be construed to limit or release the City, or the State, from the exclusive criminal jurisdiction possessed by the State and City under applicable law. The Chief of Police or officer in charge of Public Safety shall have the exclusive authority to control any designated crime scene and Tribal Enforcement officers shall cooperate at the direction of the Chief of Police or officer in charge. The Chief of Police retains sole and complete discretion to authorize Tribal Enforcement participation in post-incident crime scene investigation. This provision applies only to incidents involving tribal members. This MOU shall not in any way affect or alter the existing criminal jurisdictional authority of the parties.

Cooperation and Exchange of Information and Communications

- a. **Responding to Requests for Information:** The Tribe and City agree to make all reasonable efforts to provide information and data necessary to implement this MOU. The Tribe and City will respond to information requests in accordance with all applicable laws and any relevant internal policies or procedures. All requests for information and approvals or denials of requests shall be made through a standardized form, to be developed by the Tribe and agreed upon by the City.
- b. **Administrative Information:** The Tribe and City shall make all reasonable efforts to provide, when requested, information necessary to assist the other party in understanding their respective administrative operations and logistics. Such information may include, but is not limited to:
 - 1. Information relating to their respective laws;
 - 2. Information relating to staffing; and
 - 3. Information relating to equipment inventory capabilities.
- c. **Participation in Dispatch Calls:** Following a Public Safety officer investigation or response to a call for service of an alleged violation of City, State or Federal criminal law involving tribal members, the Chief of Police or officer in charge of the investigation may, in his or her sole discretion, contact and invite a Tribal Enforcement officer to the location of the incident or investigation. The Tribal Enforcement officer may participate cooperatively in the Public Safety post-incident investigation as directed by the Chief of Police or officer in charge. The Tribal Enforcement officer may also conduct a separate investigation of the incident under Tribal law.
- d. **Public Safety Assistance:** In the event that Tribal Enforcement is the first responder to a call for service and believes in good faith that a violation of local, state or federal law appears to or may have taken place, Tribal Enforcement shall immediately contact Public Safety and inform Public Safety of the incident and location. Public Safety shall respond in the manner provided for by applicable law, as determined by the Chief of Police or officer in charge. Tribal Enforcement shall have no authority over any action taken by Public Safety in response to the incident.
- e. **Police/Incident Report:** Following a response to a call for service or investigation of an incident involving tribal members, Public Safety shall attempt to provide Tribal Enforcement with a copy of the Police/Incident Report within a reasonable amount of time. Public Safety shall provide notice to Tribal Enforcement in the event it is unable to provide a Police/Incident Report. This provision shall be administered in accordance with all applicable local, State and federal laws, all

relevant internal Public Safety policies and procedures, and within the exclusive discretion of the Chief of Police or officer in charge of Public Safety.

- f. **Tribal Enforcement Incident Report:** Tribal Enforcement shall immediately notify Public Safety of all incidents or occurrences either reported to or discovered by Tribal Enforcement that may potentially violate any criminal laws. Tribal Enforcement shall provide Public Safety with a copy of its Incident Report associated with the incident within a reasonable time after the report is prepared.
- g. **Court Appearances:** In the event that a court action is commenced in Tribal Court and is based solely on the information or investigation of Public Safety officers, such Public Safety officers shall make all reasonable efforts to be available for any trial or hearing in Tribal Court upon written notice by the Presenting Officer of the Tribe. The Tribal Court may not subpoena a Public Safety officer and all reasonable attempts will be made to accommodate an officer's schedule. Participation in a Tribal Court hearing or trial by a Public Safety officer is not consent to Tribal Court jurisdiction and is done so solely to fulfill the purposes of this MOU. Tribal Enforcement officers shall be available for appearances in State court as required by State law as an Alaska resident and citizen of the City of Saint Paul.
- h. **Data Sharing, Analysis, and Narrative Report:** Tribal Enforcement shall acquire data from their own collection and may request data from Public Safety in accordance with all applicable state and federal laws. Public Safety will make all reasonable efforts to comply with Tribal Enforcement's requests, provided any request complies with all applicable state and federal laws. Tribal Enforcement shall analyze its data and statistics, and draft an annual report to be submitted to the Tribal and City Councils. The analysis and report shall focus on identifying areas of law enforcement concern and repetitive socially disruptive behavior within the community and shall meet Uniform Crime Reporting (UCR) standards in accordance with this MOU.
- i. **Soliciting, Developing, and Implementing Response Strategies:** Tribal Enforcement and Public Safety shall cooperatively solicit, develop, and propose to the Tribal and City Councils for implementation, response strategies and solutions to areas of law enforcement concern and repetitive socially disruptive behavior within the community. Response strategies and solutions shall incorporate community policing concepts and policies and utilize various progressive problem-solving models, such as the SARA model.
- j. **Public Service:** As staffing and budget allows, the Tribe and the City shall jointly plan and carry out an annual public service project acquainting and re-acquainting residents and businesses of St. Paul Island with the duties of both Tribal Enforcement and Public Safety. The public service project shall provide an overview of both the Tribal Court system and the State Court system and the relationship between the two, techniques for preventing crime, civil rights, and other information which may be useful in assuring that St. Paul Island is a safe

and healthy place to reside. As staffing and budget allows, Tribal Enforcement and Public Safety shall jointly conduct smaller non-enforcement public service projects, such as gun or bicycle safety or an elders lunch. All projects may include a public comment solicitation element to provide an opportunity for interaction between the public and the officers of both departments.

- k. Cultural Orientation: As budget and staffing allows, all current and future Tribal Enforcement and Public Safety officers shall make all reasonable efforts to attend a cultural orientation session with the Aleut Community of St. Paul Island-Tribal Government Tanax~Unaagim Maqatsingin (Office of Cultural Affairs). Upon execution of this MOU, Tribal Enforcement and Public Safety shall work together to schedule an orientation session, to be held at a time and location most convenient to the Public Safety and Tribal Enforcement officers.
- l. Interactive and Transparent Communication: The Director of Tribal Enforcement and Chief/Director of Police shall maintain open communication regarding the operation of this MOU and shall meet as necessary to assess the implementation of this MOU and address problems as they may arise. Director-to-Director communication shall be a high priority. Additionally, Tribal Enforcement and Public Safety officers shall meet as needed to share and discuss areas of law enforcement concern and repetitive socially disruptive behavior within the community.
- m. Law Enforcement Records Management Systems: The Tribe and the City shall maintain separate law enforcement records management systems. The Director of Tribal Enforcement and every Tribal Enforcement officer who seeks authorization to access Public Safety criminal records and databases shall undergo appropriate training to comply with state and federal law regarding criminal records processes, procedures and disclosure requirements. The Director of Tribal Enforcement, upon approval by the Chief of Police and in compliance with all state and federal laws, shall be authorized to access Public Safety criminal information databases and other computerized information systems for the purpose of data sharing and reporting. The Chief of Police shall be authorized in the same manner to access Tribal Enforcement databases. When requested by either party, the Tribe and City shall make all reasonable efforts to exchange case and/or incident files in accordance with section (a) above and all applicable state and federal law. The Tribe shall also provide the City with records management systems training and technical assistance when requested and as time and funding allows.
- n. Funding and Expenses: Each party is responsible for its own funding and expenses related to this MOU and responsibilities assigned within. There will not be an exchange of funds or expenses between the parties for tasks associated with this MOU. The parties may work cooperatively to seek funding sources to support joint projects associated with fulfilling the purposes of this MOU.

- o. No Responsibility for Use of Information: Neither party shall be responsible for the other party's use of any information or data provided by this MOU or for either party's participation in investigations.

IV. TERMS OF UNDERSTANDING

The term of this MOU is for a period of three (3) years from the effective date and may be extended upon written mutual agreement. This MOU shall be formally reviewed annually to ensure the fulfillment of purposes and to make any necessary revisions.

V. AUTHORIZATION

The signing of this MOU is voluntary. The provisions of this MOU are voluntarily agreed upon by both parties in the spirit of cooperation and mutual concern for the safety and welfare of the residents of St. Paul Island. Neither the Tribe nor the City are legally bound to comply with the terms of this MOU. By signing this MOU, however, the Tribe and City will strive to reach, to the best of their ability, the purposes stated in this MOU.

CITY: City of Saint Paul

By: [Signature]
City Manager

Date: 2/25/11

By: [Signature]
Chief of Police/Director of Public Safety

Date: 2/25/11

TRIBE: Aleut Community of St. Paul Island

By: [Signature]
President

Date: 2/24/11

By: [Signature]
Director of Tribal Enforcement

Date: 2/24/11

The Science of Alaskan Rural Justice Studies

Rural justice studies came into it's own in much of the country in the mid to late 1990's. Several universities now house degree programs in rural justice studies. Alaska is actually on the national forefront in several areas of rural justice studies. The Justice Center at UAA is the most respected research center in the areas of crime, law, and justice in Alaska. Justice Center research addresses issues in both rural and urban Alaska, advances scientific knowledge, and informs public policy. The University of Alaska Southeast is preparing to launch a new Alaska-centric Associate degree in Law Enforcement with the 2013 catalog. This entire degree will be available online, and there is planned to be an emphasis in getting the program out to bush Alaska. University of Alaska Anchorage offers a Bachelor degree in Justice, and University of Alaska Fairbanks offers a fully online Master degree in Justice Administration.

The Alaska Rural Justice and Law Enforcement Commission was created by Congress in 2004 to review the federal, state, and local jurisdiction over civil and criminal matters in Alaska and to submit recommendations to Congress and the Alaska State Legislature regarding ways to improve the quality of justice in rural Alaska. Rural Alaska is defined in the legislation as those areas of Alaska outside the Municipality of Anchorage, the Fairbanks North Star Borough, the Matanuska-Susitna Borough, the Kenai Peninsula Borough, the Juneau Borough and City, the Sitka Borough and the Ketchikan Borough.

The *Initial Report and Recommendations of the Alaska Rural Justice and Law Enforcement Commission*, which was released in late April 2006, is the product of this commission. The particular recommendations are grouped under nine general themes: Engage in More Partnering and Collaboration; Enlarge the Use of Community-based Solutions; Make Systemic Changes to Improve Rural Law Enforcement; Broaden the Use of Prevention Approaches; Broaden the Use of Therapeutic Approaches; Increase Employment of Rural Residents in Law Enforcement and Judicial Services; Build Additional Capacity; Increase Access to Judicial Services; and Expand the Use of New Technologies.

Some of the better resources and readings in rural Alaska justice studies:

Alaska Specific Rural Justice Studies

Justice Center, University of Alaska Anchorage. (Winter 2005). "Rural Justice and Law Enforcement Commission." *Alaska Justice Forum* 21(4): 1.

Moras, Antonia. (Spring 2006). "Report From the Rural Justice and Law Enforcement Commission: A Review." *Alaska Justice Forum* 23(1): 2-4.

Roberts, Justin. (Winter 2005). "Improving Public Safety in Rural Alaska: A Review of Past Studies." *Alaska Justice Forum* 21(4): 1, 3-8.

Roberts, Justin and Justice Center, University of Alaska Anchorage, compilers. (Winter 2005). "Studies, Reports, and Documents Relevant to the VPSO Program." *Alaska Justice Forum* 21(4): 6-7.

Alaska Native employment in the justice system

"Obstacles to Minority Employment in Criminal Justice: Recruiting Alaska Natives" by John Riley. *Alaska Justice Forum* 16(4), Winter 2000.

"Native Employment in the Alaska Justice System" by Antonia Moras. *Alaska Justice Forum* 15(2), Summer 1998.

Alaska Natives: Careers in Corrections [project] (JC 9501.05). John Riley. Through a gift from Cook Inlet Region, Inc. 1998-1999.

Bibliography

Justice Center, University of Alaska Anchorage. (2006). [Alaska Rural Justice Issues: A Selected Bibliography](#). Anchorage, AK: Justice Center, University of Alaska Anchorage.

Criminal victimization

"Victimization of Native Americans." *Alaska Justice Forum* 22(1): 11, Spring 2005.

"Victimization among American Native Peoples". *Alaska Justice Forum* 16(4), Winter 2000. Includes figures on Native Murder Victims.

Justice Center projects

Alaska Native Justice Center Partnership (JC 9501.03). Robert H. Langworthy. Through a gift from Cook Inlet Region, Inc. 1998-1999.

Alaska Native Technical and Resource Center (ANTARC) (JC 9915). Robert H. Langworthy. Bureau of Justice Assistance. 1998-2000.

Other resources I used for this review

Scott, Vivian (2010) Conflict Resolution at Work for Dummies. Hoboken, NJ. Wiley Publishing Inc.

Shusta, Robert M. (2005) Multicultural Law Enforcement: Strategies for Peacekeeping in a Diverse Society. Upper Saddle River, NJ. Pearson Prentice Hall.

Thurman, Quint C. (2003) Community Policing in a Rural Setting. Cincinnati, OH. Anderson Publishing Co.

Weisheit, Ralph A. (1999) Crime and Policing in Rural and Small-Town America. Prospect Heights, IL. Waveland Press Inc.