

FOR IMMEDIATE RELEASE**Contact:** Kate Burkhart, 907-465-4970, kate.burkhart@akleg.gov**OMBUDSMAN INVESTIGATES DIVISION OF PARKS LAW ENFORCEMENT POLICY,
RECOMMENDS POLICY UPDATE**

November 9, 2018 JUNEAU — Alaska State Ombudsman Kate Burkhart has concluded the investigation of a citizen’s complaint about how the Division of Parks and Outdoor Recreation, within the Department of Natural Resources, investigated a crime reported on state park lands.

A fisherman reported to the Division of Parks that the Complainant had charged him with his boat, causing the fisherman to fear for his safety. A Park Ranger investigated the report and, based on the evidence collected, charged the Complainant with Assault in the Third Degree, a felony. The Grand Jury indicted the Complainant and the matter was referred to the District Attorney. Later, the District Attorney dismissed the charge. The Complainant alleged that the Park Ranger violated Division policy by investigating a felony instead of referring the matter to the Alaska State Troopers.

Park rangers are considered “peace officers” under AS 11.81.900(b)(45) and AS 41.21.955. Division Policy 70061 creates a distinction in how park rangers should investigate misdemeanors and felonies. As it is currently written, the policy can be reasonably construed to require that:

- park rangers receiving allegations of felony crimes, or investigating offenses that initially appear to be misdemeanors but are revealed to be felonies, make a formal report to the Alaska State Troopers rather than pursuing an investigation; and
- park rangers refrain from investigating felony offenses unless the Alaska State Troopers request that they do so.

The Division policy is not aligned with the current training, direction, and expectations provided to park rangers. In this case, the Park Ranger conducted the investigation of the fisherman’s report as the Park Ranger was trained to do, and in consultation with officers from other area law enforcement agencies. The issue of whether the reported crime was a felony or misdemeanor was determined by the evidence collected.

The Ombudsman recommended that the Division of Parks update its law enforcement policy and procedures to reflect the current demands and expectations of parks rangers as peace officers. The Division of Parks provided no formal comments on the Ombudsman’s finding or recommendation, stating that the agency “neither agrees nor disagrees with the recommendations in the report, and we have no comments.” The Division did respond that “The recommendation to update the law enforcement policy will be considered as part of . . . ongoing implementation and assessment of its law enforcement program.”

An executive summary of the investigation, finding, and recommendation is available at <http://ombud.alaska.gov/case-summaries/>.