

The Hon. Richard Burton
Commissioner
Department of Public Safety

April 21, 1993

663-93-0415

The Hon. Glenn A. Olds
Commissioner
Department of Natural Resources

465-3428

Park Ranger Authority

Dean J. Guaneli
Assistant Attorney General and
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You have asked whether it is necessary to issue special police commissions under AS 18.65.010 to department of natural resources employees in light of AS 41.21.955(a), which makes a person designated by the commissioner of natural resources a "peace officer of the state." This memorandum confirms recent oral advice that persons so designated have authority in state parks to enforce criminal laws and regulations, even those laws outside Title 41, and a special police commission by the department of public safety is therefore not necessary.

Under AS 41.21.955(b) designated persons have the power of arrest, thus they are also "peace officers" under the definition in AS 11.81.900(b). As such they have special authority regarding weapons that private citizens do not have. AS 11.61.200(d) and 11.61.220(c). They may also use deadly force, or threaten to use deadly force, in some situations in which private citizens might not be justified in doing the same, and they have no "duty to retreat" before using deadly force. AS 11.81.370 and 11.81.335(b). It is a crime to resist arrest by such an officer, and there is a penalty for refusing an officer's request for assistance. AS 11.56.700, 11.56.720, AS 11.81.400.

The power of arrest necessarily includes the power to pursue violators beyond park boundaries. Persons designated under AS 41.21.955 are also probably "law enforcement officers" for purposes of enforcing driving laws beyond park boundaries. AS 28.35.225. *See, Clark v. State*, 738 P.2d 772 (Alaska App. 1987) (airport security officers).

Based on previous opinions by this office, however, it is doubtful that a person designated under AS 41.21.955 is a "peace officer" under the definition in AS 01.10.060 or any other provision of law which depends on that definition. Op. Att'y Gen. (Sept. 18 and Dec. 22, 1977). Although the Title 1 definition is used in Title 12 (code of criminal procedure) in setting out certain police powers, AS 41.21.955(b) provides equivalent powers to officers designated under that statute, except for the power to arrest for domestic violence or drunk driving not committed in the officer's presence. AS 12.25.030(b) and 12.25.033. If these or any other powers are needed by employees enforcing laws in state parks, legislation should be sought.

Because the powers granted under AS 41.21.955 are broad and may on occasion be used beyond park boundaries, policies should be established for the exercise of those powers. Please contact me if you have questions.