

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

April 5, 2006

8:41 a.m.

MEMBERS PRESENT

Senator Ralph Seekins, Chair
Senator Charlie Huggins, Vice Chair
Senator Gene Therriault
Senator Hollis French
Senator Gretchen Guess

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

Department of Law Presentation: Alaska Rural Justice and Law Enforcement Commission

PREVIOUS COMMITTEE ACTION

None to report

WITNESS REGISTER

David Marquez, Attorney General
Department of Law
PO Box 110300
Juneau, AK 99811-0300

POSITION STATEMENT: Introduced the PowerPoint presentation and answered questions

Deborah Smith, Acting US Attorney
District of Alaska
222 West 7th Ave
Anchorage, Alaska 99513

POSITION STATEMENT: Delivered the PowerPoint presentation

William Tandeske, Commissioner
Department of Public Safety
PO Box 111200
Juneau, AK 99811-1200

POSITION STATEMENT: Answered questions regarding the presentation

Wilson Justin, Commissioner
Alaska Rural Justice and Law Enforcement Commission
POSITION STATEMENT: Spoke on behalf of the Commission

ACTION NARRATIVE

CHAIR RALPH SEEKINS called the Senate Judiciary Standing Committee meeting to order at [8:41:05 AM](#). Present were Senators Hollis French, Charlie Huggins, Gretchen Guess, and Chair Ralph Seekins.

Department of Law Presentation: Alaska Rural Justice and Law Enforcement Commission

[8:41:05 AM](#)

CHAIR RALPH SEEKINS recognized Attorney General David Marquez

DAVID MARQUEZ, Attorney General for the State of Alaska introduced himself and advised the committee that Deborah Smith would deliver the overview.

[8:41:45 AM](#)

DEBORAH SMITH, Acting US Attorney for the District of Alaska, introduced herself. She appeared before the committee in her capacity as Co-chair of the Alaska Rural Justice and Law Enforcement Commission. She delivered the following PowerPoint slide presentation.

[8:43:01 AM](#)

Slide 1 - Presentation Summary

- History
- Commission Membership
- Process
- Recommendation Highlights
- Recommendations Impacting State Law
- Commission's Future
- Question and Answer

MS. SMITH advised the committee that she would briefly discuss the first three items in the presentation and then Attorney General Marquez would address the recommendations. She would then advise the committee on the future of the Commission and then provide an opportunity for questions at the end of the presentation.

Slide 2 - History

- Created by Congress in 2004
- Charged with studying 4 broad areas:
 1. Law Enforcement
 2. Judicial Services
 3. Alcohol Importation and Interdiction
 4. Domestic Violence and Child Abuse

Slide 3 - Commission Membership

- Appointed by U.S. Attorney General (Department of Justice)
- Federal and State Co-Chairs
 - U.S. Attorney and Alaska Attorney General

Slide 4 - Members

- Federal Co-Chair: Deborah Smith
- State Co-Chair: David Marquez
- Commissioner of Public Safety: Bill Tandeske
- Alaska Municipal League: Bruce Botelho
- An Organized Borough: Empty Seat

Slide 5 - Members Cont'd

- Alaska Federation of Natives: H. Buddy Brown
- Tribal Representation: Wilson Justin
- Non-Profit Native Corp: Loretta Bullard
- Alaska Native Justice Center: Gail Schubert
- Non-Voting Federal Court Rep: James Torgerson

Slide 6 - Staff

- Alaska Native Justice Center - logistical support
- Various experts on a contractual basis
- Special Assistant - technical support

Slide 7 - Process

- Commission Meetings
 - October 2004-Present
- Working Groups
 - January - April 2005
- Public hearings
 - January - June 2005
- Finalization of Initial Report and Recommendations

The commission met regularly beginning in late 2004 and established four working groups and developed the calendar and

format for receiving public testimony. They continued to meet regularly in order to formulate recommendations and present the findings to the 24th Legislature and to the United States Congress.

Slide 8 - Working Groups (50 members total)

- Formed by topic area
- Chaired by Commission members
8-15 members
- Charged with presenting options
- Met January - April 2005

The Commission established workgroups of professionals, experts and officials working in fields related to the four topics. The Commissioners traveled to rural areas to hear public testimony.

Slide 9 - Public hearings

- Held mostly in rural locations
- Partnered with meetings of prominent organizations
- Recorded and transcribed for review by Commissioners

Slide 10 - List of Organizations Providing Testimony

- AFN Convention
- Alaska Municipal League
- Alaska Inter-Tribal Council Convention
- Sitka, Juneau, Anchorage public testimony
- Southwest Alaska Municipal Conference
- Bristol Bay Native Association

Slide 11 - Continued list

- Kawerak, Inc
- Native Village of Kotzebue
- North Slope/NW Arctic Borough (Barrow)
- Tanana Chiefs Conference - Fairbanks
- Assoc. of Village Council Presidents (Bethel)
- Mt. Sanford Tribal Consortium
- Organized Village of Kake

Slide 12 - Recommendation Highlights

- Working Groups created over 100 options
- Commission adopted and organized options
- Nine general categories as listed on next slide

[8:47:51 AM](#)

Slide 13 - Recommendations

- Engage in More Partnering and Collaboration
- Make Systemic Changes to Improve Rural Law Enforcement
- Enlarge the Use of Community-based Solutions
- Broaden the Use of Prevention Approaches
- Broaden the Use of Therapeutic Approaches
- Increase Employment of Rural Residents in Law Enforcement
- Build Additional Capacity
- Increase Access to Judicial Services
- Expand the Use of New Technologies

ATTORNEY GENERAL MARQUEZ advised the committee he would address all nine options individually.

Slide 14 - Engage in More Partnering and Collaboration

- Develop more effective communication and coordination, including cross training, among and between all governments and service agencies and organizations.
- Develop agreements to better coordinate law enforcement and judicial services in rural Alaska

ATTORNEY GENERAL MARQUEZ reported that a significant outcome of the Commission's work was to engender collaboration of the stakeholders to best address the issues before the Commission. For example, the Commission suggests increased coordination between state and tribal governments, congressional funding for tribal justice association, and justice materials made available in different languages.

Slide 15 - Make Systemic Changes to Improve Rural Law Enforcement

- Development of uniform statewide-tiered system of certification and training
- Expansion of police and public safety training
- Further work for cooperation in alcohol interdiction

Responding to its first charge, the Commission offered several recommendations to improve law enforcement in rural Alaska as noted above.

Slide 16 - State Efforts to Improve Rural Law Enforcement

- New Troopers and Prosecutors
- Rural Prosecution Team
- Domestic Violence Fatality Review Teams

- Cold Case Prosecutor
- Village Safety Aides

The state is currently undertaking many efforts to improve law enforcement in rural Alaska. For example, in FY2005 Governor Murkowski included in his proposed operating budget additional funding for 20 new state troopers and six new criminal prosecutors. Also, the DOL received a \$2 million dollar grant from the US Department of Justice to create the Rural Prosecution Support Team.

In November of 2005, Rick Svobodny was appointed Alaska's first cold-case prosecutor. DPS is currently working on a pilot project for Village Safety Aides. The idea is to have a local resident working with the Village Health Aide to provide very basic public safety services, such as water safety, fire safety, curfew and suicide prevention.

Slide 17 - State Efforts to Address Alcohol Importation and Interdiction

- Postal Service cross designation authority
- Governor's Omnibus Crime Bill SB 170 (2004)
- Significant Bootlegging Prosecutions

The Commission concluded that further cooperation between the state and federal governments is necessary to enhance drug and alcohol enforcement, specifically using Postal Service Investigators to target local option villages and their hub communities.

Governor Murkowski's Crime Bill provided innumerable improvements to local option and bootlegging laws and bootlegging prosecutions have been quite successful since then.

Slide 18 - Enlarge the Use of Community-based Solutions

- DJJ delegate authority to tribes in certain juvenile matters
- Expand funding for local prevention and intervention programs for DV and child abuse
- Develop community-based, restorative justice re-entry programs
- DOC seek alternatives to out-of-state prisons
- Explore alcohol distribution centers

Slide 19 - Broaden the Use of Prevention Approaches

- Insufficient prevention in rural Alaska
- Expand culturally appropriate programs
- Engage youth and adults in healthy activities
- Information in schools - early grades
 - DV and child abuse
 - Teaching respect-based values (Elders)
 - Interpersonal relationships
 - Alcohol and substance abuse

The Commission ruled that there are insufficient prevention approaches in rural Alaska. They recommend culturally appropriate programs to reduce the demand for alcohol, starting with the youth.

Slide 20 - Broaden the Use of Therapeutic Approaches

- Alcohol and drug abuse
- Therapeutic courts
- Foster care

Although there are a number of programs that target the problems of substance abuse, domestic violence, child abuse and neglect, and sexual abuse, there is a great need to expand therapeutic approaches in relation to alcohol and drug abuse issues.

9:00:11 AM

Slide 21 - Increase Employment of Rural Residents in Law Enforcement and Judicial Services

- Overrepresentation of Alaska Natives in correctional systems
- Focused recruiting effort to employ Alaska Natives in systems
- Train and use VPSOs as Probation Officers

Due to the significant overrepresentation of Alaska Natives from rural communities, there is a growing need to recruit and employ Natives in the correctional system.

Slide 22 - Build Additional Capacity

- Lack of infrastructure to support rural Alaska public safety
- Improve housing
- Increase intra-community transportation
- Provide adequate law enforcement offices and holding facilities
- Improve equipment

- Implement "sub-hub" concept
- Statewide database and reporting requirements to monitor investigations

The Commission reviewed a multiple of indicators that pointed to the relative lack of infrastructure to support police and public safety functions in rural Alaska, which in turn has a detrimental effect on recruitment and retention of officers. The Commission recommends improvement and expansion of housing for officers, increased ability appropriate intra-community transportation, more law enforcement offices, and improved equipment. These improvements could be accomplished by constructing multipurpose facilities in the larger underserved village locations. Troopers currently assigned to hub communities would be reassigned to the "sub-hub" posts, providing significantly quicker response time.

Slide 23 - Increase Access to Judicial Services

- Enhanced funding to increase rural Alaskans' access to civil legal assistance
- Restore federal funding opportunities for tribal courts located within the boundaries of municipalities
- Increase use of tribal courts and video-conferencing capability
- Training and technical assistance for state & tribal judges

The Commission found that residents of rural Alaska do not have access to sufficient civil legal assistance to redress legal problems related to domestic violence and child abuse and recommends enhanced funding to respond to the need. It also recommends the increased use of tribal courts and video-conferencing capability, along with training and technical assistance to judges and support staff in the Alaska Court System and in tribal courts to instruct participants of the value of cultural differences in rural Alaska.

Slide 24 - Expand the Use of New Technologies

- Increase access to telecommunications
- Allow law enforcement to use telehealth system in rural Alaska
- Create system of regional 911 dispatch centers
- Open eligibility to Homeland Security programs and funding
- DOC explore electronic monitoring
- ABC Board develop statewide database

Alaska enjoys the most sophisticated telehealth system in the world but hundreds of rural villages do not have access to the already-in-place broadband capabilities in the communities. The Commission recommends changing current regulations to allow rural police to utilize the bandwidth.

Slide 25 - Additional Recommendations Impacting State Law

- Most recommendations have at least minor fiscal impacts
 - State and federal funding should be sought
- Change definition of alcohol manufacture and expand forfeiture provisions - SB 210/HB 373
- Ban written order sales to dry towns
- Ban shipping plastic by air
- Change regulatory definition of a village from 1000 individuals to 1500 individuals

Currently more than 100 communities in Alaska have chosen a local option to combat the problems associated with alcohol abuse and violence. SB 210 strengthens current forfeiture provisions in the statutes and the Commission fully supports the bill. Other Commission recommendations include banning written order sales and the shipping of plastic by air to dry towns. They also recommend changing the regulatory definition of a village from 1000 to 1500 individuals.

[9:07:43 AM](#)

Slide 26 - Commission Future

- Request to Congress to extend life of the Commission
- Expand representation on Commission
 - State of Alaska, Commissioner of Health and Social Services
 - Representative of Alaska Native Health Care providers
 - Non-voting State Court representative appointed by the Chief Justice of the Alaska Supreme Court

Noting the importance of continued monitoring, the Commission would like to extend its life and to expand representation.

Slide 27 - Commission Future cont'd

- Continue dialogue with stakeholders
- Monitor development and implementation of recommendations
- Conduct additional research
- Evaluate the impact of new and expanded activities into the future

As the Commission moves forward, it will continue the dialogue among justice stakeholders, monitor the development and implementation of the recommendations, conduct additional research, and evaluate the impact of new and expanded activities into the future.

Slide 28 - Commission Future cont'd

- Objectives to ensure implementation of Commission recommendations:
 - Advocate at State and Federal levels
 - Educate and obtain buy-in from stakeholders and public
 - Advocate for expansion of innovative prevention, early intervention and treatment programs
 - Increase interest in recruitment, training and hiring of qualified Alaska Natives in the law enforcement and justice fields
 - Further define the role of the Commission

The major issues in rural Alaska are alcohol and substance abuse and focusing on prevention rather than dealing with it in the law enforcement department.

[End of presentation]

[9:10:24 AM](#)

WILLIAM TANDESKE, Commissioner, Department of Public Safety (DPS), explained to the committee that DPS has been trying new concepts in order to make a difference at the ground level in the villages. They are focusing on public safety in villages as opposed to law enforcement since it is impossible and unnecessary to put an officer into every village. Instead, the pilot project is to obtain an asset from within the village who would work with the village health aide to make a positive impact on some social issues.

[9:13:52 AM](#)

COMMISSIONER TANDESKE advised that they are working on getting cross designation of authority for drug troopers to work with the postal service to inspect for drugs and alcohol shipments. This is a good way to combine efforts and use assets that the state already has.

The "Sub-Hub" concept works proactively to the issue and would move troopers out of the hub areas to work surrounding villages proactively. The first test was to move a trooper from Nome to Unalakleet. The trooper met with the school and the council and has already made a positive effect. The DPS is working with

Alaska Housing Finance to utilize projects that are already in place or being built. This would allow them to move in and out of certain areas proactively.

9:16:52 AM

One of the bigger projects in the works is to build a facility in either Savoonga or Gambell to be used as an apartment and office. This would allow for them to move troopers in and out on a North Slope schedule of two weeks on and two weeks off. With this concept the department could have troopers on that island more than 80 percent of the time. The project plans to use existing funding to complete the goal.

The department has a well-established village health aide program and they carry an inordinate amount of the load in the village. Another individual with some basic training from within the community to work with the health aide in the form of a village safety officer would help relieve pressure. The department would lose nothing by trying something different, Commissioner Tandeske said.

9:19:27 AM

The Alaska Police Standards Council is meeting in Fairbanks on May 15, 2006. Chief Assistant Attorney General Dean Guaneli and the Commissioner plan to brief the Council on some of the recommendations of the Alaska Rural Justice and Law Enforcement Commission.

COMMISSIONER TANDESKE concluded his comments with an example. Bethel has been dealing with the alcohol delivery system on the local level and is seeing a reduction in violent crimes. The DPS supports them but at some point lawmakers might have to consider whether to impose some other concepts, such as a mandatory delivery location for better control of alcohol. Controlling alcohol and drugs is paramount to helping the community deal with safety issues, which is not specific to law enforcement but includes accidental deaths on 4-wheelers and drowning and fire. The department can make an impact in many ways that doesn't necessarily require a full force law enforcement presence.

9:22:44 AM

WILSON JUSTIN, Vice President and Acting President of Mount Sanford Tribal Consortium, introduced himself and described his community. Mount Sanford is between Tok and Glennallen in terms of judicial services and outreach. The community is also on the borderline in terms of enforcement activities for the Alaska State Troopers and the Alaska Department of Fish and Game.

Most tribal communities are proactive and are trying to develop restorative justice systems that work to strengthen the communities. Alignment between the state and tribal communities is extremely important and it begins with understanding the language and legal terms necessary to interact with each other. The Commission has helped tremendously to bring the state and tribal communities together and the issues to light.

[9:25:48 AM](#)

There is a tremendous amount of infusion into the jurisdiction arenas on both sides and the Commission is a step in the right direction to bring the two into alignment. Tribal communities are not a threat and if not for tribal officers and motivated tribal employees serving their communities; the communities would have self-destructed a generation ago. He credited the ability of tribal communities to proactively hold things together long enough to be assisted by the formation of the Commission. Mr. Justin related his personal story of growing up and witnessing the destruction that alcohol brought to his community.

MR. JUSTIN suggested that it is easy to overlook the rural communities because of the small population but, he reminded the committee, those rural communities send millions of dollars each year into Anchorage and Fairbanks.

[9:29:48 AM](#)

MR. JUSTIN said people don't realize the dynamics and the modern shift in tribal communities. They are working hard to develop new models that accommodate traditional values and also encapsulate the younger generation. He said the ultimate issue that needs to be resolved is whether the State of Alaska wants to partner with the tribal communities to collaborate and solve their overlapping problems.

[9:31:18 AM](#)

CHAIR SEEKINS spoke of the many opportunities for community improvement around the state. The Alaska State Legislature harbors an ongoing commitment to take care of all of the citizens.

[9:39:18 AM](#)

CHAIR SEEKINS shared his experience working with Commissioner Tandeske and with other legislators to address the issue of housing accommodations and training for village public safety officers (VPSOs).

[9:43:06 AM](#)

MR. JUSTIN clarified his point about economic measures. The solutions are all high cost whether the solution is prevention or building more jails.

CHAIR SEEKINS agreed and said communities need to want the interaction with the state. He speculated that they only want state interaction on a selective basis.

[9:45:06 AM](#)

SENATOR GUESS asked Mr. Justin to comment on the village safety aide pilot program.

MR. JUSTIN said the idea would work well and since the village health aide program has been in place for many years, the model is there. The program, if implemented, should recognize the cultural competency.

CHAIR SEEKINS opined that there could be a level of trust lost by replacing a village health aide with someone of a higher authority.

MR. JUSTIN agreed. Most health aides are put on the spot every day. There are things that occur that cross the line to criminality particularly with cases of suspected drug abuse or domestic violence. A respected tribal member may be suspected of domestic violence or bootlegging. A family member may be suspected of substance abuse or sexual abuse. Those are things that village members face daily and the daily situations emphasize the need for a system to protect the health aide that might turn somebody in.

[9:52:58 AM](#)

COMMISSIONER TANDESKE recognized that rural communities were not asking for the government to fix all of their problems and that there must be local accountability. The village safety aide program would provide for a local authority to deal with quality of life issues of the rural communities. The worse thing to do would be to do nothing, he said.

SENATOR GUESS asked Mr. Justin whether the state justice system and the tribal community alignment would support and protect the village health aide.

MR. JUSTIN said yes. Many tribal leaders are faceless and it is easy to undercut them. An initially simple issue to deal with

can turn into a conflagration because of a lack of alignment and a language barrier.

9:58:10 AM

SENATOR FRENCH asked whether the law enforcement issues of child abuse, domestic violence, and felony drug violations were outside the realistic realm of the VPSO.

MR. JUSTIN said the issue should be looked at in the 100-year-long arena of exposure to alcohol and the western society. He said:

The issue of jurisdictional activities is related to understanding of traditional practices. So many of our best-informed tribal leaders have passed away before they had a chance to instill or install or speak to that traditional knowledge. So now tribal communities have to look at evolution in terms of practices.

10:02:16 AM

COMMISSIONER TANDESKE followed up with Senator French's question. He said there does get to be pressure for tribal solutions. As an example, he said, the village of Kipnuk adopted a search policy and that made the troopers nervous. On the other hand it did reduce the amount of alcohol coming into the community.

SENATOR HUGGINS asked Mr. Justin whether marijuana was a problem in the rural communities.

MR. JUSTIN said it was part and parcel to the problem but it is not a large problem.

COMMISSIONER TANDESKE said his understanding statewide that it is a problem in the western coastal area but not a quick cash crop. Statistics show alcohol provides a much higher rate of return on the black market. The DPS moved a drug dog to Bethel in January and recently intercepted 42 pounds of marijuana, six ounces of cocaine, and \$89,000 in cash. The street value was estimated to be close to \$1 million dollars.

10:06:57 AM

SENATOR HUGGINS said he visited many villages as an advisor to the Alaska National Guard and expressed concern that the Legislature could provide a solution to the alcohol and drug problems.

10:09:22 AM

Senator Gene Therriault joined the meeting.

MR. JUSTIN responded to Senator Huggins and said that he was a firm believer in local solutions for local problems. But, he observed, during a collapse of leadership, for example when the state does not support the village leaders, it drives talent, skills, values and courage out of the rural arena and leaves the criminals in place. He said that has been going on for half a generation and the back up and support needs to be put back into place.

SENATOR GUESS asked Commissioner Tandeske how to combine the VPSO and probation officer positions.

COMMISSIONER TANDESKI recalled that the recommendation was to use the VPSOs as extensions of probation officers and increase the duties with funding from the money that is currently available from the 2002 Legislature.

[10:13:41 AM](#)

SENATOR GUESS asked whether there was discussion to include public safety in the USF [Universal Service Fund] funding.

MR. MARQUEZ advised the committee that he would find out.

SENATOR GUESS said that USF works toward education and healthcare issues and if the fund were broadened to include the DPS it would be an easy avenue to include public safety for broadband use.

COMMISSIONER TANDESKE advised the committee that he has been working on a pilot project to use advanced technology for domestic violence offenders. For example, a person convicted of domestic violence in a remote village has no access to participate in any rehabilitative programs.

[10:15:43 AM](#)

CHAIR SEEKINS expressed a willingness to meet with the Commission during the interim and review the impending Commission report. He expressed hope that between the two groups they could implement some programs to the betterment of the state.

There being no further business to come before the committee, Chair Seekins adjourned the meeting at [10:21:27 AM](#).