

AK LEGISLATURE SPECIAL COMMITTEE FILES SCOMM 157 3369

1/17/08

Senator Olson, Myron, Loretta, Me

0 → 2 +2 Copper River

6 → 10 or 11 +4.5 Klawerak

19 → 25 +6 AVCP

7 → 18 (43) +11 Tanana

10 → 18 +8 KANA

Loretta

1 increase # of VPSOs

2 increase wages

3 increase support - Troopers + VPSO if providing for troopers, also for VPSOs

4 Infrastructure/Facility improvements - grant?

5 office space

6 Grant mgmt to some other agency like ~~DECD~~ ^{DCRA} + out of DPS. Troopers busy grant managers

~~7. PR or advertising campaign.~~

8. Tiered law enforcement - Support it

What is dept doing to improve program?

APIA - Richard Krause

~~Tanana~~

~~KANA~~

~~BBNA~~

BBNA

1/18/08

8:15 Am

* ✓ AG - prefer not to get into courts

^{by statute}
in order to be peace officer, have to work
for a govt. VPSOs work for non-profits

Dyson ^{down} increase # troopers in Bush - what
would # be
A - another 150 troopers Statewide.

would have to go up about 10%
(Trooper salaries) to be on par w/ municipal police

Carol Davies - AFN has info on Canadian
police/mounties system.

* * Dyson - wants to add rec to increase
Troopers

Current 305 Blue 950, 96 Brown Shirts

* Add Stmt of Suppt to DPS in developing
tined system of law enforcement.

Sounds like DPS played a game I did not
provide what I asked. They may have
essentially done away with some premium
pay, bonus or other incentives. Also, Succeeding
step & range need to be increased also to

ensure the same parity that now exists,

French - charge

*✓ Increase pay pay to
with no diminution

2 Chaplains for all of AST, statewide

AG?

Do Troopers have established leave policy
after a critical incident?

A - Have admin leave policy - 3 days ^{to do debriefing}
Chaplains available & EE assistance

Monegan

Case by case but guarantee there will
be assistance provided to mitigate their
trauma of dealing with the incident.

Could be stay or go, with or w/o family

AG Monegan - within the week, get back to us
after consult w/ sister agencies - tell us
What might be possible for partnering.

ended 11 AM

1/28 1:15 pm

Housing: send 3 letters

- 1 Denali Commission - add provision for VPSO + not just teachers & health aides.

Reg. Housing auth would have to agree to using home as rental

- 2 Sen Stevens & Sen Murkowski Staff
Authorizing language be tweaked to include VPSOs in the ~~housing funds~~
~~to~~ Denali Commission enabling act for housing
Dan Fauski AK Housing Authority

3 14-15 living in their own housing in AVCP
4 or 5 rent from someone

40% of 51 are non-local hires -
probably now approaching 60%
which means that's the percent renting

{ AK Assoc Housing Auth
Denali Commission
DPS

Recommend Mtg to pursue alternative
Solutions

Authorizing language

one
letter

another
letter

✓ went to
increasing # VPSOs
due to 24/7 results in burnout

none in AVCP has more than 1 other
than the itinerant in Bethel that
will go where needed if activity going
on or some other reason extra Supt needed

580? 8 Mary's VPSO + Supt

Hooper Bay - local police at least 3-4 officers

Bethel 3 ~~officer~~ 12 authorized

Ennis - 2 Troopers

1600-700

Alakanuk

Mt. Vlg

Kiverluk VPSO, TPO + City Police officer

Goodnews Bay VPSO

150 - 1 VPSO ?

500 - 2 VPSOs ?

Several have less than 150, but still need a VPSO

Loretta add ^{funding for} 15 or 20 for next 4 years until
back where originally authorized

* get updated list of communities
from DPS
by next week

1/28/08

Olson, French

Monegan, Colberg, Bullard

Naneng on teleconference

Monegan -
left M+T in Bureau, back Wed night

#1 - Monegan
Wants \$20/hr - ^agits too close to Trooper pay
b. Should augment, not replace
c. negative impact to those with neither

Colberg - Some limitations wants to be
supportive, stay at \$20 but keep other incentives
like P+P.

French - What do VPOs get?

Bullard - bullpuck \$10/hr no benefits,
no training

Group in favor of a raise.

Perhaps solution is to also suggest increase
to troopers

Dyson - wants to add that we expect
them to have regular assigned duties
& is out and about

Naneng - if you go that route want to see
starting of Correctional officer

Monegan - mean wage is \$21.84 for SOA
Correctional officers

French - either figure puts in competitive range

Olson - strongly in favor of #22
need healthy spike to come back

Colberg - propose #21 to keep below troopers
in both years. if true close to
troopers, then why not get Troopers

Loretta #21 is fine

Rec #2

Monegan - need to increase Troopers, in
order to supervise the VPSOs.

Rec #3

Monegan - could be good to have better
idea of where State is, recruiting
push, contract complete

$$\begin{array}{r} 2080 \\ 20 \\ \hline 41,600 \end{array} \quad \begin{array}{r} 2080 \\ 22 \\ \hline 4160 \\ 4160 \\ \hline 45,760 \end{array}$$

Rec: #6

~~Nanener~~

Task Force ^{wants} to send the letter

French - concurs, will draft -
also En Dyson's Staff will assist

Dyson -

new Rec - to reconstitute in
fall of 08 - bump in salary,
compression, housing
fall maybe too soon.

Monegan - in #3, add on
plan "include an update
from impacts of recs. by
this Task Force"

French - thinks incorporate with report
is fine & when we get update of "new"
Serators are in

Rec #1 - AG moves \$21/hour
passed unanimously

Dyson moves to delete CPI increase

~~Rec #2~~ - CPI removed - Fu N Myron N
Dy Y Olson N
Mon Y
Colb Y
Bull N

Rec #2 - accepted w/o objection

Rec #3 - Louella suggested language change
Monegan - removed shot & long

Rec #4 - accepted

Rec #5 - accepted & keep all 4 pics

Rec #6 -

List of solutions – compiled by Loretta Bullard from speakers at the hearings

- ⑩ - Reinstate cops program - *fed pgrm - funding for - over 4 yrs 1-75% of cost decrease overtime*
- ① - Increase VPSO wage - *need to do market study*
- ② - Make housing available
- ③ - Circulate VPSO itinerant amongst villages *either when a VPSO is out, or there is no VPSO not allowed by contract but do it anyway because it's needed*
- ② - Provide medical, dental, retirement benefits *easiest way is to make them state EE*
- ③ - Provide backup to VPSO *non-profits provide these tho not as good as State Troopers provide transport*
- ④ - Build community support
- ⑨ - Have VPSOs become State employees - *most like, AVCP does not (subjective hire) solves benefits & career track*
- ⑤ - Provide equipment so they don't have to use their own boat, snow machine - *seems to have become a problem when Rev Shaving cut since community is supposed to provide. even 1,000 of you would be wonderful*
- ⑥ - More communication with oversight Troopers *if AST provides for their own outposts*
- ⑨ + ⑦ - Tiered law enforcement
- ⑩ - Provide assertiveness training to locals to confront alcohol/drug dealers
- ⑩ - Have bush airlines search all bags *constitutional problem*
- ④ - Need to teach respect for law enforcement
- ⑦ - VPOs need training! SAR clueless
- ⑩ - More magistrates in villages
- ⑩ - Juvenile offenses to Tribal court
- ⑦ - Train VPSO to do prevention with kids
- ③ - More than 1 VPSO per community
- ⑦ - VPSO provide leadership/direction to VPOs
- ⑦ - Do training via video conferencing
- ⑥ - Place Troopers in villages
- ⑨ - Hire VPSOs, place from other villages

List of solutions – compiled by Loretta Bullard from speakers at the hearings

- ⑨ - Pay O:M/rent to cities for VPSO space
- ⑤ - Build housing/jail cell combo - *develop prototypes, Denali Comm. Funds*
- ⑤ - Fix up/renovate Public Safety buildings
- ⑨ - Look at VPSO P/P - amend/waive if need be
- ⑦ - Send Trooper in to train VPO – come in once per month to check on them
- ⑧ - Stop drugs/alcohol from getting into villages in the first place
- ③ - VPSOs need organized trauma debriefing program
- ⑩ - Form VPSO endowment fund
- ⑩ - Western AK Narco team – direct money to VPSO program
- ⑦ - Train VPSO/AST to fly planes
- ⑨ - Station VPSO/AST in units
- ⑤ - State provide rent/utilities for VPSOs in villages
- ① - Lower duties of VPSO or pay what they're worth
 - AST=higher paid prisoner transport
- ⑩ ✱ - Develop 5-10-20 year plan to improve public safety
- ⑩ ✱ - Model VPSO program on Health Aide program
- ⑦ - Cultural sensitivity training for all AST
 - State get over paranoia over W/W tribes
- ⑩ ✱ - Develop partnerships to access money to strengthen program
- ⑩ - Need money to run Tribal courts
- ⑨ - Promote/hire VPSOs
- ⑩ - Develop youth Tribal diversion panel for drinking youth – replicate throughout the State to address juvenile delinquent problems

List of solutions – compiled by Loretta Bullard from speakers at the hearings

- ~~Examine closely – discuss closely with AVCP~~
- ⑧ - Give each Tribal Council the option to search/seize alcohol/drugs
- ⑨ - Provide avenue for waiver of clean background criteria
- ⑩ - If convicted of felony, can't carry weapons – need to allow exemption for hunting
 - Improve services in rural Alaska to prevent Mis behavior
- ⑨ - Identify roles of tribe-city-state as it relates to law enforcement
- ⑩ - Need money for youth courts in villages
- ⑧ - Tribes need to be able to intervene and destroy home brew/drug selling
- ① - Bump VPSO salary schedule to allow for CPI
- ④ - Show VPSO qualifications at career days
- ⑩ - Need a 911 help line (easy access)
- ⑩ - Expand the number of kids who can attend Nat'l Indian Policing Academy
- ⑦ - Teach kids (3rd/4th grades) about laws, law enforcement respect - put in curriculum
- ⑩ - Help fund Elder intervention program in Emmonak
- ⑨ - Rural exchange program – village to village
- ⑦ - VPOs need training, orientation, ethics, etc confidentiality
- ⑩ - Need to develop/shape law enforcement stats
- ⑩ - Need to include rural Alaskans on justice related boards/issues
- Abraham – Agathluk VPO example of “turned around”
 - o 5+ years working as a VPO
 - o VPO all time low
 - o Work whole year, get two weeks

List of solutions – compiled by Loretta Bullard from speakers at the hearings

- o Cases stacked up
 - o Only 2 people working
 - o ~~No~~ ^{No} training
 - o Has more support
 - o Has 2 vehicles
 - o Applicants can't hire – on probation or convicted felon
- ③ - Want teams
 - / - Doing good in Bethel stopping drugs/alcohol
 - ③ - Need search warrants – can't just confiscate
 - ⑨ - VPSOs serve more than 1 village
 - ⑨ - Arm the VPSOs
 - ⑨ - When hiring, look at the character of the applicant; need to be strong
 - ⑧ - Increase punishment for bootleggers
 - ⑨ - Put more Troopers in the villages
 - ⑦ - Provide report writing training
 - ⑩ - Add to ~~juvenile delinquent~~ ^{job description} – assist ICWA (?) staff when home visits required –
serve court ~~hearings~~ ^{orders}
 - ⑨ - Tribes participate in evaluating VPSO
 - ⑥ - AST needs to spend quality time in village
 - ⑦ - Provide training to VPSOs to help health aides and ~~ABC~~ ^{ABC} (?)
 - ⑨ - Cover indirect costs fully
 - ⑦ - Look at training schedule
 - ⑤ - Need housing for VPSOs

List of solutions – compiled by Loretta Bullard from speakers at the hearings

- ⑦ - Better prepare VPSOs for academy
- ⑨ - Liaison in regional non-profits – ~~staff~~^{state} employee over State VPSOs
- ④ - VPSO need support at their ground level
- ④ - John – Elim – need to get whole village involved in providing law and order in village
- ⑦ - Have native organization provide cultural training to VPSOs

⑥ Village Public Safety Committee – Fire, SAR
Citizen patrols
community policing
neighborhood watch
Backup to VPSO, VPO, TPO + also eyes & ears

Sen. French biggest concern - focus on

Size of village

Concerns in location proximity to the
village

Salary

Arrangement opportunities

Hours

11/20/07

VPSO Task Force -

- DARE Training for all VPSO's to work w/ children in schools -

are expected in villages to be

- VPSO's (as) Supervisors of VPO's/TPO's
This creates liability possibilities - need to address this w/ villagers where we place VPSO's and Trooper oversight
- Insurance limitations on VPSO's coverage - \$10 million - no commentary by Contractors State DPS - determines - When and with whom -
- VPSO's are limited to funding for one year - contracts that are signed are changed that causes decreases to existing contracts and need for VPSO's in villages continue to exist - no coordinated background checks - VPSO's to be at fault when they are not making reports due to lack of crime or other activity -

Grant Administration % VPSO's are being paid annual leave that they have accrued during the year @ the end of grant year - due to lack of monies that is not funded for benefits - annual leave health benefits - Vehicle purchases are done w/ other grants & funding unrelated to VPSO contract - Expect villages to provide insurance coverage -

i.e.
Wellness #ing

Vehicles include:

ATV's
Trucks
Snowmachines

VPSO's pay for their own fuel, repairs and parts.

VPSO's are expected to report, investigate crimes, deal w/ misdemeanors - Recent State VPSO handbook - deal w/ felonies when requested to do so by Troopers - VPSO's are expected to turn in reports to oversight Troopers for Troopers to build cases that are dealt w/ in court -

Tribal courts - should be considered part of solution to prevent crimes or other problems in a village - Not do "sovereignty concerns", need more partnership programs between all entities -

Salary & pay scale

(3)

Pay determinations should be left up to regional contractors - not pre-determined by State - DPS - Shows that it is a restrictive program keeps VPSO's at lowest level of pay for a lot of work that they do - recognizes cost of living differences -

Need for better communications between VPSO and oversight troopers, especially after hours VPSO's deal w/ life or death situations a lot of times w/out back-ups - Need another VPSO in village -

State Troopers stationed in regional hubs or subregional locations - Need to respond to reports of crimes or threats of crime - They may be only law enforcement in the villages - What is expected of a VPSO's should also apply State Troopers at these villages - i.e. reporting crimes, responding to disturbance of peace per State Constitution -

Senator F. Dyson

ACTION ITEMS FOR THE VPSO TASK FORCE

VPSO use of Guard facilities- In the 50 villages with Guard Armories, decide which have inadequate VPSO offices, storage, and holding cells that could utilize the unused portion of the Armory. Get a copy of the Kotzebue agreement and recommend joint occupancy of the Armory where that concept is justified. Ask local leaders for agreement to proceed.
Walt and Craig

VPSO & National Guard joint recruitment and/or personnel being members of both with benefits and training from both.
Walt and Craig

Funds from seized equipment and goods- Find out what needs to change to be able to use the sale of seized good to fund VPSO equipment or training or....
Walt and Talus

Expanded training and responsibilities for VPSOs
Decide how we can train VPSOs to; do some probation work, investigate some crimes, teach Dare/first aid/fire fighting/search and rescue/drug interdiction etc/obtain higher level of police certification and then get higher salaries based upon higher qualifications and utilization.
Walt

Standardized duty and reporting responsibilities- Decide how proactive and how much the VPSO needs to be actively on the job each day/week. Decide the standard reporting responsibilities ie; daily reports, check in by radio or phone twice a day or....
Walt

Solve liability issues -Talus

Prepare for the State Wide Conference on Public Safety in reference to the VPSO issues
Walt.

RECOMMENDATIONS

MORE VALUE FOR VPSO STAFF

- PAY
- BENEFITS
- TRAINING
- CAREER PATH
- SUPPORT / RELIEF / COUNSELLING /
- HOUSING / EQUIPMENT
- LOCAL SUPPORT
- STATE SUPPORT - COMPUTERS / BACK-UP - / VEHICLES - FUEL
- CRITERIA FOR VILLAGES TO GET VPSO
 - VIABLE (BY DENALI CAN STDS)
 - DISTANCE FROM TROOPER POST
 - LOCAL SUPPORT & COOPERATION / DIVISION AND ACCEPTANCE

ADVANCE LEVELS FOR VPSO ADVANCEMENT

- PEACE OFFICER CERTIFICATION
- REGIONAL SUPERVISOR RANK
- COM. PILOTS LICENCE

VPSO - ALASKA NATIONAL GUARD RELATIONSHIP

- SHARED FACILITIES
- SHARED EQUIPMENT
- SHARED PERSONNEL - VPSO IN GUARD

①

EXPANDED Role For VPSO

- PROBATION SUPERVISION
- DARE INSTRUCTOR
- SOME CRIME INVESTIGATION
-

RELATED ISSUES

(3)

- LIABILITY
- CUSTODY OF SEIZED GOODS
- ACCESS TO FUNDS FROM SEIZED STUFF
- MORE TROOPERS - HOW MANY - WHERE
- VPSO - TPO - ISSUES
- LOCAL CONTRIBUTIONS
- CORPORATION CONTRIBUTIONS

(2)

Salary up for certificate
every time "something" happens, salary goes up

THE ALASKA GUARD - HOPE AND HELP FOR RURAL ALASKA

The presence of an effective, well trained and equipped Alaska Guard detachment in each Alaska community could be a huge benefit in at least the following reasons:

- VPSO officers concurrently being members of the ALASKA GUARD could mean increased benefits, shared equipment and facilities, training, and mutual aide support.

- Military training, both basic training and specialist training should be very helpful to most of Alaska's rural teenagers. The discipline, physical fitness, team building, patriotism, and skills accumulated have been very helpful to Americans for generations and should continue to be helpful for rural Alaska youth.

- Rural Guardsman can and should form the trained and equipped core of local search and rescue (SAR) and fire fighting efforts as well as flood control and back up for the VPSO and Trooper personnel.

- Being a Guardsman should increase health benefits for the rural participants and reduce the welfare type payments flowing into the communities.

Chapter III. Response and Recommendations

A. Introduction

In the course of taking testimony around Alaska, the Commissioners heard from many rural residents. Based on the testimony, the Commissioners' collective expertise, and the invaluable product of the working groups, numerous recommendations emerged to address the issues the Commission was charged to explore. The recommendations fit into nine broad themes:

1. Engaging in more partnering and collaboration.
2. Making systemic changes to improve rural law enforcement.
3. Enlarging use of community-based solutions.
4. Broadening the use of prevention approaches.
5. Broadening the use of therapeutic approaches.
6. Increasing the employment of rural residents in law enforcement and judicial services.
7. Building additional capacity.
8. Increasing access to judicial services.
9. Expanding the use of new technologies.

During the course of its proceedings, the Commission became acutely aware of its resource and time limitations as well as the importance of: continuing the dialogue among justice stakeholders to further develop its recommendations; the need for additional research, including monitored pilot projects; and the need to encourage and monitor progress on implementing its recommendations. To make progress on all of its recommendations, the Commission asks that Congress extend this Commission or authorize the creation of a successor commission to oversee implementation of recommendations contained in this report.⁵⁵ The Commission, through staff and appropriate working groups, would meet regularly to analyze problems and propose solutions, foster intergovernmental communications and reduce barriers to cooperation and collaboration.

The Commission's tasks would include such responsibilities as:

- Developing a statewide, uniform, and tiered system of certification and training for police and public safety officers with a reasonable opportunity for advancement that could culminate in qualifications to seek full APSC police officer certification;
- Developing a template cross-deputization agreement between the State and tribes that can be used as a basis for individually negotiated agreements; and
- Developing voluntary memoranda of understanding between tribes and the State relating to issues such as coordination and integration of child protection and domestic violence protective services.

The Commission believes that the complex issues surrounding delivery of justice and law enforcement in rural Alaska are both chronic and of highest importance. A standing commission can both monitor and evaluate progress being made on the implementation of the recommendations contained in this report, and study and appraise additional recommendations and changes related to justice and law enforcement in rural Alaska that may

⁵⁵ Recommendation 1. For example, Congress created the Alaska Telehealth Advisory Commission, in 1998. It was, at its sunset, transformed into the Alaska Telehealth Advisory Council. It continues to meet today and has grown in its ability to ensure that telehealth in Alaska is developed in a systematic way, meeting the policies and procedures established by that Commission and serving both rural and urban Alaska. The reader is referred to: <http://www.alaska.edu/health/downloads/Telemed/04.Background.pdf>

ecome necessary in the future. The importance of a continuing presence to monitor and track this Commission's recommendations is expressed well in testimony that the Commission heard in Kotzebue:

"Having been through this process [a commission studying problems in rural Alaska] before, I understand the limits. But it doesn't make any difference because we had the same process years ago. The Canadian Judge⁵⁶ came up and went to every village and went into houses and everything else and got detailed reports from people. Nobody listened to that.

"It went through the Alaska Natives Commission as testimony, like you did. We worked with committees that held hearings all over the place on different subjects like you're doing. And we put out a report and it took years before anybody looked at it and when they did – when Congress did and provided funds – our people didn't know what to do with the funds. So we gave up the funds."

John W. Schaeffer
NANA Regional Elders Council

The Commission contemplated a recommendation that would have called for a pilot project authorizing participant tribes to enact and enforce laws regulating alcohol sale, importation and possession within the boundaries of the respective village. The Commission did not include this recommendation in its interim report. During the public comment period on the draft interim report, numerous organizations and individuals urged the Commission to include this recommendation. We understand the critical importance of local regulation and control of alcohol. Alcohol continues to have a devastating impact on rural Alaska. We intend to specifically and intensively review and act on this issue in the next phase of the Commission's work. In making this commitment, we are mindful that this is a highly charged issue that involves competing views of sovereignty that must be confronted. There are also complex, on-the-ground relationships that need to be addressed.

The Commission's other recommendations are presented, by theme, in the following section.

B. Specific Recommendations

1. Engage in More Partnering and Collaboration

There is no doubt that reduction in state-tribal conflict over jurisdictional issues, and increased cooperation, coordination, and collaboration between state and tribal courts and agencies, would greatly improve life in rural Alaska and better serve all Alaskans. In particular, communication and coordination among and between child protection and domestic violence, child abuse, and sexual abuse service organizations and government institutions are neither systematic nor comprehensive enough, and the tribes are often left entirely out of the process. The Commission therefore recommends the development of more effective coordination and communication, including cross training, among and between all governments and service agencies and organizations.⁵⁷ Cross training might include the Alaska Native Indian Child Welfare Association, the Alaska Inter-Tribal Council, the Alaska Legal Services Corporation, the Alaska Native Justice Center, and other Alaska Native social service agencies.⁵⁸

56 Mr. Schaeffer refers to Thomas Berger, whose visits to Alaska and review of the impacts of the Alaska Native Claims Settlement Act are chronicled in Berger, Thomas R., *Village Journey: The Report of the Alaska Native Review Commission*. New York: Farrar, Straus, and Giroux, 1985.

57 In its Final Report in May, 1994, the Alaska Natives Commission recommended that all agencies handling cases of child neglect or abuse, including OCS, the judiciary, IHS, regional health corporations, and tribal councils, should collaboratively renew efforts to eliminate child abuse and neglect among Alaska Natives, share data, and clarify their respective roles. Vol. II, p. 34. The "Follow Up Table of Recommendations" from the Final Report of the Alaska Criminal Justice Assessment Commission of 2000 recommended that State agencies, treatment providers, tribal entities and community organizations collaborate to establish after care and re-entry programs and procedures. See also the Final Report to the Governor by the Alaska Commission on Rural Governance and Empowerment, 1999, in which the Commission encouraged development of inter-governmental and inter-agency coordination mechanisms, and improving communications and cooperation among tribal, state, local governments and regional institutions, as well as within agencies, by encouraging agreements that enhance local decision-making.

58 Recommendation 2. The Recommendation footnotes refer to the Workgroup Options that led to the recommendations, as listed in Appendix F.

Because there is insufficient coordination between State and tribal governments at all levels, the Commission recommends (a) strengthening state policy recognizing tribal civil decision-making; (b) developing voluntary Memoranda of Understanding between tribes and the State relating to coordination and integration of child protection and domestic violence protective services; (c) changes to federal laws to require more coordination; (d) broadening the cross-recognition of judgments, final orders, laws and public acts of tribal, state, and federal governments (such cross-recognition already exists for Indian Child Welfare Act (ICWA) and Violence Against Women Act (VAWA)); and (e) fully implementing the Millennium Agreement.⁵⁹ Moreover, the State should offer tribes, Alaska Native non-profit organizations, and other service providers a greater opportunity to participate in Memoranda of Agreement to enhance opportunities for collaboration, coordination and communication.⁶⁰

There is historic precedent for cooperative models in this state – and throughout the country – that could be used to encourage a more collaborative approach. For example, during a protracted negotiation process that culminated in August 1990, the State and several tribes negotiated an ICWA Agreement that was eventually signed by 27 tribes. The Agreement, which was negotiated before certain jurisdictional issues had been resolved in *John v. Baker*⁶¹ and *C.R.H.*,⁶² “reserved for future negotiation and discussion” issues relating to tribal courts, jurisdiction, and state funding for social services and for children placed in foster homes by a tribe. It is time for those negotiations and discussions to be continued.

Section 1919 of the ICWA provides a mechanism to encourage state-tribal cooperation and collaboration: “States and Indian tribes are authorized to enter into agreements with each other respecting care and custody of Indian children and jurisdiction over custody proceedings.” Similarly, state law expressly authorizes the Department of Health and Social Services to enter into agreements under ICWA concerning the “jurisdiction of Native child custody proceedings.”⁶³ Collaboration and cooperation in other aspects of child protection should also be accomplished to improve the overall quality of services available to those families in need.

The Commission recommends development of a state-tribal ICWA agreement for consideration by the State and the tribes in Alaska.⁶⁴ With the assistance of work group members, the Commission devoted considerable time to development of a model agreement of this kind. The willingness of all of the stakeholders to work toward an acceptable agreement left a great impression on the Commission. Unfortunately, the task of developing a proposed agreement could not be finished in the available time.

There is also substantial need for tribal-state partnerships on juvenile justice matters. Some tribal courts and councils work very effectively with juveniles and their parents to respond to a juvenile’s delinquent or troublesome behavior, and there is no need for state participation in the matter. Where the tribal government is able to effectively address the needs of the juvenile and the community, it may prefer not to encourage state involvement, so that the offending minor does not acquire a state juvenile record.

Other village justice systems, however, would prefer to coordinate more closely with the Division of Juvenile Justice (DJJ) and might, with DJJ’s consent, wish to refer a juvenile to the Division. The Commission therefore urges DJJ to discuss with interested tribal courts whether such a referral mechanism might be achieved, and

59 See Resolution 27, Conference of Chief Justices. See also Wisconsin 161 Agreement, which provides for orderly and thorough coordination and integration between the Vilas County Department of Social Services and the Lac du Flambeau Lake Superior Chippewa Indians on all matters of child protection involving tribal children.

60 Recommendation 3.

61 *John v. Baker* 1, 982 P. 2d 738 (1999) (recognizing inherent tribal jurisdiction in a custody dispute involving tribal children).

62 *In the Matter of C.R.H.*, 29 P. 3d 849 (Alaska 2001) (upholding transfer jurisdiction under ICWA).

63 AS 47.14.100(g).

64 Recommendation 4. Specific to this recommendation, “such an agreement would take into account the changes in the law that have taken place since 1990 and reduce the number of issues over which the State and tribes are currently litigating. It would also provide a template for cooperation between the State and tribes that could provide a model for other topics.”

then make agreements with tribes and tribal courts to coordinate the disposition of juvenile offenses as currently permitted under state law.⁶⁵

It is also clear that there is a substantial need for greater cooperation, education, and coordination among domestic violence and sexual assault service providers that serve rural Alaska communities throughout the state. There are 21 domestic violence and sexual assault programs listed with the Council on Domestic Violence and Sexual Assault (CDVSA) Community Outreach, but they lack sufficient resources to reach large sections of rural Alaska. As a result, many rural Alaska communities lack safe houses or other safe shelters for those who are victims of domestic violence and/or child abuse.⁶⁶ Furthermore, in many communities, no single local entity has been identified either to serve as a coordinating point of contact for safety issues, or to facilitate community development. The Commission recommends that the CDVSA support the Alaska Network on Domestic Violence and Sexual Assault to identify specific needs within individual rural communities for improvement of safety, and to coordinate efforts by existing domestic violence and child abuse organizations, including Child Advocacy Centers, to provide technical assistance and consultation to help every rural community develop a safety plan. The Commission also recommends increased domestic violence program funding for rural Alaska.⁶⁷

"Some of the things that I think are important to address—within your Commission—is training our own people to help our own people. Giving them the resources that they need, which is something that is being done here also. But giving them those resources in a manner that is when they're working with a family, they can say the things that they need to say. And having our people in our own communities having the voice and the strength to say that something is going on within a home that's not right. If a child is being hurt, if a wife is being battered, if an Elder is not being taken care of. Because, as we know, silence is acceptance. So I think part of our own community responsibility is teaching the people how to say this is not okay and to stand up. And then to start creating those support networks around the people who are speaking."

Paulette Moreno, Sitka

The Commission recommends that Congress provide funding to form and help staff a tribal justice association as a conduit for communications, including a tribal judicial web site. Through the new tribal justice association, additional funds should be acquired to produce educational materials and handbooks, forms, computer software, and codes that are respectful and supportive of Alaska Native traditions, customs, practices, and values, and that could be adapted for use by individual tribes. Efforts involving the University of Alaska, tribal organizations, and other appropriate judicial training entities, should support the provision of consistent, quality training and technical assistance for tribal judicial systems. This should include cross training between tribal judicial systems and all law enforcement entities (i.e., municipal, state, tribal, and federal), the Alaska Court System,⁶⁸ Alaska Department of Law, Alcoholic Beverage Control (ABC) Board, Probation and Parole, and the Office of Children's Services.⁶⁹

Collaboration should also take place between the state and the federal government to enhance drug and alcohol enforcement. Lack of adequate Postal Service Investigator staffing in Alaska is a significant impediment to alcohol and drug interdiction in rural villages. The Department of Public Safety should designate targeted alcohol and drug enforcement areas that include local option villages and their hub communities. This should include seeking Postal Service cross designation authority for drug and alcohol investigators assigned to the target area as well as the statewide Major Offender Unit personnel. Success for this recommendation will be measured by an increase in seizures of alcohol and drugs, forfeitures, and documentation of cases that could not have been possible without cross-designation authority. This recommendation will enhance the Department's efforts to

65 Recommendation 5.

66 For a map showing the locations of all domestic violence, child abuse, and sexual assault programs in Alaska, see Appendix A.

67 Recommendation 6.

68 For a map showing the location of all the state courts and magistrates, see Appendix A.

69 Recommendation 7.

monitor and control choke-points, since almost all alcohol and drugs move to rural Alaska by commercial air carrier or mail and package services.⁷⁰

Finally, at this time, judicial/justice materials are not available in many languages that would serve Alaska.⁷¹ The Commission recommends that more materials be both developed and provided in different languages for Alaska Natives.⁷²

2. Make Systemic Changes to Improve Rural Law Enforcement

"The Northwest Arctic Borough is truly rural, an area the size of the state of Indiana, with a population of approximately 7,200, which is predominantly Iñupiat Eskimo. There are no roads connecting any of our 11 communities to one another. Transportation is by boat, airplane, or sno-go. We have many similarities with other rural regions; however, we are different from some regions in that we are an organized borough. Having been formed in 1986, our borough government is young and not yet fully evolved.

Kotzebue, our hub community, has its own city police force, funded by city taxes, and also has a modern jail facility. Our other 10 communities are quite different. For roughly 3,000 residents, scattered through 10 communities, we have three VPSOs: one in Kobuk, population 100; one in Selawik, population 900; and one in Ambler, population 475. The other 1,500 borough residents in seven communities do without the presence of an officer. Some village communities hire a Village Peace Officer, or VPO. In most all cases this person has no law enforcement training. In many cases, this officer serves primarily as a curfew enforcer, but does not deal with more serious offenses. As fiscal conditions get tighter and tighter for our village municipal governments, we have seen some of these VPOs laid off due to lack of funds to pay them. We expect this trend to continue. By itself, a VPO program cannot address our problems. All Northwest Arctic Borough villages except Kotzebue are served by the Alaska State Troopers, a seven-member group headquartered in Kotzebue. Troopers are dispatched to a village in the event of a serious crime, but due to distance, weather, and other factors, their response time can be less than impressive."

Tom Bolen, Public Services Director, Northwest Arctic Borough

The Law Enforcement Workgroup developed a list of nine "consensus points" to explain the premises and assumptions that underlay the process of agreeing upon options to be forwarded to the Commission. These points are presented below. They relate not only to the work of this one workgroup but also to the recommendations from the other workgroups that relate to the law enforcement theme and are presented in this subsection.

Law Enforcement Workgroup Consensus Points

- Funding should be secured to ensure that all officers engaged in law enforcement activity in rural villages in the State of Alaska have a basic minimal level of training and certification.
- Law enforcement in rural Alaska should be accomplished in a manner that does not threaten or diminish the sovereignty of either the state or the tribes.
- Cross-deputization of tribal and state/municipal police officers has the potential for assisting the State Troopers that serve rural Alaska, assuming an agreement on shared training and certification and liability standards could be reached.
- For state, tribal, and other officers engaged in village law enforcement to work effectively together, a reliable and up-to-date database identifying the officers of each department in rural Alaska, and their current training levels should be developed.

⁷⁰ Recommendation 8.

⁷¹ See Supreme Court Committee Report on Fairness and Access Report at p. 92-93.

⁷² Recommendation 9a.

- Creating three tiers of villages or new rural government institutions is not necessary to improve rural law enforcement.
- Effective rural law enforcement, including improvements in recruitment and retention, requires a commitment to adequate infrastructure appropriate to each community's size and need, such as housing, communications, technology, transportation, holding facilities, offices, and equipment.
- Public safety and law enforcement services are a basic need throughout Alaska and should be adequate and appropriate to a community's size and need.
- It is critical that the federal government take a much more active role in ensuring adequate law enforcement in Alaska Native villages, including far more extensive funding of village law enforcement needs.
- There should be an increased emphasis on juvenile crime prevention programs and positive interaction between public safety officers and youth.

"The Ahtna People do not have a history of having Village Public Safety Officers but, if they did, I am sure that we would be testifying here today about the positive results of having one in our villages.

At the present time we have many criminal misdemeanor offenses that are not responded to by the Troopers and, if they are responding to it, it may be several hours to a few days before one of the four State Troopers are able to respond to a call for help. The local Alaska State Troopers have a history of establishing a working relationship with the Tribal Governments, by attending village council meetings. The Troopers expressed the hardship they have with responding to calls when the service area includes a 250-mile area on the road systems and areas that need to be accessed by airplanes. Many times they may be out on a call and when a call is received from our villages and they have to finish up with that call before they can respond. The Troopers do have a history of being in a community for only a short time and then are transferred; thus the community doesn't get to know them very well. Many offenses take place after the Troopers are off duty."

Eleanor Dementi

Copper River Native Association, Cantwell

One of the goals of an ongoing Commission would be the development of a statewide, uniform, and tiered system of certification and training for police and public safety officers with a reasonable opportunity for advancement that could culminate in full APSC police officer certification.⁷³ The first tier of certification would require a reasonable, minimum level of certification and training, including non-police function training, to ensure professional competency and service delivery, with tribal officers encouraged to participate.⁷⁴ The Commission would also be charged with developing a template cross-deputization agreement⁷⁵ between the State and tribes that can be used as a basis for individually negotiated agreements.⁷⁶

The Commission recognizes that additional funding will be required to augment training and certification of rural police and public safety officers and recommends that new funds should be sought from all available sources, including state and federal governments, grants, and local sources (including in-kind support), with local support

73 Recommendation 9b.

74 This option would require a change to AS 18.65.220 & 18.65.290(7), which allows only state, municipal, and certain federally employed officers to be certified. Greater rural representation in the APSC process and governance would improve its responsiveness to rural concerns.

75 Cross-deputization agreements have potential for combining scarce funds to provide direct and local service in rural Alaska. Such agreements could also create efficiencies and other improvements in law enforcement service delivery, and could be entered into between the tribes and the State, boroughs or cities. Alaska Statute 18.65.010 currently allows such agreements.

76 Recommendation 10.

expected to be appropriate to community size, need, and capacity.⁷⁷ Local contributions should not, however, be used as a factor in determining a community's need for police and public safety services.⁷⁸ To further expand the number of law enforcement and public safety officers in rural Alaska, the Commission also recommends making the federal COPS program longer term.

VPSO Program Regulations adopted by the Department of Public Safety (DPS) define a village as a community with a population of less than 1,000 individuals based on the most recent federal census. The populations of rural villages in some areas have steadily increased to a point where there are communities that either exceed 1,000 individuals or are approaching the allowable population limit. The Commission recognizes that the VPSO program is a valuable tool for rural communities lacking resources to provide public safety services for their residents. Therefore, the Commission recommends that DPS modify the definition of a village in 13 AAC 96.900 (12) to read:

(12) "village" means a community with a population of less than 1,500 individuals based on the most recent federal census.

"In sum, as a VPSO I provide preventive community policing and public safety in a wide and sweeping variety of situations. Equally important, the Old Harbor Tribal Council's restorative system allows the community to address situations in a preventive way that can de-escalate a youth's behavior, and help that individual understand the effects of their actions. Together, we provide public safety at a variety of levels.

How do we improve upon what is working well? Hands down, we need more and stable funding, and more law enforcement officers per village. Ideally, we need two officers per village—at a minimum. It places officers at risk when they are asked to address domestic violence and other situations without a partner or backup of any kind. In addition, because each village is unique in its social makeup, and because domestic violence, juvenile justice, and child protection demand immediate attention and solutions that cannot wait for weather or funding, and further because the state system is already tremendously overburdened, we must allow each village to develop individual restorative justice systems to provide our communities with necessary tools to adequately address public safety."

Valent Maxwell, VPSO, Old Harbor

The Commission recommends that options for alternative methods of police and public safety training be examined to enhance the currently available training at the Sitka Academy. Partnerships with the College of Rural Alaska and other existing training and educational institutions could help remove impediments to recruitment and training for police and public safety careers. The development of regional training programs or centers would also help.⁷⁹ The Commission further recommends that the Department of Public Safety initiate a regional rural recruitment effort for rural police and public safety officers.⁸⁰

The Commission has determined that there is a need to make changes in state statute to help law enforcement reduce the importation of alcohol into dry villages in rural Alaska. Even though AS 04.11.010 prohibits the manufacture of alcohol, the provisions of Title IV do not define the term "manufacture," and the definition in Title XI only relates to controlled substances.⁸¹ Present forfeiture provisions do not cover violations of transportation by common carrier and do not provide for forfeiture of firearms and items of value purchased from illicit proceeds, or provide for forfeiture proceedings.⁸² Finally, currently there is an inconsistency in the amount of alcohol that triggers presumptive sale (12.0 L) and felony importation (10.5 L), which is confusing for law enforcement. To

77 Recommendation 11.

78 Recommendation 12.

79 Recommendation 13.

80 Recommendation 14.

81 Recommendation 15.

82 Recommendation 16.

remedy these problems the Commission recommends the changes in statutory language that are shown in the three attachments presented in Appendix H.

"Alcohol and drug abuse have had tragic consequences in our region. It is estimated that more than 97 percent of the crimes committed by Alaska Natives in our region are alcohol related. Alaska Natives are more likely than any other racial or ethnic group in Alaska to be the victim of a crime. Next to children, Alaska Native women are the most victimized group in the state, suffering high rates of rape and domestic violence. This is true in our region. It is also true that we have some of the highest suicide, child sexual and physical abuse, and fetal alcohol syndrome rates in the state, and that the state's figures are consistently higher than the rest of the nation.

"The State of Alaska is mandated by the state constitution to provide basic public safety services within the areas in our region where no local governing body provides these services. The State provides funding for a VPSO in only nine of our villages. This means that, in the best-case scenario, six of our 15 villages must make-do without VPSOs. As it is, the funding that we receive does not afford enough to pay for salaries that would attract anyone for this difficult job. With a starting salary of \$14 an hour, a VPSO may qualify for food stamps and public assistance under certain circumstances, and studies show that an alarming number of VPSOs are forced to seek this assistance. Statewide, the turnover rate of VPSOs is estimated at 40 percent annually. In our region, only 1/3 of our villages currently have a VPSO. In the villages that do have a VPSO, the person is on call 24 hours a day, 7 days a week, 365 days a year with minimal overtime budgeted for them. They do not carry weapons and must rely on the Troopers in Nome if a situation escalates. Yet one study found that 75 percent of unarmed village officers had responded to a perpetrator with a firearm."

Melanie Edwards, Vice President, Kawerak, Inc.

Another change recommended by the Commission that would benefit law enforcement is banning written order sales of alcoholic beverages to dry or damp communities, thereby preventing residents of dry communities from taking delivery of alcohol in areas where it is legal to receive alcohol.⁸³ Furthermore, the Commission acknowledges that there is a need to make it easier for law enforcement to detect illegal shipments of alcohol to rural Alaska, and that shipping alcohol in plastic containers makes detection more difficult (compared to shipping in glass containers). It therefore recommends that shipping alcohol in plastic containers should result in a sentencing enhancement or aggravator, unless the containers are sent to a distribution site.⁸⁴

Given the relative lack of law enforcement in rural Alaska to enforce state and tribal orders related to child protection, child abuse, domestic violence, and sexual assault, the Commission recommends that: (a) the State adequately fund and staff the VPSO program to help provide this important function; (b) federal funding be obtained for tribal law enforcement; and (c) cross deputization of law enforcement occur.^{85, 86}

Because the lack of adequate medical response in many rural Alaska villages makes sexual assault crimes harder to prove, and the lack of law enforcement with specialized training also aggravates the problem, the Commission recommends that the Department of Public Safety, in conjunction with regional Native non-profit corporations: (a) develop part-time law enforcement positions for smaller rural Alaska communities with intensive training and

⁸³ Recommendation 17.

⁸⁴ Recommendation 18.

⁸⁵ See Alaska Federation of Natives Resolution 04-14 adopted at the 2004 Annual Convention, a resolution in "Support of Rural Law Enforcement in Alaska's Villages" supporting the VPSO program, and calling on the State legislature, governor and congressional delegation to design a program that will adequately address public safety needs in villages. See also Final Report to Governor, Alaska Commission on Rural Governance and Empowerment, 1999 (a local law enforcement officer should be present in every community in Alaska, with particular attention to off-road communities; all categories of officer should be fully trained, equipped, staffed, paid, and acknowledged as part of the overarching public safety system; effective public safety requires coordination with local communities, tribes, and regional non-profits. The Department of Public Safety should train local officers to extend the reach of the public safety system; training for local officers is necessary to help them balance cultural sensitivity with professional ethics.

⁸⁶ Recommendation 19.

continuing support to maintain skills as needed; (b) develop new approaches to provide housing in the villages for these new positions; (c) recruit and train local residents to fill these positions (following a community policing model); and (d) initiate a new system that will ensure that law enforcement officers will be temporarily relocated to cover unfilled positions in the villages while these officers are being trained.⁸⁷

The final recommendation in this thematic category is that the continuing Commission make addressing the scourge of alcohol and substance abuse a priority. The most oft-repeated concern Alaskans expressed in their testimony to the Commission was the toll taken by alcohol and substance abuse. Our fellow Alaskans are, literally, dying under the present regime. According to the final report of the Alaska Commission on Rural Governance and Empowerment, the alcohol-related mortality rate of Alaska Natives is three and a half times that of non-Natives, and the incidence of fetal alcohol spectrum disorder (FASD) among Alaska Natives is three times that of non-Natives. The majority of crimes committed in rural Alaska are committed under the influence of alcohol or drugs. Substance abuse is devastating rural Alaska, and the current governmental tools available to combat it are inadequate.

- Federally recognized tribes have a local governmental presence but have disputed jurisdiction. The State has jurisdiction but often lacks an effective local government presence. The result is a gap that leaves many villages without effective law enforcement tools to combat substance abuse.
- Local option laws enable villages to ban or restrict importation of alcohol, but the laws are enforced and prosecuted primarily from regional centers. Defendants are tried, if at all, away from the villages. Geographic and cost constraints likely will always prevent the state from having magistrates, troopers, and prosecutors anywhere but in the largest communities.
- Second-class city governments in villages cannot effectively address substance abuse. Most have little or no money. State law does not provide for municipal courts and the cost of prosecuting cases in distant state courts means that small cities rarely enforce municipal criminal ordinances.
- Tribal governments are the *only* government in many villages. Many villages have tribal courts that handle juvenile offenses and child protection cases that often entail alcohol problems the tribal courts must address. The best solutions to community alcohol problems involve the community.

The tragic consequences of substance abuse in rural Alaska are well known, and all available resources should be mobilized to combat this problem: tribal, state and federal. Addressing this issue successfully must be the highest priority of the federal, state, and local governments of rural Alaska. The Commission believes that the ultimate success of other recommendations hinges on addressing the problem of alcohol and substance abuse in rural Alaska.⁸⁸

"The AFN Sobriety program provided much-needed relief for the mental health and protection services. But the overriding comment from our villages is that there is no control of alcohol coming into the village. The village may have banned alcohol, but without resources, the village is left to watch their family members suffer from bootleg alcohol. To address this issue, they want:

1. resources to include providing funds to the tribal council to monitor the community,
2. liaison with the local police to find the bootleggers,
3. search incoming airplanes for alcohol,
4. provide a hotline with rewards for results on prosecution,
5. provide funding so that the tribal council can hire a tribal policeman.

⁸⁷ Recommendation 20.

⁸⁸ Recommendation 21.

"These are but a few suggestions from our village meetings for the sobriety program. Tribal council[s] want help in enforcing the alcohol ban in their villages but are unable to find funds for doing the work."

Arnold Brower, Arctic Slope Native Association, Barrow

3. Enlarge the Use of Community-based Solutions

"Brief history reveals how healthy our people were in the public safety arena. They were in control of their destiny and lived good physical lives; they simply governed themselves to survive. They knew how to take care of each other through public safety, putting together their own way of law and order and live peacefully in harmony with the life/nature. Law and order was respected and no jail system – no repeat offenders, unlike all the later history within the state system today."

"You see our Native people have intellectual knowledge on basic human needs and how to protect each other from harm through good public safety practices. And yet we are not given the chance and opportunity to exercise these rights."

Virginia Commack, Tribal Administrator, Native Village of Ambler

Alaska Statute 47.12.010 states that one purpose of Alaska's juvenile delinquency law is to "encourage and provide opportunities for local communities and groups to play an active role in the juvenile justice process in ways that are culturally relevant." Currently, AS 47.12.988 allows the Department of Health and Social Services to select "an entity" to exercise authority, but the statutory definition of "an entity" does not include a tribal entity. The Commission recommends amending AS 47.12.988 to allow DJJ to delegate its authority to tribes in situations in which DJJ and a tribe wish to cooperate and share resources with respect to tribal juvenile offenders, as follows:

"In this chapter, when authority exercised by the department may also be exercised by an entity selected by the department, the entity that the department may select in order to exercise authority is limited to

- (1) a municipality;
- (2) a corporation; ~~or~~
- (3) two or more persons recognized by the community and operating under contract or license from the department; ~~or~~
- (4) a tribe as defined by the Indian Child Welfare Act (25 USC §1903(8))."⁸⁹

By implementing this recommendation, more culturally appropriate, community-based, procedures can be used in addressing the problems of tribal youth, and remedies that draw on the traditions and strengths of the tribal communities can be developed.

The Commission also recommends that the Department of Health and Social Services increase funding for existing programs and help organizations implement new programs to address prevention, intervention, and treatment of domestic violence and child abuse throughout rural Alaska. Existing programs have not received any increase in funding over the last several years, while costs, including utilities, airfare, and medical care, have increased dramatically. Because programs are no longer able to offer competitive salaries, staff in high-stress positions experience a high rate of turnover. Increased funding will enable existing and new programs to provide much needed educational and therapeutic services for sexual assault and child sexual abuse victims.⁹⁰

The Commission has concluded that the alcohol distribution site that was created in Barrow has proven to be very effective in decreasing bootlegging and the ensuing array of social problems related to the use of alcohol, and the Commission thereby encourages⁹¹ damp hub communities that serve as points of entry for villages of which at

⁸⁹ Recommendation 22.

⁹⁰ Recommendation 23.

⁹¹ If the State chooses to mandate hub distribution sites, the deadline for initial establishment of these sites should be set by the State at one year, and if a designated community does not set up the community alcohol distribution site, the ABC Board should.

least 20 percent are either "dry" or "damp" to have community alcohol distribution sites. Permits to pick up liquor from a community's alcohol distribution site must be held by residents of that damp community only.⁹²

There is a need for tribes⁹³ to have an opportunity for notice and to be heard at sentencing and disposition (or before) in state court juvenile proceedings and AS 12.55.011 allows for community participation in restorative justice. The Commission recommends that Title 47 be amended to permit tribes to participate in sentencing or other appropriate juvenile proceedings (as do other victims),⁹⁴ and it further recommends that state law be adopted or amended to permit tribes to participate in juvenile delinquency treatment, especially after minors return to their communities.⁹⁵ Implementing these recommendations would: (a) improve communication between rural Alaska communities and the court about sentencing of juveniles; (b) ensure more effective sentences; and (c) improve the effectiveness of juvenile delinquency treatment at the community level. Similarly, the Commission recommends re-entry programs for Alaska inmates moving back into small rural communities, focusing on community-based restorative justice and the role of the village in assisting in the rehabilitative process.⁹⁶

Alaska needs to find alternatives to housing Alaska's inmates in out-of-state facilities, which is moving to adult law enforcement issues, a weak point in the system. Particularly for Alaska Natives sent to such facilities, the separation from family and community enhances alienation and is likely to retard rehabilitation and re-entry into the community. Sending inmates from rural Alaska to out-of-state facilities also creates hardships for their families. To help remedy this situation, the Commission recommends that the Department of Corrections explore other options, including working with Native regional corporations and non-profit organizations. If a method can be found to keep inmates within Alaska in a financially feasible way, inmates and their families will benefit, along with local economies.⁹⁷

4. Broaden the Use of Prevention Approaches

The Commission recommends that reducing the demand for alcohol in rural Alaska should involve the development and expansion of a variety of programs that include: (a) programs geared to helping young people learn to make healthy choices; (b) healthy community and cultural activities that link youth and adults; (c) alcohol/drug information schools for first-time misdemeanor alcohol/drug related offenders; and (d) programs that promote community responsibility for preventing and addressing alcohol related problems.⁹⁸ All of these need to reflect and respect the culture of the local community.

There are also too few prevention and early intervention programs targeting domestic violence and child abuse in rural Alaska and there is a general lack of understanding or agreement about appropriate prevention approaches. Prevention must begin with the very young (e.g., in Head Start and pre-school), to include structured programs incorporating attitudes of respect toward women, people of color, and persons with different abilities. It recommends that the Alaska Department of Education and Early Development devise comprehensive, culturally appropriate prevention curricula to be implemented in kindergarten through eighth grade in Alaska's public schools, including a component on healthy behavior and the importance of remaining drug free. Increased funding from the Department of Health and Social Services for enhanced prevention programs, developed and implemented in rural Alaska, is also advisable, as is the reinstatement of funding from the U.S. Department of Labor for the highly successful, statewide Youth Opportunity Program.⁹⁹

92 Recommendation 24.

93 Tribes as defined in ICWA.

94 Recommendation 25.

95 Recommendation 26.

96 Recommendation 27.

97 Recommendation 28.

98 Recommendation 29.

99 Recommendation 30.

5. Broaden the Use of Therapeutic Approaches

The Commission is fully aware that increasing and improving methods to reduce the supply of alcohol to rural Alaska can only go so far to reduce alcohol abuse. Reduction in the demand for alcohol must also play a part, including both preventive and treatment approaches. Treatment programs have proven most effective when the programs are located near the person's home, when the programs can address the needs of the entire family, and when they are culturally relevant. The Commission therefore recommends state, federal, and private funding to develop more local, family-oriented, and culturally based substance abuse treatment programs, such as the Tundra Swan Inhalant Abuse Treatment Program operated in Bethel by the Yukon Kuskokwim Health Corporation.

Noting that locally developed treatment options that resonate with those values that are deeply ingrained in a culture are more apt to be effective in achieving rehabilitative success for individuals raised in that culture, the Commission recommends greater federal and state support for culturally relevant treatment options for rural Alaskans, and further recommends that the Alaska Department of Corrections collaborate with the Alaska Native regional non-profit corporations to develop culturally relevant behavioral health treatment options for incarcerated individuals.¹⁰⁰

The Commission finds that substance abuse, mental health, and dual diagnosis screening by domestic violence and child abuse programs is neither consistent nor standardized and recommends the development of agreements between domestic violence and behavioral health programs and the development, and statewide implementation of, screening tools to ensure standardization.¹⁰¹ Moreover, local capacity to address alcohol and drug abuse, while essential, is inadequate.¹⁰² The Commission recommends that both the federal and state governments increase funding to enable the development of more substance abuse treatment services located in Alaska's rural villages that invoke cultural values and include victims, family, and community in treatment. Residential treatment centers in which victims can have children live with them are needed,¹⁰³ ideally in each hub city in rural Alaska.¹⁰⁴ In order for residential substance abuse treatment to be truly effective, there need to be more aftercare programs to help returning clients remain sober, especially in the villages of rural Alaska. To this end the Commission recommends that the State increase training, technical assistance, and ongoing support for village-based volunteers and family members. This could be accomplished by integrating a long-term aftercare and family care program with a job training and career development program.¹⁰⁵

¹⁰⁰ Recommendation 31.

¹⁰¹ Recommendation 32.

¹⁰² In its Final Report in 2000, the Alaska Criminal Justice Assessment Commission found that it is imperative to reduce substance abuse related crimes through prevention and treatment programs, and that 97 percent of Alaska Native crimes have alcohol or drugs as a factor and 81 percent of reports of harm involve substance abuse. *See also*, the Final Report of the Alaska Natives Commission, May 1994, finding that alcohol poses the single greatest threat to the well-being of many Native families, resulting in domestic violence and much higher rates of FAS, Vol. II, p. 77. *See also*, Alaska State Troopers Alaska Bureau of Alcohol and Drug Enforcement (ABADE) 2003 Annual Drug Report, in which ABADE acknowledged that "[m]embers of Alaska's law enforcement community and others who are part of Alaska's criminal justice system have long known that the greatest contributing factor to violent crimes, including domestic violence and sexual assault, is drug and alcohol abuse." Report, at 5.

¹⁰³ Recommendation 33.

¹⁰⁴ Recommendation 34.

¹⁰⁵ Recommendation 35.

Insufficient substance abuse, mental health, and dual diagnosis treatment options are available in Alaska – and especially for youth in rural Alaska – which presents major problems for the juvenile justice system. Many juveniles are either not receiving treatment at all or are being sent out of Alaska for residential substance abuse or mental health treatment. There is a growing need for the development of culturally effective local juvenile treatment programs and facilities, and the Commission recommends that both the state and the federal governments explore options for increasing funding and support for the expansion of adolescent treatment programs.¹⁰⁶

Evaluation data show that therapeutic courts in Alaska are effective in dealing with substance abuse related offenses,¹⁰⁷ and it both commends the Alaska Court System for supporting therapeutic courts and recommends that the Alaska Court System continue to expand the establishment of additional therapeutic courts in rural Alaska. The greater emphasis on a “medical model” in processing substance-abuse related offenses will continue to lower the rate of recidivism.¹⁰⁸

The Commission has learned that when first-degree relatives provide foster care in their homes the state support that they receive is less than that received by more distant relatives and strangers.¹⁰⁹ To remedy this situation the State should explore changes in regulations that would encourage relatives to care for children in need of aid. The State should also implement a plan to establish more group homes for children who need such services.¹¹⁰ A concentrated effort should be made to increase the number of group homes in rural Alaska, accompanied by more flexibility on the standards and designed to reflect community values. Specialized training for group home parents and operators is also needed.¹¹¹

There is also a need to increase the number of Alaska Native foster homes for Alaska Native children and to facilitate the pass-through of foster care subsidy payments for foster care placements ordered by tribal courts. To help remedy this situation, the Commission recommends enactment of a state law similar to those portions of HB 193 or SB 125 that give the Commissioner of Health and Social Services the discretion to set appropriate standards for foster home placements and grant waivers in appropriate circumstances, and which resolve problems with state liability issues. In the event this becomes law, the Commission recommends that the Alaska Department of Health and Social Services consult with tribes over the foster care licensing standards. The Commission further supports the enactment of federal legislation similar to that in S. 672, introduced in March 2005, allowing tribes to apply for and administer Title IV-E directly from the federal government, while maintaining consistent funding levels for the states.¹¹² Implementing this recommendation will serve the best interests of Alaska Native children needing foster home placements by increasing the supply of suitable foster homes in state child protection cases and by increasing the resources available to support tribally ordered foster care placements.¹¹³

6. Increase Employment of Rural Residents in Law Enforcement and Judicial Services

The Commission recommends that the Departments of Public Safety and Corrections: (a) increase the number of qualified Alaska Natives who work as Village Public Safety Officers; (b) continue to increase the utilization and training of Village Public Safety Officers in the role of probation officers in the villages; and (c) consider

¹⁰⁶ Recommendation 36.

¹⁰⁷ See the Alaska Judicial Council's evaluation of the therapeutic courts in Anchorage and Bethel at <http://www.ajc.state.ak.us/Reports/TherCt2004.pdf>

¹⁰⁸ Recommendation 37.

¹⁰⁹ When children are placed in first-degree relatives' homes, they have to apply for child-only TANF funding, which is considerably less than foster care funding, especially when there are multiple children in the home.

¹¹⁰ Recommendation 38.

¹¹¹ Recommendation 39.

¹¹² In May 2001 Alfred Ketzler, Sr., CAO of the Tanana Chiefs Conference, Inc., provided testimony to the Senate Commission on Indian Affairs that articulates the Title IV-E problem very well and also makes additional recommendations relevant to this Commission. His testimony can be read at the following website: <http://indian.senate.gov/2001hrgs/alaska/ketzler.PDF>

¹¹³ Recommendation 40.

contracting with tribal governments to provide oversight of community service work, all of which will result in increased supervision of offenders under probation and parole supervision in rural Alaska.¹¹⁴

Although Alaska Natives are over-represented in Alaska's prison population, very few correctional workers are Native. Because positive role models are an important component of rehabilitation of incarcerated, and also because emotional bonds can form between correctional personnel and inmates, positive and supportive Alaska Native role models in corrections can be conducive to rehabilitation. The Commission recommends that the number of Alaska Natives who work in corrections (as well as those who work as VPSOs and in other law enforcement roles) be increased, which might be accomplished with targeted recruitment campaigns,¹¹⁵ including films, DVDs, a workbook or written guide, and a website, with materials geared to junior and senior high school-age Native youth. The Commission also recommends that a meeting of stakeholders be convened to consider the development and implementation of such targeted recruitment measures.

The stakeholder group should also consider what additional educational and training opportunities for careers in the field of law enforcement and corrections could be implemented in rural Alaska. Participants in the stakeholder group should include, but not be limited to, representatives of the Department of Education, Department of Labor and Workforce Development, the Alaska Association of School Boards, and the Alaska Association of School Administrators.

The intended result of increasing the number of Alaska Natives employed by the Department of Corrections, including probation officers, will be lowered recidivism rates, due in part to positive role modeling and to better communication between probationers and their probation officers. Also, by increasing awareness and preparedness for careers in these fields, the intended result is that the number of rural Alaskans employed in the Departments of Public Safety and Corrections will be increased, as well. It is also the hope of the Commission that with such training at an early and critical age, Alaska Native youth will be less inclined to partake in criminal activities.¹¹⁶

The Commission stresses three points concerning the theme of employment and increased Native representation in law enforcement. First, more rural Alaskans should be recruited and employed as Correctional Officers by the Department of Corrections. Second, more Alaska Natives are needed among the ranks of probation officers. Third, more rural Alaska Natives need to be employed in the VPSO and other local law enforcement programs. In this process, it is important that the authorities and responsibilities of probation officers and Alaska State Troopers continue to be separate.

7. Build Additional Capacity

The Commission finds that there is a significant lack of infrastructure supporting police and public safety functions in rural Alaska, which undermines the safety of rural Alaskans and negatively affects recruitment and retention of police and public safety officers. To help remedy this situation, the Commission recommends that the State develop, improve, and maintain the infrastructure that supports the delivery of police and public safety services in rural Alaska in the following categories:

- **Housing:** The Commission encourages: (a) streamlining the approval process and prioritization of HUD homes for use by police and public safety officers in rural villages; (b) exploring other available and currently vacant federal, state, and public housing that may be available for use by police and public safety officers; and (c) changing the eligibility rules for federal rural housing programs that are now available

¹¹⁴ Recommendation 41.

¹¹⁵ The Commission cautions that efforts to recruit more Alaska Native employees must be conducted within the equal-protection constraints of state and federal law.

¹¹⁶ Recommendation 42.

for teachers¹¹⁷ and health providers to include funding for police and public safety officers. Although not directly related to law enforcement, the same recommendation also applies to other professionals whose services are so badly needed in rural Alaska, including those working to prevent and treat the problems of domestic violence, child abuse, and sexual assault. In some locations, the construction of rental units should be considered.¹¹⁸

- **Law enforcement transportation:** The Commission recommends increasing the availability of appropriate vehicles for intra-community use by local police and public safety officers in rural Alaska. Additional upgrades to inter-community transportation infrastructure should also be sought, and VPSOs, tribal police, and other village-based law enforcement officers should be able to access public transportation systems on the same terms as other law enforcement officers.
- **Law enforcement offices and holding facilities:** The Commission recommends providing adequate office and holding facilities, including maintenance and operational funding, in rural communities commensurate with the type of police or public safety officer and community need, in a manner that will ensure continuity in public safety services.
- **Law enforcement equipment:** The Commission recommends providing adequate and appropriate equipment to rural police and public safety officers.

The State should seek funding to construct multipurpose facilities with an apartment, an office, and a holding cell for the Alaska State Troopers in larger under-served village locations. Qualified Troopers who are currently assigned to hub communities should be reassigned to these new posts in "sub-hub" villages such as Gambell and Holy Cross. The troopers should work at these locations on a rotating schedule of two weeks on followed by two weeks of leave. This would allow for trooper availability approximately 80 percent of the time, with a 20 percent absence to account for court time, leave, weather, and similar events. This recommendation embraces the concept of "Community Oriented Policing," reduces response times, and provides a significantly enhanced law enforcement presence than has been possible in the past.¹¹⁹

The Commission recognizes the benefits of locating public safety and justice responsibilities in combined or shared facilities in rural areas. The advantages are far greater than simple cost savings for lease or construction costs. The intangible benefits include enhanced communication and interaction. Likewise, victims of crime or members of the public attempting to navigate through "the system" can also be greatly aided when agencies are in one location. The benefits of participating agencies learning and respecting the missions and challenges of other agencies, although difficult to quantify, are unmistakable. The Commission recommends that the concept of a Regional Unified Justice Center be considered whenever affected agencies consider construction projects in rural communities.

The Commission recommends that at least some of the funding for infrastructure development for rural law enforcement services described in the preceding list should be provided by the Denali Commission, and the Regional Housing Authorities should be involved in developing new housing opportunities for village-based police and public safety officers.¹²⁰

Public testimony and reports reviewed by the Commission indicated that many litigants appearing in tribal

117 For insight into the continuing need for improved teacher housing in rural Alaska, read the testimony of Peggy Cole, a teacher from the Lower Yukon School District, before the U.S. Senate Indian Affairs Committee in 2004, available at: <http://www.neaalaska.org/govern/peggycoletestimony.htm>

118 Recommendation 43.

119 Recommendation 44.

120 Recommendation 45.

and state court believe that judges and staff are not adequately trained in domestic violence, child abuse, and sexual abuse and do not consistently apply laws that are intended to help victims. The Commission recommends consistent training, provided no less often than annually, for all relevant court personnel and judges, coordinated with the Council for Domestic Violence and Sexual Abuse and the Alaska Network on Domestic Violence and Sexual Assault. Additionally, the Alaska Court System should hold a forum in rural Alaska for judges and court personnel to discuss issues affecting victims of domestic violence/sexual assault and child abuse.¹²¹

There is a need for more culturally sensitive forensic services in remote communities statewide to ensure better protection for domestic violence, sexual assault, and child abuse victims. The Commission recommends the establishment of a roving position within each region for a highly trained forensic investigator who has cultural skills necessary to communicate within the cultures served.¹²²

It also recommends that tribal police receive forensic training to the same degree that Alaska State Troopers, other municipal police officers, and investigators do.^{123, 124}

In studying the problems of domestic violence, child abuse, and sexual assault in rural Alaska, the Commission has found that there is a lack of information and data regarding law enforcement's response to these criminal activities, and the data that do exist are neither consistent nor standardized. A new data base and reporting requirements need to be established to monitor investigations by law enforcement, and to verify that investigations are adequate and uniformly carried out. This should include both internal and external quality control audits to provide sufficient and consistent information to confirm that cases of domestic violence, the abuse of minors, and sexual assault are adequately investigated by law enforcement.¹²⁵

8. Increase Access to Judicial Services

Overall, the Commission has 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,¹²⁶ and it recommends more funding to meet civil legal needs from local, state, federal, and private sources, including increased federal funding to support Violence Against Women Act Legal Assistance to Victims Grants. The Commission notes that since 1995, federal Legal Services Commission (LSC) grants to the Alaska Legal Services Corporation (ALSC) have fallen from about \$1.7 million to about \$1.2 million, and over the same interval state legislative appropriations

121 Recommendation 46. The Commission commends the court system for having partnered with the CDVSA and others to hold a series of interagency domestic violence forums in rural Alaska. The court system, as part of its Children in Alaska's Courts project last year, held regional forums in Barrow and Bethel (as well as Anchorage, Fairbanks and Juneau) to discuss a variety of concerns about children, giving specific attention to domestic violence and child abuse issues. The Commission acknowledges that state court judges and appropriate court system personnel receive regular, ongoing training on domestic violence, child abuse and sexual abuse at court-sponsored judicial, magistrate and clerks' conferences, at the annual Alaska Bar Conference, through attendance at local training programs here in Anchorage, at the National Judicial College in Reno, at seminars sponsored by the Violence Against Women Office, and at other workshops and trainings throughout the U.S.

122 In its Report "Improving Safety in Indian Country: Recommendations from the IACP 2001 Summit" the International Association of Chiefs of Police recommended that the federal government should fund services such as forensic exams. (IACP Recommendation #44 at p. 27 of that Report).

123 In its Final Report to the Governor, 1999, the Alaska Commission on Rural Governance and Empowerment recommended that a local law enforcement officer should be present in every community in Alaska, that such officers should be fully trained, staffed and paid, and that the State should support federal efforts to train, equip and pay tribal officers.

124 Recommendation 47.

125 Recommendation 48.

126 The Alaska Supreme Court Advisory Committee on Fairness and Access in its 1997 report found that "lack of local services can have serious ramifications: . . . civil matters like child support, adoption, probate, and small claims go unattended, telephonic hearings work poorly when the witness has limited English skills or poor understanding of the concepts involved, and villagers remain ignorant of the law because they never see it in action." Directory, fn. 47, p. 20, citing Alaska Court System, Report of the Alaska Supreme Court Advisory Committee on Fairness and Access 14, 105 (1997).

for ALSC have fallen from about \$300,000 to zero. Meanwhile, more people than ever before fell below the Alaska poverty ceiling: 80,405 as of the 2000 census, up from 66,558 as of the 1990 census. ALSC estimates that while it closed approximately 1,700 cases during 2004, approximately 1,040 other callers were given only brief telephonic referrals due to lack of resources on ALSC's part to provide assistance. To improve access to civil legal assistance, the Commission also recommends the increased use of tribal courts and the use of existing video-conferencing capability to provide better legal representation to residents in rural areas of Alaska.^{127, 128, 129}

During the public testimony and the public comment period, one message was often repeated: Congress should restore the federal funding opportunities for tribes located within the boundaries of all municipalities listed in Public Law 108-199, section 112(a)(2)(b). The Commission makes this recommendation because as a matter of state and federal law, tribes possess undisputed civil jurisdiction for limited matters. A tribe's location should not be a barrier for accessing tribal court funding.

"There is no equal access to justice in Alaska. Urban communities are able to use political strength to ensure that their communities have police protection, fire protection, and well-funded court systems. Rural communities are without police protection and rely almost entirely on a state trooper that visits the community when a serious crime is committed or through a regularly scheduled visit. Volunteer fire fighters do relatively well with substandard equipment, in most cases. Many of the people charged with breaking the law in a remote rural community have to be tried in urban courts outside their communities."

**Edward K. Thomas, President
Central Council of the Tlingit and Haida Indian Tribes of Alaska**

The Commission noted the existence of two types of disparities in rural Alaskans' ability to seek culturally appropriate access to the justice systems. Some victims are uncomfortable participating in the state justice system because of cultural reasons, geographical reasons, or both.¹³⁰ Other victims are similarly uncomfortable accessing tribal justice systems because of relationships with the opposing party or with the tribal court administration or adjudicators, in a small community, the opposing party may be a cousin or the presiding Elder may be a grandfather to the plaintiff. To begin to remedy these problems, the Commission recommends that training and technical assistance be provided to judges and support staff in both the Alaska Court System and tribal courts that will better inform and instruct participants in both systems to be aware of, and appreciate, the cultural differences and implications of their actions in rural Alaska, the population of which, as noted previously, is predominately Native.¹³¹ In addition, the Commission recommends that the state collaborate more with tribal courts,¹³² provide Alaska Native language translators throughout the Alaska Court System, and increase training on cultural competency¹³³ and effective diversion programs.¹³⁴ The tribes should also establish guidelines for responding to conflicts between those who are adjudicated and others in the tribal community by enabling judges

127 In the report "Racism's Frontier: The Untold Story of Discrimination and Division in Alaska, 2001," the Alaska Advisory Committee to the U.S. Commission on Civil Rights recommended (Recommendation 3.6, at p.53-54.), the use of modern technologies should be increased to upgrade the quality and effectiveness of the judicial system in rural areas. For example, some communities have developed video capability so that a probation officer can supplement on-going supervision of offenders in rural communities. A teleconferencing procedure may work for certain court cases as well.

128 Recommendation 49.

129 The Alaska Court System's Family Law Self Help Center is a currently available online resource. The website is www.state.ak.us/courts/selfhelp.htm.

130 See Supreme Court Committee on Fairness and Access Report: "Many citizens believe that the justice system is unfair to ethnic and cultural groups." Report at p. 49.

131 Ideally, this would best be accomplished through a collaborative effort of the state, tribal, and Native non-profit regional organizations, with a coordinated training and technical assistance program.

132 See *Alaska Natives Commission Final Report, Vol. II*, p. 61 (state and federal governments should create and utilize all possible opportunities for tribes to demonstrate their respective capacities to regulate tribal members).

133 See Supreme Court Committee on Fairness and Access Report, "[j]udges and court personnel do not have regular cross cultural training about ethnic and cultural subgroups living in their areas." Report at p. 58.

134 Recommendation 50.

to recuse themselves and otherwise eliminating influences from families or factions within the community.¹³⁵

9. *Expand the Use of New Technologies*

The Commission recommends (a) increasing access to reasonably priced Internet and other telecommunications technology for police and public safety officers in rural Alaska; (b) changing the current regulations that support and subsidize the Alaska Federal Health Care Access Network (AFHCAN) telehealth program to allow rural Alaska police, public safety officers, and court officers to utilize excess bandwidth to support Internet access and email at the village level; (c) improving officer-to-officer communications by standardizing equipment and providing more equipment to village-based officers; (d) creating a system of regional 911 dispatch centers that have access to a comprehensive database of police and public safety services; and (e) opening eligibility for tribes and rural Alaska police and public safety officers to Homeland Security programs and funding.¹³⁶

Because there is a need to utilize developing technologies to facilitate probation supervision in rural (as well as urban) Alaskan communities, the Department of Corrections should be encouraged to develop a pilot project to evaluate the use of electronic monitoring technology in rural Alaska and include training on the use of this technology to rural public safety personnel. Current electronic monitoring technology, utilizing Global Positioning System (GPS), can closely track a probationer's location and may be preferable to other probation methods under certain circumstances.¹³⁷

The Commission recommends that the ABC Board develop a statewide database for collecting, maintaining, and retrieving all alcohol written orders and all transactions of the community distribution centers. With the new database, the State will be able to coordinate the records of purchases from liquor stores and distribution sites and liquor stores will also be able to determine whether a proposed written order purchaser has already purchased his/her monthly legal limit, thereby helping to ensure that prohibited individuals do not make purchases.¹³⁸

¹³⁵ Recommendation 51.

¹³⁶ Recommendation 45.

¹³⁷ Recommendation 52.

¹³⁸ Recommendation 53.

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January 18, 2008

Alaska State Senate

Village Public Safety Officers (VPSO) Task Force

Report to the Senate

issued

February 15, 2008

**** DRAFT ****
Senate Village Public Safety Officers (VPSO) Task Force
Report to the Senate

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Senate Village Public Safety Officers (VPSO) Task Force
Report to the Senate

Senate VPSO Task Force Members

Senator Donald C. Olson, Chair

Senator Hollis French

Senator Fred Dyson

Commissioner Walt Monegan, Department of Public Safety

Attorney General (AG) Talis Colberg, Department of Law

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Presidents (AVCP)

Committee Aide: Denise Liccioli, staff to Senator Olson

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**Senate Village Public Safety Officers (VPSO) Task Force
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Authority and Direction

The Senate VPSO Task Force was established by Senate Resolve No. 6 in the first session of the Twenty-fifth Alaska State Legislature. The Senate VPSO Task Force was created to find ways to strengthen and improve public safety in rural Alaska by identifying problems with the VPSO program, and ways those problems might be addressed.

The Senate VPSO Task Force was directed to consider whether statutory changes are necessary or desirable and to submit a report of its findings and recommendations to the Senate by February 15, 2008, after which it is terminated.

Senate Resolve No. 6 is shown as Appendix 1.

Methodology

The Senate VPSO Task Force met during September, October, and November in Nome, Savoonga, Gambell, Bethel, Mountain Village, Emmonak, and Kodiak to take public testimony on this important issue. Over 100 people testified during these meetings. The Senate VPSO Task Force also accepted written testimony from 9 people in addition to testimony given at the hearings.

The Task Force asked testifiers to state their problems or concerns about the program and to concentrate on their recommendations and ideas for restructuring and improvements that would make the program more effective. The Task Force received many recommendations; a full list of recommendations made can be found as Appendix 2.

Following the public meetings where testimony was accepted, the Task Force met in public work sessions in Anchorage during November and in Juneau during January to decide on its recommendations and report contents, which resulted in this report.

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History of the VPSO Program

One of the best documents describing a brief history of the program was provided by Loretta Bullard, one of the public members of the Task Force. Following is that document; the original source of the document is unknown.

"The VPSO program was a response to problems with the training, turnover, and performance of the village police officer program in the 1970s.¹ It was based largely on the idea that law enforcement ought to be 'home-grown' rather than imposed, should encourage local initiative and participation, should incorporate local traditions, and should include elements of social work and public safety.² It combined responsibility for law enforcement, firefighting, search and rescue, water safety, and emergency medical into one position.³ And, as local employees under the direct control of village councils, it intended for VPSOs to be 'responsive to community needs and priorities.'⁴

James Messick and William Nix, two of the principal designers of the VPSO program, wanted villages to have control over the program. They believed that the imposed Western legal system was ineffective and was not supported by local people. However, they thought that villages lacked the organizational capacity to run the program. Therefore, they gave control of the management of the program to the regional native nonprofits.⁵ The State Troopers were to serve as technical providers but not tell the VPSOs what to do. And 'the day to day control of the VPSOs ought to come from the city' or the village, increasing 'local control and self-determination at the village level.'⁶

Training was designed to be more extensive and relevant to rural needs and included follow-up training and supervision in the field by oversight Troopers specifically assigned to the program. A steady and sufficient income was intended to help reduce turn-over. In addition, the program represented 'a long term career ladder for the rural, often Native individual to enter into the public safety field.'⁷

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Funding level and numbers of officers:

In 1979, a small pilot program was launched with an original request for \$500,000.⁸ However, when the legislature received the request, it increased the project's funding to over \$2.9 million, supporting 52 VPSO positions.⁹ And by FY 1982, the program had grown to 108 VPSO positions and 7 oversight officers, costing \$6,729,700 per year.¹⁰

The program grew through the 1980s and 1990s. In FY 1990, the VPSO program supported 125 positions in 123 villages with a budget of \$6.5 million.¹¹ And by FY 2002, the program had a budget of \$9.1 million.¹² However, the program was cut in FY 2004 to \$5.8 million.¹³

Initial Response from the Troopers:

When the VPSO program was first created, the Troopers resisted the program 'as it seemed to take away some of their authority and (possibly) cut into their budget and offended their sense of professional law enforcement.'¹⁴ Commissioner Nix had to 'read them the riot act,' and threatened to move the program into another division and take away their control over the program.¹⁵

Qualifications:

The Alaska Police Standards Council was advised by the Attorney General's office in 1982 that VPSOs were not considered police officers unless they worked in a 'second class' city for a municipal police department.¹⁶ The certification process then shifted to being part of the contractual arrangement with the regional nonprofits.¹⁷

One of the biggest problems with qualifications was the prohibition on hiring officers with arrest records. For example, in 1981 eighteen of the twenty six applicants for the VPSO program had arrest records.¹⁸ Commissioner Nix thought it was inappropriate to view arrest records as a barometer of moral character in rural communities. Instead, he thought the decision should rest with the residents of the villages themselves.¹⁹

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Program Operation:

In 1989, the program operated similarly to the way it operates today. The native nonprofit in each region contracted with the State to manage the VPSO program. The villages in each region appealed to their nonprofit for a VPSO, and the nonprofit allocated VPSOs based on available funding.²⁰ VPSOs were hired and fired by the nonprofit in close consultation with the village councils and the Troopers.²¹

Supervision by the Troopers:

Supervision for VPSOs in the 1980s was managed by oversight troopers in the regional hubs. In 1987, there were 5 oversight officers for 116 VPSOs.²² It was their responsibility to check the work of the VPSOs, contact them by phone at least once a week, visit them in the field at least every two months, conduct in-field training, follow up on actions taken by the VPSOs, check their notebooks and records, ensure that VPSOs submit their bi-weekly reports on time, arrange for external training and travel, maintain contact with village council members, approve the hiring by VPSOs of emergency guards to hold detained or arrested suspects, and submit personnel evaluation forms on their VPSOs and a monthly recap record of their own activities.²³

VPSO training:

In the 1980s, new VPSO recruits attended a six week course at the Trooper Academy in Sitka. They received 60 hours of EMT training, 90 hours of firefighting training, and instructions on water safety, search and rescue, and how to organize a volunteer fire department.²⁴ They received no training in firearms. And every year, they were required to return for a one-week training course at the Academy.²⁵

Snapshot – TCC 1989:

In 1989, salaries for VPSOs in the Tanana Chiefs Conference region ranged from \$21,612 to \$28,080 per year.²⁶ There were 18 VPSOs and 6 VPSOs in the 42 villages in the region along with 6 State Troopers stationed permanently in the region.²⁷

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The FY 2008 budget for the VPSO program is \$5.4 million. There are 51 VPSO positions authorized, but there is a very high turnover rate ranging from 30% to 48%, over the last 6 years for which data exists.

The current starting salary, without overtime or pay incentives, for a VPSO is \$16.55 per hour, or \$32,273 per year, based on a 37.5 hour work week.

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¹ "The Village Public Safety Officer Program: A Conceptual Design to Improve Law Enforcement and Public Safety in the Rural Areas of Alaska," Department of Public Safety, Commissioner William R. Nix, 1980; "Innovation in Policing: Bureaucratic Entrepreneurship in the Development of the Village Public Safety Officer Program in Alaska," Otwin Marenin, 1989, p. 11-12.

² "Innovation in Policing" at p. 13.

³ Id.

⁴ "The Village Public Safety Officer (VPSO) Program in Rural Alaska: Trends and Prospects," Otwin Marenin, 1989, p. 25

⁵ "Innovation in Policing," at 17.

⁶ "The Village Public Safety Officer Program: A Conceptual Design to Improve Law Enforcement and Public Safety in the Rural Areas of Alaska," Department of Public Safety, Commissioner William R. Nix, 1980, p. 4, 11; "Innovation in Policing," at 17.

⁷ "Innovation in Policing," at 13.

⁸ "The VPSO Program, Concept, History and Operation," State of Alaska, undated, p. 5.

⁹ Id.

¹⁰ Id.

¹¹ Id; "The Village Public Safety Officer Program: Providing Public Safety Services to Rural Alaska," Patrick Jolley, 1990, p. 48; "The VPSO Program," Marenin, p. 25.

¹² "VPSO Comparison Gov Request to Authorized FY 83 to FY 05," State of Alaska, Department of Public Safety, 2004.

¹³ Id.

¹⁴ "The VPSO Program," Marenin, at 18.

¹⁵ Id.

¹⁶ "Innovation in Policing, Marenin, p. 18.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id. at 19.

²⁰ "The VPSO Program," Marenin, p. 26.

²¹ Id. at 26.

²² Id. at 27.

²³ Id. at 27.

²⁴ Id. at 27.

²⁵ Id. at 27.

²⁶ Id. at 26.

²⁷ Id. at 26.

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Findings and Issues

The main findings are not new, and are essentially the same concerns that existed and were behind the creation of the program about 30 years ago. The Task Force members heard from many testifiers that there have been many other studies and reports written over the years, each expressing the same or very similar concerns, yet nothing changes. Overall, there is a feeling of inequity, whether perceived or real, when comparing public safety provided to urban residents of the State of Alaska to public safety provided to the rural residents of the State. The lack of visible change from any of the previous reports or studies contributes to this feeling since it is seen as meaning that the rural residents are not important enough to be worth the time and money it might take to make some of the changes.

The Task Force repeatedly heard that the residents of rural Alaska want to be treated fairly, and are as deserving of and entitled to protection, peace, and dignity as the residents of our state who happen to live in an urban area. They point to several things to support those comments, including the area/number of miles covered by a VPSO compared to a Trooper; the respect and support given to a Trooper compared to a VPSO; pay and other benefits such as retirement and health insurance, and the equipment and facilities provided to VPSOs compared to other law enforcement.

It was for these reasons that the Task Force decided to concentrate its recommendations to things that could be implemented over the short run to show good faith and progress; and to limit the recommendations to a small number, no more than 5, to ensure clear direction for needed improvements.

The main areas for the findings revolved around five main issues:

- Recruitment and retention. No matter how much money or how many positions are authorized, public safety cannot be strong until we can get and keep good people in the positions that are authorized. Recruitment often results in no acceptable applicants; and once filled, these positions turn over frequently. Some of the reasons given were:

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- Too much stress and not enough down time or counseling when faced with traumatic events and/or long hours or days in a row
- There are not enough VPSOs, no backup, need more than one in many locations
- Pay too low, can make more elsewhere
- Not enough benefits or housing, no future
- Do not like arresting family and friends
- Not enough equipment or adequate facilities to do the job, need to use their own, buy their own.
- Sometimes a good candidate cannot be considered due to having a police record from something they did a long time ago when they were younger; have since reformed, but not given the chance.

Other ideas discussed involved whether or not VPSOs should become state employees, and whether or not there should be tiers within the VPSOs to recognize differences in what is asked of each VPSO, and the different training, background and longevity each might have. The concept of becoming state employees seemed to have cautious support in most areas with the exception of the AVCP area. Admittedly, each of the options would help with advancement opportunities. Becoming state employees would help with the benefit package, equipment and facilities, and backup and support. The concerns expressed regarding becoming state employees were mostly related to loss of control over the hires and over the program itself. There was a strong feeling that VPSOs need to come from the rural parts of the state, with an understanding of the culture in the village.

The Task Force frequently heard the need for more VPSOs. Not only in additional communities, but also for multiple VPSOs in a single location, and for a possible itinerant cadre of VPSOs to go from village to village, to assist with backup and for those times when more than 1 VPSO is needed.

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It is clear that criteria needs to be established, or if already established, then reconsidered for which communities should have a VPSO and how many. Criteria that needs to be included:

- The size of the community
- Proximity to troopers
- Proximity to other villages
- Support and commitment of the community
- Amount and level of crime/disfunction in that community
- VPSOs should be allowed whether the community is on or off the road system

In many cases, people who are capable and currently good citizens cannot qualify to become a VPSO because of a criminal record. Too often, people do things when they are young that they regret and that they would not do as an adult. Or sometimes a person may have an isolated instance of doing something stupid that is shown as being just that, and it might have happened a long time ago. People do change, especially if the mistake was made when they were young, and/or it was an isolated occurrence rather than a pattern of behavior. There needs to be a way of pardoning past crimes in some cases so that people who are now on the right path qualify to become a VPSO. With the difficulty in finding VPSOs and with the high rate of suicide among youth especially, this change if done carefully could make a big difference.

- Governance and policies. There is a real need for a short and long term plan. The writing of a 5-10-20 year plan is needed and would best be done by the non-profits.

The expectations of the VPSOs, as well as for contract management, reports, training, and other areas needs to be better defined, and communicated to all.

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If VPSOs remain as contract employees rather than becoming state employees, there needs to be better grant management between the Department of Public Safety and the non-profit that holds the contract. There also needs to be provision in the contract to cover CPI increases to salaries and the other costs of running the program.

If VPSOs do become state employees, they need to be hired at the regional/local level. Current VPSOs would also like to be given credit for time already served.

The community support really needs to be strengthened. The example was given of what happens when a search and rescue is needed: the whole village comes together to help and take responsibility. Yet when it comes to the other things that affect public safety in the village, the support of the community is not always there. It was clear from the testimony from VPSOs that they really need the support and respect of their community.

Some ideas expressed that would help strengthen community support:

- Promote VPSOs as a respectable career choice
- Perhaps create an ad campaign for VPSOs similar to what is done for Troopers
- Provide assertiveness training to locals so they will be able to confront those who are known in the community to have drug/alcohol problems
- Form Village Public Safety Committees to deal with:
 - Fires
 - Search and rescue
 - Citizen patrols
 - Community policing
 - Neighborhood watch
 - Eyes and ears of the VPSO or other law enforcement in the community
 - Backup and assistance to the VPSO, VPO, TPO

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An ounce of prevention is worth a pound of cure is how the saying goes, and this is very true of law enforcement in rural Alaska as well. For example, better lighting would help. Sometimes it is simple human nature that fear of being seen is a strong motivator for not doing things one should not do. Education programs and teen centers or other activities that would provide something for the residents to do would also help to keep things positive and provide something to do other than get in trouble, especially for the youth in the villages.

Many people expressed their respect and belief in the power of some type of Elders program, too. Particularly when working with youth, and being able to "nip things in the bud" before small troubles become big. The elders in the community are more concerned with teaching the youth their boundaries, rather than finding a way to punish. It could be an effective way of turning youth around and putting them on track, teaching them respect for themselves and others, as well as keeping some of them "out of the system".

Tribal courts might be another way of dealing with some crimes.

AG objects

- Responsibilities and training. The VPSOs do get concentrated training when they are hired. Not only is that welcomed and necessary, but more training would be better, and also in other areas like search and rescue, and their other areas of responsibility. They need that kind of concentrated training once or twice per year, in addition to the day to day situations, questions and answers, and ongoing training.

They need regular, onsite, visits by the Trooper assigned to the area. The Troopers need to be trained in the culture and ways of the village, too.

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Sometimes it is the VPO that needs training and/or direction, which could perhaps be provided by the VPSO. This would help to strengthen their standing, as well as another way of having trained backup that is sometimes needed.

The VPSOs would also like to be trained on youth prevention programs, so they can do things like the DARE program in the schools. This could be a dual advantage not only by the prevention of crime, but also by escalating how VPSOs are viewed in the community.

- Program Funding. Funding is definitely an issue. It would take a lot of money to do everything that is requested. Some of the fixes will only be able to happen if additional funding comes from the State. If we are to have more VPSOs and pay them more to attract and retain good candidates, it will come with a price tag.

In addition, CPI increases to the salary of VPSOs need to be programmed in on an annual basis. It is only because of the technicality of being contract employees that this is not done routinely, as it is with state employees. The regions also want more say in what the VPSO is paid in their region to account for differences in cost of living.

CPI increases are also needed to cover things like fuel and utility increases, replacement of uniforms and equipment, etc. This could also be accomplished by including some type of stipend in the contract, or even by increasing revenue sharing in locations that provide support to a VPSO.

Other ways to tap into more funding would be to partner with other agencies such as the National Guard. Support might also be available from the Denali Commission, HUD, USDA, Alaska Housing, and the regional housing authority. These avenues need

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to be explored to see what is available that would be of benefit to the program.

Some suggested using the money from forfeitures to pay some of the cost of public safety in rural Alaska. Perhaps establish some type of Rural Public Safety Fund and deposit those funds and other funds into that fund for use in rural areas.

- Support. The frequency and quality of communication with the oversight Trooper needs to be improved. Sometimes the response from the Trooper is slow or too late to be very helpful. The Troopers are also being pulled in different directions, and sometimes see what is happening in their area as being more critical. Other times, it is simply weather that may keep them away. Regardless of the reason, better communication and frequent interaction between the VPSO and oversight Trooper is needed.

There is a critical need for VPSO housing, and adequate facilities and equipment. Some villages do not have any housing for VPSOs; others have housing, but it is substandard. Many villages have public safety facilities that are so poor as to be nonexistent from a practical stand point. The lack of equipment was also frequently voiced as a concern. Many VPSOs use their own snowmobiles, ATVs, etc., and buy their own gas. Due to the geographic challenges that exist in rural Alaska, radios and satellite phones would make a difference.

A possible partnership with the National Guard (NG) would be advantageous from a number of sides. First, the possibility of having NG members become VPSOs would help with having trained and capable people hired. Also, many villages have armories that stand idle for most of the year; perhaps these could become dual purpose facilities through some type of partnership. The NG has a lot of equipment available, too, and perhaps a

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partnership with them could assist with the current lack of equipment available to VPSOs.

Other possible partnerships include the school systems and the technical centers. Perhaps they could develop and offer a course on building and maintenance, and have the students build a facility, or add on to a facility, or do some type of upkeep to facilities. The student would gain experience in construction and credit toward their coursework; and the village would get a facility or improvements to their facility.

There is an urgent need for counseling and some type of Critical Incident Stress Management (CISM) program. VPSOs often have to spend all day and night on a tragedy like a search and rescue, then go right back out in very little time, often with little sleep, and be on the job again. Troopers are required to take time off and have counseling when critical incidents occur; the same support should be provided to the VPSOs.

With a list that contains so many important and essential items to public safety, there is clearly more that needs to be done than can reasonably be accomplished in a short time. The Task Force weighed each of the many suggestions including some of their own to narrow down the lengthy list to just a few items. Again, this in no way indicates a lack of importance for anything that did not make it to a recommendation; rather it only indicates the commitment of the Task Force to being able to make some changes immediately.

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Recommendations

After careful consideration of the possible ways that could be employed to strengthen public safety and the VPSO program in rural Alaska, it was difficult to narrow down the recommendations to a short list. Many of the possibilities which are not included as a recommendation are worthy of further consideration. Please refer to Appendix 2.

For the recommendations that follow to be successful, it is incumbent upon DPS to support and collaborate with the nonprofits in developing plans and implementing changes - to the degree the plans or changes are significant to the program or grant agreements. With them working together, we as a State, can honor those elders and others who came before the Task Force to share their thoughts and knowledge on this topic, and to truly have an impact on the public safety in rural Alaska.

H Statutory changes are not necessary to achieve any of the recommendations of this Task Force. The statutes governing the VPSO program, AS 18.65.670 and AS 18.65.680, are brief and are shown as Appendix 3. However, should it be decided at a later date to have VPSOs become state employees, the appropriate statutes would require changes.

✓ if grant money is changed

However, in keeping with the intent of staying focused on only a few items, the VPSO Task Force recommendations are:

✓ need to evaluate the schedule other steps second to the person accordingly to their priority

H Increase the base pay to \$20 per hour, and program CPI increases into the base pay annually. The current base pay of \$16.55 per hour was consistently voiced as one of the reasons for difficulties in recruiting and retaining VPSOs. Even Transportation Security Officers make a higher starting wage with much less risk in their day to day duties, and much less training required; and they enjoy the backup and other support lacking for VPSOs. Health Aides with no experience or training start at approximately that wage, but once they become credentialed, their wage increases substantially by about \$6.50 per hour. Without exception, every comparable field with duties similar to some part of what VPSOs are required to perform, will earn a higher wage.

also cash positions

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*Add:
All bonuses
and incentive
step same and
is in addition
to their
salary*

In order to prevent the erosion of the base wage, CPI increases need to be budgeted for annually and DPS should request increases in their budget to cover those CPI increases, similar to what is done for state employees.

DPS estimates the cost to implement a base salary increase to \$20 (from \$16.55) in FY 2009 to be \$350,000.

#3
*work collaborative
to*
and Department of Public Safety
The nonprofits should develop and maintain a short and long range plan.

This would be an effective tool for requesting changes to the program, grant, or other terms; and to continue to build on the recommendations in this report, and the testimony heard by the Task Force. It would also allow time to plan for adjustments and to phase in meaningful changes over some type of schedule.

*agreed
needs to be
collaborative
w/ DPS*

They should immediately establish criteria for which villages get a VPSO and how many. The criteria should include:

- o The size of the community,
- o The proximity to Troopers,
- o The proximity to other villages,
- o The amount and level of crime and dysfunction, and
- o The support and commitment of the community

Whether or not the village is on the road system should not by itself be one of the criteria.

At a minimum, other items for consideration and inclusion in the short term plan are:

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- Whether or not VPSOs should have levels; for example, a "VPSO I" could be a trainee, while a "VPSO III" could be the most experienced and/or credentialed VPSO
- Whether salary differentials are needed to recognize cost of living differences between the villages
- Finding ways to increase community support of VPSOs
- Determining ways in which the VPSO image can be elevated
- Whether Village Public Safety Committees should be formed; and if so, the function and tasks for which these committees would be responsible
- How to provide and/or improve on the housing, facilities, and equipment provided to VPSOs in carrying out their duties
- Whether other funding sources, such as the Denali Commission, USDA, HUD, etc., can be applied for and used to support the VPSO program in some way

The nonprofits and DPS should develop some type of organized trauma debriefing program. Often, they have to deal with and/or clean up after suicides or other incidents that are not only stressful in terms of the time it takes, but the incidents take a toll on the mental health of the VPSO as it would on any other human being. The stress on a VPSO after dealing with a trauma deserves the support and requirement of some type of counseling and/or debriefing program for his/her own health and well being.

DPS should pursue partnerships with other agencies to provide and/or improve on the facilities and equipment available. These partnerships may also encompass other mutual areas of interest, but should certainly look at the possibility of cooperative agreements for the use of facilities and equipment.

The Adjutant General of the National Guard (NG) testified such an agreement would be mutually beneficial for encouraging the employment of NG members, as well as for the possible use of facilities and equipment.

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Partnerships with the technical centers around the State should also be pursued, especially in terms of the possible development of a curriculum offered to students in building, expanding, remodeling, and/or maintaining of facilities.

#6
Acceptable housing needs to be provided to VPSOs. The provision for housing is not required by DPS or by program requirements, but is an option that the nonprofits try to use whenever possible as an incentive to recruitment and retention of VPSOs. This recommendation will be a difficult one to implement, yet it is an important one because of the effect on recruitment and retention.

*add
enact*
Some villages are able to provide dedicated housing to their VPSO, but the housing is not always acceptable. It may be too small for a family, or it might not be well maintained. Other villages have dedicated housing for a group of jobs, but not specifically for the VPSO. In those cases, the housing may already be in use by one of the other positions. Building additional housing is expensive which makes that option not viable.

*add
enact*
Closing remarks. The Task Force recognizes that fulfilling the recommendations in this report will take a large commitment by the nonprofits, the communities involved, DPS, and the legislature. The commitment is one not only of time and resolve, but also of funding.

The VPSO Task Force recommends the legislature carefully consider the recommendations in this report and take any action necessary to implement these findings and recommendations.

add pictures

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Appendix 1

Senate Resolve No. 6

STATE OF ALASKA SENATE

2007

Source
CSSR 7(FIN)

Senate
Resolve No.
6



Creating and relating to the Senate VPSO Task Force.

BE IT RESOLVED BY THE SENATE:

WHEREAS many rural areas of the state, including rural areas located on the road system, depend on village public safety officers for police protection and law enforcement; and

WHEREAS nonprofit regional corporations, coordinating with the state, administer village public safety officer programs; and

WHEREAS it is in the interest of the entire state to ensure that rural areas are provided with adequate law enforcement services;

BE IT RESOLVED that the Senate VPSO Task Force is established in the legislative branch by the senate, consisting of the attorney general or the attorney general's designee, the commissioner of public safety or the commissioner's designee, three senators, and two public members appointed by the president of the senate, who shall also designate one of the senate members to serve as chair; and be it

FURTHER RESOLVED that the public members of the task force may receive per diem and travel expenses authorized for boards and commissions under AS 39.20.180, subject