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**Attorney General's Advisory Committee on  
American Indian/Alaska Native Children Exposed to Violence**

**Hearing #4: June 11-12, 2014 Anchorage, Alaska**

**Theme: Alaska Native Children Exposed to Violence**

**Location: Sheraton Anchorage Hotel, Howard Rock Ballroom, Anchorage, Alaska**

**Agenda**

**Wednesday, June 11, 2014**

**1:00PM - 1:30PM      Welcome, Invocation, and Opening Remarks**

- Welcome: Senator Byron Dorgan, Chairman of the Board of Advisors, Center for Native American Youth
- Invocation: Lee Stephan (*Athabascan*), President, Native Village of Eklutna (*Invited*)
- Opening Remarks:  
Kevin Washburn, (*Chickasaw Nation of Oklahoma*), Assistant Secretary for Indian Affairs, U.S. Department of Interior  
Tony West, Associate Attorney General, U.S. Department of Justice

**1:30PM - 1:45PM      Comments from Attorney General's Advisory Committee Co-Chairs**

- Senator Byron Dorgan, Chairman of the Board of Advisors, Center for Native American Youth
- Joanne Shenandoah, (*Iroquois*), Composer and Singer

**1:45PM – 3:15PM      Panel #1: An Overview of Alaska Native Children Exposed to Violence in the Home, the Community, and Juvenile Justice System Response**

Outcome: *This panel will set the stage for the hearing providing a wide ranging examination of issues concerning Alaska Native children exposed to violence in the home, in the community, and the juvenile justice system from a variety of different perspectives. The panel will conclude with a presentation concerning the Alaska-specific findings and recommendations affecting Alaska Native Youth Exposed to Violence in the Indian Law and Order Commission Report and Alaska specific statistics and data*

- **Gloria O'Neill**, (*Yup'ik Descent*), President/CEO, Cook Inlet Tribal Council, Inc.
- **Andy Teuber**, President/CEO, Kodiak Area Native Association and Chairman/President, Alaska Native Tribal Health Consortium
- **Sarah Hicks Kastelic** (*Alutiiq*), Deputy Director, National Indian Child Welfare Association
- **Troy Eid**, Chairman, Indian Law and Order Commission

*Each panelist provides a 15 minute presentation followed by 15 minutes of questioning by the Advisory Committee. This panel is a total of 90 minutes with the exception of last presentation, who may need 30 minutes of presenting.*

### **Biographies for Panel #1:**

#### **Gloria O'Neill:**

Since 1998, Gloria has served as President and CEO of Cook Inlet Tribal Council (CITC) and led the organization's growth in becoming one of the major social service providers in Alaska, currently offering more than 50 essential programs that serve more than 14,000 Alaska Native and American Indian people each year. On the national level, Ms. O'Neill was appointed by U.S. Secretary of Health and Human Services Kathleen Sebelius to serve on the Secretary's Tribal Advisory Committee (STAC). She is a former member of the Department of the Interior Tribal/Interior Budget Council and the Race and Ethnicity Advisory Committee of the U.S. Census Bureau. Ms. O'Neill currently serves as a member of the University Of Alaska Board Of Regents, the Alaskan Command Civilian Advisory Board, and CITC Enterprises, Inc. (CEI) Games LLC Boards of Directors. She previously served as a board member of the National CASA Association. In 2010, Ms. O'Neill was a Fellow of the Annie E. Casey Foundation Children and Family Fellowship Program. Ms. O'Neill earned her Master of Business Administration degree from Alaska Pacific University, and received her Bachelor of Arts degree in Sociology, with a minor in Business Administration from the University of Alaska Anchorage.

#### **Andy Teuber:**

Andy Teuber is the elected Chairman and President of the Alaska Native Tribal Health Consortium. Chairman Teuber also serves as the President and CEO of Kodiak Area Native Association (KANA). KANA is a non-profit organization providing health and social services for the Alaska Natives of Kodiak Island, and services the City of Kodiak, along with six Alaska Native villages: Akhiok, Karluk, Old Harbor, Ouzinkie, Port Lions and Larsen Bay. KANA's mission is "to elevate the quality of life of the people we serve" and their vision is "the best quality care is available to all people on Kodiak Island".

#### **Sarah Hicks Kastelic:**

In January 2011, Dr. Sarah Hicks Kastelic joined the National Indian Child Welfare Association to serve as chief of staff. She is Alutiiq, an enrolled member of the Native Village of Ouzinkie. In 1997 and 1998, Sarah worked as a social services assistant and child welfare specialist in the Office of Tribal Services at the Bureau of Indian Affairs (BIA) in Washington, DC. For 12 years, Sarah served the National Congress of American Indians (NCAI) in the welfare reform reauthorization program. In 2003, Sarah became the founding director of NCAI's Policy Research Center. Her early experiences at NCAI led to Sarah's commitment to the Policy Center's core values of a tribally driven research agenda, research conducted for the benefit of tribal communities, and a capacity-building approach to research. With guidance from tribal leadership and NCAI, Sarah set the strategic direction for the Policy Research Center and provided oversight of the Center's work. She also served as principal investigator on a number of the Center's projects. In 2009, Sarah assumed additional NCAI-wide administrative

responsibilities, serving as the director of policy and programs. Sarah received a Bachelor's Degree in Sociology from Goucher College, a Master's Degree and PhD from the George Warren Brown School of Social Work at Washington University in St. Louis.

**Troy Eid:**

The Honorable Troy A. Eid, the unanimously elected chair of the Indian Law & Order Commission, was the United States Attorney for the District of Colorado from 2006 to 2009. Mr. Eid is a shareholder in the Denver office of the international law firm Greenberg Traurig LLP, where he co-chairs the American Indian Law Practice Group. He is also an adjunct professor at the University Of Denver College of Law and the University of Colorado Law School, where he teaches Indian law, energy, natural resources, and environmental law. Mr. Eid chairs the Training Committee of the Navajo Nation Bar Association, which oversees the semi-annual bar examination and review course for attorneys, judges, and lay advocates practicing before Navajo courts and administrative agencies. He clerked for the Honorable Edith H. Jones, Chief Judge of the U.S. Court of Appeals for the Fifth Circuit.

3:15PM – 3:30PM      **Break**

3:30PM– 4:45PM      **Panel #2: Tribal Leaders' Perspective concerning Alaska Native Children Exposed to Violence in the Home, Community, and Juvenile Justice System Response**

*Outcome: Examine the issue of Alaska Native Children Exposed to Violence in Alaska through the eyes of the leaders. Identify issues with the state, federal and tribal systems that negatively or positively impact Alaska Native youth and recommend solutions.*

- **Jacqueline Pata, (Tlingit)**, Executive Director, National Congress of American Indians
- **Victor Joseph, (Athabascan)**, President, Tanana Chiefs Conference (*Invited*)
- **Richard J. Peterson, (Tlingit)**, President, Central Council Tlingit & Haida Tribes of Alaska
- **Myron Naneng, (Yup'ik Descent)**, President, Association of Village Council Presidents

*Each panelist provides a 15 minute presentation followed by 15 minutes of questioning by the Advisory Committee. This panel is a total of 60 minutes*

## **Biographies for Panel #2:**

### **Jacqueline Pata:**

Jacqueline Pata is the Executive Director of the National Congress of American Indians. She is a member of the Raven/Sockeye Clan of the Tlingit Tribe and a member of the Central Council of the Tlingit-Haida Indian Tribes of Alaska. Mrs. Pata was the Deputy Assistant Secretary for Native American Programs of the U.S. Department of Housing and Urban Development (HUD) during the Clinton Administration. Mrs. Pata serves on a variety of national executive boards, including the Executive Board for the Leadership Conference on Civil Rights and the Executive Board for the George Gustave Heire Center of the National Museum of the American Indian. She is also a board member of Sealaska Corporation, an Alaska Native regional corporation. In her commitment to American Indian youth development, Pata sits on the Native American Advisory Council for the Boys and Girls Clubs of America. Prior to joining NCAI in June 2001, Pata served as Deputy Assistant Secretary for Native American Programs of the U.S. Department of Housing and Urban Development. The Office of Native American Programs (ONAP) administers programs throughout the United States, which provide affordable housing for Native Americans. Previously, Pata served as the Executive Director of the Tlingit-Haida Regional Housing Authority headquartered in Juneau, Alaska and she is a former Vice-Chair of the Alaska Housing Finance Corporation. She served as Chairperson of the National American Indian Housing Council and was appointed to the National Commission on American Indian, Alaska Native and Native Hawaiian Housing. She also has served on the National Community Development Financial Institution Fund Advisory Board, an advisory board to the U.S. Department of the Treasury. Among her other activities, prior to her move to Washington, D.C., she is extremely proud of her service for 13 years as Director of a Native Youth Culture Camp held each summer where young people experience and learn traditional values.

### **Victor Joseph:**

An Athabascan Indian and former substance user, Victor drew on his own experiences to design a “Recovery Camp” that reintroduces Athabascan Indians and other Alaskan Natives who suffer from alcohol and substance abuse to traditional native values and strengths. Accessible only by plane, boat, dog sled or snow mobile, the camp now provides daily individual, group and family counseling, in addition to life skills. He has served as Deputy Director of Health Services, Tanana Chiefs Conference. He was elected President of the Tanana Chiefs Conference in March 2014.

### **Richard J. Peterson:**

Richard Peterson “Ch’aa Yaa Eesh” is Tlingit from the Kaagwaantaan clan and is a lifelong Alaska Native resident of Southeast Alaska. Richard lives in Kasaan and has served the community in the capacity of Tribal President of the Organized Village of Kasaan (OVK) since 1998, and as either Mayor or City Council Member since 1996. He has been a delegate to the Central Council of Tlingit and Haida Indian Tribes of Alaska (CCTHITA) since 2000, a four-time elected member of the Southeast Island School District Board of Education since 2003, and served as School Board President. In 2011, during the celebration of the “Salmon in the Trees”, Harris Sherman, the Under Secretary for Natural Resource and Environment for the U.S. Department of Agriculture, presented Richard with a USDA Certificate of Appreciation and a Pendleton

Blanket. This award was given for exemplary service and cooperation with the U.S. Forest Service (USFS), Alaska Region, Alaska Tribal Leadership Committee (ATLC). Sincere appreciation was expressed for Richard's participation on the ATLC and his guidance in Alaska tribal relations." The ATLC conducts informal monthly conferences and formally meets twice a year to address regional-level issues. The mission of the committee is to advance cooperative relationships, collaboration, and the furtherance of government-to-government partnerships between the USFS and the federally recognized tribes of Southeast and Southcentral Alaska in promoting sustainable forests, resources, and communities. Richard is dedicated to working with the USFS on behalf of tribes in Alaska. He feels it's very important for the USFS to listen to tribal leaders on issues that are important to them on a local level, and for them to understand that this is "Our Way of Life".

**Myron Naneng:**

Of Yup'ik ancestry, Myron Naneng serves the peoples of the Yukon-Kuskokwim delta as President of the Association of Village Council Presidents (AVCP). His education experience includes an associate degree Land Resource Management at the Kuskokwim Community College and Natural Resources studies at the UAF. Mr. Naneng's professional experience includes realty and lands management, Special Staff Assistant to the Governor of Alaska and AVCP Vice President. He serves on the boards of the Sea Lion Corporation, the United Utilities, Inc., the Alaska Village Initiatives, the Howard Rock Foundation and the AFN/Human Resources Committee. Mr. Naneng is married with eleven children and four grandchildren.

4:45PM – 6:15PM     **Public Testimony:** *Testimony limited to 5 minute maximum*

6:15PM - 6:30PM     **Closing Remarks & Invocation**



**Attorney General's Advisory Committee on  
American Indian/Alaska Native Children Exposed to Violence**

**Hearing #4: June 11-12, 2014 Anchorage, Alaska**

**Theme: Alaska Native Children Exposed to Violence**

**Location: Sheraton Anchorage Hotel, Howard Rock Ballroom, Anchorage, Alaska**

**Agenda**

**Thursday, June 12, 2014**

**8:30AM - 8:45AM      Welcoming Remarks**

- Joanne Shenandoah (*Iroquois*), Co-Chair, Composer and Singer
- Valerie Davidson (*Yup'ik*), Acting Co-Chair, Senior Director, Legal and Intergovernmental Affairs for the Alaska Native Tribal Health Consortium

**8:45AM – 10:15AM    Panel #3: The Role of the Court System: Alaska Native Children Exposed to Violence in the Home, Community, and Juvenile Justice System Response**

**Outcome:** *Examine the issues of Alaska Native Children Exposed to Violence in Alaska through the eyes of those involved in Alaska Native tribal justice systems including tribal judges. Identify issues with the state, federal and tribal systems that negatively or positively impact Alaska Native youth and recommend solutions.*

- **Lisa Jaeger**, Tribal Government Specialist, Tanana Chiefs Conference
- **David Voluck**, Tribal Judge, Central Council of Tlingit and Haida Tribes
- **Michael Jeffery**, Superior Court Judge, Second Judicial District, Barrow, Alaska
- **Walt Monegan**, (*Yup'ik and Tlingit Descent*), former CEO, Alaska Native Justice Center; Alaska Commissioner of Public Safety; and Chief of Police, Anchorage Police Department

*Each panelist provides a 15 minute presentation followed by 15 minutes of questioning by the Advisory Committee. This panel will be a total of 75 minutes.*

**Biographies for Panel #3:**

**Lisa Jaeger:**

Lisa Jaeger has served as tribal government specialist for the Tanana Chiefs Conference in since 1979. The Tanana Chiefs is a non-profit Native corporation that provides technical assistance and service delivery to 37 federally recognized tribes in the Interior of Alaska. She has traveled

extensively into the villages of the Interior and other parts of Alaska assisting tribes in designing tribal government structures and procedures, drafting constitutions, ordinances, codes and policies, and assisting tribes on land issues and in the development of their tribal courts. Ms. Jaeger received her undergraduate degrees in biology and secondary education, and a master's degree in Northern Studies-Indian Law from the Universities of Arizona and Alaska. She teaches Indian law and tribal government courses for the University of Alaska, National Judicial College, and through a wide variety of other collaborative training efforts. She has written handbooks for Alaska tribes on tribal government, code drafting, Alaska Native lands, and tribal court development. Jaeger is the producer of multiple films on tribal court development for Alaska tribes, and of the documentary film "*Tribal Nations, The Story of Federal Indian Law*." She recently launched a website on Federal Indian Law in Alaska in collaboration with the University of Alaska.

**David Voluck:**

David is a tribal judge for the Central Council of Tlingit and Haida Indian Tribes of Alaska and a visiting professor of Indian law for Lewis & Clark Law School's Summer Indian Law Program. He co-authored the second and third editions of *Alaska Natives and American Laws* (Univ. of Alaska Press). He moved to Sitka, Alaska to serve as the land and trust resources attorney for the Sitka Tribe of Alaska and was eventually promoted to the Director of the Tribe's Law and Trust Resources Department. He worked for the law firm Landye, Bennette, and Blumstein, LLP; under the mentorship of David S. Case specializing in federal Indian law, traveling to rural villages both as municipal and tribal attorney. David was privileged to travel the expanse of Alaska, providing representation to the Tlingit, Haida, Athabascan, Inupiat, Yupik, and Aleutiiq peoples. He graduated from the University of Pennsylvania with a major in the Sociology of Religion, and received his Juris Doctorate from Northwestern School of Law at Lewis and Clark College with a Certificate in Environmental Law and was inducted into the Cornelius Honor Society. Additionally, he graduated from Rabbinical College of America, focusing on Talmudic and Jewish Legal Studies. David is a noted lecturer on a variety of topics related to Indian law, Tribal Courts, Native culture, and the interplay with religion.

**Michael I. Jeffery:**

Judge Jeffery has been the Superior Court Judge with the Alaska Court System at Barrow, Alaska since December, 1982. He is the Presiding Judge for the Second Judicial District. Most of the cases he handles are felony crime, child welfare, juvenile delinquency, domestic relations and civil litigation. He is the Alaska Court System representative to the steering committee of the Alaska FASD Partnership. He is a member of the Alaska Juvenile Justice Advisory Group, Alaska's State Advisory Group under the OJJDP. He also served on the Alaska Criminal Justice Assessment Commission and on the Statewide Fetal Alcohol Spectrum (FAS) Steering Committee coordinated by the Alaska Office of FAS to guide its efforts for the five-year special FAS grant from the federal government. Judge Jeffery has shared presentations on Fetal Alcohol Spectrum Disorder and justice system issues in a variety of locations in Alaska, as well as California, Louisiana and Vancouver, BC. His article *An Arctic Judge's Journey with FASD* was published in the Journal of Psychiatry and Law (Winter 2010). Judge Jeffery is married and has three grown children. He is active with an Eskimo dance group, choir singing, and commercial

salmon fishing in Bristol Bay. He received degrees from Stanford University and the Yale Law School.

**Walt Monegan:**

Walt is of mixed heritage, his father was from Irish descendants, while his mother's parents were Yupik and Tlingit. His Native grandparents played a significant role in his raising within the Alaska community of Nyac. Walt is a former US Marine, volunteer firefighter and medic. He had worked over 33 years at the Anchorage Police Department (APD), where he retired as the Chief of Police. He was appointed as Alaska's Commissioner of the Department of Public Safety where he served for a little more than a year and a half. He has a Bachelor of Arts degree from Alaska Pacific University in Organizational Management. He received additional training from Northwestern University's Traffic Institute Staff and Command School; Harvard's John F. Kennedy's School of State and Local Government; and the Federal Bureau of Investigation National Executive Institute. Walt considers his greatest accomplishment is his marriage to his wife, Terry; and four surviving adult children and three grandchildren.

10:15AM – 10:30AM ***Break***

10:30AM – 12:00PM **Panel #4: Alaska Native Children Exposed to Violence in the Home and in the Community**

*Outcome: Discuss how Alaska Native Children Exposed to Violence are affected by violence in the home and in the community. Explain how these children are identified, screened, assessed and treated. Identify issues and obstacles and provide recommendations on systemic and programmatic changes that should be made by the federal, state and/or tribal government to better protect, identify and treat Alaska Native children who are exposed to violence in their home and in the community.*

- **Elsie Boudreau, (Yup'ik)**, Social Worker and Director, Alaska Native Unit within Alaska CARES, Southcentral Foundation
- **Lenora (Lynn) Hootch, (Yup'ik)**, Founder, Native Village of Emmonak Women's Shelter; and Director, Yup'ik Women's Coalition
- **Tamra (Tami) Truett Jerue, (Athabascan)**, Director of Social Services, Native Village of Anvik; and Member, Anvik Tribal Council
- **Diana Bline**, Director of Program Services, Covenant House Alaska

*Each panelist provides a 15 minute presentation followed by 30 minutes of questioning by the Advisory Committee. This panel is a total of 60 minutes.*

## **Biographies for Panel #4:**

### **Elsie Boudreau:**

Elsie Boudreau is a Licensed Master Social Worker, is a proud Yup'ik Eskimo from the village of St. Mary's, Alaska. She helped establish and operates an Alaska Native Unit within Alaska CARES, a child advocacy center. In that role, she provides advocacy services and therapy for Alaska Native and American Indian families whose children have been severely physically or sexually abused and conducts forensic interviews of children. As a prior Children's Justice Act Project Coordinator for the Tribal Law and Policy Institute, she helped develop an educational video project entitled "Pathway to Hope" highlighting child sexual abuse in Alaska, grasping the wisdom of Elders, and identifying ways of healing to apply to such traumatic experiences. She has also worked with law firms Manly & Stewart and Cooke Roosa Law Group as a Victims Advocate providing support to approximately three hundred victims of clergy child sexual abuse in Alaska, South Dakota, Oregon, and Montana. Elsie has a bachelor's degree in social work from Carroll College in Helena, Montana, and a master of social work degree from the University of Alaska, Anchorage. Alaska CARES provides sexual and physical abuse evaluations for children, newborn to age eighteen years, and twenty-four-hour on-call services for cases that are considered emergent. She is married and has three children.

### **Lenora (Lynn) Hootch:**

Lenora ("Lynn") Hootch is a Yupik Eskimo and an enrolled member of the Alaska Native Village of Emmonak, located in the Yukon Delta Region of southwestern Alaska. She was raised in her Village all of her life and is an active member of the community. Lynn has held numerous elected positions in her community, including Emmonak Tribal Council, Emmonak City Council, Vice Mayor for the Village of Emmonak, member of the Parish Council, and Advisory School Board member. She served as an officer and a board member for the Alaska Native Women's Coalition and the Alaska Network on Domestic Violence and Sexual Assault. Lynn is a founder of the Emmonak Women's Shelter, a non-profit, grass roots organization founded in 1979 to increase safety for women and children who are victims of domestic violence, sexual assault or other forms of abuse, and to provide emergency shelter and assistance for these women and children. Lynn currently serves as the Director for the Yupik Women's Coalition, a regional tribal coalition which raises public awareness of domestic violence, sexual assault, stalking and/or dating violence, enhances the response to violence against Native women at the local, state and national levels, and provides technical assistance to other tribes in Alaska to enhance access to essential services for victimized Native women. Lynn is married and the mother of five beautiful children, three boys and two girls, and a grandmother to two girls who bring life, joy, happiness and love to all.

### **Tamra (Tami) Truett Jerue:**

Tamra "Tami" Truett Jerue is a long time Alaska Native woman's advocate and lives in the Athabascan village of Anvik, Alaska along the Yukon River. Currently, she works as the Director of Social Services for the Anvik Tribal Council. Tami has worked in various capacities on violence against Native women issues since 1977, helping to facilitate change at a community level, within systems, and families to help survivors live violence free lives.

**Diana Bline:**

Diana Bline is the Director of Program Services for Covenant House Alaska. She has a Master of Public Administration. She joined CHA in 2009 and brings 20 years of supervisory experience to the agency. She has in-depth expertise in working with youth with disabilities and in human services in both the public and not-for-profit sectors. As the Director of Program Services, her position provides leadership and overall management, including planning and directing of all program related activities; and supervision and evaluation of all program specific and supportive and direct care staff for CHA programs. She has been instrumental in building partnerships with local law enforcement agencies and helping to bring awareness of human trafficking in Alaska. She has also assisted with providing nationally recognized training on the commercial exploitation of children.

12:00PM – 1:30PM    **Lunch**

1:30PM – 2:45PM    **Panel #5: Alaska Native Children Exposed to Violence in the Home and in the Community**

*Outcome: Discuss how Alaska Native Children Exposed to Violence are affected by violence in the home and in the community. Explain how these children are identified, screened, assessed and treated. Identify issues and obstacles and provide recommendations on systemic and programmatic changes that should be made by the federal, state and/or tribal government to better protect, identify and treat Alaska Native children who are exposed to violence in their home and in the community.*

- **Diane Payne**, Director, Justice for Native Children
- **Trevor J. Storrs**, Executive Director, Alaska Children's Trust
- **Cathy Baldwin-Johnson**, Medical Director, Alaska CARES

*Each panelist provides a 15 minute presentation followed by 15 minutes of questioning by the Advisory Committee. This panel is a total of 60 minutes.*

**Biographies for Panel #5:**

**Diane Payne:**

Diane Payne is the owner of Justice for Native Children, a consulting business providing technical assistance, program development support, curriculum development and editing, as well as a range of tailored training events for Native American and Alaska Native Nations, Tribal consortia, and multidisciplinary teams addressing civil and criminal child abuse issues serving Native communities. Prior to her work with Justice for Native Children, Diane worked with Alaska Summit Enterprise Inc., a Native owned business, providing a range of services specifically related to Alaska Native and rural Alaska issues such as: development of child advocacy centers in rural Alaska, training and technical assistance toward establishing criminal justice focused Multidisciplinary Teams (MDTs) and Village-based child protection teams (CPTs) to address abuse, neglect and sexual abuse of Native children including children impacted by interpersonal violence. Diane worked as the Children's Justice Specialist and Director of the

Alaska office of an Indian-owned non-profit Tribal Law & Policy Institute, where she developed "Pathway to Hope" curriculum. Diane has authored numerous tribal training and skills development resources including an Indian Child Welfare Act Basic Manual, Intermediate and Advanced Indian Child Welfare Manuals, Child Abuse Protocol Guide and child-specific units of the National American Indian/Alaska Native Victim Assistance Training curriculum. She has provided many presentations on sexual abuse of Native children in the United States and international forums addressing child abuse issues. Diane is a mother, sister, grandmother and adopted daughter of the late Margaret Horn Nason, member of the Northern Cheyenne Nation. She was raised primarily in eastern Washington and has lived in Alaska for more than 30 years

**Trevor J. Storrs:**

For nearly 17 years, Trevor Storrs has lived in Anchorage, Alaska. During these years, he has had the privilege of visiting almost every corner of the state, reaching remote areas only accessible by plane or boat. Current, Mr. Storrs is Executive Director of the Alaska Children's Trust/Alaska PCA Chapter. He has worked in the nonprofit and human services field for 20 years, working with the underserved and vulnerable populations (i.e. homeless, HIV/AIDS, disabilities). Over the past couple years, the AK Children's Trust has been the backbone of the AK ACEs & Resiliency Initiative. The Initiative is a partnership of nonprofit, private, tribal and government organizations. The goal of the Initiative is to advance the dialogue in our state of how to reduce ACEs/trauma and build resiliency.

**Dr. Cathy Baldwin-Johnson:**

Dr. Cathy Baldwin-Johnson is a family physician and co-founder of The Children's Place, a Child Advocacy Center in Wasilla, Alaska. She serves as the Medical Director for both the Children's Place and Alaska CARES, the child advocacy center in Anchorage, and oversees the SCAN (Suspected Child Abuse and Neglect) Teams for the Children's Hospital at Providence in Anchorage and MatSu Regional Medical Center in Palmer. She is also the Chair of the Alaska Children's Justice Act Task Force. Cathy has 25 years' experience as a family doctor in a small Alaskan community, with 12 years' experience in child abuse work. She provides medical consultations and training on child abuse throughout Alaska. Her most recent project is an Alaskan Child Abuse Medical Evaluation Resource Kit with electronic specialized medical exam forms, guidelines, and other resources to assist health care providers who do this work.

2:45PM – 3:00PM      ***Break***

3:00PM – 4:15PM      **Panel #6: Promising Approaches**

Outcome: *Identify promising approaches to responding to Alaska Native Children Exposed to Violence. Recommend approaches for responding to and training on the issues.*

- **Evon Peter, (Gwich'in)**, Executive Director, Indigenous Leadership Institute; and CEO, Gwanzhii, LLC
- **Mary David, (Nome Eskimo Community)**, Executive Vice President, Kawerak, Inc.

- **Elizabeth Medicine Crow, (Tlingit and Haida)**, President/CEO, First Alaskans Institute
- **Bobbi Outten**, Director, Family Wellness Warriors Initiative, Southcentral Foundation

*Each panelist provides a 15 minute presentation followed by 15 minutes of questioning by the Advisory Committee. This panel is a total of 60 minutes.*

#### **Biographies for Panel #6:**

##### **Evon Peter:**

Evon Peter is the executive director of the Indigenous Leadership Institute, chief executive officer of Gwanzhii, LLC, and former Chief of the Neetsaaii Gwich'in from Arctic Village in northeastern Alaska. He has served as the Co-Chair of the Gwich'in Council International and on the Executive Board of the Alaska Inter-Tribal Council. His experience includes work within the United Nations and Arctic Council forum representing Indigenous and environmental interests. Evon dedicates a significant portion of his time to youth leadership development, suicide prevention, community wellness, and gathering facilitation. He holds a bachelors degree in Alaska Native studies with a minor in Political Science and is completing a Masters degree in Rural Development from the University of Alaska. He helps people to see the best in their self, to build from their strengths, and to live accomplished and fulfilling lives. He is an uplifting speaker, skilled facilitator, tribal counselor, and accomplished initiative builder. He resides with his wife and three children in Alaska.

##### **Mary David:**

Mary David is the Executive Vice President of Kawerak, Inc., the regional non-profit tribal consortium in the Bering Strait Region of Alaska, where there are 20 federally recognized tribes. She began her employment with Kawerak, Inc. in July of 2012, but has held other positions within the corporation since 1990 such as the Human Resources Director, Vice President of Children & Family Services, Kawerak Family Service Director, and General Assistance Director. Mary has volunteered in the past as a Bering Sea Women's Group (domestic violence organization) board member and a City of Nome Council Member. She is currently the Financial Secretary for the Community United Methodist Church. Mary was raised in Nome, and is a tribal member of Nome Eskimo Community. Mary's family roots (maternal & paternal) are from the village of Wales, Alaska. Mary's professional goals are to improve individual, family, community and global conditions that may impact the health and welfare of those Kawerak serves and the environment in which we live. Mary holds a Master of Public Administration from the University of New Mexico, Albuquerque and a Bachelor of Social Work degree from the University of Alaska, Anchorage.

##### **Elizabeth (Liz) Medicine Crow:**

Liz Medicine Crow is Tlingit and Haida, on her Tlingit side she is Raven Kaach.adi, Fresh Water-marked Sockeye Salmon; on her Haida side she is Eagle Tiits Gitee Nei, Hummingbird. In October 2012 she was named President/CEO, after serving as Director of the Alaska Native

Policy Center since August 2008, and Vice President. Medicine Crow received her BA from Fort Lewis College, Durango, Colorado, and her law degree from Arizona State University College of Law in Tempe, Arizona. She served as Director of the Legal Department at Cheyenne River Housing Authority before moving to Anchorage where she worked as the Policy Analyst & Planner for the Alaska Native Tribal Health Consortium, working on behalf of the Alaska Native Health Board. The major theme of her education and work experience has been the continued integration of Native values, life ways, and traditional knowledge into Tribal governments, Tribal organizations, and relationships with other governments and organizations to affect a policy landscape that works with Alaska Natives to improve the lives of Native People. Medicine Crow grew up in Kake and Juneau. She is a Kake Tribal Corporation shareholder by gifting and a Sealaska shareholder by both gifting and the new inclusion of after-borns. She was blessed to spend a lot of time with her Naanii (grandmother) Mona Jackson and has been writing her life story in her free time. Medicine Crow also attended the Institute of American Indian Arts. She is a member of the Alaska Native Sisterhood Kake Camp #10, Keex Kwaan Dancers, and though she lives in Anchorage her heart is always at home with her family and people.

**Bobbi Outten:**

Bobbi Outten joined Southcentral Foundation and Family Wellness Warriors Initiative (FWWI) in April 2004. Bobbi grew up in Haines, Alaska, with two sisters, where her parents commercial fished. A proud grandma of nine, she raised four children as a single parent for more than 12 years. She leads support groups for military families and Wellness Warriors Trainings, choosing to share her story of domestic violence with hopes that her story will help to break the silence of abuse. Besides her children and grandchildren, Bobbi's passions include being a full-fledged soccer mom, running, weight-lifting, hunting, fishing and camping.

4:15PM – 6:15PM      **Public Testimony**  
*Testimony limited to 5 minute maximum*

6:15PM – 6:30 PM      **Closing Remarks & Invocation**

## **Panel #1: Overview of Alaska Native Children Exposed to Violence in the Home, the Community, and Juvenile Justice System Response**

**Outcome:** *This panel will set the stage for the hearing providing a wide ranging examination of issues concerning Alaska Native children exposed to violence in the home, in the community, and the juvenile justice system from a variety of different perspectives. The panel will conclude with a presentation concerning the Alaska-specific findings and recommendations affecting Alaska Native Youth Exposed to Violence in the Indian Law and Order Commission Report and Alaska specific statistics and data.*

### **Panelists:**

#### **Gloria O'Neill, (Yup'ik descent), President/CEO, Cook Inlet Tribal Council, Inc.**

Since 1998, Gloria has served as President and CEO of Cook Inlet Tribal Council (CITC) and led the organization's growth in becoming one of the major social service providers in Alaska, currently offering more than 50 essential programs that serve more than 14,000 Alaska Native and American Indian people each year. On the national level, Ms. O'Neill was appointed by U.S. Secretary of Health and Human Services Kathleen Sebelius to serve on the Secretary's Tribal Advisory Committee (STAC). She is a former member of the Department of the Interior Tribal/Interior Budget Council and the Race and Ethnicity Advisory Committee of the U.S. Census Bureau. Ms. O'Neill currently serves as a member of the University Of Alaska Board Of Regents, the Alaskan Command Civilian Advisory Board, and CITC Enterprises, Inc. (CEI) Games LLC Boards of Directors. She previously served as a board member of the National CASA Association. In 2010, Ms. O'Neill was a Fellow of the Annie E. Casey Foundation Children and Family Fellowship Program. Ms. O'Neill earned her Master of Business Administration degree from Alaska Pacific University, and received her Bachelor of Arts degree in Sociology, with a minor in Business Administration from the University of Alaska Anchorage.

#### **Andy Teuber, President/CEO, Kodiak Area Native Association and Chairman/President, Alaska Native Tribal Health Consortium**

Andy Teuber is the elected Chairman and President of the Alaska Native Tribal Health Consortium. Chairman Teuber also serves as the President and CEO of Kodiak Area Native Association (KANA). KANA is a non-profit organization providing health and social services for the Alaska Natives of Kodiak Island, and services the City of Kodiak, along with six Alaska Native villages: Akhiok, Karluk, Old Harbor, Ouzinkie, Port Lions and Larsen Bay. KANA's mission is "to elevate the quality of life of the people we serve" and their vision is "the best quality care is available to all people on Kodiak Island".

**Sarah Hicks Kastelic, (*Alutiiq*), Deputy Director, National Indian Child Welfare Association**

In January 2011, Dr. Sarah Hicks Kastelic joined the National Indian Child Welfare Association to serve as chief of staff. She is Alutiiq, an enrolled member of the Native Village of Ouzinkie. In 1997 and 1998, Sarah worked as a social services assistant and child welfare specialist in the Office of Tribal Services at the Bureau of Indian Affairs (BIA) in Washington, DC. For 12 years, Sarah served the National Congress of American Indians (NCAI) in the welfare reform reauthorization program. In 2003, Sarah became the founding director of NCAI's Policy Research Center. Her early experiences at NCAI led to Sarah's commitment to the Policy Center's core values of a tribally driven research agenda, research conducted for the benefit of tribal communities, and a capacity-building approach to research. With guidance from tribal leadership and NCAI, Sarah set the strategic direction for the Policy Research Center and provided oversight of the Center's work. She also served as principal investigator on a number of the Center's projects. In 2009, Sarah assumed additional NCAI-wide administrative responsibilities, serving as the director of policy and programs. Sarah received a Bachelor's Degree in Sociology from Goucher College, a Master's Degree and PhD from the George Warren Brown School of Social Work at Washington University in St. Louis.

**Troy Eid, Chairman, Indian Law and Order Commission**

The Honorable Troy A. Eid, the unanimously elected chair of the Indian Law & Order Commission, was the United States Attorney for the District of Colorado from 2006 to 2009. Mr. Eid is a shareholder in the Denver office of the international law firm Greenberg Traurig LLP, where he co-chairs the American Indian Law Practice Group. He is also an adjunct professor at the University Of Denver College of Law and the University of Colorado Law School, where he teaches Indian law, energy, natural resources, and environmental law. Mr. Eid chairs the Training Committee of the Navajo Nation Bar Association, which oversees the semi-annual bar examination and review course for attorneys, judges, and lay advocates practicing before Navajo courts and administrative agencies. He clerked for the Honorable Edith H. Jones, Chief Judge of the U.S. Court of Appeals for the Fifth Circuit.

**Panel #1: An Overview of Alaska Native Children**  
**Exposed to Violence in the Home, the**  
**Community, and Juvenile Justice System**  
**Response**



## **Written Testimony for Gloria O'Neil**

**Gloria O'Neill, (Yup'ik descent), President/CEO, Cook Inlet Tribal Council, Inc.**

Since 1998, Gloria has served as President and CEO of Cook Inlet Tribal Council (CITC) and led the organization's growth in becoming one of the major social service providers in Alaska, currently offering more than 50 essential programs that serve more than 14,000 Alaska Native and American Indian people each year. Through rigorous attention to community-based results, Ms. O'Neill has established CITC's national reputation as a leading innovator of effective and replicable approaches to overcoming disparities in education, employment, family preservation, and substance dependency. On the national level, Ms. O'Neill was appointed by U.S. Secretary of Health and Human Services Kathleen Sebelius to serve on the Secretary's Tribal Advisory Committee (STAC). She is a former member of the Department of the Interior Tribal/Interior Budget Council and the Race and Ethnicity Advisory Committee of the U.S. Census Bureau. Ms. O'Neill currently serves as a member of the University Of Alaska Board Of Regents, the Alaskan Command Civilian Advisory Board, and CITC Enterprises, Inc. (CEI) Games LLC Boards of Directors. She previously served as a board member of the National CASA Association. In 2010, Ms. O'Neill was a Fellow of the Annie E. Casey Foundation Children and Family Fellowship Program. Ms. O'Neill earned her Master of Business Administration degree from Alaska Pacific University, and received her Bachelor of Arts degree in Sociology, with a minor in Business Administration from the University of Alaska Anchorage.

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*Testimony was not available prior to hearing*

## **Written Testimony for Andy Teuber**

**Andy Teuber**, President/CEO, Kodiak Area Native Association and Chairman/President, Alaska Native Tribal Health Consortium

Andy Teuber is the elected Chairman and President of the Alaska Native Tribal Health Consortium. Chairman Teuber also serves as the President and CEO of Kodiak Area Native Association (KANA). KANA is a non-profit organization providing health and social services for the Alaska Natives of Kodiak Island, and services the City of Kodiak, along with six Alaska Native villages: Akhiok, Karluk, Old Harbor, Ouzinkie, Port Lions and Larsen Bay. KANA's mission is "to elevate the quality of life of the people we serve" and their vision is "the best quality care is available to all people on Kodiak Island".

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*Testimony was not available prior to hearing*

## **Written Testimony for Sarah Hicks Kastelic**

**Sarah Hicks Kastelic, (Alutiiq), Deputy Director, National Indian Child Welfare Association**

In January 2011, Dr. Sarah Hicks Kastelic joined the National Indian Child Welfare Association to serve as chief of staff. She is Alutiiq, an enrolled member of the Native Village of Ouzinkie. In 1997 and 1998, Sarah worked as a social services assistant and child welfare specialist in the Office of Tribal Services at the Bureau of Indian Affairs (BIA) in Washington, DC. For 12 years, Sarah served the National Congress of American Indians (NCAI) in the welfare reform reauthorization program. In 2003, Sarah became the founding director of NCAI's Policy Research Center. Her early experiences at NCAI led to Sarah's commitment to the Policy Center's core values of a tribally driven research agenda, research conducted for the benefit of tribal communities, and a capacity-building approach to research. With guidance from tribal leadership and NCAI, Sarah set the strategic direction for the Policy Research Center and provided oversight of the Center's work. She also served as principal investigator on a number of the Center's projects. In 2009, Sarah assumed additional NCAI-wide administrative responsibilities, serving as the director of policy and programs. Sarah received a Bachelor's Degree in Sociology from Goucher College, a Master's Degree and PhD from the George Warren Brown School of Social Work at Washington University in St. Louis.

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*Please see the next page for testimony*

**The National Indian Child Welfare Association** (NICWA) is a national American Indian and Alaska Native (AI/AN) nonprofit organization located in Portland, Oregon. NICWA has over 30 years of experience providing technical assistance and training to tribes, states, and federal agencies on issues pertaining to child maltreatment, Indian child welfare, children's mental health, and juvenile justice. NICWA provides leadership in the development of public policy that supports tribal self-determination in these systems, as well as compliance with the Indian Child Welfare Act (ICWA). NICWA also engages in research that supports and informs improved services for AI/AN children and families. NICWA is the nation's most comprehensive source of information on AI/AN child maltreatment, child welfare, and children's mental health issues.

I would like to start by thanking the original Attorney General's Task Force on Children Exposed to Violence. Specifically, I would like to thank them for the following important recommendation:

**1.2 Appoint a federal task force or commission to examine the needs of American Indian/Alaska Native children exposed to violence.**

A federal task force or commission should be developed to examine the specific needs of American Indian/Alaska Native (AI/AN) children exposed to violence and *recommend actions to protect AI/AN children from abuse and neglect and reduce violence*. The management of this task force or commission, and the selection of its members, should be carried out through an equal collaboration between the Attorney General and the Secretary of the Interior. (p. 9; emphasis added).

It was this recommendation that served as the impetus for the convening of this Task Force on AI/AN Children Exposed to Violence. At the direction of this second Task Force, today's hearing has been convened to collect information on a topic very important to me personally—the unique issues faced by Alaska Native (AN) children who are exposed to violence. I would like to thank this Task Force and its chairs, Senator Byron Dorgan and Joanne Shenandoah. I appreciate their commitment to understanding the complex and multifaceted issues related to AN children exposed to violence and their recognition of AN children's unique circumstances.

In accordance with the topic of today's hearing, "An Overview of Alaska Native Children Exposed to Violence in the Home, the Community, and the Juvenile Justice System," and with NICWA's expertise, this testimony specifically recommends actions to protect AN children from abuse and neglect (child maltreatment) and from the trauma AN children face in the child welfare system. In addressing this topic my testimony will cover:

- Current data on the violence AN children face in their homes and in the child welfare system—including the effects of removal from home and family on AN children;
- NICWA's experience working with the Children's Bureau's Western and Pacific Child Welfare Implementation Center (WPIC) on effective collaborative responses to AN children who experience violence and trauma in their homes;
- How current federal child welfare program financing perpetuates child maltreatment by incentivizing removal and underfunding primary and secondary prevention efforts in both tribal communities and states; and
- Recommendations on how best to address the challenges noted throughout this testimony.

Thank you for this opportunity to discuss these difficult but important issues and to share NICWA's recommendations, which are informed by decades of practice with AI/AN child-serving systems in state and tribal communities.

**Data on Alaska Native Children Exposed to Violence**

**General Data**

The following data is provided for reference and comparison.

- **Nationally**, AI/AN children make up 1% of the total child population of United States (Summers, Woods, & Donovan, 2013).
- **In Alaska**, AN<sup>1</sup> children make up 17.3% of the total child population of the state (Summers, Woods, & Donovan, 2013).

### **Child Maltreatment<sup>2</sup>**

“Respect for children and self-discipline, coupled with an extended family system where parenting responsibilities were spread among many individuals, meant child abuse and neglect were seldom problems in traditional tribal settings” (Cross, 1995a, p. 8) Today, however, abuse and neglect is a concern in tribal communities and urban Indian settings nationwide. Theories about how punitive child rearing practices became a part of AI/AN parenting include: 1) abuse, neglect, and exploitation was a concept learned by AI/AN peoples via the abusive, paternalistic, and authoritative treatment of tribes and Native people by the federal government; 2) government policies that attempted to assimilate AI/AN people separated them from traditional practices and supports which minimized social problems now rampant in tribal communities and the risk factors for abuse and neglect; and 3) abuse and neglect is a learned behavior indoctrinated when entire generations of AI/AN people who were “parented” in boarding schools and foster homes where discipline was often harsh and devoid of nurturing (Cross, 1995a). It is likely a combination of these theories that has brought the problem of child abuse and neglect to AI/AN communities nationwide and AN communities in Alaska.

Nationally, AI/AN children make up a slightly higher percentage of substantiated reports of abuse or neglect than their percentage in the general population. In Alaska, the data for AN children are more concerning. Nevertheless, when assessing this data it is important to recognize concerns that cultural and racial bias influence which allegations of abuse and neglect are substantiated, and thus, the data on maltreatment that states report on AI/AN children.

- **Nationally**, AI/AN children were 7,770 of the 666,924 substantiated reports of children physically abused, sexually abused, and neglected in 2012 (U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children’s Bureau [CB], 2013a). This means that AI/AN children make up approximately 1.2% of all substantiated reports of maltreatment.
  - **Nationally**, of all AI/AN cases of maltreatment, 79.4% are neglect, 10.6% are physical abuse, and 5.2% are sexual abuse (CB, 2010).<sup>3</sup> This finding is troubling because legal definitions and worker decisions to substantiate allegations of neglect are far more susceptible to cultural bias, racism, and a misunderstanding of poverty than other forms of maltreatment (Earl & Cross, 2001).<sup>4</sup>
- **In Alaska**, AN children were 1,481 of the 2,928 substantiated reports of children physically abused, sexually abused, and neglected in 2012 (CB, 2013a). This means that **in Alaska**, AN children are 50.1% of all substantiated reports of maltreatment.

<sup>1</sup> Data on AN children in Alaska includes those children who may identify as AI, however the percentage of children in Alaska identifying as AI so small in comparison to the number of AN children we have chosen to identify this group of children as AN.

<sup>2</sup> Data is only available on AI/AN children in state child welfare systems. The data presented, therefore, does not include reports of abuse or neglect to tribal child welfare programs that are not recorded by the state, nor does it include out-of-home placements made by tribal child welfare programs.

<sup>3</sup> These numbers do not total 100% because some children face multiple forms of abuse, each of which are accounted for in these numbers.

<sup>4</sup> Problems with current state definitions of neglect that are particularly problematic in AI/AN communities are described by Earle and Cross (2001) as follows:

- The importance of the parental role in mainstream society, which is based on a mainstream American understanding of nuclear family and other class-based social preferences.
- The importance of socioeconomic status, family circumstances, and race when determining whether or not abuse occurred; levels of reporting vary and are higher in lower socioeconomic and racially different homes, both commonalities with AI/AN communities.

- In Alaska, AN children were 669 of the 1,325 (50.5%) *alleged* reports of child maltreatment in April 2014, (Alaska Department of Health and Human Services, Office of Children's Services [OCS], 2014a), yet they were 130 of the 230 substantiated reports of child maltreatment (56.5%) (OCS, 2014b).<sup>5</sup> This data illustrates how AN families may be prone to biased treatment in the Alaska state child welfare system. Although AN children were 50.5% of reports, they were 56.5% of those cases substantiated, meaning these cases were disproportionately substantiated. Bias is noted as a factor in disproportionate substantiation of maltreatment in AI/AN families in state systems nationwide, and this data shows evidence of its presence in Alaska as well (Hill, 2007; Cross, 2008; Carter, 2009a; Carter, 2009b; Carter, 2010).

### Violence and Trauma in the Child Welfare System

Although maltreatment is the reason that children and families enter the child welfare system, AI/AN children in the system, specifically those children placed in foster care, face additional violence and trauma in the form of removal and abuse at the hands of out-of-home care providers.

#### **Removal and Out-of-Home Placement**

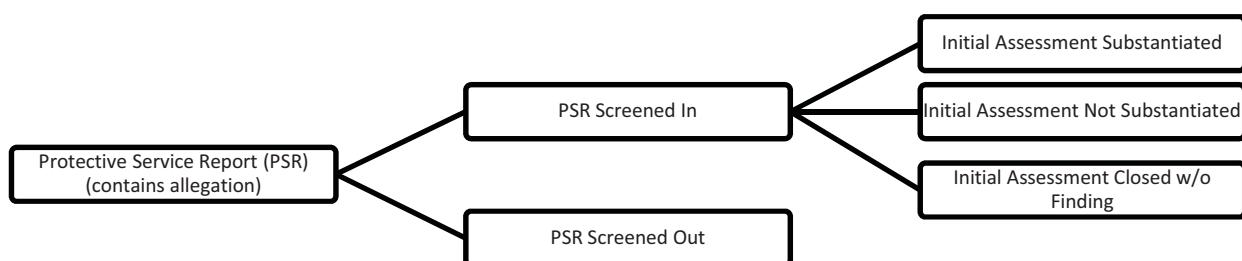
Family “is the single most important survival mechanism of [AI/AN] culture; it follows that Indian child welfare practice should focus on the home and family as its most important point of intervention” (Cross, 1995a, p. 3). Yet AI/AN children continue to be removed from their homes at alarming rates, even though “formal foster care services are still foreign to Indian culture” (Cross, 1995b, p. 3). This culturally inappropriate intervention is extremely traumatic for AI/AN children and families; these services should be “the last line of defense after all attempts have been made to strengthen the family so that a child can remain in his or her own home” (Cross, 1995b, p. 5). However, this is not yet the practice in state systems, and specifically the Alaska state system, for a variety of reasons, including current federal funding mechanisms.

Added to this equation is the legacy of removal that AI/AN peoples, and specifically children, have faced. The historic trauma that systemic removal has generated in AI/AN societies makes each removal of an AI/AN child from her home, family, and community a unique a form of violence to the child, family, and community. Unfortunately, AI/AN children are particularly subject to this violence, because they are disproportionately represented in foster care at rates that exceed all other populations of children in the United States (Summers, Woods, & Donovan, 2013). AN children are especially vulnerable to this trauma and violence, as Alaska has the 10<sup>th</sup> highest disproportionality rate for AI/AN kids in foster care nationwide.

- **Nationally**, in 2011, AI/AN children were 2.1% of all children in out-of-home placements (Summers, Woods, & Donovan, 2013).
  - **Nationally**, this describes a disproportionality rate of 2.1 for AI/AN children in foster care (Summers, Woods, & Donovan, 2013). This means that higher percentages of AI/AN children are found in the child welfare system than in the general population. Stated differently, when comparing the percentage of AI/AN kids in the foster care system to those in the general population they are represented in foster care at 2.1 times their rate in the general population.

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<sup>5</sup> For reference, this chart describes the decision points in how a report of child abuse is substantiated by OCS.



(OCS, 2014c)

- **Nationally**, and also of note, is the fact that 56% of all AI/AN children living in adoptive homes are in non-Native homes (Kreider, 2011). This shows that AI/AN children are not only facing the trauma of temporary removal at alarming rates, but also potentially permanent removal from their homes, families, and communities.
- **In Alaska**, in 2011, AN children made up 51.1% of all children in out-of-home placements in the state (Summers, Woods, & Donovan, 2013).
  - **In Alaska**, this describes a disproportionality rate of 2.9 (Summers, Woods, & Donovan, 2013). Stated differently, comparing the percentage of AI/AN kids in the foster care system to those in the general population, AN children are represented in foster care at a rate 2.9 times greater than their rate in the general population.
  - **In Alaska**, in April 2014—just two months ago—AN children were 1,319 of the 2,106 children in out-of-home placements (OCS, 2014d). **This is 62.3% of the foster care population**. Although a disproportionality study has not been done with this more recent data, it is clear that the disproportionality rate for AN kids in Alaska has risen in recent years, as the percentage of AN children in foster care has risen by more than 10% since the last national disproportionality study, which was done in 2013 and used 2011 data. It is worth noting that this number varies greatly from region to region in Alaska. In April 2014, across the five OCS regions, the percentage of AN children out of the total number of children in out-of-home care ranged from 42.8% to 99.4% (OCS, 2014d). In part this is reflective of the variation in the proportion of Alaska Native children in the total child population of each region.

### **Maltreatment in Out-of-Home Care**

Unfortunately, a small percentage of children who are removed from their homes by state child welfare systems because of abuse or neglect then face abuse or neglect in their out-of-home placement. AI/AN children are particularly susceptible to this abuse because of the high rates at which they are placed in foster care. This problem is more prevalent in Alaska, where the percentage of abuse in foster homes is well above the national average. Unfortunately, data specific to AI/AN children could not be located.

- **Nationally**, 0.32% of children in foster care are abused or neglected by their foster parents (CB, 2012). Because AI/AN children are overrepresented in foster care, they are more likely to be victims of this maltreatment.
  - Looking at the data differently, **nationally**, 0.3% of all children who are abused are abused by foster parents, 0.1% of all children abused are abused by staff at an institution or group home, and 0.7% are abused by adoptive parents (CB, 2013).
- **In Alaska**, of *all* children in foster care, 0.91% are abused or neglected (CB, 2014). Because AI/AN children are overrepresented in foster care, they are more likely to be victims of this maltreatment.

### **Violence and Trauma in the Criminal Justice System**

As evidenced by the statistics shared above, AI/AN children suffer abuse and neglect at elevated rates. Violence in the home is a problem that AI/AN women also face, and one that often traumatizes children who are unsuspecting witnesses. Unfortunately the jurisdictional framework in Alaska leaves many tribal communities without the ability to protect their women and children.

- **Nationally**, 39% of AI/AN women report having experienced intimate partner violence at some point in their lives (Black & Breiding, 2008). This makes AI/AN women more likely than any other single racial group to experience intimate partner violence.
- **In Alaska**, AN women suffer from sexual assault at the highest rate of forcible sexual assault of any population in the United States—an Alaska Native woman is sexually assaulted every 18 hours (Alaska Safe Families Act, S. 1474, 113 Cong. §2 (2013)).
- In the general population, we know that partners who engage in violence against each other are more likely to perpetrate violence against their children (Carter, 2000; DHHS, 2003). Also, children who witness intimate partner violence (IPV) or live in a home where IPV is present face the long-term effects of trauma (Carter, 2000; DHHS, 2003).

This status quo is unconscionable. Presently, the federally recognized tribal governments operating within AN villages are not able to carry out local, culturally relevant solutions to effectively address the lack of law enforcement and prosecution in villages that allows perpetrators to slip through the cracks. The law enforcement and judicial systems created and administered by Indian tribes or tribal organizations within the State of Alaska will be more responsive to the need for greater local control, local responsibility, and local accountability in the administration of justice than centralized State of Alaska systems.

As this data demonstrates, AN children and families need effective, culturally appropriate interventions that prevent child abuse, support families at risk of child abuse, and work with families who are struggling with abuse and neglect to keep children out of foster care whenever safe and possible.

### **Addressing Systemic Barriers and Promoting Systems Changes in the Alaska Child Welfare System: A Five-Year Child Welfare Implementation Project**

Child welfare systems face immense challenges to prevent abuse and neglect, reduce the number of children and youth who are removed from their homes into foster care, and ensure children are safely reunified or find a permanent place to call home. From prevention to permanency, many child welfare systems fall short of meeting these challenges, and the systemic barriers they face cannot be fully addressed by simply adding a new program, policy, or practice. A more comprehensive approach is required to achieve and sustain change: one that both addresses systemic issues as well as implementation of practice innovations (Western and Pacific Child Welfare Implementation Center [WPIC], n.d.a).

In 2009, the Western and Pacific Child Welfare Implementation Center (WPIC), a service of the Children's Bureau, in collaboration with the National Resource Center for In-Home Services and NICWA, embarked on the Alaska Child Welfare Disproportionality Reduction Project, a five-year project that sought to significantly reduce disproportionality and placement of AN children in out-of-home care and build tribal capacity to provide a culturally competent continuum of services to keep AN youth in their communities. The project involved a consortium of 16 tribal entities from across Alaska that was built on more than 17 years of efforts and a larger child welfare initiative to develop, implement, and improve tribal child welfare practice for AN youth and their families. The project required strong collaboration with the Alaska Office of Children's Services (OCS) so that tribes would play a more significant role in initial decision-making and service delivery. The project focused on:

- Addressing systemic barriers and biases plaguing the Alaska child welfare system in order to effectively engage all tribal and state entities in systems changes at the systems level, policy level, program level, and practice level by utilizing the WPIC System of Change theory.
- Development of a culturally responsive system of care tribal in-home services model that increased the capacity of tribes to provide in-home services as the preferred option over placement, increased the availability and use of tribal families as relative and foster care providers, and enhanced the skills of tribal staff working with the courts.
- Effectively and actively engaging AN foster care youth to impact child welfare systems change at all levels.
- Enhancing tribal capacity to license resource families in order to expand the use of tribal resource families and increase the number of AN children with safe, stable connections to their birth family, siblings, extended kin, community, and tribe.

The willingness of tribal partners, state partners, and other stakeholders to seriously and honestly address common issues and devise collaborative solutions is an unprecedented opportunity to impact disparity.

#### **WPIC Systems Change Theory**

Improving child and family outcomes depends on strengthening the services families receive. This requires a transformation of the system. People and organizational structures need to change in order to implement improved practices and policies successfully. This requires a change in attitude (about the problem and the

solution), behavior (in planning, assessing, and implementing practices), and relationships (interactions between people and systems).

Systems change involves losses for those involved, including the loss of current, familiar ways of doing business. Some resistance to change is to be expected. WPIC learned the importance of building strong partnerships, improving communication, and taking the time to establish trust among stakeholders as part of the systems change process. Lasting systems change requires an understanding of the relationships and the whole context of the individuals; organizations; and the political, economic, and social environment. Sustaining system, practice, and program changes that will result in improved outcomes for children, youth, and their families requires a comprehensive approach (WPIC, n.d.a).

WPIC's theory of systems change centers on five key elements for creating sustainable change:

- Vision and values;
- Leadership and commitment;
- Environment;
- Stakeholder involvement; and
- Capacity and infrastructure.

The process for enhancing each of these elements of systems change is not linear, as they are interconnected. Each element influences and is influenced by the other elements, and creating change in one element will likely impact the others (WPIC, n.d.a).



#### Tribal-State Relationships

More than 250 Alaska Native villages are located across Alaska, a state twice the size of Texas. The remote location of many of these tribal villages and Alaska's vast expanse create challenging access, often only by sea or air. In addition, unpredictable and often harsh weather conditions further complicate access to necessary resources, services, and supports. Consequently, tribal villages had been thought to lack sufficient resources to deal with complex child welfare issues. Further complicating matters, Alaska frequently seeks to ignore or interpret various provisions of ICWA in a manner that severely limits tribal jurisdiction over matters concerning tribal member children. This in turn creates a situation where Alaska tribal courts are treated differently than tribal courts in the rest of the country. As a result, hundreds of AN children are removed from their homes and placed in urban communities in non-Native care with poor prognosis for reunification or family permanency.

AN children constitute 17.3% percent of the state's child population (Summers, Woods, & Donovan, 2013). However, they are currently 62.3% percent of all children in out-of-home placement in Alaska (OCS, 2014d). Disproportionate out-of-home placement of AN children was predominantly linked to child abuse and neglect reports, initial decisions to investigate child abuse and neglect, and decisions to place in out-of-home care. Consequently, this project focused on key practice changes that impact decision points at the front end of the child welfare system, such as initial safety assessments and placement decisions.

To accomplish these goals, WPIC needed to, first and foremost, address the systemic issues that existed between OCS and AN tribes and build the capacity for effective tribal-state relations. This required acknowledging and addressing decades of misunderstandings, mistrust, and miscommunication between tribal and state child welfare programs and staff while simultaneously addressing race relations, decolonization, and unconscious bias. Support was provided to engage in courageous conversations for fostering mutual problem-solving and for building leadership capacity to address the challenge of disproportionality.

WPIC partnered with Casey Family Programs to convene annual summits for tribal partners to cover specific topics of interest. The summits allowed tribal and state partners and other key stakeholders within the community time

to practice building personal skills, build relationships with other system stakeholders, and connect with OCS staff in regional workgroups to address specific regional issues.

Overall, many policies to support tribal-state collaboration are now in place. Specifically, at the system-level, policies promote positive state and tribal collaborative relations; enhance collaboration with state and tribal courts; and establish sustainable agency policies, procedures, and protocols necessary to maintain a state and tribal family-centered in-home services model. An example of this is tribal representation on the Alaska Court Improvement Project, which did not initially include tribal representatives. At the program level, agencies continue to build tribal and state capacity to work collaboratively to meet child and family safety needs and avoid unnecessary placements, and to build tribal capacity to deliver effective child welfare services. It is now best practice for OCS and tribal ICWA workers to jointly participate in the child protection process and proceedings in order to facilitate the process in a culturally appropriate manner and to better serve the child and family. At the practice level, OCS fully acknowledges and adheres to the sovereign right of tribes to take care of their citizens through each respective tribe's principles, values, and traditions to implement a tribal family-centered in-home services model to enhance decision-making and service delivery to Alaska Native children and families and promote cultural competence in the delivery of child welfare services. OCS utilizes tribal child welfare workers as a resource and partner in all child protection proceedings. Additionally, through decolonization efforts and a reaffirmation of tribal sovereignty, AN villages are actively engaging their Indian Reorganization Act councils, traditional councils, and community members in incorporating traditional knowledge into their system of care tribal in-home services model. There is acknowledgement of the power behind traditional knowledge in healing AN communities. In sum, policies are largely in place, but some challenges remain in implementation at the regional and local levels.

### **Tribal In-Home Services**

As the project progressed, five of the tribal partners agreed to participate in the pilot implementation of the in-home services model: the Central Council of the Tlingit and Haida Indian Tribes of Alaska (CCTHITA) in Juneau; the Association of Village Council Presidents (AVCP) and Orutsararmiut Native Council (ONC), both in Bethel; Kawerak, Inc. in Nome; and the Maniilaq Association in Kotzebue.

An understanding of historical and generational trauma and its manifestations is essential to conceptualizing, developing, and implementing a tribal in-home services model. AN children, families, and communities were adversely impacted by the forced mass removal of AN children during the boarding school era through the passage of the Indian Child Welfare Act in 1978. The federal policies that encouraged these removals were among many others that sought to assimilate Native peoples. Today, AN communities are keenly aware of the impacts these damaging and disruptive policies had, and they are working to address the needs of their people. In doing so, it is acknowledged that historical trauma impacts the needs and the solutions that should be employed in child and family welfare situations (WPIC, n.d.b).

WPIC developed and implemented a tribal in-home services model based on extensive review and assessment of tribal services and capacity and a peer-to-peer learning event on the in-home services model implemented in Hawaii. WPIC created an in-home services system of care planning template consistent with the Alaska OCS safety assessment model, which served to ensure fidelity to the model in each of the five tribal pilot sites. WPIC also developed a common assessment framework to enhance the referral process and help tribes assess community services, as well as a data dashboard to measure progress monitoring referrals to tribal in-home services by OCS.

WPIC supported the convening of the Title IV-E Foster Care and Adoption Assistance tribal licensing workgroup and provided input into the development of tribal licensing standards with a focus on cultural considerations. WPIC developed and conducted training on the new Title IV-E tribal licensing process and standards. To further enhance the overall implementation of the tribal in-home services model, in-depth trainings with specific tribal organizations were conducted to build tribal staff capacity in leadership and court practice. Trainings allowed time to teach strategies for effective representation of and advocacy for AN children in court as well as documentation of services and placement recommendations for AN youth. WPIC also developed online court training for

continued professional development for tribal child welfare staff to effectively advocate on behalf of tribal children and families.

### **Youth Engagement**

In collaboration with Facing Foster Care in Alaska (FFCA), AN youth shared their personal stories and experiences in the Alaska child welfare system. The stories shared by foster care youth informed tribal and state partners about the barriers to access and gaps in services that AN youth face in the child welfare system. Youth shared their frustrations and the development of mistrust that grew from having multiple placements. Five FFCA youth shared that they were involved in 2–14 placements in their short lifetimes. These youth, who were 15–25 years old, had been in the Alaska child welfare system for a range of 2–14 years (WPIC, 2013b). The realities of experiences and traumas faced by AN youth highlighted their disconnection from tribal communities, kinship networks, tribal culture, identity, and trust. The FFCA and youth involved in WPIC have been effective in changing the foster care system in Alaska through legislative efforts. In September 2012, thanks to FFCA advocacy, the Alaska Foster Family Protection Act was enacted to provide “new legal and practice provisions for youths in the custody of the Office of Children’s Services, according to a notice from the agency.” The act provided “the option for youths to extend custody until their 21st birthday and a requirement that reasonable efforts must be made to place siblings together” (Staff Report, 2012). FFCA continues to work collaboratively and actively within the state to address concerns of foster care youth. In 2014, FFCA supported the introduction of HB 54, a bill “relating to the identification, location, and notification of specified family members and family friends of a child who is in state custody” (Open State, 2013). FFCA brings youth voices to the table and shares the experiences of foster care youth as a tool to change, enhance, and advocate for effective and long-lasting changes to the Alaska child welfare system.

### **Outcomes**

The Alaska Child Welfare Disproportionality Reduction Project was designed to significantly reduce the disproportionality of AN children in the Alaska child welfare system through the implementation of an array of policy and practice changes to establish a continuum of culturally responsive services for AN children and families. Though this was a time-limited project that did not include sufficient resources to support all AN communities that wanted to participate, and despite the significant time lag between policy change and real outcomes for children, the impact of WPIC work in Alaska goes well beyond the disproportionality data. At the beginning of the project, tribal and state staff members were at an impasse on how to move their work forward together. Through various technical assistance approaches, courageous conversations, implicit bias training, and modeling tribal and state leadership, WPIC was able to break down barriers of mistrust and fear and to move toward achieving positive outcomes for children and families. WPIC afforded the time to build relationships and gave state and tribal representatives safe spaces to have difficult conversations and learn to trust each other (WPIC, 2013a).

By strengthening state and tribal collaboration, many practice changes have resulted. For example, OCS and tribal staff are now undertaking child abuse and neglect investigations together in some regions, and collaborate in making decisions regarding safety and placement options. OCS has found that tribal staff serve as buffers, which creates a less adversarial approach. Tribal staff introduce OCS staff to families, which reduces the “us-versus-them” mentality in the tribal villages. OCS staff have also made office space available for tribal members in regional offices, and tribes have done the same for OCS staff who visit the tribes. In addition, OCS data are being shared with tribes and being used for the first time by tribes and OCS to drive conversations about successes, barriers, and progress in identifying placement choices and service options (WPIC, 2013a).

Although Alaska tribes had a hard time explaining the work that they do in their villages and how that translates into Western culture systems language, through technical assistance and consultation, WPIC was able to help them articulate their strengths, traditional cultural values, and practices and to make recommendations regarding placement decisions and strategies for reducing out of home placement. Leadership training gave tribal members a greater understanding of their voice and role in the larger child welfare system. Bringing elders to the table allowed state staff to understand tribal and village leadership and how their voices affected the work in communities (WPIC, 2013a).

Through WPIC meeting facilitation and on the basis of the trust that was developed, tribes could be open and transparent about their staffing issues and their skill- and capacity-building needs without fear of reprisal. By identifying these issues, WPIC was able to provide targeted training and coaching in specific areas of need. Understanding the roles of various tribal members in the community and how they could serve to stabilize families was a critical function of the in-home services model that WPIC helped the five tribal pilot sites adapt in their communities. The model continues to be implemented and identifies the service array in the community so OCS can understand tribal safety procedures and placement options available in the villages (WPIC, 2013a).

### **Establishing a Child Welfare Finance System That Matches the Needs of Children and Families**

#### **Federal Policy in Child Welfare**

Federal child welfare policy plays a central role in the capacity of tribes and states to meet the unique needs of AI/AN children and families in care. Going back several decades, we can see how the major changes in federal policy have influenced the availability and types of services available to help families rehabilitate and protect children from abuse or neglect. Beginning with the creation of the Social Security Act in 1935 was support of what is now known as Title IV-B Child Welfare Services, the first federal program designated for child welfare services. Funding amounts were very small—as they are today—but they helped states establish public child welfare agencies. Later, in the 1960s, the Aid to Families with Dependent Children (AFDC) program was created. AFDC provided funding to states for children that had been removed from their homes. This program grew out of the Aid to Dependent Children program established under the original Social Security Act, and it was one of the first federal child welfare open-ended entitlement programs that continued to provide funds to states as long as an eligible child was in need of out-of-home services and supports. AFDC was the precursor to the current day Title IV-E Foster Care program, and the basic funding structure and eligibility contained in AFDC are still visible in the Title IV-E Foster Care program today. While the Temporary Assistance for Needy Families program replaced the AFDC program in 1996, many of the former AFDC requirements were carried forward in the Title IV-E Foster Care program.

In 1974, Congress enacted the first child welfare statute to specifically address prevention of child abuse and neglect, known as the Child Abuse Prevention and Treatment Act (CAPTA, P.L. 93-247). This law put into place several new requirements for states regarding child abuse reporting and investigation. State funding was very limited in comparison to the funding available through AFDC. Shortly after the passage of CAPTA, increases in the number of children placed in foster care occurred based upon new mandatory reporting laws and expansion of the AFDC program.

In 1978, Congress passed the Indian Child Welfare Act (P.L. 95-608) in response to the alarming numbers of AI/AN children being placed in foster care and adoptive homes by public and private agencies, often with non-Indian families. This law provided some of the first funding for many tribes to provide child welfare services in their communities and intervene in state child welfare proceeding involving their children and families. Unfortunately, Congress provided very little funding for the tribal grants authorized under Title II of the statute, preventing tribes from fully actualizing the purposes of the law as intended by Congress.

As a result of the increasing numbers of children entering state foster care in the 1970s, Congress became concerned that not enough was being done to help prevent removals of children from their homes, rehabilitate families so their children could be returned to them, and establish timely procedures for children securing permanent placements when they could not be returned home. In 1981, Congress passed the Adoption Assistance and Child Welfare Act (P.L. 96-272), which established the Title IV-E Foster Care and Adoption Assistance program under the Social Security Act and several new federal requirements addressing the concerns listed above.

Federal spending on child welfare, primarily under the Title IV-E Foster Care and Adoption Assistance program, grew throughout the 1980s as states increased the number of children placed in foster care. In the early 1990s, Congress heard from the child welfare advocacy community that there was a need to increase federal funding for services to rehabilitate families or otherwise risk continued increases in the numbers of children being placed in foster care. Recommended services were often connected to the family preservation or family support movements

in child welfare, which focused on services to strengthen families through in-home services and supports that reduced the risk of abuse and neglect and subsequent removal of children from their homes, and helped strengthen families so their children could safely be returned to them. In 1994, Congress responded by enacting the Family Preservation and Family Support Services program (P.L. 103-66) authorized under Title IV-B of the Social Security Act (later renamed the Promoting Safe and Stable Families program). This legislation funded both tribes and states to provide family preservation and family support services. However, the funding paled in comparison to the funding being spent on Title IV-E foster care, leaving states and tribes short of the funding needed to create sustainable in-home services and supports for all child welfare families.

Later in the 1990s, Congress revisited the issue of rising numbers of children being placed in foster care. The focus was different from prior efforts; Congress was concerned that foster care was too often thought of as something other than a temporary placement, and that states were often spending too much time working with families to reunify, sometimes placing children in unsafe situations. Congress addressed these concerns by speeding up the process for establishing permanency with new timelines for key child welfare decisions and revising the purpose of court hearings to move children into permanent homes more quickly. These new requirements were packaged under the Adoption and Safe Families Act of 1997 (P.L. 105-89), but came with no new funding to help ensure that families had the services they needed to meet the new timelines and requirements.

During the 1990s, Congress also provided states with new authority to apply for Child Welfare Waivers (P.L. 103-432). These waivers allowed states to experiment with new methods to reduce the number of children in foster care and secure permanent placements more quickly by using Title IV-E funds in ways that were not currently authorized under the statute, such as supporting guardianship and treatment services to substance-abusing parents with children in the child welfare system.

New federal funding for state juvenile court improvement projects became available in the mid-1990s; tribes gained access to these funds in 2011. This funding helped state and tribal juvenile courts address improvements to data collection, court procedures, and training necessary to increase court performance issues in juvenile court systems.

In 2008, the Fostering Connections to Success and Promoting Adoptions Act (P.L. 110-351) became law, providing tribal governments with direct access to the Title IV-E program for the first time. In addition, new requirements necessitated that states and tribes identify and engage relatives of children in care much more vigorously. These new requirements regarding relative engagement also coincided with the option for states and tribes operating Title IV-E to receive federal funds to subsidize relative guardianship placements of children that were Title IV-E eligible.

State foster care caseloads began to decrease after the passage of the Adoption and Safe Families Act in 1997, but caseload reductions did not affect all children equally and concerns were raised about how states were achieving these reductions. Disproportionality in foster care placement for AI/AN children was on the rise in many states, with rates that are currently anywhere from 1.4 to 12 times higher than their population rate in a particular state. Many child welfare and tribal advocates have raised concerns about how states make decisions in child welfare cases that lead to higher numbers of children being placed in out-of-home care. National data indicates that at key decision points in the process of responding to reports of child maltreatment, AI/AN children are much more likely to have their cases investigated after a report, have the alleged abuse or neglect substantiated, and be removed from their families and placed in foster care (Hill, 2007; Cross, 2008; Carter, 2009a; Carter, 2009b; Carter, 2010). Bias is certainly a factor in why these decisions favor more intrusive interventions in the lives of AI/AN children and families, but there are also concerns related to the availability of services that could help children safely stay within their homes and strengthen their families so further abuse or neglect would not occur. Federal child welfare policy and the accompanying finance system play a role in the capacity of states and tribes to address these concerns.

### **The Federal Child Welfare Finance System and the Need for Reform**

Federal spending for child welfare services in the most recent year data is available (2010) was approximately \$13.6 billion. Because federal funds comprise the foundation of child welfare funding for both states and tribes, eligible uses of funding constrain, and in large measure dictate, programming. States and tribes have to match

these federal child welfare funds with their own governmental funds, which often require that the state and tribal investments have to mirror federal requirements as to what types of services can be supported. In addition, state and local match towards child welfare services in 2010 was slightly higher than the federal investment at \$15.8 billion. In rural Alaska, where the cost of removing a child from their home can be substantially higher than in most states, supporting a family with in-home services will often be a much less expensive alternative, as well as a much less traumatic experience for the child.

The primary federal sources of child welfare funding and the proportion of the total federal child welfare investment are as follows:

1. Title IV-E Foster Care and Adoption Assistance: 52%
2. Temporary Assistance to Needy Families (TANF): 22%
3. Social Services Block Grant (SSBG): 12%
4. Medicaid: 7%
5. Title IV-B (both programs): 5%
6. Other (CAPTA, Children's Justice Act, Adoption Opportunities, and other discretionary grants): 3%

Tribal participation in these federal child welfare programs is limited in both amounts of funding and basic access. Even with changes to federal law over the last 20 years that have allowed tribes to directly access Title IV-B, TANF, and Title IV-E funding, tribes are receiving less than 1% of the total funds available despite their total population being much higher<sup>6</sup> and their community needs much greater than general population in the United States.

The top two federal programs currently being used to support child welfare services (Title IV-E and TANF) are almost entirely used to support services for children who have been removed from their homes. Funding under SSBG is more flexible and is often used for a variety of purposes, particularly child protection services (initial responses to reports of child maltreatment). Medicaid supports case management and treatment services for children who are in the foster care system as well as other health services. Title IV-B and CAPTA are the only federal programs targeted specifically to helping protect children from child maltreatment and strengthening families where child maltreatment has occurred. Even when adding SSBG funds to the amounts provided under Title IV-B and CAPTA, less than 20% of the federal investment in child welfare is specifically designed to help reduce the flow of children into out-of-home care.

It is clear that the current federal child welfare finance system will not be able to reduce the flow of children into out-of-home care without substantial changes. The imbalance between funding to prevent child maltreatment and strengthen families and funding which can only be used to support out-of-home placement services has created a federal child welfare finance system at an impasse that cannot be resolved by tinkering around the edges or redirecting existing funds. While a few states have been able to significantly reduce the number of children in out-of-home care, this is attributable to large investments they have been able to make in preventive and in-home services. In addition, an increasing number of children are being placed in relative homes supported by TANF funding, which is not counted as a foster care home placement.

Many tribes are in a position to make significant reductions in their foster care populations because of the intimate knowledge they have of the families in their communities and the resurgence of culturally based services, but the federal funding to integrate this knowledge in tribal child welfare systems and support more effective culturally based services is in very short supply. Tribes have limited access to federal programs that support services to prevent child maltreatment and strengthen families; less than \$500,000 is available to tribes under CAPTA through two tribal grants per year, and less than \$15 million is available to tribes from both Title IV-B programs combined. Two-thirds of tribes receive less than \$10,000 under the Title IV-B Child Welfare Services program, and almost 40% of tribes are not eligible for funding under the Title IV-B Promoting Safe and Stable Families grant. Tribes are also not eligible to receive either Medicaid or SSBG funds.

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<sup>6</sup> AI/AN people are reported as representing approximately 1.7% of the total United States population in the 2010 Census.

In 2003, Pew Charitable Trusts saw the problems facing the nation's child welfare system and convened a blue ribbon commission to examine how to improve outcomes in the nation's foster care system and avoid unnecessary removals of children from their homes. The Pew Commission on Children in Foster Care (Commission) was bipartisan and included some of the nation's most well-known federal policymakers with in-depth knowledge of the federal budget process and how it impacts the funding of child welfare services. The Commission also included child welfare experts from the many different entities involved in the field of child welfare, such as the courts, researchers, and public agency officials. Over the course of two years the Commission took input from a variety of stakeholders, including youth and parents who had been involved in the child welfare system, to examine the issues, barriers, and recommendations on how to best reform the child welfare system. Upon completion of their work, they published a report that acknowledged the imbalance in the federal child welfare finance system and the need to correct this imbalance through several strategic policy initiatives (Pew Commission on Children in Foster Care, 2004). Among these recommendations were the following:

- 1) Because every child needs a permanent family, the Commission recommends allowing states to "reinvest" federal dollars that would have been expended on foster care into other child welfare services if they safely reduce the use of foster care. States could use these funds for any service to keep children out of foster care or to leave foster care safely.
- 2) Children need skillful help to safely return home to their families, join a new family, or avoid entering foster care in the first place. For caseworkers to provide this help, states need flexible, sufficient, and reliable funding from the federal government.

Since publication of the Commission's report, several other leading child welfare organizations have either published their own blueprint for federal child welfare finance reform or have signaled their support for these changes. While Congress has yet to take up the unfinished business of child welfare reform, there are a growing number of advocates, policymakers, and experts in the field asking for change. AI/AN children and their families continue to be at greater risk of being placed into out-of-home care than almost any other population, and thus are more likely to incur the trauma associated with being in the child welfare system. As many have acknowledged, this is a national problem. A balanced federal child welfare finance system can change these dynamics, help both states and tribes provide more effective responses to the risk for child abuse and neglect, and bring healing to AI/AN victims.

### **Recommendations**

With this backdrop of data on the violence AN children face in their homes and in the child welfare system, NICWA's experience working with WPIC on effective collaborative responses to AN children who experience violence and trauma in their homes, and how the federal child welfare program financing perpetuates child maltreatment by incentivizing removal and underfunding primary and secondary prevention efforts in both tribal communities and states, I offer several concrete recommendations:

1. Provide additional support and flexibility in federal child welfare programs for the use of tribal cultural practices by both tribes and states with AI/AN children in their care.
2. Increase incentives for states that reduce the number of AI/AN children in out-of-home care by safely returning them to their families. This should be coupled with the creation of incentives which are provided to those states showing improvements in ICWA compliance.
3. Assist tribes and states in their efforts to address the barriers to reducing the number of AI/AN children in state foster care through in-depth technical assistance and demonstration grants. Support and increase the number of tribal experts available to provide culturally competent training and technical assistance that centers on affirming and validating the incorporation of traditional tribal values and teachings in child welfare practice.

4. Advocate for comprehensive federal child welfare finance reform that creates a balanced and sustainable base of funding for tribes and states that can support child abuse and neglect prevention, treatment services for children and parents to address substance abuse and trauma, and in-home services that can help strengthen families to reduce the need for out-of-home placements and help children safely return home.
5. Utilize and adapt the WPIC systems of change theory framework as a model for tribes and states across the nation as an effort to effectively address violence and trauma in Indian Country.
6. Take a more active role in monitoring and enforcing federal laws that concern tribal children. In instances where the federal government provides the funding for specific state programs, the implicated federal agency and DOJ should actively work with the state to better understand the relevant federal laws and the state's obligations under them. In addition, in litigation in which the interpretation of ICWA is at issue, DOJ should take a greater role in submitting amicus briefs.
7. Affirm, via memorandum from the DOJ, that tribal courts in Alaska are no different than tribal courts in the rest of the country.
8. Swiftly amend VAWA to recognize the jurisdiction of AN tribes over certain crimes of domestic violence and expand jurisdiction to include child abuse and neglect. The existing "Special Rule for Alaska" contained in Section 910 of the Violence Against Women Act must be repealed and the powers of Alaska tribes to protect their most vulnerable members be affirmed.
9. Increase the capacity of tribal youth voice in decision-making efforts to better inform systems change in the child welfare system.

Thank you for the opportunity to share this testimony and these important recommendations.

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## **Written Testimony for Troy Eid**

**Troy Eid**, Chairman, Indian Law and Order Commission

The Honorable Troy A. Eid, the unanimously elected chair of the Indian Law & Order Commission, was the United States Attorney for the District of Colorado from 2006 to 2009. Mr. Eid is a shareholder in the Denver office of the international law firm Greenberg Traurig LLP, where he co-chairs the American Indian Law Practice Group. He is also an adjunct professor at the University Of Denver College of Law and the University of Colorado Law School, where he teaches Indian law, energy, natural resources, and environmental law. Mr. Eid chairs the Training Committee of the Navajo Nation Bar Association, which oversees the semi-annual bar examination and review course for attorneys, judges, and lay advocates practicing before Navajo courts and administrative agencies. He clerked for the Honorable Edith H. Jones, Chief Judge of the U.S. Court of Appeals for the Fifth Circuit.

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*Please see the next page for testimony*

# A ROADMAP FOR MAKING NATIVE AMERICA SAFER

## REPORT TO THE PRESIDENT AND CONGRESS OF THE UNITED STATES

Troy A. Eid, Chairman  
Indian Law & Order Commission  
[eid@qlaw.com](mailto:eid@qlaw.com)

November 2013

### ABOUT THE COMMISSION

- Created by the Tribal Law and Order Act of 2010 (TLOA) to advise the President and Congress on Federal, State and Tribal reforms to strengthen criminal justice for the 566 Federally recognized Indian Tribes and Nations.
- Extended by the Violence Against Women Act (VAWA) Reauthorization Act and sunsets in January 2014.



- Consists of nine volunteers appointed by the President and Majority and Minority leadership of Congress.
- Recruited three Federal experts to serve as its staff, who were “detailed” (loaned) to the Commission as provided by TLOA.
- Planned and executed one of the most comprehensive assessments of Native American and Alaska Native public safety and criminal justice ever undertaken.

- Held town halls and field hearings, took testimony, appointed and consulted with an Advisory Board in all 12 regions of the Bureau of Indian Affairs, and worked entirely in the field – from Alaska to the East Coast.
- Unanimously prepared and approved THE ROADMAP – a 324-page report, with 40 unanimous major recommendations for making Native America safer and more just for all U.S. citizens.



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## THE COMMISSION'S GOAL

- Some recommendations require new Federal laws, others need executive branch policy changes, some warrant action by the Federal judiciary; others are State-level reforms; and still others are matters for Tribal citizens and their elected leaders.
- **To end the public safety gap – the legacy of failed Federal laws and policies – that makes Native American and Alaska Native communities frequently less safe, and often dramatically more dangerous, than the rest of our country.**



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## KEY FINDINGS AND RECOMMENDATIONS

- The Federal government is largely to blame for the decades-old public safety gap in Native America.
- This is true directly, through outmoded Federal command-and-control laws, policies and institutions, and indirectly through Congressional authorized State criminal jurisdiction over Indian people and lands through Public Law 83-280 and Congressional Settlement Act tribes.

- Whereas the rest of the United States relies primarily on locally and regionally based criminal justice systems – local police, prosecutors, defenders, judges and juries, corrections and wrap-around services – Federal law forces Native communities to do precisely the opposite.
- Tribes typically must depend on Federal and/or State laws and agencies dispensing justice from outside their communities, with comparatively fewer resources and less accountability to local citizens, making Tribal nations less safe.



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**"When Congress and the Administration ask why the crime rate is so high in Indian country, they need look no further than the archaic system in place, in which Federal and State authority displaces Tribal authority and often makes Tribal law enforcement meaningless."**



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## KEY RECOMMENDATIONS

- By respecting and reinforcing the power of locally based Tribal criminal justice systems to protect all people and lands within Tribes' borders – while enforcing the Federal Constitutional rights of all U.S. citizens there – and by achieving parity in Tribal justice funding compared with comparable parts of our country, our nation can narrow and ultimately eliminate this public safety gap.



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- The United States should set a bi-partisan national policy goal of eliminating the Indian country public safety gap by 2024 – the centennial of the Indian Citizenship Act, when all Native Americans could finally vote in Federal elections.

## JURISDICTIONAL REFORM: BRINGING CLARITY OUT OF CHAOS

- Give Tribes freedom to exit the Federal criminal justice system entirely, except for laws of general application, and guarantee that same freedom to Tribes in P.L. 83-280 States.
- Ensure a direct appeal from Tribal court to new Federal court – the U.S. Court of Indian Appeals – for all criminal defendants for alleged Federal Constitution rights violations.



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- Apply the Federal Speedy Tribal Act, 18 U.S.C. Section 3161, to all Tribal court criminal proceedings.
- Amend the Indian Civil Rights Act to permit Tribal governments to define their own criminal laws and sentences.

## MAKING ALASKA SAFER

**Most Alaska Native communities lack regular access to police, courts and related services.**

- Services are based in regional hubs that are usually remote from the communities they serve.
- Village Public Safety Officers, who provide some basic services, cannot carry firearms – although most offenders do.



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- At least 75 communities lack any law enforcement presence at all.
- There is just one woman's shelter located in Alaska's 229 Federally recognized Native villages and no juvenile shelters at all.
- Alaska Native women are 19% of the total population but 47% of reported rape victims.
- Domestic violence rates for reported crimes are up to 10 times higher than the rest of the United States.

As one Alaska Native Tribal leader told the Commission during one of our many field visits across the state:

**"Every woman you've met today has been raped.  
All of us... we all know each other. Please tell  
Congress and President Obama before it's too  
late."**



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**It's time to recognize that Alaska's criminal justice crisis is a National problem, not just a State problem, that can be more effectively addressed if the Federal government and the State of Alaska strengthen rather than degrade Tribal sovereignty and local self-governance.**

- Recognize and expand Indian country in Alaska to support Tribal concurrent jurisdiction.

- Respect Tribal court orders.
- Encourage locally based criminal justice systems.
- Stop exempting Alaska Natives from Federal public safety laws.



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## STRENGTHENING TRIBAL JUSTICE

- Ensure that Tribal prosecutors Federally deputized as SAUSAs – Special Assistant U.S. Attorneys – should be presumptively entitled to Federal criminal justice information, including evidence and case files, so Tribes may effectively assert concurrent jurisdiction.
- Enable Federal agents to serve as witnesses in Tribal court proceedings.

- Monitor and improve Federal law enforcement training and performance within the Bureau of Indian Affairs – Office of Justice Services.
- Develop a Federal judicial plan to enhance trials and court proceedings in Indian country.
- Establish a “Special Assistant Federal Public Defender Program” to deputize Tribal defenders to receive law-enforcement sensitive Federal criminal justice information in cases involving concurrent Tribal jurisdiction.



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- Move to Federal base funding to achieve parity in Tribal criminal justice systems with comparable off-reservation jurisdictions.
- Recognize that the current Federal grant-funding system servicing Indian country is broken and should be replaced by a base-funding program for Tribes that reduces costs to U.S. taxpayers over the longer run.
- Reform Federal criminal justice data reporting and information systems.
- Consolidate all Federal criminal justice services for Tribes in the U.S. Department of Justice to enhance performance and accountability – and keep things from falling between the inter-departmental cracks.



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## INTERGOVERNMENTAL COOPERATION

- Improve Federal law enforcement deputation programs and incentivize cross-deputation among Federal, State and Tribal agencies.
- This includes model Tribal-State agreements along with enhanced insurance coverage/risk management programs to enable cross-jurisdictional cooperation.
- Provide Federal and State notification to Tribes at each stage of criminal justice proceedings to protect victims and enhance offender services, and vice-versa.



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## DETENTION

- Mandate notification to Tribes when offenders enter and leave the Federal Bureau of Prisons to facilitate consideration of offender placement, community supervision, and re-entry programs.
- Enable Federal court sentencing to Tribal corrections and, as appropriate, alternative programs.
- Streamline Federal correctional programs within one agency (U.S. Department of Justice).



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- Codify TLOA's BOP pilot program so Tribal courts have the permanent option of sentencing Tribal offenders to Federal detention.
- Incentivize effective alternatives to detention where appropriate.

## JUVENILE JUSTICE

- The Commission's report is one of the first comprehensive policy assessments of juvenile justice in Native America:

**"Indian country juvenile justice exposes the worst consequences of our broken Indian country justice system.... Federal and State juvenile justice systems take Indian children, who are the least well, and make them the most incarcerated."**



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- Native American and Alaska Native juveniles have the highest per-capita rate of violent victimization.
- Among juveniles, Native juveniles suffer Post-Traumatic Stress Disorder (PTSD) at a rate of 22% - triple the general population and exceeding or matching PTSD rates in military personnel who served in Afghanistan and Iraq.

- Disproportionately high rates of Native juveniles dying from alcohol abuse, suicide, and violate crime contribute to an average life expectancy for Native American males in the United States of just 56 years – a rate that averages in the early 40s in many of the Native communities the Commission visited.
- Federal criminal law and judicial proceedings result in systematically longer and more severe sentences of incarceration for Native juveniles for offenses on Tribal lands as compared to the same or similar crimes off-Reservation.



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## REFORMING JUVENILE JUSTICE

- Instead of automatically transferring Native juveniles to Federal custody in cases involving felonies, as has been mandated since 1938, Tribes should be free to assert jurisdiction over juvenile offenders so long as they respect the Federal Constitutional rights.
- Tribes that choose to exit P.L. 83-280 State criminal jurisdiction should have this same freedom to develop and enforce their own juvenile justice laws, institutions and programs, just as State and local governments do elsewhere in our country.
- Parole is unavailable to juveniles in Federal detention; secondary education is not provided; opportunities for incentivized rehabilitation – wellness and diversion programs, for instance – are practically non-existent.



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## RECOMMENDATIONS

- The Commission recommends requiring Tribal consent to Federal prosecutions of juveniles, including whether to charge younger Native offenders as adults.
- Federal funding should follow victims and offenders, so that Tribes can more effectively address local priorities.

- The Federal government and States should notify Tribes at all key stages of juvenile justice proceedings involving Tribal citizens, and data/information systems should be configured accordingly.
- Federal courts hearing Indian country juvenile matters ought to be required to establish pretrial diversion programs for such cases that allow sentencing in Tribal courts.



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- The Indian Child Welfare Act should be amended to provide that when a State court initiates any delinquency proceeding involving an Indian child for acts that took place on the reservation, all the notice, intervention and transfer provisions of ICWA will apply. For all other Native children in State delinquency proceedings, ICWA should be expanded to require notice to the Tribe and a right to intervene.

## CONCLUSION

"The Commission finds that the public safety crisis in Native America is emphatically not an intractable problem.... We see breathtaking possibilities for safer, strong Native communities achieved through home-grown, Tribally based systems that respect the civil rights of all U.S. citizens and reject outmoded Federal command-and-control policies in favor of increased local control, accountability and transparency."



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GUEST COMMENTARY

# The invisible crisis killing Native American youth

**By Troy A. Eid**

*Guest Commentary*

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Troy A. Eid is chairman of the Indian Law and Order Commission. He is scheduled to testify before the U.S. Senate Committee on Indian Affairs on Feb. 12. (Hyoung Chang, Denver Post file)

Nearly two dozen military veterans kill themselves every day in the United States, according to the Department of Veterans Affairs. Post-traumatic stress disorder is often to blame.

President Obama has rightly demanded better care for returning vets who suffer from PTSD. He recently invited Wayne Telford — father of U.S. Air Force Sgt. Brooke Caffrey of Grand Junction, who committed suicide in 2012 after her fourth tour of duty — to attend the State of the Union address.

Yet there's another massive PTSD tragedy in Colorado and across our country. It generates virtually zero public attention because it concerns what may be the most vulnerable group of our citizens: Native Americans and Alaska Natives. Because they're exposed so frequently to violent crime, an astonishing one in four Native American juveniles currently suffers from PTSD.

That's the same PTSD rate as returning veterans from Afghanistan and Iraq.

We're losing an entire generation of Native American and Alaska Natives, the fastest-growing group of young people in the United States. According to the recently released

findings of a presidential commission, Native juveniles experience violent crime rates up to 10 times the national average. One in three Native American girls will be raped in their lifetimes.

In Alaska, where services to Natives are limited or non-existent, sexual assault rates are much higher. The National Indian Law and Order Commission visited Alaska communities where every single woman reported she'd been raped. When a 12-year old girl was raped and murdered in one village last year, it took Alaska troopers four days to respond.

The commission has concluded that the federal government is overwhelmingly to blame for this tragedy. We recently reported to the president and Congress on the unacceptable violent crime rates afflicting the 566 federally recognized Native American tribes.

The commission spent the past three years in the field as part of a congressionally ordered inquiry — nine volunteers appointed by Republican and Democratic leaders alike. We unanimously concluded it's time for Washington, D.C., to repeal outmoded laws and policies that keep tribes from protecting their citizens, especially their youth, and to let tribes make and enforce their own laws to protect all U.S. citizens on Indian lands.

Since the 1800s, federal officials have usurped tribes' rights to make and enforce criminal laws, or have enlisted some state governments to do so as an unfunded mandate. The result of this federal takeover of local governments: Average life expectancies on many Indian reservations, fueled by violence and suicide, are the lowest in the Western Hemisphere.

Is it any wonder that Native youth are killing themselves in numbers that exceed all other ethnic and racial groups?

Fortunately, there's reason for hope. In places where the federal government provides great freedom so tribal police and courts can govern themselves, violent crime rates are being cut, youth and women are finally getting more support, and the civil rights of all U.S. citizens — Native and non-Native — are receiving greater respect.

Congress is now preparing for hearings on the commission's report, "[A Roadmap for Making Native America Safer](#)." The tragedy in Indian country will remain invisible only if the rest of us refuse to see it.

*Troy A. Eid is a former U.S. attorney for Colorado.*



Troy Eid, Indian Law and Order commissioner

## Troy Eid on Why Tribes Need Control Over Their Justice Systems

Rob Capriccioso

1/23/14

*Troy Eid, a former U.S. attorney for Colorado who's now a lawyer with Greenberg Traurig, was pretty surprised when he was asked by Democratic Senate Majority Leader Harry Reid in 2011 to serve on the Indian Law and Order Commission. Not because he didn't know these issues well, but because Eid is a Republican, he's not Native American, and he's never met Reid before. In fact, he had been asked to write a letter of recommendation for someone else to serve on the commission, and the next thing he knew, he was selected to join and then to chair the group. "I think it shows that these issues are not partisan issues," Eid says. "I didn't have to sacrifice any of my values or my philosophy to serve on this. That's the really encouraging part of this work. You can come together on some issues, look at the status quo and realize it's not acceptable, then work together to make it better."*

*Last November, the commission released a report, A Roadmap for Making Native America Safer, intended to spur federal, state and tribal action to address shortfalls in Indian safety and well-being. Eid shared his insights in a recent interview with Indian Country Today Media Network.*

**Explain how the commission and report came to be.**

The commission was created in 2010 by the passage of the Tribal Law and Order Act. There are nine of us who served without compensation who were appointed by the president, the majority, and the minority leadership in Congress. We had a very active and energetic group of people. The feedback we got when we submitted our report to Congress was very positive. Some there told us they expected it to be maybe 20 pages. It ended up being 324 pages. We benefitted from the low expectations of our era. [Laughs] In all seriousness, it's the most comprehensive report on this topic since the Meriam Report, and that was deliberately our goal. Not since 1928 had there been an attempt to really try to drill into this area. We also committed ourselves early on to not just kicking the can down the road. We felt very strongly that just framing the problem was not going to be very useful. That's why we have 40 substantive recommendations. We did not flinch from the hard issues.

**Out of those 40 recommendations, what would you say the priorities should be?**

While it's tempting to say all of the report is important, the juvenile justice part is new. Native American juvenile justice issues have not been the focus of a comprehensive federal report since 1938. The worst features of Indian country jurisprudence and criminal justice are magnified in the juvenile context. The current system is indefensible, so we really drilled into it in both Indian country and Public Law 280 states. It just really can't be sustained the way that it is. It's really fertile ground for legislation.

**Why is the juvenile justice for Native children worse than it is for other children?**

Juveniles who happen to be tribal citizens and who are alleged to have committed offenses on tribal lands end up automatically transferred into federal criminal jurisdiction under a 1938 law. The federal justice system lacks parole, drug courts, and diversion programs; it has never been designed to provide for the needs of juveniles. The sentences in the federal system are also about as twice as long for a Native American committing the same offense on Indian lands as opposed to anybody else off Indian lands. It's terrifying, and it's a historical legacy facing Indian young people. The whole concept of Indian citizens being under federal jurisdiction for local crimes is an anomaly. It's a legacy left over from the late-19th Century. It predates the entire concept of the Indian Reorganization Act, let alone the modern era of tribal sovereignty and self-determination. While so much of Indian country has been revisited in terms of federal law – often through the energetic efforts of tribal advocates – it has not happened on the criminal justice side. It's quite astonishing to me.

**Another unique part of the report focuses on Alaska Native justice issues.**

We didn't duck on Alaska. It's our second chapter of the report, and it's been front-page news in Alaska. From what we can tell, it's the first time that a national justice commission has focused on criminal justice issues for Alaska Natives. There have been various efforts in Alaska, but this is the first time that there has been a federal commission that looks at these issues there. And there are big issues. You've got domestic violence rates that are 10 times the U.S. national average, and you have a system that is so dysfunctional that you have only one women's shelter for all the Alaska Native villages—and there are no juvenile shelters. It's a system that just cries out for being revisited. It's definitely a national problem, not just an Alaska problem.

**What has made the justice situation so bad for Alaska Natives?**

The state of Alaska is based on a termination era justice system model. The Alaska Native Claims Settlement Act of 1971 was passed before U.S. termination policy was reversed under

President Richard Nixon. It institutionalized a latter-day allotment process. While there is a debate over how much Indian country is left in Alaska, the bottom line is that the state has taken an exceedingly narrow view of what Indian country exists there. We recommend that Congress clarify the law to expand the definition of Indian country in Alaska so that Alaska Native villages can ultimately have control over justice matters. The tribes need concurrent authority to be able to make their communities safe through their own laws, police and justice institutions.

**How can state officials there look at the crime data and go about the situation as if it is okay?**

It's hard to paint a monolithic view of the state's position, but the current administration of Gov. Sean Parnell (R) is focused on a very narrow definition of Indian country and has a strong concern against creating anything like the Indian reservation system in his state. We think they are on the wrong path, and what ought to happen is an environment that recognizes and supports local authority and control.

**This report also makes some strong recommendations regarding tribal jurisdiction.**

One of the statutory directives that we have is to try to clarify jurisdiction, and we really sought to do that. We propose that the United States moves to a system where, on the one hand, tribes can opt out entirely from federal jurisdiction and congressionally authorized state jurisdiction (Public Law 280 states). The tribes should be able to decide for themselves if and when they get out of that system. Except for laws that apply to every U.S. citizen, we propose that tribes be able to get out of the system if they so choose and not have to go through some certification process to do so. They have their own laws, their own institutions, and they figure out how to enforce them. It's a key recommendation. We also make sure we have a federal judicial appeal out of tribal court for any constitutional rights claims that come up. If someone has a federal constitutional claim, they out to be able to go to tribal court first and they should have to exhaust the remedies there. Then they would go into federal court on appeal.

**You haven't pulled any punches in saying that the federal government is to blame and deserves the blame for the Indian public safety epidemic in this country—were you nervous at all about stating that so plainly in the report?**

We felt it was important to make it clear that the basic system failure is that the federal government in different ways is saying that local people can't be trusted to make laws and be governed by them. This problem exists throughout our country, and it just has to end. It's not the basis that the rest of us in our communities off the reservation understand. We just need to understand that local people can govern themselves. It is possible to design a system that respects individual rights.

**You make strong arguments that so many Indian justice areas are ripe for reform—why are there not tons of people rushing to fix this?**

It's a great question. I don't know the real answer. Part of the answer is that the system is intimidating and complicated. Another factor is the lack of familiarity. Outside of a handful of people, there's just not a lot of awareness of this system. When I tell my friends and neighbors about what I'm doing and explain that Indian juveniles and adults are part of the federal criminal justice system, they are stunned, they don't understand. Very few Americans understand that the local justice system for Native Americans was taken away and never restored.

**When will it be restored?**

I'm not jaded about how long these things will take, and I'm very hopeful about the political landscape for these issues right now. In some cases, maybe it happens in five, 10 years. Maybe it takes 50 years. But we have to move in the right direction. We are talking about people's lives. I don't see how you have tribal sovereignty in the 21st Century for any length of time unless you have the ability to make and enforce your own laws.

ALASKA NATIVES AND AMERICAN LAWS, by David S. Case and David A. Voluck (3d ed. 2012).

## TROY A. EID\*

*Alaska Natives and American Laws*—“Case-Voluck,” for short—has been called the Alaskan equivalent of the late Felix Cohen’s *Handbook of Federal Indian Law* (“Cohen’s Handbook”), the Bible of the profession.<sup>1</sup> *Cohen’s Handbook*, a massive work first published in 1941 and revised in recent years by more than three dozen Indian law scholars, itself describes Case-Voluck as a “comprehensive treatise on Alaska Native legal issues.”<sup>2</sup> It is much more than that.

Far from being a mere legal reference guide or hornbook, *Alaska Natives and American Laws* is essential reading for anyone in business, government, or civic life who is interested in contemporary Alaska. The latest version of the book continues a remarkable journey that began in 1978 with the Alaska Native Foundation’s publication of an initial study entitled “The Special Relationship of Alaska Natives to the Federal Government.” With their third edition, David Case and David Voluck go well beyond summarizing and updating the latest statutes, regulations, and court decisions affecting Alaska Natives and their relationship with the federal government and the State of Alaska. The authors bring order and coherence to that uniquely Alaskan legal landscape that can be dauntingly complex, if not obscure, even to the most seasoned practitioners and policymakers.

The result is an encyclopedia of detailed legal analysis about the black-letter law concerning Alaska Natives, and appropriately so. It is

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\* The Honorable Troy A. Eid of Denver, Colorado (eidt@gtlaw.com) is the Chairman of the Indian Law and Order Commission. A former United States Attorney for the District of Colorado appointed by President George W. Bush, he was named to the Commission by U.S. Senate Majority Leader Harry Reid (D-NV) and unanimously elected Chairman by its members. Mr. Eid is also a Principal Shareholder at the international law firm of Greenberg Traurig LLP, where he co-chairs the American Indian Law Practice Group.

1. See, e.g., Steve Russell, Book Review, 23 WICAZO SA REV. 112, 114 (reviewing DALIA TSUK MITCHELL, ARCHITECT OF JUSTICE: FELIX S. COHEN AND THE FOUNDING OF AMERICAN LEGAL PLURALISM (2007)) (“One of the first things a person in my position discovers, even today, is ‘the Bible’: *Felix S. Cohen’s Handbook of Federal Indian Law*.”).

2. COHEN’S HANDBOOK OF FEDERAL INDIAN LAW § 4.07(3)(a) n.332 (Nell Jessup Newton ed., 2012) [hereinafter COHEN’S HANDBOOK].

also, however, a highly readable primer on the political relationship among the three sovereigns: federal, state, and tribal. The opening chapter is a shining example of the authors' ability to smoothly blend law and application. It provides a chronological overview of federal Indian law in the Lower 48 and Alaska, identifies and explains its core legal concepts, and applies those concepts to current issues and hot topics. It is a model of cogent and persuasive writing and analysis.

Beginning with that first chapter but continuing throughout the book, Case and Voluck take care to examine current trends that are likely to continue influencing the development of the law and public policy in years ahead. In the third edition, this includes the crucial but underappreciated role that Alaska Natives are playing in the United Nations and elsewhere to build legal foundations for the recognition of indigenous human rights under international law. It also includes high-profile litigation by various nongovernmental organizations related to global warming and other environmental issues.<sup>3</sup>

Though each of the book's ten chapters is comprehensive, the fifth chapter of Case-Voluck is nothing less than required reading for anyone seeking to decipher the Alaska Native Claims Settlement Act ("ANCSA").<sup>4</sup> The authors are in a class by themselves in explaining this complicated law in understandable terms. Enacted in 1971, ANCSA was amended by nearly every Congress for the next thirty-five years and was preceded, as the authors wryly note,

by more than one hundred years of at least theoretical uncertainty about the legal status of the Indigenous Peoples of what is now the state of Alaska. The uncertainty was the product of vacillating judicial decisions, ineffective implementation of federal policies, and entrenched political opposition among Alaska's territorial and state leaders to the ideas of aboriginal title and tribal status.<sup>5</sup>

In exchange for extinguishing Alaska Natives' claims to more than three hundred and fifty million acres of land, ANCSA established an

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3. See, e.g., *Native Vill. of Kivalina v. ExxonMobil Corp.*, 696 F.3d 849 (9th Cir. 2012). The Native Village of Kivalina and City of Kivalina alleged that "fossil fuel emissions by various energy-related multi-national companies had resulted in global warming, severely eroding the land where the City of Kivalina sits and threatening it with imminent destruction." *Id.* at 853. Kivalina unsuccessfully sought damages under a federal common law claim of public nuisance. *Id.* at 854. The Ninth Circuit ruled that the Clean Air Act and the EPA action the Act authorizes displaced Kivalina's tort claims. *Id.* at 866.

4. 43 U.S.C. §§ 1601-1629h (2012).

5. DAVID S. CASE & DAVID A. VOLUCK, *ALASKA NATIVES AND AMERICAN LAWS* 165 (3d ed. 1978).

experimental corporate governance model of sometimes dizzying complexity. The basic idea was to forgo the Lower 48 approach, symbolized by the Indian reservation system, whereby existing Native American tribal governments were vested with assets reserved after the extinguishment of aboriginal land claims. Instead, many, but not all, Alaska Natives were permitted to become individual shareholders in regional and village corporations. Case and Voluck patiently trace ANCSA's sometimes convoluted history and shifting goals, concentrating on the underlying battle for control of Alaska's lands and natural resources.

Readers might be forgiven for concluding that if ever there was a federal statute that could be used to justify almost anything that has happened in modern Alaska, depending on the given timeframe and the political agenda of the person or interest group involved, ANCSA is it. Over the years, ANCSA has been alternatively cited for preserving or abrogating tribal sovereignty, for economically empowering or subjugating Alaska Native communities and people, and for postponing or accelerating the subsistence food crisis in rural Alaska. When it comes to separating ANCSA fact from myth or misconception, Case and Voluck really shine. Other well written but less detailed expositions of ANCSA, such as that found in *Cohen's Handbook*, merely attest to the value of what Case and Voluck have accomplished here in demystifying the statute.

Like the other chapters, Chapter Five proceeds methodically. After carefully deconstructing the framework of the corporate structure established by the Act, the authors make some general observations about what ANCSA does and does not do. They then catalogue many of the costs and benefits that have come from converting communal tribal land claims to individual private property. ANCSA's history, purpose, and goals are addressed, but so is its current reality—along with the separate statutes and court decisions it has spawned.

For example, ANCSA does not "expressly protect" subsistence within its text.<sup>6</sup> According to Case and Voluck, the Act is more nuanced:

Although ANCSA extinguished Alaska Native hunting and fishing rights, its legislative history confirms that Congress also intended that the lands conveyed under the act as well as state and federal policies were to be used to promote and maintain

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6. ALASKA FED'N OF NATIVES, 2008 FEDERAL PRIORITIES: PROTECTION OF SUBSISTENCE HUNTING, FISHING AND GATHERING IN ALASKA 1 (2008), available at <http://www.nativefederation.org/wp-content/uploads/2012/10/2008-subsistence-report.pdf>.

Alaska Native subsistence values.<sup>7</sup>

The book goes on to analyze why this is so. It also examines how ANCSA set the stage for Congress' later enactment of the Alaska National Interest Lands Conservation Act ("ANILCA").<sup>8</sup> Passed in 1980, ANILCA established subsistence preferences for "rural Alaska residents," as opposed to just Alaska Natives, and was intended to transfer administration of subsistence preferences on federal lands to the state government.<sup>9</sup>

Less than a decade later, when the Alaska Supreme Court held in *McDowell v. State of Alaska*<sup>10</sup> that the preference system violated Alaska's Constitution, the federal government was compelled to administer those preferences.<sup>11</sup> This has sparked seemingly endless conflict between state and tribal authorities over fishing and hunting on lands controlled by Alaska Native corporations or tribal governments.<sup>12</sup>

The previous edition of Case-Voluck, including its insightful and spirited treatment of subsistence issues, was particularly helpful to the Indian Law and Order Commission. The Commission is the national advisory board to President Obama and Congress, and was established by the Tribal Law and Order Act of 2010. The author of this book review currently serves as chair of this Commission, which was privileged to make four official visits to Alaska during the past year. The Commission's nine volunteer members were all appointed by the President or Congressional leadership, and the nonpartisan group includes both Democrats and Republicans. While meeting in all parts of the state with tribal, state, and federal officials and rural and urban Alaskans alike, the Commission was struck by the frequent connection between subsistence issues—access to fishing, hunting, and other wild, renewable resources—and public safety issues. The Commission observed that in many parts of the state, the traditional subsistence lifestyle of Alaska Natives is being squeezed to the breaking point.

For example, this past year, Alaska Native fisherman living along

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7. CASE & VOLUCK, *supra* note 5, at 46.

8. 16 U.S.C. §§ 3101–3233 (2012).

9. § 3113.

10. 785 P.2d 1 (Alaska 1989).

11. *Id.* at 12.

12. On November 4, 2013, for example, the State of Alaska filed a petition for certiorari with the United States Supreme Court in *Alaska v. Jewell*. Petition for a Writ of Certiorari, *Alaska v. Jewell*, No. 13-562 (U.S. Nov. 4, 2013). The State challenges the Ninth Circuit's prior decision that—as a consequence of the Alaska National Interest Lands Conservation Act and its implementing regulations—the United States government has jurisdiction, given the scope of its federal reserved water rights in Alaska, to regulate and fishing and hunting along waterways constituting more than one-half the entire state. *Id.* at \*3.

the Yukon River were ordered to do without when their staple, the king salmon, did not run as in many years past due to a perfect storm: commercial overfishing; declining fish populations; and a legal and public policy baseline in Alaska—detailed in *Alaska Natives and American Laws*—that treats Native fishing rights no differently than tourism. Citizens of Alaska Native villages that already must pay the highest gasoline prices in the nation and ten dollars or more for a quart of milk also face unprecedented threats to their traditional culture and way of life.<sup>13</sup>

In Chapter Eight, which deals with subsistence issues, the authors delve into the Alaska Supreme Court's *McDowell* opinion, which invalidated the state statutory subsistence preference for rural residency that was enacted to comply with ANILCA.<sup>14</sup> Case and Voluck start with the case's legal implications, but quickly move to the resulting politics that have played out in the field. In their description of a Fish and Game Department that "is dominated by non-Native urban, sport, and commercial hunting and fishing interests," which "make wildlife management policies in splendid isolation from the rural (predominately Native) populations," the authors' frustration over the status quo is palpable.<sup>15</sup> Such language may strike some readers as too emotive, or perhaps a little flip. There is no question that here, as throughout the book, Case and Voluck seem exasperated as they attempt to make sense of these vexing public policy issues. The authors' tone is occasionally distracting, yet their peerless ability to clarify a seemingly impenetrable subject matter makes for rewarding reading.

Case-Voluck differs from a treatise such as *Cohen's Handbook* in a more general respect, as well: some aspect of tribal sovereignty and self-determination is explored in every chapter of the book. Case and Voluck devote the entire closing chapter to examining the scope of tribal sovereignty, especially since the enactment of ANCSA. This chapter traces the historical roots of Alaska Native tribal sovereignty, formulates some general propositions about how ANCSA did and did not substantively affect tribes' retained governmental powers, and painstakingly breaks down what a tribe's inherent powers of self-government actually mean in practice. For instance, the chapter discusses when and how a tribal governing council can waive its tribe's sovereign immunity, and which matters fall within tribal jurisdiction for

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13. Robert Brodsky, *Alaska Native Corporations Defend Their Programs*, Gov't EXEC. (Mar. 17, 2009), <http://www.govexec.com/oversight/2009/03/alaska-native-corporations-defend-their-programs/28768>.

14. *McDowell*, 785 P.2d at 1.

15. CASE & VOLUCK, *supra* note 5, at 294.

regulatory and adjudicative purposes.<sup>16</sup>

By book's end, the reader is left with the inescapable conclusion that tribal sovereignty lives on in Alaska, and is likely to become even more important in the future as many villages boost their capabilities for self-government and service delivery. This is the case even notwithstanding the aboriginal land claims extinguished by ANCSA, including as narrowed by the United States Supreme Court in *Alaska v. Native Village of Venetie*.<sup>17</sup> The authors provide an especially useful service by putting into perspective that 1998 decision, which is often miscited for the sweeping but inaccurate conclusion that there is little or no federal "Indian country" in Alaska (apart from the Metlakatla Reservation) on which Alaska Native tribes may assert concurrent criminal jurisdiction.<sup>18</sup> Case and Voluck note, for instance, that *Venetie* does not hold that there is no Indian country in Alaska, but rather, that any designated Indian country would have to be in the form of an allotment or other trust or restricted land that is "set aside under federal superintendence."<sup>19</sup>

This leads to a complaint, or rather, more of a suggestion: given all this understandable emphasis on tribal sovereignty and self-determination, it is striking that *Alaska Natives and American Laws* devotes comparatively much less attention to criminal justice or public safety issues. Readers certainly deserve (and probably expect) a more detailed explication of how Alaska Native communities protect their citizens and enforce their own laws. The Commission's report to Congress and the President concludes that Alaska Native communities are frequently denied even the most basic tools to protect themselves and, to borrow an iconic Supreme Court phrase about tribal governments, are also denied the right "[t]o make their own laws and be governed by them."<sup>20</sup> Rather than rely on self-governing tribal nations as the backbone of local justice, supplementing it with essential state services to encourage accountability and transparency, there is a pronounced tendency in Alaska to do precisely the opposite. A relatively small cadre of state and federal officials is typically charged

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16. *Id.* at 373–443.

17. 522 U.S. 520 (1998) (holding that land transferred under ANCSA is not "Indian country").

18. See INDIAN LAW & ORDER COMM'N, A ROADMAP FOR MAKING NATIVE AMERICA SAFER 44–45 (2013) [hereinafter ROADMAP] (acknowledging and rejecting the State of Alaska's position that because of ANCSA and *Venetie*, there is very little Indian country in Alaska as defined by the Federal Indian Country Act, 18 U.S.C. § 1151 (2012)).

19. CASE & VOLUCK, *supra* note 5, at 399 (internal quotation marks omitted).

20. Williams v. Lee, 358 U.S. 217 (1959).

with serving vast geographical areas. The dedicated but thinly staffed Alaska State Patrol ("ASP") unit operating out of Fairbanks, for instance, provides service to an area the size of Texas. At field hearings and site visits, the Commission also found that Alaska Native tribal courts are often marginalized or simply ignored by state officials.<sup>21</sup>

Providing law and order from afar tends to exacerbate the public safety crisis affecting many villages. Communities hundreds of miles from the nearest graded dirt road must depend on the ASP and the Alaska State Courts. The ASP has created a program of unarmed Village Public Safety Officers ("VPSOs") who, if a village so requests, can reside locally and assist with law enforcement, firefighting, and emergency response. But by design, these VPSOs, who are paid by Alaska Native Corporations but report to the State Patrol, are not accountable directly to Native Alaska communities. Though they can make arrests and briefly detain suspects, VPSOs are not authorized to carry firearms because they are not, by deliberate design of state law, qualified to act as state-certified peace officers, cops, or criminal investigators. As the Indian Law and Order Commission concludes in its November 2013 report:

Funding is available for just over 100 VPSOs, although only 88 positions serving 74 communities were filled in 2011. Local Alaska Native Corporations hire VPSOs and villages have input into their selection; but, the officers actually work under Alaska State Trooper oversight. VPSO presence helps improve the coverage ratio, but technically their role is restricted to basic law enforcement and emergency first response. They do not carry firearms, although most offenders in rural villages do, a fact tragically emphasized through the death of VPSO Thomas Madole in March 2013.<sup>22</sup>

Most disturbing of all are the victims of violent crime, often women

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21. For example, Alaska Attorney General Michael Geraghty recently gained headlines by intervening in a child custody dispute on behalf of Edward Parks. Parks was convicted by a state court of the kidnapping and aggravated assault of his girlfriend, the mother of his minor child and a member of the Village of Minto west of Fairbanks. Parks beat the victim so badly that he broke three of her ribs and collapsed one lung, then denied her medical care for two days. Attorney General Geraghty, while decrying Park's criminal behavior, explained that intervening against the tribal court's order declaring Parks to be an unfit parent was important because "[w]e're supporting his due process rights as we would any other Alaskan." Richard Mauer, *In Challenging Tribal Court, State Backs Man Convicted of Beating His Wife*, ANCHORAGE DAILY NEWS (Aug. 25, 2013), <http://www.adn.com/2013/08/25/3042290/in-challenging-tribal-court-state.html>.

22. ROADMAP, *supra* note 18, at 39.

and young people. Alaska Native women are overrepresented in the state's total domestic violence victim population "by some 250 percent; they are 19 percent of the population but 47 percent of reported rape victims."<sup>23</sup> On average, an Alaska Native female "[becomes] a victim of reported sexual assault or of child sexual abuse every 29.8 hours, as compared to once every 46.6 hours for non-Native females."<sup>24</sup> In Alaska Native villages, women report rates of domestic violence up to "10 times higher than in the rest of the United States and physical assault victimization rates up to 12 times higher."<sup>25</sup> Some of these victims approached the Commission with vivid accounts of the fundamental breakdown of justice systems in many Alaska Native communities. As one younger woman put it, "[e]very woman you've met today has been raped. All of us. I know they won't believe that in the lower 48, and the State will deny it, but it's true. We all know each other and we live here. We know what's happened."<sup>26</sup>

In the next edition of their book, Case and Voluck would do well to engage in a focused discussion of criminal justice and public safety issues in Alaska, and to place those issues within the larger context of tribal sovereignty and self-determination. Now, as with editions past, there is still much more work to be done. Notwithstanding this omission, and loosely paraphrasing Voltaire, if *Alaska Natives and American Laws* had not existed, it would have been necessary for someone to invent it; maybe even three dozen or so Indian law scholars, as with *Cohen's Handbook*. Happily for the rest of us, just two distinguished experts—David Case and David Voluck—have rendered this invaluable national public service.

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23. ROADMAP, *supra* note 18, at 41.

24. *Id.*

25. *Id.*

26. *Id.* at 56 (quoting a tribal citizen who asked that her name remain confidential).



## CHAPTER TWO

# REFORMING JUSTICE FOR ALASKA NATIVES: THE TIME IS NOW

Section 205 of the Tribal Law and Order Act of 2010 (TLOA) states, “*Nothing in this Act limits, alters, expands, or diminishes the civil or criminal jurisdiction of the State of Alaska, any subdivision of the State of Alaska, or any Indian tribe in that State.*” Yet, the Indian Law and Order Commission’s opinion is that problems in Alaska are so severe and the number of Alaska Native communities affected so large, that continuing to exempt the State from national policy change is wrong. It sets Alaska apart from the progress that has become possible in the rest of Indian country. The public safety issues in Alaska—and the law and policy at the root of those problems—beg to be addressed. These are no longer just Alaska’s issues. They are national issues.

The most recent example of harmful Alaska exceptions in Federal law and policy came with the March 7, 2013 enactment of the Violence Against Women Reauthorization Act of 2013 (VAWA Amendments). Title IX (“Safety for Indian Women”), Section 910, contains a rule that limits the Act’s “Special Domestic Violence Criminal Jurisdiction” to just 1 of the 229 federally recognized tribes in Alaska. Given that domestic violence and sexual assault may be a more severe public safety problem in Alaska Native communities than in any other Tribal communities in the United States, this provision adds insult to injury. In the view of the Commission, it is unconscionable.

Every woman you've met today has been raped. All of us. I know they won't believe that in the lower 48, and the State will deny it, but it's true. We all know each other and we live here. We know what's happened. Please tell Congress and President Obama before it's too late.

*Tribal citizen (name withheld)*

*Statement provided during an Indian Law and Order Commission site visit to Galena, AK  
October 18, 2012*

The strongly centralized law enforcement and justice systems of the State of Alaska are of critical concern to the Indian Law and Order Commission. They do not serve local and Native communities adequately, if at all. The Commission believes that devolving authority to Alaska Native communities is essential for addressing local crime. Their governments are best positioned to effectively arrest, prosecute, and punish, and they should have the authority to do so—or to work out voluntary agreements with each other, and with local governments and the State on mutually beneficial terms.

While it is not within the scope of the Commission's work to address needed reforms within Alaska's State government, matters relating to the public safety of the Alaska Native communities are. The Commission's study of Alaska and its recommendations to Congress and the President are focused on what can and should be done to restore and enhance authority to local Native communities.

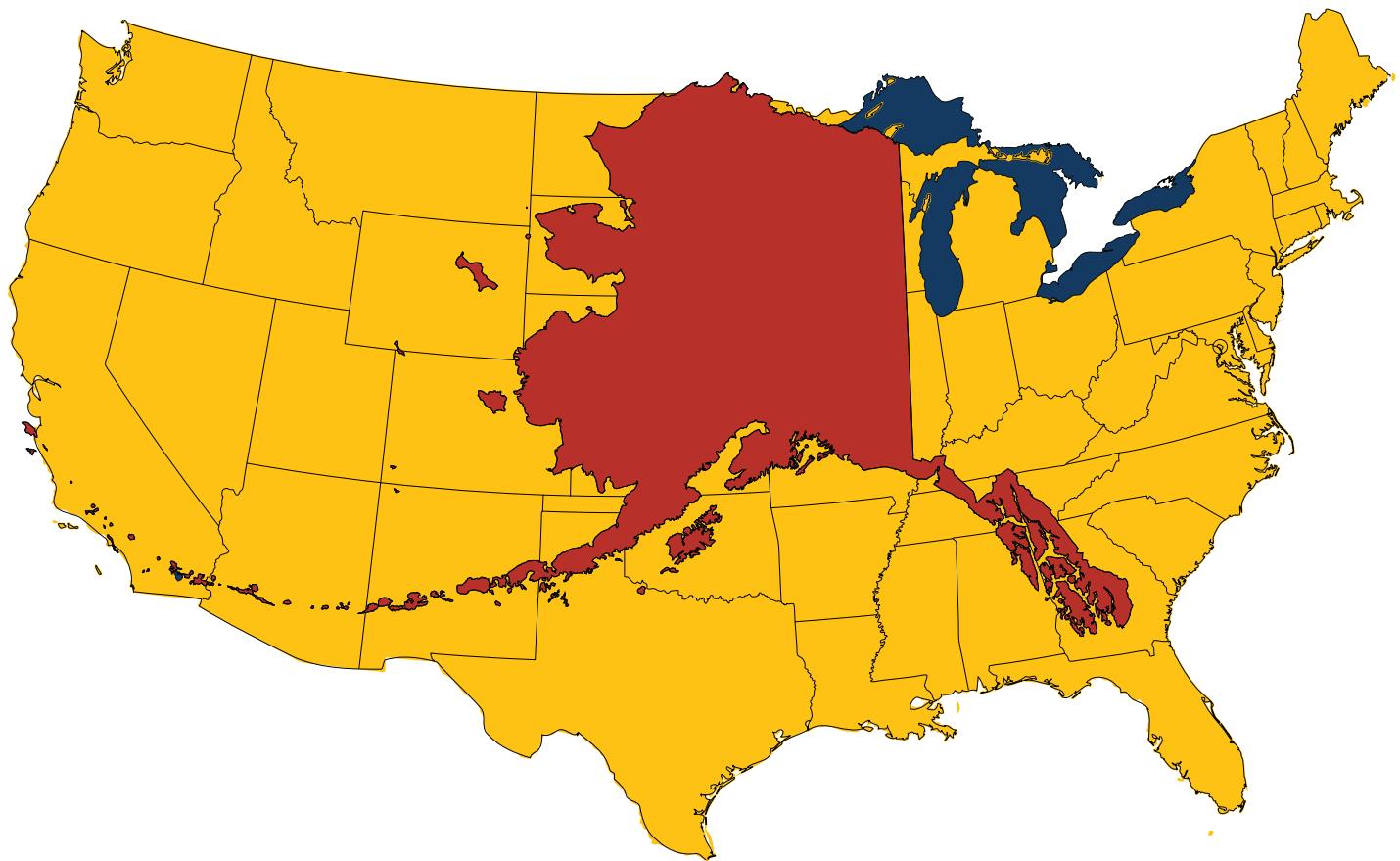
## FINDINGS AND CONCLUSIONS

*Centralized administration falls short of local needs.* Forty percent (229 of 566) of the federally recognized Tribes in the United States are in Alaska, and Alaska Natives represent one-fifth of the total State population.<sup>1</sup> Yet, these simple statements cannot capture the vastness or the Nativeness of Alaska. The State covers 586,412 square miles, an area greater than the next three largest states combined (Texas, California, and Montana).<sup>2</sup> There are only 1.26 inhabitants per square mile—as compared to 5.85 for Wyoming, which is the next least populous state.<sup>3</sup> (See map.)

Many of the 229 federally recognized tribes are villages located off the road system and “more closely resemble villages in developing countries” than small towns in the lower 48.<sup>4</sup> Frequently, Native villages are accessible only by plane, or during the winter when rivers are frozen, by snow-machine. Food, gasoline, and other necessities are expensive and often in short supply. Subsistence hunting, fishing, and gathering (caribou, moose, reindeer, beluga whale, seal, salmon, halibut, berries, greens, etc.) are a part of everyday life. While Alaska Natives constitute a majority of the rural population, each community is nonetheless quite small; typical populations are in the range of 250-300 residents, many of whom share family or clan affiliations.<sup>5</sup> Villages are politically independent from one another and have institutions that support that local autonomy—village councils and village Corporations.<sup>6</sup> Historically, each village has managed its own local affairs, including issues of justice, and many are seeking ways to do so again. These conditions pose significant challenges to the effective provision of public safety for Alaska Natives.

*Justice efforts, however, are often hampered.*<sup>7</sup> Problems with safety in Tribal communities are severe across the United States—but they are systematically the worst in Alaska. This is evident in an array of data concerning available services, crime, and community distress.

### Alaska's True Proportion to the Continental United States



**Table 2.1 Law Enforcement Personnel Serving Native Communities in Alaska**

	DUTIES	TRAINING	LOCATION	FUNDED FORCE* (2011-12)	GUN?
<b>State Troopers</b>	Enforce all criminal laws Investigate crimes Assist other LE agencies Transport offenders Provide court security	15 weeks Accredited	Urban and rural posts across the state	373	Yes
<b>Village Public Safety Officers (VPSOs)</b>	Search and rescue Fire protection Emergency medical assistance Crime prevention Basic law enforcement	10 weeks	Rural villages	101	No
<b>Village Police Officers (VPOs)</b>	Basic law enforcement	2 weeks	Rural villages and tribes	104	Yes
<b>Tribal Police Officers (TPOs)</b>					

\*Some positions may not be filled

Sources: (1) Division of Alaska State Troopers main website, Alaska Department of Public Safety, <http://www.dps.state.ak.us/ast/>; (2) Village Public Safety Officer Program website, Alaska Department of Public Safety, <http://www.dps.state.ak.us/ast/vpso/>; (3) *Legislative Hearing on S. 1192, Alaska Safe Families and Villages Act of 2011 and S. 1763 Stand Against Violence and Empower Native Women Act Before S. Comm. on Indian Affairs*, 112th Cong. 54 (Written Testimony of Joseph Masters, Commissioner, Alaska Department of Public Safety) (2013), available at <http://www.indian.senate.gov/hearings/loader.cfm?csModule=security/getfile&pageid=9515>

Our Tribe needs the State to recognize and respect our Tribal courts. We don't get much justice in Fairbanks.

*Curtis Summer, Vice Chairman, Tanana Village  
Testimony before the Indian Law and Order Commission, Meeting in Tanana Village, AK  
October 29, 2012*

Alcohol is probably 95 percent of our problem, but the State says we have no Tribal authority to fight bootlegging locally when they're hundreds of miles away—and only by airplane much of the year. The State and the Feds won't step up to prevent alcohol and drugs from flowing in here from Anchorage and Fairbanks. We're on our own, except they [the State] won't respect or enforce what we do.

*Dave Richards, City Manager, Fort Yukon, AK  
Testimony before the Indian Law and Order Commission, Meeting in Fort Yukon, AK  
October 30, 2012*

Most Alaska Native communities lack regular access to police, courts, and related services:

- Alaska Department of Public Safety (ADPS) officers have primary responsibility for law enforcement in rural Alaska, but ADPS provides for only 1.0–1.4 field officers per million acres.<sup>8</sup> Since ADPS's 370 officers cannot serve on a 24/7 basis, the actual ratio of officers to territory is much lower. According to ADPS, troopers' efforts "are often hampered by delayed notification, long response distance, and the uncertainties of weather and transportation."<sup>9</sup>
- Funding is available for just over 100 Village Public Safety Officers (VPSOs), although only 88 positions serving 74 communities were filled in 2011. Local Alaska Native Corporations hire VPSOs and villages have input into their selection; but, the officers actually work under Alaska State Trooper oversight. VPSO presence helps improve the coverage ratio, but technically their role is restricted to basic law enforcement and emergency first response. They do not carry firearms, although most offenders in rural villages do, a fact tragically emphasized through the death of VPSO Thomas Madole in March 2013.<sup>10</sup>
- 104 more officers serve 52 communities as Village or Tribal Police Officers, and both the Bristol Bay and North Slope Boroughs have borough-wide police departments. These officers do carry firearms, but the positions exist only in those communities with the economic resources to support them.<sup>11</sup>
- At least 75 communities in Alaska lack any law enforcement presence at all.<sup>12</sup>
- Each of the four judicial districts in the Alaska court system serves rural Alaska, but the district courts frequently delegate responsibility to magistrates to serve low population, remote communities. Magistrates serving rural circuits visit individual communities regularly, but infrequently. Yet, often they are the sole face of the State court in Native villages.<sup>13</sup>
- By Federal law, Alaska Native Tribes may establish Tribal courts. As of 2012, 78 Tribes in Alaska had done so; 17 more Tribes were in the process of court development.<sup>14</sup> However, funding constraints and narrow jurisdiction limit Alaska Tribal courts' efforts. Not all Alaska Tribal courts are fulltime or even operated with paid staff. These courts typically address only child welfare cases, customary adoptions, public drunkenness, disorderly conduct, and minor juvenile offenses.<sup>15</sup>

[Alaska Natives experience the] highest rates of family violence, the highest rates of suicide, and the highest rates of alcohol abuse anywhere in the nation and, unfortunately, at the top of the list in Indian country in the United States. And those challenges...are exacerbated, in part, because of the enormous geographical size of Alaska, the remoteness of these communities, the skyrocketing costs of transportation, the lack of any economic opportunity, and the enormous gaps in the delivery of any form of government service, particularly from the State of Alaska.

*Mayor Bruce Botelho, Commissioner, Alaska Rural Justice and Law Enforcement Commission  
Testimony before the Indian Law and Order Commission, Hearing at Tulalip Indian Reservation  
September 7, 2011*

- The Emmonak Women's Shelter, which closed for several weeks in 2012 for lack of resources, is “one of two facilities dedicated to domestic violence protection in the State. It is also the only facility located in a Native American community.”<sup>16</sup> It is located “in a region in which there are few police officers, no transitional housing for women, and limited options for women seeking to escape.”<sup>17</sup>
- Alaska funds only 16 juvenile probation offices across all of Alaska; on average, each office’s service area is the size of Tennessee.<sup>18</sup>
- Of the 76 substance abuse treatment and/or mental health treatment centers in the State, most are in southern and southeastern Alaska, with approximately one-third in Anchorage alone; for residents of southwestern, central, and northern Alaska, help is typically provided a very long way from home.<sup>19</sup>

Alaska Natives are disproportionately affected by crime, and these effects are felt most strongly in Native communities:

- Based on their proportion of the overall State population, Alaska Native women are over-represented in the domestic violence victim population by 250 percent; they comprise 19 percent of the population, but 47 percent of reported rape victims.<sup>20</sup>
- On average, in 2003-2004 an Alaska Native female became a victim of reported sexual assault or of child sexual abuse every 29.8 hours, as compared to once every 46.6 hours for non-Native females. Victimization rates, which take account of underlying population proportions, are even more dissimilar: the rate of sexual violence victimization among Alaska Native women was at least seven times the non-Native rate.<sup>21</sup>
- In Tribal villages and Native communities (excluding the urban Native population), problems are even more severe. Women have reported rates of domestic violence up to 10 times higher than in the rest of the United States and physical assault victimization rates up to 12 times higher.<sup>22</sup>
- During the period 2004-2007, Alaska Natives were 2.5 times more likely to die by homicide than Alaskans who reported “White” as their race and 2.9 times more likely to die by homicide than all Whites in the United States.<sup>23</sup>
- Alaska Natives’ representation in the Alaska prison and jail population is twice their representation in the general population (36 percent versus 19 percent).<sup>24</sup> Nearly 20 percent of the Alaska Natives under supervision by the Alaska State Department of Corrections are housed out of State, nearly all at Hudson Correctional Facility in New York State—4,419 road miles from Anchorage.<sup>25</sup>

*“It nonetheless bears repeating that the Commission’s findings and conclusions represent the unanimous view of nine independent citizens, Republicans and Democrats alike: It is the Commission’s considered finding that Alaska’s approach to criminal justice issues is fundamentally on the wrong track.”*

- In Fairbanks, the city that serves a large rural and Tribal village population, Alaska Native youth who come into contact with the juvenile justice system are four times more likely than non-Natives to be referred to juvenile court and three times more likely to be sentenced to confinement.<sup>26</sup>

Social distress, which can be a cause of crime or other threats to public safety, is also high among Alaska Natives and in Alaska's Tribal communities:

- The suicide rate among Alaska Natives is almost four times the U.S. general population rate, and is at least six times the national average in some parts of the State.<sup>27</sup>
- In 2011, over 50 percent of the 4,499 reports of maltreatment substantiated by Alaska's child protective services and over 60 percent of the 769 children removed from their homes were Alaska Native children.<sup>28</sup>
- More than 95 percent of all crimes committed in rural Alaska can be attributed to alcohol.<sup>29</sup>
- The alcohol abuse-related mortality rate was 38.7 per 100,000 for Alaska Natives over the period 2004–2008, 16.1 times higher than rate for the U.S. White population over the same period.<sup>30</sup>

*Origins and further impacts.* Why do these grave crime and safety issues persist in Alaska's tribal communities? Responsibility, it appears, lies primarily with the State's justice system.

In Alaska's criminal justice system, State authority is privileged: the State has asserted exclusive criminal jurisdiction over all lands once controlled by Tribes, and it exercises this jurisdiction through the provision of law enforcement and judicial services from a set of regional locations, under the direction and control of the relevant State commissioners. This approach has led to a dramatic under-provision of criminal justice services in rural and Native regions of the State. It also has limited collaboration with local governments (Alaska Native or not), which could be the State's most valuable partners in crime prevention and the restoration of public safety.

It is not the Commission's intent in any way to criticize the many dedicated and accomplished State officials who serve Native communities day in and day out. They deserve the nation's respect, and they have the Commission's.

Yet, control and accountability directed by local Tribes is critical for improving public safety. It brings to the table place-specific knowledge of what may work best to prevent crime and social disorder. It prioritizes the

use of scarce criminal justice resources according to community needs. It creates possibilities for intervention before disagreements or stressful situations become violent. It makes it easier for law enforcement officials to respond to crime, creates better access to the institutions of justice for victims and witnesses, and allows for trials by jury of a defendant's peers.

Through these improved means of responding to problems, de-escalating conflict, and providing justice, local control may even decrease demand for certain criminal justice services and related social services.<sup>51</sup> By contrast, Alaska's criminal justice system can only weakly respond to crime, do little to prevent it, and ultimately, perpetuates public safety concerns.

The Commission appreciates the State of Alaska's support of the Commission's visits to the State during the course of performing its statutory duties, including, but not limited to the cooperation that Attorney General Michael Geraghty and the Alaska State Troopers repeatedly extended. Similarly, we are grateful for the senior Federal leaders who did not hesitate to enable the Commission's work or engage individual Commissioners on these important matters. Where this report differs on interpretation of law, legal issues, and policies, we want to make clear that it is not for a lack of dialogue or a willingness to engage in robust discussion and debates. (See Appendix F for letters from Attorney General Geraghty and Donald Mitchell, Esq.)

It nonetheless bears repeating that the Commission's findings and conclusions represent the unanimous view of nine independent citizens, Republicans and Democrats alike: It is the Commission's considered finding that Alaska's approach to criminal justice issues is fundamentally on the wrong track. The status quo in Alaska tends to marginalize and frequently ignores the potential of tribally based justice systems, intertribal institutions, and organizations to provide more cost-effective and responsive alternatives to prevent crime and keep all Alaskans safer. If given an opportunity to work, Tribal approaches can be reasonably expected to make all Alaskans safer—and at less cost.

The Alaska State Attorney General has reviewed the distinct history of Tribal-territorial and Tribal-State relationships regarding land occupancy, ownership, and jurisdiction for the benefit of the Indian Law and Order Commission (Appendix F). The Commission understands that from the State's perspective, Alaska's criminal justice system is rooted in U.S. statutory and case law. The Attorney General's review notes that given the U.S. Supreme Court's interpretation of the Alaska Native Claims Settlement Act of 1971 (ANCSA) in *Alaska v. Native Village of Venetie Tribal Government*,<sup>52</sup> there is very little Indian country in Alaska (as defined by the Indian Country Act, 18 U.S.C. § 1151).

The Alaska Attorney General's review also emphasizes that Alaska is subject to P.L. 83-280, which assigns certain aspects of Federal jurisdiction

over Indian country to the State government.<sup>55</sup> The Attorney General takes the position that its law enforcement authority is exclusive throughout the State, maintaining that Tribes do not have a land base on which to exercise any inherent criminal jurisdiction.

In the Commission's view, each of the Attorney General's arguments is incomplete and unconvincing.

- The U.S. Supreme Court's decision in *Alaska v. Native Village of Venetie Tribal Government* addressed fee land, not Alaska Native town site land or Alaska Native allotments, and a number of strong arguments can be made that this land may be taken into trust and treated as Indian country. Recently, for example, after exhaustively reviewing all the statutory authorities, a Federal court has decided that the Secretary of Interior does have authority to take land into trust in Alaska for Alaska Native communities.<sup>54</sup>
- The State of Alaska rests its argument for exclusive criminal law jurisdiction on P.L. 83-280. Yet, courts within and outside Alaska have unanimously affirmed that P.L. 83-280 left concurrent State and inherent Tribal jurisdiction intact within Indian country. The State cannot simultaneously assert that, outside the Metlakatla Reservation, there is no Indian country in Alaska and that P.L. 83-280 prevails.
- Evidence in Alaska suggests that Tribes do have a land base on which to exercise criminal jurisdiction. At least some Alaska municipalities already are entering into agreements with Native villages that acknowledge the exclusive operation of Native law and law enforcement within overlapping municipal and village boundaries. One such example is the agreement between Alaskan city of Quinhagak and the Native Village of Kwinhagak.<sup>55</sup>

Without doubt, the Commission understands that the structure of Alaska's criminal justice system is consistent with the overall organization of Alaska State government, which is more centralized than any other U.S. state's.<sup>56</sup> In Alaska, most State programs and functions operate from a designated hub or hubs, and less attention is paid in Alaska than in other States to developing local capacity. Given this orientation, when Federal policy augmented State authority to include authority over Alaska Native lands, the State reflexively absorbed and centralized that authority.

But understanding the history of Alaska's system does not imply that it should continue, especially as its population keeps growing. The serious and ongoing crime and disorder problems in rural and Native regions of the State are evidence that the system is deeply flawed and that it has failed. From the standpoint of public safety, to leave the system unchanged makes the State of Alaska's continued assertion of exclusive jurisdiction seem not only unwise, but also incautious. It also is indefensibly expensive

to all Alaskans in terms of the human and economic toll it is taking on this and future generations of Alaskans.

The VPSO and VAWA Amendment exclusions are two specific examples of way the organization and orientation of the State's criminal justice system fail to prevent crime and imperil public safety

- **The Village Public Safety Officer position.** The VPSO position is emblematic of the deficiencies in Alaska's criminal justice system for Tribal communities. These quasi-law enforcement field officers are paid by Alaska Native Corporations, but report to the Alaska State Patrol, and are not accountable directly to Alaska Native communities. They perform numerous nonpolicing functions, have limited training, and cannot carry firearms—despite the great volatility of many situations they encounter. There is no reason for Alaska to use this model other than cost savings. VPSOs themselves can be exceptional officers, but the plans to expand the VPSO system do not translate into the scale of public safety enhancements that are necessary.
- **The harms in the VAWA Amendments exclusion.** Title IX, Section 901 of the Violence Against Women Reauthorization Act of 2013 includes a special rule limiting the Special Domestic Violence Criminal Jurisdiction in the Act to the Metlakatla Indian Community, leaving 228 other Tribes in Alaska without its benefit. The VAWA Amendments provisions allow Tribal courts to exercise this jurisdiction even against non-Natives under certain circumstances, and in several respects may apply in the absence of Indian country (for example, when the victim is a spouse, intimate partner, or dating partner of a member of the participating Tribe). The civil provisions allowing for protective orders also are not tied to the requirement of "Indian country." Exempting all but one of Alaska's Tribes from this legislation deprives them—and the State overall—of an essential tool in the fight against domestic violence and sexual assault.

Furthermore, crime and safety problems are only one the system's many negative consequences:

- Alaska's approach to providing criminal justice services is unfair. Alaska Natives, especially those living in rural areas of the State, have not had access to the level and quality of public safety services available to other State residents or that they should rightly expect as U.S. citizens. Given the higher rates of crime that prevail in Alaska Native communities, the inequities are even greater in relative terms. The State of Alaska's overarching lack of respect for Tribal authority further magnifies fairness concerns.

- Alaska's approach creates and reinforces discriminatory attitudes about Alaska Natives and the governing capacities of Alaska Native Tribes. As long as the system that helped create the problems is allowed to persist, the general public will be tempted to assume that the fault lies with the victims—when instead, Alaska Natives and Alaska Native Tribal governments have had relatively little say in the way crime and justice are addressed in their communities.
- Alaska's approach puts the State out of step with the rest of the United States and with international norms. As the State Attorney General's letter demonstrates, Alaska steadfastly relies on ANCSA as the basis of its interactions with Tribes. But placed in context, ANCSA was the last gasp of Federal "Termination Policy," which focused on ending government-to-government relationships with Native nations. A mere 4 years later, Congress passed the Indian Self-Determination and Education Assistance Act of 1975 (P.L. 93-638), and Federal policy moved strongly in the direction of Tribal empowerment. Since then, evidence has accumulated that Tribal self-government is the best means of improving outcomes for American Indians living in Tribal communities,<sup>57</sup> and international law has affirmed the importance of self-determination for Indigenous peoples.<sup>58</sup>
- Alaska's approach will lead to significant criminal justice and litigation costs. A variety of legal rulings and court decisions underscore the strong differences of opinion about State and Tribal government powers in Alaska. These decisions include: the 133-page opinion of the Department of the Interior Solicitor in 1993 that ANCSA had not terminated villages' status as Tribes,<sup>59</sup> the U.S. Supreme Court's decision in *Venetie*, and the Alaska Supreme Court's 1999 decision in *John v. Baker*<sup>60</sup> that Alaska Native Tribal courts can regulate internal domestic affairs even if Tribes do not have federally recognized Indian country. Without policy change, the future will look much like the contested past, only with much bigger and costlier problems compounded over time. As one expert has observed, "the extent of Tribal jurisdiction in Alaska is not yet clear, and will likely be the subject of State and Federal court cases for years to come."<sup>61</sup> Even if Alaska wins cases, the financial and social costs of litigation will be considerable and could be avoided altogether if State-Tribal relations instead were characterized by respect, mutual recognition, and partnership.
- Alaska's approach may result in irrevocable harm. The 75 Alaska Native villages that lack any law enforcement presence must contend with the prevailing sentiment in the State, which the Commissioners frequently heard from State and Federal leaders, that they should "just move." The Commission was told repeatedly, in other words, that many Alaska Natives should relocate to larger, semi-urban centers, where there are law enforcement,

**Circle Peacemaking in the Organized Village of Kake** is a community-based restorative justice process for both adults and juveniles. State judges can defer to it for sentencing decisions and community members can turn there before problems deteriorate into official concerns. Kake circle peacemaking focuses on restoring balance to offenders' lives and to healing ruptures in their family, clan, Tribe, and community relationships. While literally sitting in a circle, justice system personnel, village elders, service providers, and any interested or affected community members meet with the offender and victim(s) to "speak from the heart in a shared search for understanding of the event" and to "together identify the steps necessary to assist in healing all affected parties and prevent future crimes." Kake Circle Peacemaking has led to decreased substance abuse, decreased offending, which is reflected in recidivism rates as much as 40 percentage points lower than the comparable State of Alaska figure, and greater Tribal self-determination.<sup>45</sup>

One of the vehicles of change which I view as a hopeful, empowering mechanism is catching on in some villages in this region. The Western way of locking people up to sit in a jail cell and receive three meals a day and not really have to do anything meaningful to make things right is not too effective....Some of our State Magistrates and some State Judges are offering the option of the offender who has been charged and pled guilty to a misdemeanor or lower offence, to go before their home communities and be in a circle and to take ownership of their mistake in a meaningful way which can only happen in the safety and caring of a circle by the people who helped raise you. This is an example of a positive solution.

*Mishal Tooyak Gaede, Tribal Court Facilitator, Tanana Chiefs Conference  
Letter to the Commission,  
October 31, 2012*

One of the concluding observations I would make is that as a result of our activities within the State we become painfully aware that there was a tendency to be a wide gap between State governments and Tribal governments with regard to the roles in rural Alaska.

*Mayor Bruce Botelho, Commissioner, Alaska Rural Justice and Law Enforcement Commission  
Testimony before the Indian Law and Order Commission, Hearing at Tulalip Indian Reservation  
September 7, 2011*

court services, and support for victims and offenders. For communities that already are under great stress from natural resource development, environmental degradation, climate change, competition over subsistence resources, complex restrictions on subsistence activities, high prices for food and fuel, and substandard housing and sanitation conditions, this relatively callous attitude toward village public safety may be the final straw, leading to the dissolution of villages and the abandonment of life ways forged in the crucible of the Arctic thousands of years ago. While cultural change is to be expected, it should be guided by community choices—not forced by colonial policy.

*Making change.* Some important initial reforms have gained toeholds within the current system, particularly within the Alaska State judiciary. In her 2013 “State of the Judiciary Address,” Chief Justice Dana Fabe of the Alaska Supreme Court praised both the State-deputized circle sentencing program, a traditional Native practice for restoring breaches in the community caused by wrongdoing, which the State has piloted as a sentencing practice in a limited number of State court proceedings, and Tribal courts, which are fully independent of State control:

Tribal courts bring not only local knowledge, cultural sensitivity, and expertise to the table, but also are a valuable resource, experience, and a have a high level of local trust. They exist in at least half the villages of our State and stand ready, willing, and able to take part in local justice delivery. Just as the three branches of State government must work together closely to ensure effective delivery of justice throughout the State court system, State and Tribal courts must work together closely to ensure a system of rural justice delivery that responds to the needs of every village in a manner that is timely, effective, and fair.<sup>42</sup>

Backing up words with action, Justice Fabe and her colleagues have been instrumental in improving the enforceability of Tribal court orders concerning domestic violence and engaging State and Tribal courts in shared training meetings.

This outreach and innovation by the Alaska judiciary is impressive and welcome, but it falls far short of what is truly needed. More Tribal villages need Tribal courts and sentencing circles, and where such institutions already exist, greater Tribal jurisdiction could make them even more effective.

Native villages without reasonable access to law enforcement should have that access, and all of their law enforcement officers should have the training and approval to carry firearms subject to standards that accord with all State peace officers. Native village residents should be able to participate locally in substance abuse treatment, technology-assisted alternatives to detention, and anger management programs. Not only the

State's judicial branch, but also all of State government should be working in greater collaboration with Alaska Native Tribes. The immediate and overriding need is for a criminal justice system that fully recognizes, respects, and empowers their governments.

What policy adjustments the State of Alaska should make in support of greater Tribal authority over criminal justice is something the State and its citizens should decide, not the Indian Law and Order Commission. The Commission notes only that a variety of organizational models support greater empowerment and that the shift must include the financial means for Tribal governments to do their share. Among others, options include:

- collaborating with Tribes on other criminal justice issues
- deputizing Tribes to provide a wide array of criminal justice services
- delegating or deputizing Tribal judges, including the expanded use of circle sentencing and traditional dispute resolution
- leveraging the State and Tribal governments' concurrent criminal jurisdiction to develop specific, locally optimal criminal justice approaches
- adopting a policy of State deference to Tribal authority in Tribal communities

Questions about how Tribal government services will be paid for immediately draw attention to an important difference between village and urban Alaska communities. Village subsistence economies do not lend themselves to many traditional means of government revenue generation, such as imposing a sales tax. Instead, other forms of finance must be found. Tribal governments may have access to certain Federal income streams (especially if the Commission's recommendations concerning base funding are implemented), and some may have site-specific revenue opportunities, such as in wildlife management, extractable resources, and government contracts.

The State government can also generate funds for Tribal criminal justice programming by rooting out inefficiencies and wasteful spending in its current organization, taking advantage of cost-savings from the increased use of alternatives to detention and other innovations in service provision, and moving money out of regional centers when increases in Tribal capacity make the current extent of service provision unnecessary.<sup>44</sup>

Regional Alaska Native Corporations, the largest beneficiaries from Tribal resources over the last four decades, also should increase their contributions to the governments that justify their existence. The bottom line is that as Alaska Native Tribal governments must have adequate finances to carry out the functions of government, meet their

responsibilities to citizens, and work to improve their citizens' lives. As a legal matter, such changes may require statutory and constitutional change in Alaska, as well as corresponding reforms to ANSCA and other laws.<sup>45</sup>

While acknowledging that change in the criminal justice system that serves Native Alaska is primarily a State and Tribal responsibility, the Indian Law and Order Commission observes that there also is a role for Congress. By making relatively modest changes to law and policy, Congress can help create a jurisdictional framework that supports Tribal sovereignty, provides a clearer role for the State, and lays groundwork for the resolution of resourcing issues.

Because the vast majority of public safety concerns in rural and Native Alaska relate to substance abuse, minimizing harms from alcohol and drug use will be key to addressing public safety issues in Native villages. There must be creative thinking about substance abuse problems and other local public safety concerns, by a broader set of individuals, (especially Tribal governments, but others as well), who can leverage a wider set of resources.

When Tribal governments have a larger decision-making role, it is likely that even more locally based, therapeutic sentencing models will emerge; that treatment resources in Native villages will be more integrated with law enforcement; that criminal justice and social services will be deployed more often for prevention and harm reduction than for intervention and punishment; and that new players, such as nonprofit organizations or Tribal collaboratives, will join in. This is not to minimize the difficulty in solving problems related to transportation, access, and infrastructure, but to suggest that even for very entrenched problems like substance abuse reduction, expanding local Tribal governments' authority offers more hope than does the status quo.

## RECOMMENDATIONS

**2.1: Congress should overturn the U.S. Supreme Court's decision in *Alaska v. Native Village of Venetie Tribal Government*,<sup>46</sup> by amending ANCSA<sup>47</sup> to provide that former reservation lands acquired in fee by Alaska Native villages and other lands transferred in fee to Native villages pursuant to ANCSA are Indian country.**

The *Venetie* decision was based on an outdated and static understanding of ANCSA. Although that statute was first enacted under the influence of Termination Policy, it has been amended and reinterpreted many times since then, moving gradually but unmistakably toward a Tribal self-determination model. Thus, although the original language of ANCSA disavowed "lengthy wardship or trusteeship"<sup>48</sup> for Alaska Natives, later amendments deliberately extended restrictions on transfer of shares in Alaska Native Corporations out of Native ownership, and included other measures to ensure continued Native control of Alaska Native Corporations and the lands they own.<sup>49</sup>

Further, as noted above, in 1993 the executive branch confirmed recognition of Alaska Native villages as federally recognized Indian nations with a government-to-government relationship with the United States. Since then Federal agencies have been providing services to Alaska Native villages that clearly qualify as Indian country much as they do for Tribes on reservation lands. Nothing in ANCSA expressly barred the treatment of these former reservation and other Tribal fee lands as Indian country. As a consequence, the *Venetie* decision has been widely criticized for failing “to honor longstanding principles of Indian law favoring the preservation of Tribal rights and powers until Congress clearly expresses its intent to terminate those rights and powers.”<sup>50</sup> Congress should step forward and correct the Supreme Court’s misguided interpretation of ANCSA.

***2.2: Congress and the President should amend the definitions of Indian country to clarify (or affirm) that Native allotments and Native-owned town sites in Alaska are Indian country.***

There is an archipelago of lands—individual Indian allotments and commonly held lands within Alaska Native town sites—that ANCSA did not affect. These are geographies over which the Federal government retains a trust responsibility, and they should be fully recognized as Indian country.

These parcels are not insignificant—conservative estimates place their total area somewhere between 4 and 6 million acres.<sup>51</sup> If a land base is what is needed to exercise criminal jurisdiction (and other kinds of land-based jurisdiction), the change would clarify that at least some Alaska Native Tribes do have one. Furthermore, these lands are foothold from which Indian country in Alaska can be expanded.

***2.3: Congress should amend the Alaska Native Claims Settlement Act to allow a transfer of lands from Regional Corporations to Tribal governments; to allow transferred lands to be put into trust and included within the definition of Indian country in the Federal criminal code; to allow Alaska Native Tribes to put tribally owned fee simple land similarly into trust; and to channel more resources directly to Alaska Native Tribal governments for the provision of governmental services in those communities.***

To assert substantial land-based jurisdiction, Alaska Native Tribes need more land, with a focus on restoring and consolidating Tribal authority within Native villages and town sites. Transfers of Regional Corporation land back to Tribes and conversion of this land to trust status makes that possible. Tribes also should have the option of converting any land held in fee simple to trust status to further enlarge the reach of territorial jurisdiction.

Where Tribes in Alaska pursue such land consolidation and create larger swaths of Indian country in Alaska, the argument for them to opt out of P.L. 83-280 jurisdiction (as provided for in Commission recommendation

1.1) is at least as strong as it is for P.L. 83-280 Tribes in the lower 48. Indeed, Alaska Native Tribes may have a stronger case for exiting State jurisdiction under P.L. 83-280 because the State of Alaska centralizes its jurisdiction much more than other States, allowing even less local control.

Significantly, there are benefits of larger Tribal land bases that extend beyond improved criminal justice. For one, larger land bases help secure economic opportunity, that is, market opportunities that could help fund Tribal government and subsistence activities that provide Tribal citizens with greater food and financial security.

In fact, a larger tribally controlled land base for subsistence may have a variety of positive consequences. It can be protective of the environment, as Alaska Native communities have a vested interest in sustaining ecological health. It can decrease the criminalization of subsistence harvesting by expanding the geography in which community members can harvest without facing a choice between breaking the law and feeding their families. And, it may decrease social distress (which ultimately relates to public safety concerns) by providing productive, self-esteem enhancing “employment” for community members.

Some lawmakers have considered ANCSA sacrosanct, and may object to its amendment. But the Commission notes that ANCSA has been amended many times before with the intention of protecting Alaska Native resources, and the Commission’s proposals share that commitment.<sup>52</sup> Indeed, from its passage in 1971, ANCSA was amended by nearly every Congress for the next 35 years, so it is hardly set in stone.<sup>53</sup>

Moreover, while the Commission’s proposals for amendment are relatively modest, its members also observe that ANCSA got Indian policy in Alaska wrong. ANCSA has strong similarities to the General Allotment Act of 1887, which by converting communal land into individual land assets was intended to assist American Indians in adapting to Western life ways. The legislation’s implicit assumption was that after a generation or two, Indigenous peoples would no longer desire Tribal settlement arrangements. But, by the early 1930s, the empirical evidence generated by five decades of allotment invalidated the idea that American Indians would assimilate or that land allotment was the best way forward.

The U.S. government acknowledged its error and repudiated its policy with the Indian Reorganization Act of 1934 (IRA).<sup>54</sup> While the IRA has been problematic in some ways, it firmly recognized Tribal sovereignty and Tribes’ right to hold lands in common. It also led to reinvestment in American Indian communities with the understanding clarified in P.L. 93-638 that local Tribal governments are best positioned to address the social and economic needs of their citizens. Forty years after the passage of ANCSA, the Commission finds that the United States again has empirical evidence that allotment—albeit in a newer form—does not work. As Congress did with passage of the IRA, it is time to respond to the evidence

As the Federal government feverishly works to ward off a looming cash crunch, Alaska needs to work with Tribes creatively to conserve dwindling resources. The models are already there. The proverbial wheel need not be re-invented. Isn't the goal to solve the problems associated with jurisdiction, not perpetuate them? States like Wisconsin, Maine, and Arizona are to be applauded in their efforts to push through outdated prejudices and fears to create cooperative, problem-solving protocols. In some States, a simple cup of coffee between historic adversaries grew into powerful partnerships. We stand on fertile ground to develop both responsible and effective tools to reduce the domestic violence epidemic in Alaska and enter a new age of mutual understanding and cooperation.

*Myron Naneng, Sr., President of the Association of Village Council Presidents*  
*Alaska Dispatch*  
*March 17, 2013*

### Overarching Themes of the 2006 Alaska Rural Justice and Law Enforcement Commission Report

1. Engage in more partnering and collaboration, especially through cross-jurisdictional agreements
2. Make systemic changes to improve rural law enforcement, especially changes that would support the training and certification of more Tribal officers
3. Enlarge the use of community-based solutions, especially through the delegation of authority to Tribes to address juvenile matters
4. Broaden the use of prevention approaches, with a special concentration on cultural relevance
5. Broaden the use of therapeutic approaches, including linking these approaches to culturally appropriate child welfare services
6. Increase employment of rural residents in law enforcement and judicial services by recruiting rural and Alaska Natives, creating opportunities for in-community probation supervision, and contracting with tribes for community service
7. Build additional capacity through infrastructure investments in housing for public safety officers, holding facilities in rural Alaska, and improve equipment
8. Increase access to judicial services, especially through increased jurisdiction and funding for Tribal courts
9. Expand the use of new technologies, especially by learning from the implementation of tele-medicine

that Alaska Native nations are not going away and reaffirm the status of Alaska Native Tribal governments as the key players in improving the lives of Alaska Natives. The recommended amendments to ANCSA for the return of land assets and for financial support of Tribal governments are based on this understanding.

*2.4: Congress should repeal Section 910 of Title IX of the Violence Against Women Reauthorization Act of 2013 (VAWA Amendments), and thereby permit Alaska Native communities and their courts to address domestic violence and sexual assault, committed by Tribal members and non-Natives, the same as now will be done in the lower 48.*

The special rule applying Title IX of the VAWA Amendments to only one Native community in Alaska is inimical to providing effective public safety in Alaska. A simple fix is the removal of the one section relating to Alaska, which puts Alaska Native communities on par with Native communities throughout the nation. Allowing Tribal courts to issue protective orders, to enforce them, and provide the local, immediate deterrence effect of these judicial actions may be the single-most effective tool in fighting domestic violence and sexual assault in Native communities in Alaska. Significantly, many of the VAWA Amendments provisions apply even in the absence of Indian country and clearly should be in the purview of Tribal courts in Alaska.<sup>55</sup>

*2.5: Congress should affirm the inherent criminal jurisdiction of Alaska Native Tribal governments over their members within the external boundaries of their villages.*

P.L. 83-280 does not fit well in Alaska, predicated as it was on the presence of Indian country as defined by the Federal criminal code. The changes wrought by ANCSA effectively diminished any real meaning for P.L. 83-280 in Alaska, yet it is the law that the State relies on to hold that Alaska Native Tribes cannot exercise concurrent criminal law jurisdiction over their own members, frustrating the development of local-level criminal justice institutions. Regardless of what lands Tribes own or whether they are considered Indian country, this recommendation offers an opportunity to use new tools to respond to the public safety crisis in Alaska Native communities.

These changes authorize Tribes to locally and immediately attend to violence and criminal activity. They make it easier to create State-Tribal MOUs for law enforcement deputization and cross-deputization, cooperate in prosecution and sentencing, and apply criminal justice resources for optimal, mutual benefit. Such reforms also facilitate the ability of Alaska Native Tribes and nations to work together for mutual benefit, such as creating intertribal courts and institutions. Of course, to make the most of this Federal affirmation, Tribes should take action to clarify and, as necessary, formalize Tribal law for governing their recognized territories, especially law that relates to public safety.

## CONCLUSION

In the words of Chief Justice Fabe:

Every study or survey of rural justice over the past two decades has acknowledged the unique and compelling justice needs of Alaska's small and isolated villages. The Alaska Sentencing Commission, the Alaska Natives Commission, the Alaska Judicial Council, the Alaska Supreme Court's Advisory Committee on Fairness and Access, the Alaska Commission on Rural Governance and Empowerment, and the Alaska Rural Justice and Law Enforcement Commission, have each studied the issues thoroughly. Consistent among their recommendations is a theme heard with increasing urgency: the need for greater opportunities for local community leaders and organizations to engage in justice delivery at the local level. Quite simply, for courts to effectively serve the needs of rural residents, justice cannot be something delivered in a far-off court by strangers, but something in which local people—those most intimately affected—can be directly and meaningfully involved.<sup>56</sup>

The Chief Justice's framing of the systemic dysfunction that flows from the State's existing justice system may give reason for hope. Yet hope is not a strategy.

The Indian Law and Order Commission is not the first advisory board to recognize the lack of access to safety and public safety services in Alaska Native communities. But it should be the last. The situation in Alaska is urgent and of national, and not just State or regional, importance. Only the combined efforts of Federal, State, and Tribal leaders will be sufficient to change course and put all Alaskans on a better path.

## ENDNOTES

<sup>1</sup> The statistic includes those who reported American Indian and Alaska Native alone or in combination with other races. Data are available in *Demographic Profile for Alaska, 2010* U.S. Census, accessed February 28, 2013, <http://live.laborstats.alaska.gov/cen/dp.cfm>

<sup>2</sup> *Alaska*, accessed September 6, 2013, <http://en.wikipedia.org/wiki/Alaska>

<sup>3</sup> *List of U.S. States by Population Density*, accessed September 6, 2013, [http://en.wikipedia.org/wiki/List\\_of\\_U.S.\\_states\\_by\\_population\\_density](http://en.wikipedia.org/wiki/List_of_U.S._states_by_population_density)

<sup>4</sup> Alaska Federation of Natives, *Alaska Day 2012, Renewable Energy Solutions for Rural Alaska: Alaska Energy Brief*, May 2012, 4, accessed September 6, 2013, <http://www.nativefederation.org/wp-content/uploads/2012/10/2012-afn-cap-alaska-day-brief.pdf>

<sup>5</sup> Estimates calculated from data on the webpage “Demographic and Geographic Sketches of Alaska Natives,” Alaska Natives Commission, accessed September 6, 2013, <http://www.alaskool.org/resources/anc/anc07.htm>

<sup>6</sup> For a description of Alaska’s unique corporation model as created by the Alaska Native Claims Settlement Act of 1971, see DAVID S. CASE & DAVID A. VOLUCK, *ALASKA NATIVES AND AMERICAN LAWS* (2012)

<sup>7</sup> *About VPSO Program*, Alaska Department of Public Safety, accessed February 22, 2013, <http://dps.alaska.gov/ast/vpsos/about.aspx>

<sup>8</sup> Together, the U.S. Federal government and Alaska and Alaska Native Regional and Village Corporations own 266 million rural acres in Alaska. A more expansive estimate of Alaska rural acreage—371 million acres—is based on developed and developable land in the state. The numerator in each estimate is 373 officers ADPS officers. For land figures, see *Fact Sheet, Title: Land Ownership in Alaska*, Alaska Department of Natural Resources, accessed February 23, 2013, [http://dnr.alaska.gov/mlw/factsht/land\\_own.pdf](http://dnr.alaska.gov/mlw/factsht/land_own.pdf); for ADPS employment statistics see Jennifer Hoage, *Crime Reported in Alaska 2011: Uniform Crime Reporting Program*, Alaska Department of Public Safety, 24, accessed February 14, 2013, [http://dps.alaska.gov/statewide/docs/UCR/UCR\\_2011.pdf](http://dps.alaska.gov/statewide/docs/UCR/UCR_2011.pdf).

<sup>9</sup> *About VPSO Program*, *supra* note 7.

<sup>10</sup> *Legislative Hearing on S. 1192, Alaska Safe Families and Villages Act of 2011, and S. 1763 Stand Against Violence and Empower Native Women Act Before S. Comm. on Indian Affairs*, 112th Cong. 54(Written Testimony of Joseph Masters, Commissioner, Alaska Department of Public Safety) (2013), available at <http://www.indian.senate.gov/hearings/loader.cfm?cs-Module=security/getfile&pageid=9515>; *Frequently Asked Questions, Village Public Safety Officer Program*, Alaska Department of Public Safety, accessed February 28, 2013, <http://dps.alaska.gov/ast/vpsos/faq.aspx>; and Dave Bendigner, *VPSO Thomas Madole Killed In Manokotak*, ALASKA PUBLIC MEDIA, March 20, 2013, accessed March 21, 2013, <http://www.alaska-public.org/2013/03/20/vpsos-thomas-madole-killed-in-manokotak/>

<sup>11</sup> Masters, *supra* note 10; Alaska Natives and Law Enforcement (gateway page and publication list), Justice Center, University of Alaska at Anchorage, [http://justice.uaa.alaska.edu/directory/l/law\\_enf\\_local.html](http://justice.uaa.alaska.edu/directory/l/law_enf_local.html).

<sup>12</sup> Masters, *supra* note 10.

<sup>13</sup> Alaska Natives and the Courts (gateway page and publication list), Justice Center, University of Alaska at Anchorage, [http://justice.uaa.alaska.edu/directory/a/alaska\\_natives\\_courts.html](http://justice.uaa.alaska.edu/directory/a/alaska_natives_courts.html); ALASKA COURT SYSTEM, ANNUAL REPORT FY 2012, <http://courts.alaska.gov/reports/annualrep-fy12.pdf> (describing the structure of the Alaskan court system and discussing some of the problems with providing services in rural communities).

<sup>14</sup> ALASKA LEGAL SERVICES CORPORATION, 2012 ALASKA TRIBAL COURT DIRECTORY i, <http://alaskatribes.org/uploads/2012-tc-directory.pdf>.

<sup>15</sup> Alaska Natives and the Courts (gateway page and publication list), Justice Center, University of Alaska at Anchorage, [http://justice.uaa.alaska.edu/directory/a/alaska\\_natives\\_courts.html](http://justice.uaa.alaska.edu/directory/a/alaska_natives_courts.html).

html; ALASKA LEGAL SERVICES CORPORATION, TRIBAL JURISDICTION IN ALASKA: CHILD PROTECTION, ADOPTION, JUVENILE JUSTICE, FAMILY VIOLENCE AND COMMUNITY SAFETY, 18-29 (2nd ed. 2012), <http://www.aktribaljudges.com/pdfs/Tribal%20Jurisprudence%20in%20Alaska%20-%20Winter%202012%20Edition.pdf>.

<sup>16</sup> Cheryl Cedar Face, *Emmonak Women's Shelter Receives Emergency Funds*, AMERICAN INDIAN REPORT, July 6, 2012, <http://www.americanindianreport.com/wordpress/2012/07/emmonak-womens-shelter-receives-emergency-funds/>.

<sup>17</sup> Timothy Williams, *With Grant, an Alaska Women's Shelter Can Reopen*, N.Y. TIMES, July 5, 2012, [http://www.nytimes.com/2012/07/06/us/alaskan-womens-shelter-can-reopen-with-grant.html?\\_r=0](http://www.nytimes.com/2012/07/06/us/alaskan-womens-shelter-can-reopen-with-grant.html?_r=0).

<sup>18</sup> The State's eight juvenile facilities are located in Anchorage, Bethel, Fairbanks, Juneau, Kenai, Ketchikan, Nome, and Palmer; the eight probation-only offices are in Barrow, Craig, Dillingham, Homer, Kodiak, Kotzebue, Sitka, and Valdez; see *Juvenile Detention in Alaska*, 23 ALASKA JUSTICE FORUM at 1 (2006), [http://justice.uaa.alaska.edu/forum/23/2summer2006/c\\_juvdetention.html](http://justice.uaa.alaska.edu/forum/23/2summer2006/c_juvdetention.html).

<sup>19</sup> Alaska Drug Treatment Centers, National Substance Abuse Index, <http://nationalsubstanceabuseindex.org/alaska/facilities.php> (listing facilities); and Mental Health Treatment Facility Locator, Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services," <http://findtreatment.samhsa.gov/MHTreatmentLocator/faces/stateSearch.jspx> (listing facilities).

<sup>20</sup> Marny Rivera, André B. Rosay, Darryl S. Wood, Greg Postle, & Katherine TePas, Descriptive Analysis of Assaults in Domestic Violence Incidents Reported to Alaska State Troopers: 2004 at 7, Justice Center, University of Alaska at Anchorage, JC 0601.04 (2008) <http://justice.uaa.alaska.edu/research/2000/0601intimatepartnerviolence/0601.04.dv-assaults.pdf>.

<sup>21</sup> For victimization statistics, see Greg Postle, André B. Rosay, Darryl S. Wood, & Katherine TePas, *Descriptive Analysis of Sexual Assault Incidents Reported to Alaska State Troopers: 2003-2004*, Justice Center, University of Alaska at Anchorage at 41-42 (2007), <http://justice.uaa.alaska.edu/research/2000/0601intimatepartnerviolence/0601.02.sexualassault.pdf>; for population statistics (used to calculate victimization rates) see 2003 ANNUAL REPORT and 2004 ANNUAL REPORT, ALASKA BUREAU OF VITAL STATISTICS, [http://dhss.alaska.gov/dph/VitalStats/Documents/PDFs/2003/annual\\_report/Web\\_Book2003.pdf](http://dhss.alaska.gov/dph/VitalStats/Documents/PDFs/2003/annual_report/Web_Book2003.pdf) and [http://dhss.alaska.gov/dph/VitalStats/Documents/PDFs/2004/annual\\_report/2004web\\_book.pdf](http://dhss.alaska.gov/dph/VitalStats/Documents/PDFs/2004/annual_report/2004web_book.pdf)

<sup>22</sup> Darryl S. Wood & Randy H. Magen, *Intimate Partner Violence Against Athabaskan Women Residing in Interior Alaska: Results of a Victimization Survey*, 15 Violence Against Women 497, <http://justice.uaa.alaska.edu/research/2000/0026.aknativewives/0026.02.ahtna.pdf>

<sup>23</sup> Kyla Hagan & Ellen Provost, *Alaska Native Health Status Report*, Alaska Native Epidemiology Center and Alaska Native Tribal Health Consortium, at 38 (2009), <http://www.anthc.org/chs/epicenter/upload/ANHSR.pdf>

<sup>24</sup> STATE OF ALASKA, 2011 CENSUS DEMOGRAPHIC PROFILE, <http://labor.alaska.gov/research> and STATE OF ALASKA DEPARTMENT OF CORRECTIONS, 2011 OFFENDER PROFILE, 13<http://www.correct.state.ak.us/admin/docs/2011Profile06.pdf>

<sup>25</sup> STATE OF ALASKA DEPARTMENT OF CORRECTIONS, 2011 id. at 32.

<sup>26</sup> Michael J. Leiber, Joseph Johnson, & Kristan Fox, *An Examination of the Factors that Influence Justice Decision Making in Anchorage and Fairbanks, Alaska: An Assessment Study*, Technical Report prepared for the State of Alaska Department of Health and Social Services, Division of Juvenile Justice (2006), 31-32, <http://dhss.alaska.gov/djj/Documents/ReportsAndPublications/DMC/06AssessmentStudy.pdf>

<sup>27</sup> Centers for Disease Control and Prevention, National Center for Injury Prevention and

Control, Web-based Injury Statistics Query and Reporting System (WISQARS) [online], 2004-2008 Alaska Suicide Injury Deaths and Rates per 100,000, accessed March 4, 2013; Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (WISQARS) [online], 2004-2008 United States Suicide Injury Deaths and Rates per 100,000, accessed March 4, 2013; and Gretchen Day, Peter Holck, & Ellen M. Provost, *Alaska Native Mortality Update: 2004-2008*, ALASKA NATIVE EPIDEMIOLOGY CENTER (2011) at 4 , [http://www.anthetoday.org/epicenter/publications/mortality/AlaskaNativeMortalityUpdate2004\\_2008\\_17\\_jan\\_2012.pdf](http://www.anthetoday.org/epicenter/publications/mortality/AlaskaNativeMortalityUpdate2004_2008_17_jan_2012.pdf)

<sup>28</sup> Alaska Department of Health and Social Services, Office of Children's Services, *Data Overview of Disproportionality in Alaska's Child Welfare System* (2012) <http://dhss.alaska.gov/ocs/Documents/icwa/pdf/Disproportionality-data.pdf>.

<sup>29</sup> Alaska Rural Justice and Law Enforcement Commission, *Initial Report and Recommendations* (2006) [http://akjusticecommission.org/pdf/reports/ARJLEC\\_Initial\\_Report\\_Recommendations.pdf](http://akjusticecommission.org/pdf/reports/ARJLEC_Initial_Report_Recommendations.pdf)

<sup>30</sup> Gretchen Day, Peter Holck, & Ellen Provost, *supra* note 27 at 15, 263.

<sup>31</sup> For example, in dry villages with law enforcement, there is a 40 percent lower rate of serious injury caused by an assault as compared to dry villages without a law enforcement presence. Darryl S. Wood & Paul J. Gruenewald, *Local Alcohol Prohibition, Police Presence and Serious Injury in Isolated Alaska Native Villages*, 101 ADDICTION 393 (2006).

<sup>32</sup> 522 U.S. 520 (1998).

<sup>33</sup> While these statements are true, the Commission finds the Alaska Attorney General's argument to be inconsistent. The assertion of P.L. 83-280 jurisdiction is unnecessary if there is no Indian country in Alaska.

<sup>34</sup> *Akiachak Native Community v. Salazar*, Civ. 06-969 (RC), 2013 WL 1292172 (D.D.C. 2013).

<sup>35</sup> See M.J. ex rel. Beebe v. United States, 721 F.3d 1079 (9th Cir. 2013).

<sup>36</sup> David Joulfaian and Michael L. Marlow, *Centralization and Government Competition*, 23 Applied Econ. 1603 (1991).

<sup>37</sup> HARV. PROJECT ON AM. INDIAN ECON. DEVEL., THE STATE OF THE NATIVE NATIONS: CONDITIONS UNDER U.S. POLICIES OF SELF-DETERMINATION (2008).

<sup>38</sup> See UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES, especially sections 4 and 5, [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf) on February 28, 2013.

<sup>39</sup> Governmental Jurisdiction of Alaska Native Villages Over Land and Non-Members, Memorandum to the Secretary from the Solicitor, Department of the Interior (Thomas Sansonetti) (1993), <http://www.doi.gov/solicitor/opinions/M-36975.pdf> on February 28, 2013. The Opinion concluded that there were tribes in Alaska, but that their territorial jurisdiction had been limited by the by passage of the Alaska Native Claims Settlement Act.

<sup>40</sup> 982 P.2d 738 (Alaska 1999)

<sup>41</sup> LISA JAEGER, TRIBAL COURT DEVELOPMENT: ALASKA TRIBES (3rd ed. 2002) at Chapter 2: *Tribal Jurisdiction Exercise by Alaska Tribal Courts*, [http://thorpe.ou.edu/AKtribalct/chapter\\_two.html](http://thorpe.ou.edu/AKtribalct/chapter_two.html).

<sup>42</sup> Dana Fabe, The State of the Judiciary: A Message by Chief Justice Dana Fabe to the First Session of the Twenty-Eighth Alaskan Legislature (Feb. 13, 2013) at 13, <http://courts.alaska.gov/soj/state13.pdf> on March 3, 2013. The Commission wishes to acknowledge the cooperation of Chief Justice Fabe and the Alaska State Judiciary during Commission field hearings and site visits including her meeting with Commissioners at the State Supreme Court in Anchorage.

<sup>43</sup> HARV. PROJECT ON AM. INDIAN ECON. DEVEL., Honoring Contributions in the Governance of American Indian Nations, Kake Circle Peacemaking, (2005), <http://www.hpaied.org/images/resources/publibrary/Kake%20Circle%20Peacemaking.pdf>; U.S. Dept. of Just., Natl. Inst.

of Just., “Sentencing Circles,” <http://www.nij.gov/topics/courts/restorative-justice/promising-practices/sentencing-circles.htm> (quotations); NEIL NESHEIM, EVALUATING RESTORATIVE JUSTICE IN ALASKA: THE KAKE CIRCLE (2010), <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/famct/id/293> (statistics).

<sup>44</sup> Experience with system reform in the lower 48 suggest that these cost savings are achievable. See, for example, ANNIE E. CASEY FOUNDATION, FIXING A BROKEN SYSTEM: TRANSFORMING MAINE’S CHILD WELFARE SYSTEM 8 (2009) (describing the cost savings from structural reform) [http://www.aecf.org/~media/Pubs/Topics/Child%20Welfare%20Permanence/Other/FixingaBrokenSystemTransformingMainesChildWel/AECF\\_FixingABrokenSystemFinal\\_Final.pdf](http://www.aecf.org/~media/Pubs/Topics/Child%20Welfare%20Permanence/Other/FixingaBrokenSystemTransformingMainesChildWel/AECF_FixingABrokenSystemFinal_Final.pdf);

<sup>45</sup> A complete analysis of these options is essential to lay the groundwork for a more cost-effective, tribally based criminal justice system that places greater emphasis on the power of local control and accountability. This includes such basic issues as ensuring that Tribal villages can swiftly enforce their own laws related to alcohol, domestic violence, and other pervasive challenges whose implications are predominately local in nature, as is common place in the lower 48. A worthwhile place to begin would be to extend the very general framework from enhanced Alaska Native tribal sovereignty articulated in DAVID S. CASE & DAVID A. VOLUCK, ALASKA NATIVES AND AMERICAN LAWS (2012), especially Chapter 10 (“Sovereignty”). While Case and Voluck do not examine criminal justice issues per se, their insights on the interplay among State, tribal, and Federal laws are instructive.

<sup>46</sup> 522 U.S. 520 (1998).

<sup>47</sup> 43 U.S.C. § 1601.

<sup>48</sup> 43 U.S.C. § 1601(b).

<sup>49</sup> See NELL JESSUP NEWTON ET AL., COHEN’S HANDBOOK OF FEDERAL INDIAN LAW § 4.07[3][b][ii] [C] (2012 ed.).

<sup>50</sup> *Id.* at 355.

<sup>51</sup> Natalie Landreth and Erin Dougherty, *The Use of the Alaskan Native Claims Settlement Act to Justify Disparate Treatment of Alaska’s Tribes*, 36 AM. INDIAN L. REV. 321, 345-46 (2012).

<sup>52</sup> J. Tate London, The ‘1991 Amendments’ to the Alaska Native Claims Settlement Act: Protection for Native Lands, 8 STAN. ENVTL. L.J. 200 (1989).

<sup>53</sup> Case and Voluck, *supra* note 46 at 165.

<sup>54</sup> 48 Stat. 984 (1934), also known as the Wheeler-Howard Act or “Indian New Deal.”

<sup>55</sup> Sen. Mark Begich (D-AK) introduced a bill entitled “Alaska Safe Families and Villages Act of 2013” (S. 1474) on August 1, 2013, which was intended as a “fix” to the special Alaska exclusion in the Violence Against Women Act Reauthorization of 2013. However, the version Begich introduced fell far short of the version that many Alaska Native advocates had been expecting. Earlier draft language had proposed to supplement State jurisdiction in Alaska Native villages with enhanced Tribal and local authority to address domestic violence and reduce alcohol and drug abuse. The final bill was about the Tribes entering into agreements to implement State law, which advocates claim they do not need Federal legislation to do. *Native Sun News* reported that “Begich’s aide Andrea Sanders said the changes came about through consultations between both Alaska senators and the state’s Attorney General Michael C. Geraghty on July 31.” At the time of writing (fall 2013), S. 1474 had stalled in committee, but this outcome further underscores the importance of finally standing up for Alaska Natives’ rights, as implementation of the Commission’s recommendations would do. See Talli Nauman, *Violence Against Women Act Amendment Falls Short of Protecting Women*, NATIVE SUN NEWS, August 12, 2013, <http://www.indianz.com/News/2013/010769.asp> (reprint), and “S.1474: Alaska Safe Families and Villages Act of 2013,” <http://www.govtrack.us/congress/bills/113/s1474/text>.

<sup>56</sup> Fabe, *supra* note 42 at 8. These are the citations for the reports mentioned in the address: (1) Alaska Sentencing Commission, *1992 Annual Report to the Governor and the Alaska*

*Legislature*, <http://www.ajc.state.ak.us/reports/sent92.pdf>; (2) Alaska Natives Commission, *Final Report* (1994) [http://www.alaskool.org/resources/anc\\_reports.htm](http://www.alaskool.org/resources/anc_reports.htm); (3) Alaska Judicial Council, *Resolving Disputes Locally: Alternatives for Rural Alaska* (1992) <http://www.ajc.state.ak.us/reports/rurj92.pdf>; (4) Alaska Supreme Court Advisory Committee on Fairness and Access & State Justice Institute & State Justice Institute, *Report* (1997) <http://www.ajc.state.ak.us/Reports/fairness.pdf>; (5) Alaska Commission on Rural Governance and Empowerment, Final Report to the Governor (1999) [http://www.commerce.state.ak.us/dca/RGC/RGC\\_Final\\_6\\_99.pdf](http://www.commerce.state.ak.us/dca/RGC/RGC_Final_6_99.pdf); (6) Alaska Rural Justice and Law Enforcement Commission, Initial Report and Recommendations (2006) [http://akjusticecommission.org/pdf/reports/ARJLEC\\_Initial\\_Report\\_Recommendations.pdf](http://akjusticecommission.org/pdf/reports/ARJLEC_Initial_Report_Recommendations.pdf); (7) Alaska Rural Justice and Law Enforcement Commission, Report to the United States Congress and the Alaska State Legislature (2012) [http://akjusticecommission.org/pdf/reports/ARJLEC\\_2012\\_Report.pdf](http://akjusticecommission.org/pdf/reports/ARJLEC_2012_Report.pdf); (8) Alaska Supreme Court Fairness and Access Implementation Committee, *2007 Status Report of the Alaska Supreme Court Fairness and Access Implementation Committee* (2007), <http://courts.alaska.gov/fair-access2007.pdf>. A report that is not mentioned, but makes similar points is: Alaska Advisory Committee to the U.S. Commission on Civil Rights, *Racism's Frontier: The Untold Story of Discrimination and Division in Alaska* (2002), <http://www.eric.ed.gov/PDFS/ED468839.pdf>.

**Panel #2: Tribal Leaders' Perspective concerning**

**Alaska Native Children Exposed to Violence in**

**the Home, Community, and Juvenile Justice**

**System Response**



## **Panel #2: Tribal Leaders' Perspective concerning Alaska Native Children Exposed to Violence in the Home, Community, and Juvenile Justice System Response**

**Outcome:** *Examine the issue of Alaska Native Children Exposed to Violence in Alaska through the eyes of the leaders. Identify issues with the state, federal and tribal systems that negatively or positively impact Alaska Native youth and recommend solutions.*

### **Panelists:**

**Jacqueline Pata, (Tlingit), Executive Director, National Congress of American Indians**

Jacqueline Pata is the Executive Director of the National Congress of American Indians. She is a member of the Raven/Sockeye Clan of the Tlingit Tribe and a member of the Central Council of the Tlingit-Haida Indian Tribes of Alaska. Mrs. Pata was the Deputy Assistant Secretary for Native American Programs of the U.S. Department of Housing and Urban Development (HUD) during the Clinton Administration. Mrs. Pata serves on a variety of national executive boards, including the Executive Board for the Leadership Conference on Civil Rights and the Executive Board for the George Gustave Heye Center of the National Museum of the American Indian. She is also a board member of Sealaska Corporation, an Alaska Native regional corporation. In her commitment to American Indian youth development, Pata sits on the Native American Advisory Council for the Boys and Girls Clubs of America. Prior to joining NCAI in June 2001, Pata served as Deputy Assistant Secretary for Native American Programs of the U.S. Department of Housing and Urban Development. The Office of Native American Programs (ONAP) administers programs throughout the United States, which provide affordable housing for Native Americans. Previously, Pata served as the Executive Director of the Tlingit-Haida Regional Housing Authority headquartered in Juneau, Alaska and she is a former Vice-Chair of the Alaska Housing Finance Corporation. She served as Chairperson of the National American Indian Housing Council and was appointed to the National Commission on American Indian, Alaska Native and Native Hawaiian Housing. She also has served on the National Community Development Financial Institution Fund Advisory Board, an advisory board to the U.S. Department of the Treasury. Among her other activities, prior to her move to Washington, D.C., she is extremely proud of her service for 13 years as Director of a Native Youth Culture Camp held each summer where young people experience and learn traditional values.

**Victor Joseph, (Athabascan), President, Tanana Chiefs Conference**

An Athabascan Indian and former substance user, Victor drew on his own experiences to design a “Recovery Camp” that reintroduces Athabascan Indians and other Alaskan Natives who suffer from alcohol and substance abuse to traditional native values and strengths. Accessible only by plane, boat, dog sled or snow mobile, the camp now provides daily individual, group and family counseling, in addition to life skills. He has served as Deputy Director of Health Services, Tanana Chiefs Conference. He was elected President of the Tanana Chiefs Conference in March 2014.

**Richard J. Peterson, (Tlingit), President, Central Council Tlingit & Haida Tribes of Alaska**

Richard Peterson “Ch’aa Yaa Eesh” is Tlingit from the Kaagwaantaan clan and is a lifelong Alaska Native resident of Southeast Alaska. Richard lives in Kasaan and has served the community in the capacity of Tribal President of the Organized Village of Kasaan (OVK) since 1998, and as either Mayor or City Council Member since 1996. He has been a delegate to the Central Council of Tlingit and Haida Indian Tribes of Alaska (CCTHITA) since 2000, a four-time elected member of the Southeast Island School District Board of Education since 2003, and served as School Board President. In 2011, during the celebration of the “Salmon in the Trees”, Harris Sherman, the Under Secretary for Natural Resource and Environment for the U.S. Department of Agriculture, presented Richard with a USDA Certificate of Appreciation and a Pendleton Blanket. This award was given for exemplary service and cooperation with the U.S. Forest Service (USFS), Alaska Region, Alaska Tribal Leadership Committee (ATLC). Sincere appreciation was expressed for Richard’s participation on the ATLC and his guidance in Alaska tribal relations.” The ATLC conducts informal monthly conferences and formally meets twice a year to address regional-level issues. The mission of the committee is to advance cooperative relationships, collaboration, and the furtherance of government-to-government partnerships between the USFS and the federally recognized tribes of Southeast and Southcentral Alaska in promoting sustainable forests, resources, and communities. Richard is dedicated to working with the USFS on behalf of tribes in Alaska. He feels it’s very important for the USFS to listen to tribal leaders on issues that are important to them on a local level, and for them to understand that this is “Our Way of Life”.

**Myron Naneng, (Yup’ik descent) President, Association of Village Council Presidents**

Of Yup’ik ancestry, Myron Naneng serves the peoples of the Yukon-Kuskokwim delta as President of the Association of Village Council Presidents (AVCP). His education experience includes an associate degree Land Resource Management at the Kuskokwim Community College and Natural Resources studies at the UAF. Mr. Naneng’s professional experience includes realty and lands management, Special Staff Assistant to the Governor of Alaska and AVCP Vice President. He serves on the boards of the Sea Lion Corporation, the United Utilities, Inc., the Alaska Village Initiatives, the Howard Rock Foundation and the AFN/Human Resources Committee. Mr. Naneng is married with eleven children and four grandchildren.

## **Written Testimony for Jacqueline Pata**

**Jacqueline Pata, (Tlingit), Executive Director, National Congress of American Indians**

Jacqueline Pata is the Executive Director of the National Congress of American Indians. She is a member of the Raven/Sockeye Clan of the Tlingit Tribe and a member of the Central Council of the Tlingit-Haida Indian Tribes of Alaska. Mrs. Pata was the Deputy Assistant Secretary for Native American Programs of the U.S. Department of Housing and Urban Development (HUD) during the Clinton Administration. Mrs. Pata serves on a variety of national executive boards, including the Executive Board for the Leadership Conference on Civil Rights and the Executive Board for the George Gustave Heye Center of the National Museum of the American Indian. She is also a board member of Sealaska Corporation, an Alaska Native regional corporation. In her commitment to American Indian youth development, Pata sits on the Native American Advisory Council for the Boys and Girls Clubs of America. Prior to joining NCAI in June 2001, Pata served as Deputy Assistant Secretary for Native American Programs of the U.S. Department of Housing and Urban Development. The Office of Native American Programs (ONAP) administers programs throughout the United States, which provide affordable housing for Native Americans. Previously, Pata served as the Executive Director of the Tlingit-Haida Regional Housing Authority headquartered in Juneau, Alaska and she is a former Vice-Chair of the Alaska Housing Finance Corporation. She served as Chairperson of the National American Indian Housing Council and was appointed to the National Commission on American Indian, Alaska Native and Native Hawaiian Housing. She also has served on the National Community Development Financial Institution Fund Advisory Board, an advisory board to the U.S. Department of the Treasury. Among her other activities, prior to her move to Washington, D.C., she is extremely proud of her service for 13 years as Director of a Native Youth Culture Camp held each summer where young people experience and learn traditional values.

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*Testimony was not available prior to hearing*



**Attorney General's Advisory Committee on  
American Indian/Alaska Native Children Exposed to Violence**

**Hearing #4**

**June 11-12, 2014 – Anchorage, Alaska**

**Theme: Alaska Native Children Exposed to Violence**

**WRITTEN TESTIMONY OF JACQUELINE PATA (*Tlingit*)**

**EXECUTIVE DIRECTOR, NATIONAL CONGRESS OF AMERICAN INDIANS**

On behalf of the National Congress of American Indians (NCAI), I present this testimony to the U.S. Attorney General's Advisory Committee of the Task Force on American Indian/Alaska Native Children Exposed to Violence (Advisory Committee). I would like to thank the Advisory Committee for inviting me to testify as Executive Director of the National Congress of American Indians.

The Attorney General's Task Force on American Indian/Alaska Native Children Exposed to Violence (Task Force) convened “to examine the specific needs of American Indian/Alaska Native (AI/AN) children exposed to violence and recommend actions to protect AI/AN children from abuse and neglect and reduce violence” as noted in the Report of the Attorney General's National Task Force on Children Exposed to Violence.<sup>1</sup> The three previous hearings of the Task Force focused on violence in the home, juvenile justice response, and violence in the community. The focus of today's hearing is on Alaska Native Children Exposed to Violence.

Founded in 1944, NCAI is the oldest, largest and most representative American Indian and Alaska Native organization serving the broad interests of tribal governments and communities. Tribal leaders created NCAI as a response to termination and assimilation policies that threatened the existence of American Indian and Alaska Native tribes. For 70 years, tribal governments have come together through NCAI to consider issues of critical importance to tribal governments and endorse consensus policy positions. As the most representative organization of AI/AN tribes, NCAI serves the broad interests of tribal governments across the nation.

As the Executive Director of NCAI—and an Alaska Native mother, grandmother, daughter, spouse, sister and aunt—I recognize that there is no more important responsibility than to ensure that our children thrive. The high rate of suicide, domestic violence, sexual abuse, and drug and alcohol abuse are huge concerns. Issues facing Alaska Native children are no different than those facing American Indian children in the other states; however, these problems are compounded by severe access issues and changing demographics. It is our personal responsibility—as Alaska Native people, leaders, and communities—to ensure there is a place where our children have a safe, loving, nurturing environment in which they can achieve their life goals. And key to securing a safe, secure environment is addressing the violence that our Alaska Native children are exposed to—and seek out ways to lessen that violence, or when it does occur, find ways we can uplift our children so they can heal and move forward successfully.

As tribal leaders and as members of this committee, we are all committed to making sure our children are first protected from violence and where violence does occur that Native children have the resources they need to move forward in a healthy environment. But tribal leaders cannot succeed without help from our partners in our community, in the state and at the federal level.

## **I. INTRODUCTION**

In order to understand and take action to address Alaska Native children's exposure to violence, we must acknowledge the circumstances facing their families, caretakers, and communities. As Native scholar Dr. Dee Bigfoot notes, oppression and limited infrastructure increase the vulnerability of Native youth. For instance, family poverty and joblessness, a lack of access to mental health and prevention services, weak law enforcement, racism, and geographical isolation complicated by extreme weather all compound stress that results in high levels of recurring violence.

Every community—including both tribal and non-tribal communities—experience violence to some degree. That is, violence is not an Indian problem. Violence is a human problem. The response and reaction to such violence is dependent on a community as a whole. It seems so simple to state that a community needs to be engaged and invested in their children because it is common sense. What does accountability—personal, organizational and institutional—look like in the face of violence and oppression against people whose lives appear far removed from your own? To the wider population, Alaska is often viewed as the last frontier. Frequently, Alaska Native villages are accessible only by plane, or during the winter when the rivers are frozen, by snow-machine. Unless you live here or visit for an extended time, it is difficult to really appreciate the remoteness and accessibility issues that this Advisory Committee will hear about.

Tribal communities need federal and state officials to recognize how system policy and behavior is at the root of so much ongoing violence in tribal communities. As you'll note in the Indian Law and Order Commission's chapter two on "Reforming Justice for Alaska Natives: The Time is Now," public safety issues in Alaska *beg* to be addressed.<sup>2</sup> The strongly centralized law enforcement and justice systems of the State of Alaska do not serve Alaska Native communities adequately. There is a public safety gap here in Alaska that no one at the federal level—or the state level—can afford to ignore.

The federal government has a trust responsibility to tribal governments. But we as tribal leaders, communities, and families are also the trustees of our children. So, when we examine the approaches and solutions to the exposure of our children to violence, we must work together to come up with solutions that will work at every level. Our goal is not a net to catch our children, but a concrete foundation, so our children grow strong from a stable base, a safe, stable environment where our children feel the security they need to become our future leaders.

## **II. ALASKA NATIVE SPECIFIC: KEY ISSUES SURROUNDING EXPOSURE TO VIOLENCE**

According to the 2010 Census, 5.2 million AI/AN people (1.7 percent of the total US population) reside in the United States.<sup>3</sup> Seventy-one percent of AI/AN people live in urban areas.<sup>4</sup> According to the 2006-2010 American Community Survey estimates, the median age for AI/AN on reservations is 26 compared to 37 for the entire nation, with nearly one-third of the population under the age of 18.<sup>5</sup>

We know that by the time an Alaska Native person becomes an adult, 51 percent of women and 29 percent of men have been a victim of domestic or sexual violence.<sup>6</sup> And where nearly 75 percent of Alaskans have either experienced or know someone who has experienced domestic violence or sexual assault, Alaska Native women are 10 times more likely to be sexually assaulted than all other Alaskan women.<sup>7</sup> Often this violence is perpetrated by non-Native people, which creates constraints on tribal governments to bring the perpetrator to justice. Further, "Alaska Natives are more likely than other Alaskans to live in remote communities, far from service providers and law enforcement" in communities that are off the road system and accessible only by boat, plane, or snow machine.<sup>8</sup> This extreme vulnerability of adult Alaska Natives to violence and limitations on tribal governments directly impacts our children. We know that if a child witnesses violence in their homes, there is a higher likelihood they will be victims of that abuse.<sup>9</sup>

Many of the solutions this Advisory Committee is seeking for stopping the violence in Alaska communities will come from practices already in place by Alaska Native people for Alaska Native children. Some tribal governments, like Ninilchik Village have developed tribal codes and ordinances to assert authority over their members and "those who enter into consensual domestic relationships with Tribal members" to protect their people from violence.<sup>10</sup> Other tribes have declared domestic violence and child abuse public health and public safety issues, elevating the response from an interpersonal level to a whole community priority.

While these are positive steps that will have long-ranging impacts, barriers continue to exist to addressing widespread and recurring violence against Alaska Native children including “underreporting of crimes, complicated jurisdictional and policy issues, and the lack of tribe-based or culturally sensitive resources”.<sup>11</sup> So just as there is a community response needed, solutions need to address these systemic issues and generate resources for addressing the cross-jurisdiction and cross-cultural communication challenges that constrain federal, state, and tribal systems from responding.

#### **A. Trauma & Resilience**

Trauma is an emotional or physical reaction to any event that is witnessed or experienced by a child or adolescent and is disturbing to them. Trauma is weaved throughout the testimony you have already heard at prior hearings and will hear again today. Our collective personal responsibility to provide Alaska Native children with a safe, secure environment lies in addressing and healing trauma as a parent or relative—and a community.

Building resilience—the ability to adapt well to adversity, trauma, tragedy, threats or even significant sources of stress—can help our Alaska Native children manage stress and feelings of anxiety and uncertainty. It involves behaviors, thoughts, and actions that can be learned over time. As leading Native organizations developed the Native Children’s Agenda (see below in section III), the themes and respective policies highlight resilience-building.

Alaska Native youth report feelings of anger, despondency, and boredom brought on by personal experiences of bullying, racism, and interpersonal violence; by witnessing violence; by geographic isolation; and by daily stress and struggles. Access to cultural activities and efforts that help them understand their roles as contributing community members can help address widespread hopelessness. One study that explored what promotes resilience among Alaska Native youth found that “young people sought self-reliance and meaningful ways to contribute and make their families and communities value them”.<sup>12</sup>

#### **B. ICWA Compliance Is Significant In Addressing The Exposure of AN Children To Violence**

When ICWA was enacted in 1978, it was intended to address identified abuses, reduce the number of out-of-home placements of AI/AN children, and provide protections to Indian families and children in both involuntary and voluntary proceedings. Yet, many states have continually disregarded the intent and design of ICWA. Although progress has been made as a result of ICWA, recent analyses of national child welfare data indicate that the out-of-home placement of Indian children is still disproportionate to the percentage of Indian youth in the general population and that Indian children continue to be regularly placed in non-Indian homes, an indication of the continuing need for Congressional intervention in this area.<sup>13</sup>

Where ICWA non-compliance goes ignored, it ties the hands of tribal leaders to protect their children because it undercuts the ability of tribes to self-govern. Tribal rights are recognized in ICWA because the law is “based upon the fundamental assumption that it is in the child’s best interest that its relationship to the tribe be protected . . .”<sup>14</sup> As noted in discussing jurisdictional issues, the abilities of tribal governments to govern themselves—to address violence in their communities—is hampered where the inherent sovereign rights of AI/AN governments are not respected. The answer is [still] not removal of our children. NCAI applauds the actions of Congress in the passage of ICWA; but, ICWA’s true purpose and intent—has not yet been fully realized.

#### **C. Addressing Exposure to Violence in the Community Leads to Jurisdictional Issues—and The Need to Support Local Response**

In examining recommendations for improvements to systems, institutions and/or programs, NCAI has to discuss jurisdictional issues. Exposures to violence directly relate to problems with criminal jurisdiction. While steps forward have been made with the Tribal Law and Order Act of 2010 (TLOA) and the Violence Against Women Reauthorization Act of 2013 (VAWA 2013), Alaska Native tribes have been largely exempted from those significant pieces of legislation. The most basic priority for allowing tribes to address the impact of violence on Native youth

and in tribal communities is to provide tribal governments with the jurisdiction they need to ensure the safety and well-being of tribal citizens.

As noted in the Indian Law and Order Commission Report:<sup>15</sup>

A variety of legal rulings and court decisions underscore the strong differences of opinion about State and Tribal government powers in Alaska. These decisions include: the 133-page opinion of the Department of the Interior Solicitor in 1993 that ANCSA had not terminated villages' status as Tribes, the U.S. Supreme Court's decision in *Venetie*, and the Alaska Supreme Court's 1999 decision in *John v. Baker* that Alaska Native Tribal courts can regulate internal domestic affairs even if Tribes do not have federally recognized Indian country.

In reminding ourselves of the precious resources we are seeking to protect—our children—how much wider can the gap get?

#### 1. Land Into Trust

The Department of the Interior recently proposed to amend the Department's land-into-trust regulations, found at 25 C.F.R. Part 151, that currently exclude from the scope of the regulations, with one exception (Metlakatla), land acquisitions in trust in the State of Alaska. The proposed amendment will allow tribes in Alaska to place land into trust.

In Alaska, the prospect of tribal communities gaining jurisdiction over lands in their communities brings particular hope to a problem that has vexed policy makers for decades: how to bring law and order to rural and remote tribal communities.<sup>16</sup> While the comment period is currently ongoing, NCAI is encouraged by the news of the potential rule change and what it would mean for Alaska Native tribes.

#### 2. Alaska Safe Families and Villages Act

As set forth in NCAI Resolution #REN-13-006<sup>17</sup>, the NCAI tribal membership supports development of legislation such as the substitute amendment to S. 1474, the Alaska Safe Families and Villages Act, which was recently reported favorably by the Senate Committee on Indian Affairs. The substitute amendment aims to improve the delivery of justice in Alaska Native villages and to enhance coordination and communication among tribal, federal, state and local law enforcement agencies. The legislation works to improve the delivery of justice to villages by supporting Indian tribes in the State of Alaska in the enforcement and adjudication of tribal laws relating to child abuse and neglect, domestic violence, and drug and alcohol offenses. In short, the legislation recognizes it is the local, village response that is best situated to address the public safety gap in Alaska.

While NCAI's resolution emphasizes the protection of Alaska Native women, the resolution also highlights the challenges that exist in Alaska, geographical remoteness, extreme weather, and the lack of transportation infrastructure that affect Alaska Native children, families and villages.

In section 5 of the substitute amendment to S. 1474, the Alaska Safe Families and Villages Self Governance Tribal Law Project would make grants to Indian tribes in planning for and carrying concurrent jurisdiction activities (in matters relating to child abuse and neglect, domestic violence, and drug and alcohol offenses) over tribal members and nonmember village residents. The legislation would allow for incarceration pursuant to an intergovernmental agreement and affirms that in emergency circumstances, nothing prevents a participating Indian tribe from assuming protective custody and/or taking immediate, temporary protective measures to prevent imminent harm or address a situation involving imminent harm.

As the fourth hearing of this Task Force focuses specifically on issues relative to Alaska Native children, it is important to highlight the Alaska Safe Families and Villages Act as pending legislation that seeks to start to address the systemic and/or other barriers faced by Alaska Native children exposed to violence and their communities.

### **III. NATIVE CHILDREN'S AGENDA—DEVELOPING A SHARED VISION**

The health, well-being, and success of Native children are central to tribal sovereignty. Tribal governments are responsible for raising, teaching, and caring for children—and Native children in turn form the backbone of future tribal success. The National Congress of American Indians, the National Indian Health Board, the National Indian Education Association, the National Indian Child Welfare Association, and the National Council of Urban Indian Health brought together their knowledge and expertise to create a joint policy agenda for American Indian and Alaska Native children's issues. As leading national Native organizations, we sought to partner to drive a paradigm shift and deal with issues from a wider perspective. The goal of this initiative is to set forth specific recommendations to improve the social, emotional, mental, physical, and economic health of children and to improve their learning capacity and developmental potential. In essence, the goals of the Native Children's Agenda aim to form a foundation upon which to build resilience in Native youth.

The Native Children's Agenda is intended as a tool to assist tribal leaders, families, youth, and policymakers in creating and implementing a vision for a healthy community. It is also intended to guide stakeholders in identifying legislation and policy issues that may affect Native children. We identify four over-arching themes that we believe must be guiding principles for improving children's lives and outcomes. The themes are: Healthy Lifestyles; Safe and Supportive Environments; Successful Students; and Stable Communities. These over-arching themes are key to resilience-building in our children.

#### **A. Healthy Lifestyles**

Our children must have the resources they need to develop strong self-esteem and the life skills needed to usher them into adulthood. One of these resources is good health. Children who are physically and emotionally healthy are more able to play, learn, and work.

##### **1. Access to Health Care**

In order to raise healthy children, communities need access to comprehensive quality health care delivered in a culturally appropriate and sensitive manner. Comprehensive health care includes physical and mental health providers, urgent and preventative care, women's health services, prenatal and infant health services, dental services, and eye care.

##### **2. Mental Health & Well-Being**

Lack of mental health services is a major issue for many tribal communities. Native youth have extraordinarily high suicide rates, and suicide has reached epidemic proportions on some reservations. The death rate from suicide for American Indian and Alaska Native people is 62% higher than the general population. Unfortunately, the range of services needed to prevent, diagnose, treat, and intervene this mental health crises does not exist in most tribal health clinics. A 2001 study estimated that the ratio of mental health providers to Indian children was as low 1 to 25,000. Children need access to mental health professionals, paraprofessionals, and crisis intervention services in their schools and communities.

##### **3. Healthy Foods**

Traditional subsistence lifestyles have been replaced with federal programs such as the Food Distribution Program on Indian reservations, the Food Stamp Program, and the Commodity Supplemental Food Program. Additionally, new reliance on store-bought foods and the increased consumption of fast foods have resulted in American Indian and Alaska Native children suffering from higher rates of obesity and related complications, such as type-2 diabetes.<sup>18</sup> The prevalence for type 2 diabetes in Native children can be as high as 76% - compared to 6% for non-Hispanic white children.<sup>19</sup>

##### **4. Safe Drinking Water**

Like the availability of healthy food, access to safe drinking water is a basic requirement for healthy children. Many Native communities have no water delivery infrastructure, or the infrastructure that does exist is old and in disrepair. Safe and adequate water supply and waste disposal facilities are lacking in approximately 12% of American Indian and Alaska Native homes, compared to 1% of the homes for the U.S. general population.<sup>20</sup>

#### 5. Physical Activity

Regular exercise is key to maintaining good health. Exercise habits formed early in life can lay the foundation for healthy exercise habits in adulthood. Creating outlets for healthy physical activity encourages children to be active. In many tribal communities, however, physical activity options like summer camps and organized sports teams are not available to children.

#### 6. Alcohol and Drug Free Communities

Alcohol and other drugs pose a significant health risk to Native children. Alcohol is a factor in 12% of all deaths among American Indians and Alaska Natives, which is twice the rate of alcohol-related deaths in the general population.<sup>21</sup> Furthermore, 7% of these alcohol-related deaths occur in people under the age of twenty.<sup>22</sup> Alcohol and drugs can be dangerous to children even when consumed by other people. For example, children may suffer from fetal alcohol spectrum disorder and may be at an increased risk of child abuse, neglect, or unsafe conditions if a parent drinks. Exposure to drugs and related chemicals can pose a significant threat, such as the risk to children when methamphetamines are manufactured in the home.

### B. Safe and Supportive Environments

Children who have their basic needs met, including love, shelter, food, clothing, and play, are children who are more likely to go on to thrive, explore, learn, and dream. Our children must be protected from unsafe environments and supported by our communities.

#### 1. Affordable & Safe Housing

Healthy children begin in healthy homes. The availability of affordable and safe housing is critical to the success of Native children. Most tribal communities face severe housing shortages, with waitlists that far exceed rates of new housing construction.<sup>23</sup> Construction costs are higher in remote communities. Many tribes struggle to repair existing housing, which more often leaves tribal housing stock in substandard conditions. Additionally, overcrowding on Indian trust land is six times the national rate. In Alaska Native villages it is eight times the national rate.<sup>24</sup> More than a third of homes on reservations and more than 40 percent of homes in Alaska Native villages are overcrowded, compared with roughly five percent of other homes in the United States.<sup>25</sup> For children in particular, overcrowded, deteriorated building conditions can lead to health problems, lack of sleep, magnified family dysfunction, and transient living conditions, which can significantly affect school performance. In the area of housing, tribes' flexibility in administering federal housing programs has been an important tool for improving the quantity and quality of housing conditions on reservations.

#### 2. Safe Families

Child development begins at the family level. Programs that strengthen and support families are an important way to invest in children's success. Native children are overrepresented in state foster care systems, with the majority referred for neglect.<sup>26</sup> This trend can be reversed with investment in strong Native families. Keeping families safe, means keeping families free from abuse. It also means supporting parents and ensuring that parents have access to the services and support they need to raise healthy and safe children.

#### 3. Child Welfare

Given the importance of family in child development, it is imperative that communities have in place structures to support troubled families and to provide children with loving and supportive homes if their parents cannot care for them. Family reunification services are an important part of this, as are non-family placement options that reflect traditional child-rearing practices, such as placement with relatives and flexible permanent placement options.

Tribal child welfare systems are particularly important because they can offer placement options that better reflect traditional child-rearing practices and allow Native children to remain connected to family, tribe, and culture.

#### 4. Juvenile Justice

Supportive communities also have structures in place to intervene and provide assistance to children and families when youth get into trouble. Intermediate sanctions and alternatives to detention are not widely available in tribal communities.<sup>27</sup> These policies result in Native youth overrepresentation among those youth in detention and among youth waived into the adult criminal system, despite that these acts are mostly low-level offenses.<sup>28</sup> Another consequence is that Native youth are often forced to leave their communities in order to receive rehabilitative services, a practice that is reminiscent of the era when Native youth were sent away to federal boarding schools. Programs that rehabilitate, treat, and redirect delinquent youth in their communities are critical to ensuring that youthful misbehavior does not lead to dysfunction and criminality in adulthood.

#### 5. Safe Communities

Domestic violence, child abuse, and alcohol and substance abuse are longstanding problems on many reservations and in Alaska Native villages, and several Native communities have seen escalating violent crime rates in recent years. American Indian and Alaska Native people are twice as likely as the general population to be victims of violent crime.<sup>29</sup> In particular, compared to other racial and ethnic groups, Native women, youth, and young adults have high rates of violent victimization, such as rape, sexual assault, and robbery.<sup>30</sup> Native people are also more likely to report being victimized by a stranger and by someone of another race.<sup>31</sup> It is difficult to keep children safe and give them opportunities for positive development if they are surrounded by unaddressed crime.

#### 6. Protection from Environmental Hazards

Environmental toxins and waste contribute to long-term health problems for children. Like other poor and rural communities, Native homelands are more likely to be used as legal and illegal toxic waste disposals sites. Native peoples' dependence on the land for subsistence and ceremonial needs makes them especially vulnerable to pollution and environmental toxins.<sup>32</sup> Therefore, environment improvement is critical to children's well-being.

### C. Successful Students

Children who are healthy, safe, and nurtured achieve to the best of their abilities. Our children need skilled teachers, sound curricula, and family involvement so they can gain the abilities they need for present and future fulfillment.

#### 1. Capable Teachers

As the No Child Left Behind (NCLB) Act recognizes, quality education requires qualified teachers. Investment in teacher training is critical to student success. Teacher development is especially important in remote rural communities, where attracting skilled professionals can be difficult due to location and limited resources. The NCLB Act also raises standards for "qualified" teachers, which can make training and retention in Native communities even more challenging. In addition to efforts to attract more teachers to tribal communities, local, tribally-controlled teacher training programs can also help produce more skilled teachers.

#### 2. Sound Curricula

Educational success of Native students is critical in light of the national emphasis on accountability and standards, and it is equally critical that such success be achieved consistent with tribal tradition and culture. Schools must teach strong core skills, such as math, reading, writing, science, and computer skills. These basics must be taught alongside art, language, and cultural courses. Schools should also offer curricula suited to various skills levels and future goals, including vocational education, college preparatory classes, and advanced courses.

#### 3. School Readiness

Successful schooling starts before kindergarten. Children who attend quality early education programs are better prepared and perform better in school<sup>33</sup>. Research on Head Start programs in particular has shown them to

increase high school graduation rates, narrow the achievement gap between low and high income children, and to reduce crime.<sup>34</sup> Given the well-documented educational barriers faced by many Native children – from poverty to poor schools to high dropout rates – Head Start and Early Head Start are important components to educational success.

#### 4. Native Language and Culture Programs

Language and cultural education are critical for Native students. Participation in one's culture is important to spurring future academic interest, while preserving tribal culture and language. Cultural studies may also contribute directly to future academic success.<sup>35</sup> Emphasis placed on fundamental skills like reading and writing should not result in less support for cultural and language education.

#### 5. Safe Facilities and Appropriate Supplies

Skilled teachers and sound curricula are of limited value if the school itself is not a safe facility, or lacks the resources needed to implement quality educational programs. In 2001, 87% of BIE owned or funded Indian school facilities were found to be in poor condition. Additionally, the BIE faces a significant backlog of facilities in need of replacement.<sup>36</sup> Native children attending public schools, especially those in poorer districts face these unsafe buildings and lack adequate supplies.

#### 6. Safe Transportation to School

Children need to be able to get to school safely. The roads in many Native communities are in poor condition and some are impassable by school buses.<sup>37</sup> Many Indian reservation roads and school bus routes were never intended to be used as major vehicle thoroughfares, so they were not built to any safety specifications and do not have adequate signage, safety barriers, or even road shoulders.<sup>38</sup> Native people also have much higher rates of traffic-related pedestrian injury and death than other groups, a significant number of which occur in children under the age of fifteen.<sup>39</sup> Often, the main road through a reservation is two-lane state highway, where vehicles travel at high speeds, and these generally have no sidewalks, crosswalks, or traffic controls.<sup>40</sup> Development of safe transportation options for school children is critical in these communities.

#### 7. Access to Higher Education

In today's world, educational success often means college and/or graduate education. Emphasis on higher education is also important because of the need to bring more skilled professionals (doctors, dentists, teachers, business leaders, mental health professionals) to tribal communities. Unfortunately, Native students have comparatively low rates of high school graduation and are less likely than other students to obtain advanced degrees.<sup>41</sup> By age twenty-five, nearly one quarter of Native Americans have not graduated from high school or obtained GEDs (compared to 16% in the general population), and only 14% have obtained a bachelor's degree or higher (compared with 27% in the general population).<sup>42</sup> By encouraging higher education for their members and creating programs designed to bring people back to their communities after graduation, tribal governments can greatly strengthen business and community leadership on reservations and in Alaska Native villages.

### D. **Stable Communities**

In order to invest in children and the community structures that support them, tribal governments must have options for economic development and flexibility to channel tribal and federal funds into programs that best support their members. The objective is to foster economically self-sufficient communities which can support community programs that provide basic support for children and families.

#### 1. Effective Governance

Stable communities have strong governments. Tribal governments have long led Native communities using both traditional and modern forms of governance, but to be most effective, they need solid legal and political infrastructures. They also need access to a broad range of flexible funding sources, including government grants and must be recognized as equal partners when working cooperatively within other governments. Tribal governments operate in a political spectrum that interfaces with the federal and state governments in many ways.

Strong tribal governments recognize when to consider cooperation with both state and federal governments and agencies. Tribal governments, just like state governments, cannot effectively provide for their people by operating in a vacuum. Tribal governments create stable communities by understanding when to cooperate and when to lead in their relationships with other sovereigns.

#### 2. Economic Development

Sustainable economic development is a critical prerequisite for all of the activities outlined in this agenda. Without healthy economies, tribal governments are forced to depend solely on limited federal assistance and scarce private funding to build the infrastructure and programs needed to raise healthy children. Equally important, healthy economies create job opportunities within the tribe, which help children to have goals and future career aspirations.

#### 3. Social Services and Community Support

Tribal governments can use the resources generated by government grants and economic development to build strong social service and community support systems. When these programs are administered by tribes, they can be more closely tailored to the needs of tribal members and the unique characteristics (such as geographic isolation or harsh climates) of community. Tribal governments are also in the best position to offer services in a manner that reflects tribal culture and values.

#### 4. Dependable Infrastructure

In addition to personnel and programming, stable communities require strong physical infrastructure to support development and services. In many tribal communities, utility services and roads are lacking or serve only limited areas. This can make economic development difficult, and it also means that children living in those communities may lack access to basic services, such as electricity or emergency medical care. Investment in physical infrastructure is a necessary first step to developing systems to support children.

### IV. RECOMMENDATIONS & CONCLUSION

As the Advisory Committee prepares its report, NCAI would ask that the Committee keep some overarching values in mind: federal trust relationship, engagement of—and investment in—tribal leaders, communities, and families in responding to and healing from exposure to violence, and respect for the sovereignty, history and culture of AI/AN people.

The objective of the Advisory Committee is “to provide the Attorney General with critical advice regarding a broad array of issues relating to addressing the problem of AI/AN children being exposed to violence in the United States.” NCAI believes that in order to formulate what will work, it is necessary to examine the roots of why other things have not worked. As the Advisory Committee is comprised of leading experts including practitioners, child and family advocates, academic experts, and license clinicians, the strength of experience and motivation is here. As the Advisory Committee is not continuing in nature, it is imperative to recognize and repeat that the key is investment and engagement of tribal communities (the local response) in protecting their children. NCAI has previously presented the Advisory Committee testimony from President Brian Cladoosby as to what tribal leaders need from their own communities and from our federal trustees—and it bears repeating in specificity to Alaska Native issues: 1) investment in tribal justice systems and jurisdictional solutions, 2) enforcement of and compliance with the Indian Child Welfare Act, and 3) empowerment of tribal governments in protecting our communities.

The federal government has a trust responsibility to tribal governments. Tribal leaders, communities, and families are the trustees of our children. So, as the Advisory Committee and Federal Working Group examine the approaches and solutions to the exposure of our children to violence, you have heard our voices. You have heard the desperation we feel as tribal leaders, mothers, fathers, advocates, and communities. We must work together to come up with solutions that will work at every level. Our goal is not a net to catch our children when they fall off the ledge, our goal is a guardrail ... a safe, stable environment where our children feel loved.

NCAI highlights the following recommendations:

1. Invest in the local response—tribal justice systems. Support the passage of the Alaska Safe Families and Villages Act—specifically, the support of Alaska Native tribes to enforce and adjudicate tribal laws relating to child abuse and neglect, domestic violence, and drug and alcohol offenses by encouraging the implementation of intergovernmental agreements between tribes and the State of Alaska.
2. Repeal the existing “Special Rule for Alaska” contained in Section 910 of the Violence Against Women Reauthorization Act of 2013.
3. Increase the capacity of tribal youth voice in decision-making efforts to better inform systems change in the child welfare system. Get out in the community and ask your AI/AN youth what they think they need
4. Support programs building resiliency in children and youth. Identify children and youth mentors in tribal governments. Work with local schools to create mentoring program to develop young leaders
5. Provide education and training for law enforcement and others working with AI/AN children that addresses tribally specific cultural issues, domestic violence, and education about jurisdictional issues

Thank you for the opportunity to share this testimony and recommendations.

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<sup>1</sup> Report of the Attorney General’s National Task Force on Children Exposed to Violence, *Defending Childhood: Protect Heal Thrive* 9 (2012).

<sup>2</sup> Indian Law and Order Commission, Report to the President & Congress of the United States: *A Roadmap for Making Native America Safer* (2013) (emphasis added).

<sup>3</sup> (Census, 2010).

<sup>4</sup> The Census “urban” designation includes Urbanized Areas (densely developed territory that contains 50,000 or more people) and Urban Clusters (densely developed territory that has at least 2,500 people but fewer than 50,000 people). As a result, in 2010, 13 percent of AI/AN people considered urban for census purposes live on tribal lands (reservation, Oklahoma Tribal Statistical Area, or Alaska Native Village Statistical Area). NCAI Policy Research Center analysis of Census 2010 American Indian and Alaska Native Summary File. See

[http://factfinder2.census.gov/bkmk/table/1.0/en/DEC/10\\_AIAN/PCT2//popgroup~001%7C006%7C009?slice=POPGROUP~001](http://factfinder2.census.gov/bkmk/table/1.0/en/DEC/10_AIAN/PCT2//popgroup~001%7C006%7C009?slice=POPGROUP~001) for more info. (National Congress of American Indians [NCAI], 2010).

<sup>5</sup> See Attachment 1 on Alaska Demographic Information.

<sup>6</sup> (ANTHC Report) <http://ncfy.acf.hhs.gov/news/2014/03/primary-sources-what-promotes-resilience-among-alaska-native-youth>.

<sup>7</sup> (Johnson article) <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1168&context=tma>.

<sup>8</sup> (Johnson article) <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1168&context=tma>.

<sup>9</sup> (ANTHC Report) <http://ncfy.acf.hhs.gov/news/2014/03/primary-sources-what-promotes-resilience-among-alaska-native-youth>.

<sup>10</sup> (Johnson article) <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1168&context=tma>.

<sup>11</sup> (Palmer & Chino article) [http://www.american.edu/spa/faculty/upload/PalmerChino\\_inpress\\_2014.pdf](http://www.american.edu/spa/faculty/upload/PalmerChino_inpress_2014.pdf).

<sup>12</sup> (NCFY write-up of Wexler article) <http://ncfy.acf.hhs.gov/news/2014/03/primary-sources-what-promotes-resilience-among-alaska-native-youth>.

<sup>13</sup> See, e.g., Alicia Summers, Steve Woods & Jesse Russell, National Council of Juvenile and Family Court Judges, *Technical Assistance Bulletin: Disproportionality Rates for Children of Color in Foster Care* 7 (2012)(finding that although Native Children make up 0.9% of the United States population, they make up 1.9% of children in foster care); Rose M. Kreider, *Interracial Adoptive Families and Their Children: 2008*, in National Council for Adoption Factbook V 109 (2001)(reporting that in 2008 more Indian children in adoptive placements lived in non-Indian adoptive homes than Indian adoptive homes).

<sup>14</sup> *Mississippi Band of Choctaw Indians v. Holyfield*, 490 U.S. 30, 37 (1988).

<sup>15</sup> Indian Law and Order Commission, Report to the President & Congress of the United States: *A Roadmap for Making Native America Safer* 47 (2013)(internal citations omitted).

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<sup>16</sup> See <http://www.ncai.org/news/articles/2014/05/01/ncai-s-cladoosby-greatly-encouraged-by-proposed-rule-change-for-alaska-native-tribes>; see also, <http://indiancountrytodaymedianetwork.com/2014/05/20/placing-land-trust-will-make-alaska-safer-rural-tribes>.

<sup>17</sup> See Attachment 2, NCAI Resolution #REN-13-006 Protect Alaska Native Women.

<sup>18</sup> Story, M. et al. (2003). Obesity in American-Indian Children: Prevalence, Consequences, and Prevention. *Preventative Medicine*, 37(1), S3-S12, S5.

<sup>19</sup> Kaufman, F. (2008, July 16.). Written Testimony before the Senate Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families. *Childhood Obesity: The Declining Health of America's Next Generation—Part I*, 3.

<sup>20</sup> U.S. Department of Health and Human Services, Indian Health Service. (2006). *Facts on Indian Health Disparities (based on 2000-2002 rates)*. Retrieved August 25, 2008, from <http://info.ihs.gov/Files/DisparitiesFacts-Jan2006.pdf>.

<sup>21</sup> U.S. Centers for Disease Control. (2008). Alcohol-Attributable Deaths and Years of Potential Life Lost Among American Indians and Alaska Natives – United States, 2001-2005. *Morbidity and Mortality Weekly Report*, 57(34), 938-941. Retrieved November 18, 2008, from <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5734a3.htm>.

<sup>22</sup> *Id.*

<sup>23</sup> National American Indian Housing Council. (2001). *Too Few Rooms: Crowding in Native American Communities and Alaska Native Villages*. Retrieved November 4, 2008, from <http://naihc.net/NAIHC/files/CCLIBRARYFILES/FILENAME/0000000051/Too%20Few%20Rooms%20Publication.pdf>.

<sup>24</sup> U.S. Commission on Civil Rights. (2003). *A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country* 62 (citing Native American Indian Housing Council. *Overcrowding is Extensive, Causing Host of Health Problems*. (2002)).

<sup>25</sup> *Id.* at 62, (citing Native American Indian Housing Council. (2001)).

<sup>26</sup> National Indian Child Welfare Association. (2007). *A Time for Reform: A Matter of Justice for American Indian and Alaska Native Children*, 4-5. PEW Charitable Trusts.

<sup>27</sup> Arya, Neelum & Rolnick, Addie C. (2008). *A Tangled Web of Justice: American Indian and Alaska Native Youth in Federal, State, and Tribal Justice Systems*, 14. Campaign for Youth Justice

<sup>28</sup> *Id.* at 8, 20-24.

<sup>29</sup> Perry, Stephen W. (2004). *American Indians and Crime: A BJS Statistical Profile*, 1999-2000, 4-5. U.S. Department of Justice, Bureau of Justice Statistics.

<sup>30</sup> *Id.* at 7.

<sup>31</sup> *Id.* at 8-9.

<sup>32</sup> Brook, D. (1998, Jan.). Environmental Genocide: Native Americans and Toxic Waste. *The American Journal of Economics and Sociology*, 57(1), 105-113.

<sup>33</sup> National Head Start Association. *Benefits of Head Start and Early Head Start Programs* (2008). Retrieved November, 4, from <http://www.nhsa.org/download/research/REDFactSheets1.pdf>.

<sup>34</sup> Fight Crime: Invest in Kids. *Head Start Reduces Crime and Improves Achievement* (2006). Retrieved August 29, 2009, from <http://www.fightcrime.org/reports/headstartbrief.pdf>.

<sup>35</sup> Demmert, Jr., W. G., Ed, D., & Towner, J.C. (2003). *A Review of the Research Literature on the Influences of Culturally Based Education on the Academic Performance of Native American Students*, 13-17, 23, 41. Northwest Regional Educational Library. Retrieved August 29, 2008, from: <http://www.nwrel.org/indianed/cbe.pdf>.

<sup>36</sup> Rever, J. P.E., (March 6, 2008). Written Testimony before the Senate Committee on Indian Affairs. *Oversight Hearing on the State of Facilities in Indian Country – Jails, Schools and Health Facilities*, 2.

<sup>37</sup> U.S. Department of the Interior, Bureau of Indian Affairs. (2008). *TEA-21 Reauthorization Paper: Transportation Serving Native American Lands*, 13.

<sup>38</sup> *Id.* at 11, 15.

<sup>39</sup> LaValley, J., Crandall, C.S., Sklar, D.P., & Banks, L. (2004). *Pedestrian Safety in Native America*. Department of Transportation, 1, 6, 20.

<sup>40</sup> *Id.* at 7-8, 12, 18.

<sup>41</sup> Orfield, G., Losen D., Wald, J. & Swanson, C. (2004). *Losing Our Future: How Minorities Are Being Left Behind by the Graduation Rate Crisis*. Retrieved September 3, 2008, from <http://www.urban.org/url.cfm?ID=410936>.

<sup>42</sup> U.S. Census Bureau. (2008). *Statistical Abstract of the United States*. Table 36.

## **ATTACHMENT 1**

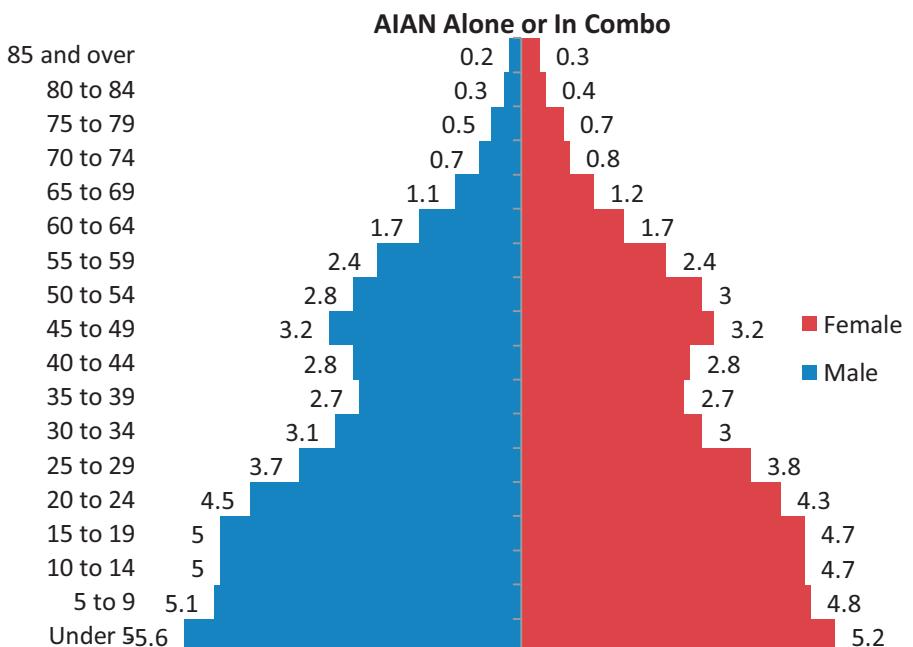
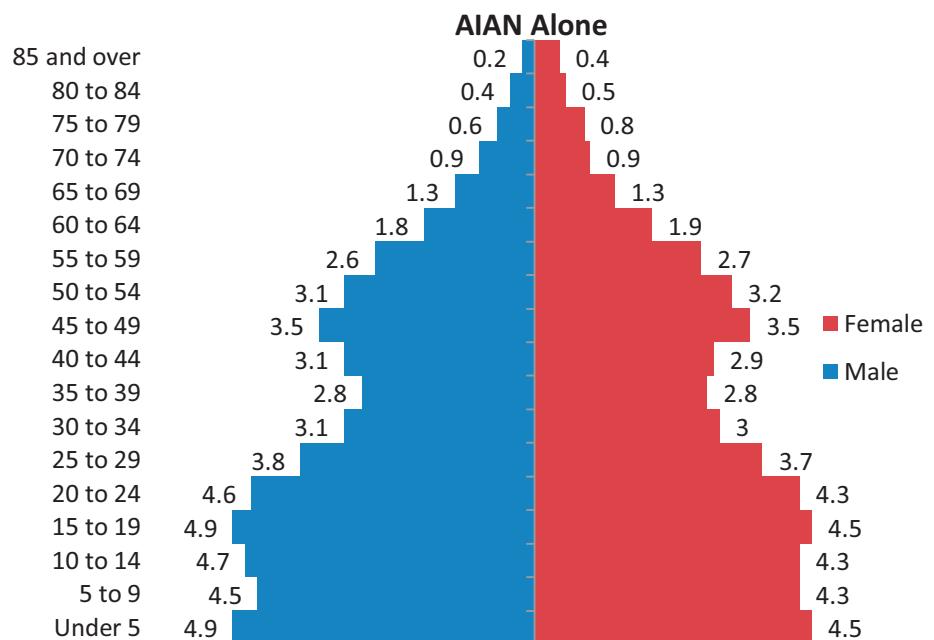
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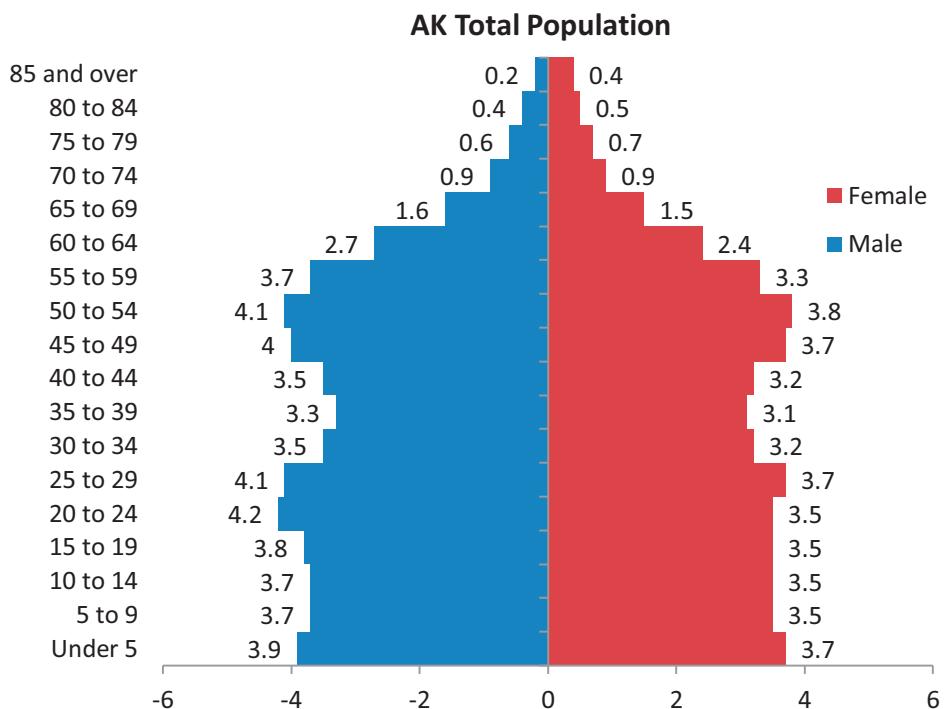
### Alaska Demographic Information

Age	AIAN	AIAN Alone or In Combination	Total Population
18 and under, percent of population	32.7%	36.1%	26.4%
18 and under, people	34,241	49,959	187,378

Source: 2010 Census American Indian and Alaska Native Summary File, Table DP-1

Population pyramids help analyze growth (or decline) of fertility, mortality, and migration in geographic areas. These graphical illustrations show the distribution of various age groups in a population. The shape of a population pyramid conveys how many dependents there are. There are two groups of dependents; young dependents (aged below 15) and elderly dependents (aged over 65). Dependents rely upon the economically active for economic support. Many developing areas have a higher number of young dependents. A population pyramid that is very triangular shows a population with a high number of young dependents and a low life expectancy. A population pyramid that has fairly straight sides (like a barrel) shows a population with a falling birth rate and a rising life expectancy. Often as a nation develops, the shape changes from triangular to barrel-like. Places with an aging population and a very low birth rate would have a structure that looks like an upside-down pyramid.





SEX AND AGE [1]	AIAN	%	AIAN AoIC	%	Total	%
Total population	104,871	100	138,312	100	710,231	100
Under 5	9,805	9.3	14,983	10.8	53,996	7.6
5 to 9	9,246	8.8	13,700	9.9	50,887	7.2
10 to 14	9,459	9	13,337	9.6	50,816	7.2
15 to 19	9,898	9.4	13,484	9.7	52,141	7.3
20 to 24	9,292	8.9	12,165	8.8	54,419	7.7
25 to 29	7,799	7.4	10,395	7.5	55,419	7.8
30 to 34	6,457	6.2	8,398	6.1	47,706	6.7
35 to 39	5,870	5.6	7,494	5.4	45,833	6.5
40 to 44	6,296	6	7,759	5.6	47,141	6.6
45 to 49	7,271	6.9	8,823	6.4	54,726	7.7
50 to 54	6,593	6.3	7,984	5.8	56,300	7.9
55 to 59	5,506	5.3	6,608	4.8	49,971	7
60 to 64	3,922	3.7	4,665	3.4	35,938	5.1
65 to 69	2,760	2.6	3,199	2.3	22,202	3.1
70 to 74	1,851	1.8	2,112	1.5	13,148	1.9
75 to 79	1,384	1.3	1,569	1.1	8,892	1.3
80 to 84	886	0.8	994	0.7	5,985	0.8
85 and over	576	0.5	643	0.5	4,711	0.7
Median age (years)	27.8	(X)	25.7	(X)	33.8	(X)
16 and over	74,584	71.1	93,782	67.8	544,208	76.6
18 and over	70,630	67.3	88,353	63.9	522,853	73.6

## **ATTACHMENT 2**

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# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution # REN-13-006

### TITLE: Protect Alaska Native Women

#### EXECUTIVE COMMITTEE

PRESIDENT  
Jefferson Keel  
*Chickasaw Nation*

FIRST VICE-PRESIDENT  
Juana Majel Dixon  
*Pauma Band of Mission Indians*

RECORDING SECRETARY  
Edward Thomas  
*Central Council of Tlingit & Haida Indian Tribes of Alaska*

TREASURER  
W. Ron Allen  
*Jamestown S'Klallam Tribe*

#### REGIONAL VICE-PRESIDENTS

ALASKA  
Mike Williams  
*Akiak Native Community*

EASTERN OKLAHOMA  
S. Joe Crittenden  
*Cherokee Nation*

GREAT PLAINS  
Robert Shepherd  
*Sisseton Wahpeton*

MIDWEST  
Matthew Wesaw  
*Pokagon Band of Potawatomi*

NORTHEAST  
Lance Gumbs  
*Shinnecock Indian Nation*

NORTHWEST  
Fawn Sharp  
*Quinault Indian Nation*

PACIFIC  
Don Arnold  
*Scott Valley Band of Pomo Indians*

ROCKY MOUNTAIN  
Ivan Posey  
*Shoshone Tribe*

SOUTHEAST  
Larry Townsend  
*Lumbee Tribe*

SOUTHERN PLAINS  
George Thurman  
*Sac and Fox Nation*

SOUTHWEST  
Joe Garcia  
*Ohkay Owingeh*

WESTERN  
Ned Norris, Jr.  
*Tobono Oodham Nation*

EXECUTIVE DIRECTOR  
Jacqueline Johnson Pata  
*Tlingit*

NCAI HEADQUARTERS  
1516 P Street, N.W.  
Washington, DC 20005  
202.466.7767  
202.466.7797 fax  
[www.ncai.org](http://www.ncai.org)

**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, all tribal sovereign nations honor, respect, and hold sacred our Native women; retain our inherent right to regulate domestic relations for our women, children, and families; and

**WHEREAS**, Alaska is home to 229 federally recognized tribes; there are over 200 rural Alaska Native villages in which federally recognized Indian tribes operate, and only 78 of those are served by local trained State law enforcement; and

**WHEREAS**, Alaska Native villages suffer disproportionately from crimes and civil disturbances rooted in alcohol abuse, illicit drug use, suicide, and domestic violence; and

**WHEREAS**, Alaska Native women suffer the highest rate of forcible sexual assault in the United States, an Alaska Native woman is sexually assaulted every 18 hours, and according to the Alaska Native Tribal Health Consortium, 1 in 2 Alaska Native women experience physical or sexual violence in their lifetime; and

**WHEREAS**, geographical remoteness, extreme weather, and the lack of transportation infrastructure present challenges responding to crime in Alaska Native villages and providing access to state judicial systems in a timely manner; and

**WHEREAS**, Alaska Native women in urban areas are also threatened by physical and sexual violence; and

**WHEREAS**, the State of Alaska continues to withdraw law enforcement resources from rural Alaska and Alaska Native women are increasingly at risk; and

**WHEREAS**, federally recognized Indian tribes that operate within Alaska Natives villages must be able to carry out local, culturally relevant solutions to effectively address the lack of law enforcement in villages and the lack of access to swift State court proceedings;

**WHEREAS**, NCAI urged Congress to include protections for Alaska Native victims of sexual assault, domestic violence, dating violence, and stalking in any final bill reauthorizing the Violence Against Women Act (see NCAI Resolution # SAC-12-038); and

**WHEREAS**, the final version of the reauthorization of the Violence Against Women Act of 2013 contained a “Special Rule for the State of Alaska” in Section 910 which thereby applied sections 904 and 905 of VAWA only to the Metlakatla Indian Community, Annette Island Reserve; and

**WHEREAS**, NCAI applauds the historic victories obtained for some tribes in VAWA 2013 but also recognizes that the safety of Alaska Native women is still at risk; and

**WHEREAS**, the Alaska Safe Families and Villages Act has been introduced in the 111<sup>th</sup> and 112<sup>th</sup> Congresses (S. 3740 and S. 1192 respectively) by Alaska Senator Mark Begich.

**NOW THEREFORE BE IT RESOLVED**, that NCAI supports the development of legislation that will:

- 1) Restore Alaska Native village lands as “Indian country” with Alaska tribal governments having the same authority to address the needs of their peoples as the tribes in the lower 48; and
- 2) At a minimum, restore the authority of Alaska tribes to address domestic violence, dating violence and sexual assault within village lands, as well as related problems of alcohol and drug abuse; and
- 3) Provide separate funding to Alaska tribal governments for necessary law enforcement in rural villages; and

**BE IT FURTHER RESOLVED**, that NCAI supports the Alaska Safe Families and Villages Act and supports further amendments to expand the pilot project of VAWA 2013 to include all tribes in Alaska.

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

**CERTIFICATION**

The foregoing resolution was adopted by the General Assembly at the 2013 Midyear Session of the National Congress of American Indians, held at the Atlantis Casino from June 24 - 27, 2013 in Reno, Nevada with a quorum present.

  
President

ATTEST:

  
Recording Secretary

## **Written Testimony for Victor Joseph**

**Victor Joseph, (Native Village of Tanana), President, Tanana Chiefs Conference**

An Athabascan Indian and former substance user, Victor drew on his own experiences to design a "Recovery Camp" that reintroduces Athabascan Indians and other Alaskan Natives who suffer from alcohol and substance abuse to traditional native values and strengths. Accessible only by plane, boat, dog sled or snow mobile, the camp now provides daily individual, group and family counseling, in addition to life skills. He has served as Deputy Director of Health Services, Tanana Chiefs Conference. He was elected President of the Tanana Chiefs Conference in March 2014.

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*Testimony was not available prior to hearing*

## **Written Testimony for Richard J. Peterson**

**Richard J. Peterson, (Tlingit), President, Central Council Tlingit & Haida Tribes of Alaska**

Richard Peterson “Ch’aa Yaa Eesh” is Tlingit from the Kaagwaantaan clan and is a lifelong Alaska Native resident of Southeast Alaska. Richard lives in Kasaan and has served the community in the capacity of Tribal President of the Organized Village of Kasaan (OVK) since 1998, and as either Mayor or City Council Member since 1996. He has been a delegate to the Central Council of Tlingit and Haida Indian Tribes of Alaska (CCTHITA) since 2000, a four-time elected member of the Southeast Island School District Board of Education since 2003, and served as School Board President. In 2011, during the celebration of the “Salmon in the Trees”, Harris Sherman, the Under Secretary for Natural Resource and Environment for the U.S. Department of Agriculture, presented Richard with a USDA Certificate of Appreciation and a Pendleton Blanket. This award was given for exemplary service and cooperation with the U.S. Forest Service (USFS), Alaska Region, Alaska Tribal Leadership Committee (ATLC). Sincere appreciation was expressed for Richard’s participation on the ATLC and his guidance in Alaska tribal relations.” The ATLC conducts informal monthly conferences and formally meets twice a year to address regional-level issues. The mission of the committee is to advance cooperative relationships, collaboration, and the furtherance of government-to-government partnerships between the USFS and the federally recognized tribes of Southeast and Southcentral Alaska in promoting sustainable forests, resources, and communities. Richard is dedicated to working with the USFS on behalf of tribes in Alaska. He feels it’s very important for the USFS to listen to tribal leaders on issues that are important to them on a local level, and for them to understand that this is “Our Way of Life”.

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*Testimony was not available prior to hearing*

## **Written Testimony for Myron Naneng**

**Myron Naneng, (*Yup'ik descent*) President, Association of Village Council Presidents**

Of Yup'ik ancestry, Myron Naneng serves the peoples of the Yukon-Kuskokwim delta as President of the Association of Village Council Presidents (AVCP). His education experience includes an associate degree Land Resource Management at the Kuskokwim Community College and Natural Resources studies at the UAF. Mr. Naneng's professional experience includes realty and lands management, Special Staff Assistant to the Governor of Alaska and AVCP Vice President. He serves on the boards of the Sea Lion Corporation, the United Utilities, Inc., the Alaska Village Initiatives, the Howard Rock Foundation and the AFN/Human Resources Committee. Mr. Naneng is married with eleven children and four grandchildren.

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*Testimony was not available prior to hearing*

## **Panel #3: The Role of the Court System: Alaska Native Children Exposed to Violence in Home, in the Community, and Juvenile Justice Response**



## **Panel #3: The Role of the Court System: Alaska Native Children Exposed to Violence in Home, in the Community, and Juvenile Justice Response**

**Outcome:** *Examine the issues of Alaska Native Children Exposed to Violence in Alaska through the eyes of those involved in Alaska Native tribal justice systems including tribal judges. Identify issues with the state, federal and tribal systems that negatively or positively impact Alaska Native youth and recommend solutions.*

### **Panelists:**

#### **Lisa Jaeger, Tribal Government Specialist, Tanana Chiefs Conference**

Lisa Jaeger has served as tribal government specialist for the Tanana Chiefs Conference in since 1979. The Tanana Chiefs is a non-profit Native corporation that provides technical assistance and service delivery to 37 federally recognized tribes in the Interior of Alaska. She has traveled extensively into the villages of the Interior and other parts of Alaska assisting tribes in designing tribal government structures and procedures, drafting constitutions, ordinances, codes and policies, and assisting tribes on land issues and in the development of their tribal courts. Ms. Jaeger received her undergraduate degrees in biology and secondary education, and a master's degree in Northern Studies-Indian Law from the Universities of Arizona and Alaska. She teaches Indian law and tribal government courses for the University of Alaska, National Judicial College, and through a wide variety of other collaborative training efforts. She has written handbooks for Alaska tribes on tribal government, code drafting, Alaska Native lands, and tribal court development. Jaeger is the producer of multiple films on tribal court development for Alaska tribes, and of the documentary film "*Tribal Nations, The Story of Federal Indian Law.*" She recently launched a website on Federal Indian Law in Alaska in collaboration with the University of Alaska.

#### **David Voluck, Tribal Judge, Central Council of Tlingit and Haida Tribes**

David is a tribal judge for the Central Council of Tlingit and Haida Indian Tribes of Alaska and a visiting professor of Indian law for Lewis & Clark Law School's Summer Indian Law Program. He co-authored the second and third editions of *Alaska Natives and American Laws* (Univ. of Alaska Press). He moved to Sitka, Alaska to serve as the land and trust resources attorney for the Sitka Tribe of Alaska and was eventually promoted to the Director of the Tribe's Law and Trust Resources Department. He worked for the law firm Landye, Bennette, and Blumstein, LLP; under the mentorship of David S. Case specializing in federal Indian law, traveling to rural villages both as municipal and tribal attorney. David was privileged to travel the expanse of Alaska, providing representation to the Tlingit, Haida, Athabascan, Inupiat, Yupik, and Aleutiiq peoples. He graduated from the University of Pennsylvania with a major in the Sociology of Religion, and received his Juris Doctorate from Northwestern School of Law at Lewis and Clark College with a Certificate in Environmental Law and was inducted into the Cornelius Honor

Society. Additionally, he graduated from Rabbinical College of America, focusing on Talmudic and Jewish Legal Studies. David is a noted lecturer on a variety of topics related to Indian law, Tribal Courts, Native culture, and the interplay with religion.

**Michael I. Jeffery**, Superior Court Judge, Second Judicial District, Barrow, Alaska

Judge Jeffery has been the Superior Court Judge with the Alaska Court System at Barrow, Alaska since December, 1982. He is the Presiding Judge for the Second Judicial District. Most of the cases he handles are felony crime, child welfare, juvenile delinquency, domestic relations and civil litigation. He is the Alaska Court System representative to the steering committee of the Alaska FASD Partnership. He is a member of the Alaska Juvenile Justice Advisory Group, Alaska's State Advisory Group under the OJJDP. He also served on the Alaska Criminal Justice Assessment Commission and on the Statewide Fetal Alcohol Spectrum (FAS) Steering Committee coordinated by the Alaska Office of FAS to guide its efforts for the five-year special FAS grant from the federal government. Judge Jeffery has shared presentations on Fetal Alcohol Spectrum Disorder and justice system issues in a variety of locations in Alaska, as well as California, Louisiana and Vancouver, BC. His article An Arctic Judge's Journey with FASD was published in the Journal of Psychiatry and Law (Winter 2010). Judge Jeffery is married and has three grown children. He is active with an Eskimo dance group, choir singing, and commercial salmon fishing in Bristol Bay. He received degrees from Stanford University and the Yale Law School.

**Walt Monegan, (Yup'ik and Tlingit Descent)**, Former President/CEO, Alaska Native Justice Center; Alaska Commissioner of Public Safety; and Chief of Police, Anchorage Police Department.

Walt is of mixed heritage, his father was from Irish descendants, while his mother's parents were Yupik and Tlingit. His Native grandparents played a significant role in his raising within the Alaska community of Nyac. Walt is a former US Marine, volunteer firefighter and medic. He had worked over 33 years at the Anchorage Police Department (APD), where he retired as the Chief of Police. He was appointed as Alaska's Commissioner of the Department of Public Safety where he served for a little more than a year and a half. He has a Bachelor of Arts degree from Alaska Pacific University in Organizational Management. He received additional training from Northwestern University's Traffic Institute Staff and Command School; Harvard's John F. Kennedy's School of State and Local Government; and the Federal Bureau of Investigation National Executive Institute. Walt considers his greatest accomplishment is his marriage to his wife, Terry; and four surviving adult children and three grandchildren.

## Written Testimony for Lisa Jaeger

**Lisa Jaeger**, Tribal Government Specialist, Tanana Chiefs Conference

Lisa Jaeger has served as tribal government specialist for the Tanana Chiefs Conference in since 1979. The Tanana Chiefs is a non-profit Native corporation that provides technical assistance and service delivery to 37 federally recognized tribes in the Interior of Alaska. She has traveled extensively into the villages of the Interior and other parts of Alaska assisting tribes in designing tribal government structures and procedures, drafting constitutions, ordinances, codes and policies, and assisting tribes on land issues and in the development of their tribal courts. Ms. Jaeger received her undergraduate degrees in biology and secondary education, and a master's degree in Northern Studies-Indian Law from the Universities of Arizona and Alaska. She teaches Indian law and tribal government courses for the University of Alaska, National Judicial College, and through a wide variety of other collaborative training efforts. She has written handbooks for Alaska tribes on tribal government, code drafting, Alaska Native lands, and tribal court development. Jaeger is the producer of multiple films on tribal court development for Alaska tribes, and of the documentary film "*Tribal Nations, The Story of Federal Indian Law.*" She recently launched a website on Federal Indian Law in Alaska in collaboration with the University of Alaska.

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On behalf of Alaska tribes and all children throughout Alaska, I offer extreme thankfulness and appreciation to the Task Force for holding a hearing in Alaska to focus on the unique situations, locations, and needs for protecting children in this great State. My name is Lisa Jaeger, and I have had the honor and privilege of working as a tribal government specialist for the Tanana Chiefs Conference since 1979. Tanana Chiefs Conference is an intertribal health and social services consortium that serves 37 federally recognized tribes in Interior Alaska spread throughout an area almost the size of Texas. My work has allowed me to travel throughout Alaska into the some of the most remote villages on earth, working on many issues and topics including assisting tribal governments in developing and operating tribal courts. The number one activity of the tribal courts is protecting children; the hope, future, and most precious assets of the tribes. The development and support of tribal courts in Alaska, and truly cooperative relationships between tribes and the Office of Children's Services and Judicial System are absolutely essential to protecting Alaska Native children from violence and abuse.

In November of 2013, the Indian Law and Order Commission issued its report to the President and Congress of the United States, [The Indian Law and Order Commission Report: A Roadmap for Making Native America Safer](#). That report was a mix of new research and a summary of many past studies, which document all too well the severe crisis facing women and children in rural Alaska. The report contains the horrific statistics that Native women constitute nearly one-half of all rape victims in Alaska, even though Native people are less than 20% of the total State population. In many villages, all of the Native women have been sexually assaulted at some point in their lives. In fact, Native women are 7 times more likely to be assaulted than non-Native women, and are 12 times more likely to be physically assaulted than women in the rest

of the country. The children are victims too, not just the victims of disproportionate domestic violence, child abuse and neglect, but of sexual assault. Fueling the violence is the stunning statistic that 95% of all crimes committed in rural Alaska involve alcohol abuse.

While the State of Alaska claims criminal jurisdiction over all lands in Alaska, the remote locations of the villages and limited state law enforcement resources has led to a dramatic under-provision of criminal justice services in our tribal communities. The same can be said for Alaska's Office of Children's Services. Although there are many dedicated State officials who serve Alaska Native communities day in and day out, the state judicial, law enforcement, and children's services system does not serve rural Alaska well due to reasons of funding, geographic size, remoteness, hub centralization of services and deep cultural divides. The State of Alaska fought the recognition of tribes in Alaska after the passage of the Alaska Native Claims Settlement Act, and continues to fight their jurisdictional rights today. It has been a long hard battle to gain recognition by the State that tribes exist in Alaska, and that they have the right, responsibility, and jurisdiction to protect their children through tribal courts. Village based tribal courts are 'on the ground' culturally appropriate first responders. It is critical to develop, enhance, and support tribal courts in the villages to protect children from violence and abuse.

The 37 tribal courts in the Tanana Chiefs Region have been actively protecting children for decades, even before the State of Alaska acknowledged tribes survived the passage of the Alaska Native Claims Settlement Act. Over the years the numbers of children the courts have taken into custody to protect them from violence and abuse averages about 50% in tribal court and 50% in state court. There are approximately 150 children in tribal custody in 31 of the tribal courts in the Region at this time. Our tribal courts also issue domestic violence civil orders of protection, however still face challenges from the State of Alaska in enforcement, particularly in situations where a person is very dangerous to the whole village and needs to be banished from the village for the safety of everyone.

Tribal courts are on the front lines of tremendous justice challenges facing our tribal communities: violence, child abuse and neglect, substance abuse, juvenile delinquency, and the minor crimes which otherwise would likely go unaddressed in remote locations. Our courts are operating on extremely limited resources and sparse training opportunities. Tribal courts in the TCC Region are operating under a combination of existing program resources and volunteerism. Most of the tribal court clerks are employed as tribal social service workers under limited combined funding from Bureau of Indian Affairs Social Services and Indian Child Welfare programs, Department of Health and Human Services funded Family Violence Prevention and Services Act and Child Care and Development Fund programs. The role of tribal court clerk is added to the duties of these social service workers. Their office space and equipment serves double duty as well. Our tribal courts generally use a quorum of three judges to hear cases. The judges either hear cases on a volunteer basis, or, a few tribes give their judges a small hearing stipend similar to a meeting fee. The stipends generally run around \$50 to \$75 per session which may or may not involve multiple cases. Tribal court hearings are usually conducted within meeting rooms of tribal offices, often with parties connected telephonically to the hearings. Circle sentencing is sometimes used, particularly in juvenile and misdemeanor cases and held in

larger spaces such as the community hall. Other costs associated with the courts are the on-going need for technical assistance and training by experts in the field of how federal Indian law applies in Alaska and in the way things work in remote Alaska villages.

While there are extraordinary challenges now and ahead in tribal-state relations in Alaska, there has been some progress in cooperation to protect children between tribes and the State Judicial System in Alaska. The Alaska State Judiciary acknowledges the list of federally recognized tribes in Alaska, and recognizes tribal jurisdiction to protect tribal children through their tribal courts. The State has also improved in the process of tribal intervention in State Court ICWA cases and in transferring those cases to tribal courts. The State Judiciary is improving in community outreach, and some Judges are holding hearings in the villages and getting meaningful community participation through circle sentencing. Recently the Alaska Supreme Court amended Criminal Rule 11 by adding restorative justice opportunities in State court cases, and there is currently an effort to develop agreements between the State and tribes for tribes to handle certain misdemeanors and encouraging the tribes to do so through village based restorative justice. Alaska's Chief Justice Dana Fabe has made it clear in her 2013 "State of the Judiciary" address to the Alaska Legislature that State and Tribal courts must work together:

"Tribal courts bring not only local knowledge, cultural sensitivity, and expertise to the table but also are a valuable resource, experience, and have a high level of local trust. They exist in at least half the villages of our State and stand ready, willing, and able to take part in local justice delivery. Just as the three branches of State government must work together closely to ensure effective delivery of justice throughout the State court system, State and Tribal courts must work together closely to ensure a system of rural justice delivery that responds to the needs of every village in a manner that is timely, effective, and fair. "

#### **Recommendations for Enhancing the Protection of Children from Violence in Alaska Tribal Communities:**

- **Tribal-state cooperation/collaboration:** It is paramount that dialog and cooperation/collaboration continue and improve between the Alaska Tribes and State judiciary. Constant litigation over jurisdiction is lengthy, costly and a hindrance to protecting children exposed to violence.
- **Funding tribal courts:** While the opportunity for Alaska tribes to apply for TCAP grants under the Department of Justice is tremendously valuable to the few Alaska tribes that receive them, the Department of Interior, Bureau of Indian Affairs has not made any tribal court funding available to Alaska tribes through their 638 compacts and contracts. It is critical that Alaska tribal courts be able to receive at least some funding on a consistent, annual basis for operating their tribal courts.
- **Training and technical assistance for tribal courts in Alaska:** The amount of training opportunities and technical assistance available to Alaska tribal courts is low and it is critical to increase them. Training is needed in basic operation of tribal courts in Alaska, and technical assistance in code drafting, judicial writing, and tribal-state relations. Alaska has specific training and technical assistance needs that must be provided by people who are not only

familiar with how federal Indian law uniquely applies here, but also with how things work in remote Alaska villages.

- **Training on effects of violence on children:** Our tribal councils, court judges, and tribal staff all need on-going training on the effects of violence on children. When children grow up surrounded by violence they learn to see the world in two ways: as a victim of violence and as a perpetrator of violence, both of which perpetuates the cycles of violence. Our villages need training on effects of violence on each other, and on judicial responses to violence.
- **Treatment and counseling programs:** Because 95% of all crimes committed in rural Alaska involve alcohol abuse, money spent on treatment and counseling programs should certainly trump money spent on building and operating jails. More treatment and counseling programs are critical to reducing the incidences of children exposed to violence, and for treating those who already have been in breaking the perpetuation of violence.

## **Written Testimony for David Voluck**

**David Voluck**, Tribal Judge, Central Council of Tlingit and Haida Tribes

David is a tribal judge for the Central Council of Tlingit and Haida Indian Tribes of Alaska and a visiting professor of Indian law for Lewis & Clark Law School's Summer Indian Law Program. He co-authored the second and third editions of *Alaska Natives and American Laws* (Univ. of Alaska Press). He moved to Sitka, Alaska to serve as the land and trust resources attorney for the Sitka Tribe of Alaska and was eventually promoted to the Director of the Tribe's Law and Trust Resources Department. He worked for the law firm Landye, Bennette, and Blumstein, LLP; under the mentorship of David S. Case specializing in federal Indian law, traveling to rural villages both as municipal and tribal attorney. David was privileged to travel the expanse of Alaska, providing representation to the Tlingit, Haida, Athabascan, Inupiat, Yupik, and Aleutiiq peoples. He graduated from the University of Pennsylvania with a major in the Sociology of Religion, and received his Juris Doctorate from Northwestern School of Law at Lewis and Clark College with a Certificate in Environmental Law and was inducted into the Cornelius Honor Society. Additionally, he graduated from Rabbinical College of America, focusing on Talmudic and Jewish Legal Studies. David is a noted lecturer on a variety of topics related to Indian law, Tribal Courts, Native culture, and the interplay with religion.

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*Testimony was not available prior to hearing*

## **Written Testimony for Michael Jeffery**

**Hon. Michael I. Jeffery**, Superior Court Judge, Second Judicial District, Barrow, Alaska

Judge Jeffery has been the Superior Court Judge with the Alaska Court System at Barrow, Alaska since December, 1982. He is the Presiding Judge for the Second Judicial District. Most of the cases he handles are felony crime, child welfare, juvenile delinquency, domestic relations and civil litigation. He is the Alaska Court System representative to the steering committee of the Alaska FASD Partnership. He is a member of the Alaska Juvenile Justice Advisory Group, Alaska's State Advisory Group under the OJJDP. He also served on the Alaska Criminal Justice Assessment Commission and on the Statewide Fetal Alcohol Spectrum (FAS) Steering Committee coordinated by the Alaska Office of FAS to guide its efforts for the five-year special FAS grant from the federal government. Judge Jeffery has shared presentations on Fetal Alcohol Spectrum Disorder and justice system issues in a variety of locations in Alaska, as well as California, Louisiana and Vancouver, BC. His article An Arctic Judge's Journey with FASD was published in the Journal of Psychiatry and Law (Winter 2010). Judge Jeffery is married and has three grown children. He is active with an Eskimo dance group, choir singing, and commercial salmon fishing in Bristol Bay. He received degrees from Stanford University and the Yale Law School.

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*Paglavisi* to Alaska! Thank you for making the journey to our state and taking time to listen to all the presenters scheduled June 11-12, 2014. Respectful greetings also to the Dena'ina people, especially the elders, who lived in this part of Alaska long before this city of hundreds of thousands of people existed. Greetings from Dana Fabe, the Chief Justice of the Alaska Court System, who was unable to attend. I feel honored to be talking to you today as part of the tremendously important work you are accomplishing.

My name is Michael I. Jeffery, a resident of Barrow, Alaska, the farthest-north town in the USA and the home of the Inupiaq Eskimo people. We now have 24-hour daylight, and ice still covering the ocean and lakes. You have biographical information about me, so I will simply repeat that I have been the Superior Court Judge for the Alaska Court System in Barrow for over 31 years and that I am a member of Alaska's OJJDP State Advisory Group, the Alaska Juvenile Justice Advisory Committee, and of the Steering Committee of the Alaska FASD Partnership. My wife Esther was born in Bethel, raised in the village of Kwigillingok and Dillingham. She is the School Nurse employed by the North Slope Borough School District for Barrow's four schools. My comments today are personal to me, based on my judicial career and life-experience in Barrow. I do not represent the Alaska Court System this morning.

I will have three recommendations: 1) the need to accommodate for the effect of fetal alcohol spectrum disorders, 2) the need to recognize the critical importance for life-long support of persons affected by conditions like complex trauma and FASD, and 3) the importance of having child advocacy centers outside major cities to reduce the difficulty for young victims to be professionally and safely interviewed.

But since the Advisory Committee is a national group with national responsibilities, I believe that some background about the way the justice system works in my community is important.

As part of my duties over the last 31 years, I preside over felony and misdemeanor criminal cases, juvenile delinquency cases and child welfare cases. Most of these cases involve Inupiaq Eskimo persons. I have seen first-hand the kind of cases which inevitably would cause life-long memories of fear in small children. I recently sentenced a father in his 30's who had been drinking with his wife and blacked out. During this black-out state he became jealous and then got a .243 rifle and went into the bedroom of their 11 and 9 year old children. While looking at them and chambering three rounds into the weapon he clearly told them he was going to kill each of them and then himself. When the police arrived shortly afterwards, one child said "I'm afraid of my daddy." By the time of the sentencing, the father had completed alcohol treatment, maintained his employment, served almost all of his jail time that was part of the plea agreement, and was able to continue his role in the family, his subsistence gathering activities and his service to the community and schools through his leadership in Eskimo dancing. However, he has a permanent felony domestic violence assault on his record.

**-Some social and financial costs of violence.** I understand that northern Alaska has the highest rate of domestic violence in Alaska, and that Alaska has the highest rate in the USA. This is obviously a major problem causing deep, lifelong mental and social challenges about which so many have testified. My wife reports to me that based on research and her own experience that domestic violence and alcohol use inside a student's home makes it impossible for the student to learn effectively at school due to lack of sleep and poor nutrition. Our current governor Sean Parnell has a "Choose Respect" campaign to help address such issues. The Alaska Department of Health and Social Services has supplemented the grim reality of effects of domestic violence and sexual assaults with estimates of financial costs. The Department found that domestic violence costs the people of Alaska about \$36.6 million annually, of which \$19 million can be directly tied to Adverse Childhood Experiences including exposure to violence.<sup>1</sup> The Department estimates that simply the incarceration costs for sexual assault crimes in Alaska is an additional \$36 million annually of which \$22.3 million is directly tied to adverse childhood experiences.<sup>2</sup> The Department estimates (based on methodology from Minnesota) that all financial costs for sexual assaults in Alaska are approximately \$115 million of which \$71.4 million is directly based on the effects of adverse childhood experiences.<sup>3</sup> In other words, if we can reduce the adverse childhood experiences, including exposure to violence, we can defend our children from harm and reap financial savings that hopefully will go to treatment programs.

<sup>1</sup> Alaska Dep't of Health & Social Services. (2014). *Adverse Childhood Experiences Module 2014 Behavioral Risk Factor Surveillance Survey Request for Inclusion*, 5.

<sup>2</sup> Id.

<sup>3</sup> Id.

**-North Slope's state justice system.** Since the contours of the state justice system in Barrow differ from the rest of rural Alaska, I would like to describe it to you. Barrow is the administrative center of the North Slope Borough, the largest municipality in the USA. It is approximately the size of Minnesota. Barrow has about 4,300 souls. North Slope Borough also includes seven small villages as well as the giant Prudhoe Bay oil field complex (with only a few dozen permanent residents). Most of the voters are Inupiaq Eskimo as is the Borough Mayor Charlotte Brower and all but one of the members of the Borough Assembly: we have a native-controlled government using state law for its activities. The voters and administration have strongly supported public safety. We have a police station and short-term jail facility in Barrow and there are police stations with professional, certified officers on 2-week rotations in all the villages. The state justice system serving the North Slope from Barrow includes the Superior Court Judge, and a Magistrate Judge. The state court handles the criminal cases, juvenile justice cases, domestic violence and stalking cases, probate cases, general civil litigation, and child welfare cases from the villages. We have a resident prosecutor and resident defense attorney, a part-time private law firm, two juvenile justice probation officers, one adult probation officer, and three state social workers.

In the past, there was a position funded by the Alaska Mental Health Trust Authority to assist cognitively-impaired offenders. We do not have a separate "drug court" or "mental health court" given the small size of our legal community, but I have adapted my own courtroom to this environment by slowing down hearings, giving more explanations to participants, and using a bail form and felony probation conditions expressed to the extent possible in plain English and positive wording.<sup>4</sup>

**-North Slope's tribal justice system.** The Native Village of Barrow has an active and innovative tribal court program. The tribal government successfully petitioned for return of jurisdiction for child welfare cases in Barrow. Therefore, unless the tribe declines a case, the Barrow child welfare cases are not heard in the state court. The Native Village of Barrow Tribal Court, under the leadership of Chief Judge Ellen Sovalik, decides these cases as well as adoptions and guardianships. It has an innovative program for youth given citations for Minor Consuming Alcohol which can lead into the tribal court's "Wellness Program" involving the parents and extended family. If the person agrees to jurisdiction the tribal court will serve Barrow residents from other tribes as well as non-tribal members.

The regional tribal government, the Inupiat Community of the Arctic Slope, has the Indian Child Welfare Act contract for two villages. The regional native non-profit Arctic Slope Native Association has the contract for 4 villages, as well as the supervision of the new Samuel Simmonds Memorial Hospital. One village has its own ICWA worker.

<sup>4</sup> Jeffery, M. (2010). An Arctic Judge's Journey with FASD. *Journal of Psychiatry and Law* 38, 585-618.

Under the leadership of Chief Justice Dana Fabe, tribal and state court judges have joined together for some training events. The state court judges have benefited from the attendance of tribal judges at these events, including a recent minor consuming alcohol conference at which Chief Judge Sovalik presented about Barrow's innovative MCA program. On a local level, I believe there is mutual respect among the state and tribal agencies in our community. We have a monthly meeting to which everyone is invited, including the public, to keep lines of communication open. These local meetings have been happening for over 25 years.

**-State court juvenile justice procedures.** You should know that under Alaska law, minors in the juvenile justice cases all have the right to an appointed attorney to assist them. If a juvenile has a felony charge in juvenile court and says that he or she does not want an attorney, I appoint an attorney anyway to consult with the minor about whether or not the minor wants an attorney. Parents in these cases do not have a right to an appointed attorney until the very end of the case: if the state wants to place the minor outside the home and if the parents do not agree, they can ask for an appointed attorney to help them. Decisions on placements are guided by principals of restorative justice and of placing a minor in the "least restrictive placement." Staying in the home is preferred, with foster or group homes or locked programs with intensive counseling being other options. One recent case involving a youth with no parental support and several failed community placements becoming involved a successful placement at a locked juvenile justice facility for a limited period during which he completed courses for his high school diploma and got effective help with vocational placements and certificates—even a leather binder so that he would not lose the diploma and certificates that he had earned.

**-State's waiver of juveniles to adult court and "dual sentencing."** Youth 16 years of age or older who are charged with serious felonies are automatically "waived" to the adult court. The case goes to the grand jury and then a public trial and adult jail time. However, it is possible to have a "dual sentence" in which the minor is sentenced to a juvenile disposition and to an adult sentence, with the juvenile disposition being implemented first. If it is successful, the adult sentence is never used. But one of the problems is that the original criminal charges still show up on the public electronic database.

**-FASD mitigating factor.** One positive development in adult sentencing is that Alaska is now the first state in the USA to have a mitigating factor that specifically allows reduction of jail time for defendants who have an FASD diagnosis and can show that the FASD condition had a role in the offense. (However, this mitigating factor does not apply to crimes against a person). This mitigating factor is a good example of the national movement toward "smart justice" to reduce criminal justice costs by using evidence-based approaches to make the criminal justice response more focused on the needs and security risks of individual offenders.

**-State's child welfare procedures.** The state court rules for child welfare cases involving Alaska Native children are aligned closely with the Indian Child Welfare Act. In fact, the ICWA is reprinted following Alaska's children's rules for easy reference. Each parent or Indian custodian has the right to have an attorney. The relevant tribal government can intervene and become a full participant. There can also be a guardian ad litem funded by state tax dollars. Placements for Alaska Native children are guided by the placement preferences in the Indian Child Welfare Act.

A recent case involved a series of live-in support persons for a family over a period of months which resulted in the successful closure of the child welfare case involving them. One great choice here in Barrow is the Children and Youth Services program, jointly funded by the tribe, the state Office of Children's Services and the North Slope Borough. This is a community residential facility with counselors on site and ample visitation with family members. The Borough's Integrated Behavioral Health Program also offers counseling for youth at a separate building the center of town.

So how can our justice system work better for Alaska Native children exposed to violence? Time is limited, so here are three concerns.

**-We need to realize the pervasive effects of fetal alcohol spectrum disorder.** I have reviewed testimony from your first two hearings as well as scanned the December 2012 final report of the Attorney General's National Task Force on Children Exposed to Violence. These are amazing documents, full of heart-felt recommendations based on thorough information and solid writing. But I do not see any reference to the tremendous and pervasive effects that occur when a mother has been drinking alcohol while pregnant. Although I became the judge in Barrow in 1982, I did not grasp the huge implications of fetal alcohol spectrum disorders until a conference in Barrow in Fall 1996 which featured national and international-level presenters. I attended when I could that week and found that the information opened my eyes to what was really happening in my work. Since then, I have attended numerous FASD conferences, read books and articles on FASD, presented at additional conferences, and advocated when appropriate.

FASD is real. It is caused by a physical change in the brain of the fetus from the alcohol being drunk by the mother. The mother may not even know she was pregnant at the time, or she may continue drinking because of the strength of her addiction to alcohol or because of strong social pressure from her partner and others. The point is not to blame the birth mothers but to support them. We must also be clear about dealing with the consequences of what happened.

The typical facial features are only present if a mother happens to drink during a particular week very early in the pregnancy. Otherwise, the child can look completely normal, with the ability to communicate at the child's age level. Yet the person could have major cognitive issues, with an understand level of half their age. These challenges can bring problems understanding instructions, understanding consequences, and understanding the need to leave others alone. The affected person can be very impulsive and easily led by the others. The person can try to please authority figures by giving up rights or even confessing to a crime the person did not commit just to get out of an unpleasant interview sooner.<sup>5</sup> Meanwhile the actual perpetrator is walking free.

FASD is important to this discussion of children exposed to violence. I believe a child can be retraumatized by well-meaning care givers and treatment providers that wrongly feel a person

<sup>5</sup> Streissguth, A. P., Barr, H. M., Kogan, J., & Bookstein, F. L. (1997). Primary and secondary disabilities in fetal alcohol syndrome. In A. Streissguth & J. Kantner, (Eds.). *The Challenge of Fetal Alcohol Syndrome: Overcoming Secondary Disabilities* (pp. 25-39). Seattle, WA: University of Washington Press.

is not paying attention or who is acting out when these behaviors are simply caused by the FASD medical condition. This concern applies to the children themselves, but it also applies to caregivers in the birth family who may well be affected by FASD as well. If we are serious about **effectively** meeting the treatment needs of children exposed to violence, we must take the time needed to recognize and adapt to the possible role of FASD in the response of children and families to interventions-whether by the state or tribal agencies.

**We must understand that those affected with conditions like complex trauma and FASD will need support throughout their lifespan.** The issues surrounding children exposed to violence are not ones that will be dealt with quickly, and may extend throughout the life span. I'm sure that you have received information on the challenge of "complex trauma," which has been defined by one group of researchers as a condition that "involves chronic or repeated, typically early-onset exposure to two or more of the following forms of trauma exposure: sexual, physical, or emotional abuse, domestic violence, or neglect as well as severe caregiver impairment, and school/community violence."<sup>6</sup> The researchers discuss the adaptations needed for this group of children to have a better chance of meeting their needs. That Anchorage Alaska has a promising treatment program for complex trauma has also been recognized.<sup>7</sup> The interventions for young children are strikingly similar to the evidence-based interventions that work with children affected with an FASD condition.<sup>8</sup>

Given the brain effects of both complex trauma and FASD, supports are needed throughout the lifespan to avoid the problems of involvement with the law and other negative outcomes that can occur without such supports.<sup>9</sup> Without these supports, children exposed to violence will inevitably be retraumatized by the reaction of the child welfare system and the juvenile justice system to their behaviors.

And there are additional economic costs. As to complex trauma, "[t]he legacy of unresolved complex trauma is staggering, and has been causally linked with increasingly dire outcomes across the lifespan that collectively place an enormous economic burden on society, conservatively estimated at over \$200,000 per impacted child and over \$100 billion per year."<sup>10</sup>

<sup>6</sup> Spinazzola, J., Habib, M., Knovereck, A., Arvidson, J., Nisenbaum, J., Wentworth, R., Hodgdon, H., Pond, A., & Kisiel, C. (2013). The Heart of the Matter: Complex Trauma in Child Welfare. *CW360° Trauma-Informed Child Welfare Practice*, Winter 2013, 8-9, 37.

<sup>7</sup> Arvidson, J., Kinniburgh, K., Howard, K., Spinazzola, Jr., Strothers, H., Evans, M., Andres, B., Cohen, C., & Blaustein, E. (2011). Treatment of Complex Trauma in Young Children: Developmental and Cultural Considerations in Application of the ARC Intervention Model. *Journal of Child & Adolescent Trauma* 4, 34-51.

<sup>8</sup> Malbin, Diane. (2002). *Fetal Alcohol Spectrum Disorders. Trying Differently Rather than Harder* (2d. Ed.). Portland: Tectrice, Inc.

<sup>9</sup> Conry, J., Fast, D.K. (2000). *Fetal Alcohol Syndrome and the Criminal Justice System*. Vancouver, B.C.: Fetal Alcohol Syndrome Resource Society.

<sup>10</sup> Spinazzola, J. (2013), at 8.

Imagine the costs to society from FASD: a Centers for Disease Control study estimated the lifetime cost to society for one person with Fetal Alcohol Syndrome is \$2 million (in 2002 dollars). The costs for a person with other FASD conditions are “unknown.”<sup>11</sup>

One form of support is assisted housing for families with parents who are affected by an FASD condition or a history of complex trauma themselves. Canada has an example of such housing in both the White Crow Village, in Nanaimo, British Columbia, where an FASD-affected person can live in an environment administered by other affected persons. Another example is the Options for Independence Society program in Whitehorse, Yukon Territory. Having such a program in Barrow for FASD-affected parents returning after treatment to care for their children is the top priority for the Native Village of Barrow Social Services Program. In Washington State, programs like Families Moving Forward and the Parent Child Assistance Program are providing effective long-term support for FASD-affected birth mothers with children living with them.<sup>12</sup>

**- We need local child advocacy centers outside the major cities.** According to the Arctic Women in Crisis Program in Barrow, in 2013, 49 North Slope children were flown over 500 miles south to the closest Child Advocacy Center, “Stevie’s Place” in Fairbanks, Alaska for justice-related interviews in a supportive environment with specially-trained interviewers. The stress, inconvenience and expense involved for what is bound to be a challenging experience anyway could be avoided if the funding becomes available for having such a center in Barrow for North Slope children. Plans are underway and staff is completing training, but an adequate space for these special interviews is still needed. Having such centers in regional hub communities like Barrow across the country would provide better law enforcement and more humane treatment of children who may have been victims of sexual crimes.

**-2012 Taskforce report.** Finally, I support the recommendations of the 2012 Final Report of the Attorney General’s National Taskforce on Children Exposed to Violence, especially those supporting special attention for American Indian and Alaska Native Youth, and for trauma-informed care and cultural competence in providing services to children exposed to violence.<sup>13</sup>

Thank you for this opportunity to testify.

<sup>11</sup> Braicombe, M., Fry-Johnson, Y., Bertrand, J., Fuller, T., Levine, R., & Venable, C. L. (2009) Epidemiological and Psychological and Cultural Aspects of FASDs. In Centers for Disease Control and Prevention. *Fetal Alcohol Spectrum Disorders, competency-based curriculum development guide for medical and allied health education and practice*. Washington, D.C.: U.S. Government Printing Office.

<sup>12</sup> Olson, H.C., Oti, R., Gelo, J., & Beck, S. “Family Matters”: Fetal Alcohol Spectrum Disorders and the Family. *Developmental Disabilities Research Reviews*, 15, 235-239.

<sup>13</sup> 2012 Taskforce Recommendations 1.2, 3.2, 4.1, 4.3, 4.10, 6.1, & 6.9.

## **Written Testimony for Walt Monegan**

**Walt Monegan**, Former President/CEO, Alaska Native Justice Center; Alaska Commissioner of Public Safety; and Chief of Police, Anchorage Police Department.

Walt is of mixed heritage, his father was from Irish descendants, while his mother's parents were Yupik and Tlingit. His Native grandparents played a significant role in his raising within the Alaska community of Nyac. Walt is a former US Marine, volunteer firefighter and medic. He had worked over 33 years at the Anchorage Police Department (APD), where he retired as the Chief of Police. He was appointed as Alaska's Commissioner of the Department of Public Safety where he served for a little more than a year and a half. He has a Bachelor of Arts degree from Alaska Pacific University in Organizational Management. He received additional training from Northwestern University's Traffic Institute Staff and Command School; Harvard's John F. Kennedy's School of State and Local Government; and the Federal Bureau of Investigation National Executive Institute. Walt considers his greatest accomplishment is his marriage to his wife, Terry; and four surviving adult children and three grandchildren.

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*Testimony was not available prior to hearing*



**Panel #4: Alaska Native Children Exposed to  
Violence in the Home and in the Community  
(Child abuse/neglect, domestic violence, ICWA)**



## **Panel #4: Alaska Native Children Exposed to Violence in the Home and in the Community (Child abuse/neglect, domestic violence, ICWA)**

**Outcome:** *Discuss how Alaska Native Children Exposed to Violence are affected by violence in the home and in the community. Explain how these children are identified, screened, assessed and treated. Identify issues and obstacles and provide recommendations on systemic and programmatic changes that should be made by the federal, state and/or tribal government to better protect, identify and treat Alaska Native children who are exposed to violence in their home and in the community.*

### **Panelists:**

**Elsie Boudreau, (Yup'ik Eskimo), Social Worker and Director, Alaska Native Unit within Alaska CARES, and Alaska Native Justice Center**

Elsie Boudreau is a Licensed Master Social Worker, is a proud Yup'ik Eskimo from the village of St. Mary's, Alaska. She helped establish and operates an Alaska Native Unit within Alaska CARES, a child advocacy center. In that role, she provides advocacy services and therapy for Alaska Native and American Indian families whose children have been severely physically or sexually abused and conducts forensic interviews of children. As a prior Children's Justice Act Project Coordinator for the Tribal Law and Policy Institute, she helped develop an educational video project highlighting child sexual abuse in Alaska, grasping the wisdom of Elders, and identifying ways of healing to apply to such traumatic experiences. She has also worked with law firms Manly & Stewart and Cooke Roosa Law Group as a Victims Advocate providing support to approximately three hundred victims of clergy child sexual abuse in Alaska, South Dakota, Oregon, and Montana. Elsie has a bachelor's degree in social work from Carroll College in Helena, Montana, and a master of social work degree from the University of Alaska, Anchorage. Alaska CARES provides sexual and physical abuse evaluations for children, newborn to age eighteen years, and twenty-four-hour on-call services for cases that are considered emergent. She is married and has three children.

**Lenora (Lynn) Hootch, (Yup'ik), Founder, Native Village of Emmonak Women's Shelter; and Director, Yup'ik Women's Coalition**

Lenora ("Lynn") Hootch is a Yupik Eskimo and an enrolled member of the Alaska Native Village of Emmonak, located in the Yukon Delta Region of southwestern Alaska. She was raised in her Village all of her life and is an active member of the community. Lynn has held numerous elected positions in her community, including Emmonak Tribal Council, Emmonak City Council, Vice Mayor for the Village of Emmonak, member of the Parish Council, and Advisory School Board member. She served as an officer and a board member for the Alaska Native Women's Coalition and the Alaska Network on Domestic Violence and Sexual Assault. Lynn is a founder of the Emmonak Women's Shelter, a non-profit, grass roots organization founded in 1979 to increase safety for women and children who are victims of domestic violence, sexual assault or other forms of abuse, and to provide emergency shelter and assistance for these women and children. Lynn currently serves as the Director for the Yupik Women's Coalition, a regional tribal coalition which raises public awareness of domestic violence, sexual assault, stalking and/or dating violence, enhances the response to violence against Native women at the local, state and national levels, and provides technical assistance to other tribes in Alaska to enhance access to essential services for victimized Native women. Lynn is married and the mother of five beautiful children, three boys and two girls, and a grandmother to two girls who bring life, joy, happiness and love to all.

**Tamra (Tami) Truett Jerue, (Athabascan), Director of Social Services, Native Village of Anvik; and Member, Anvik Tribal Council**

Tamra "Tami" Truett Jerue is a long time Alaska Native woman's advocate and lives in the Athabascan village of Anvik, Alaska along the Yukon River. Currently, she works as the Director of Social Services for the Anvik Tribal Council. Tami has worked in various capacities on violence against Native women issues since 1977, helping to facilitate change at a community level, within systems, and families to help survivors live violence free lives.

**Diana Bline, Director of Program Services, Covenant House Alaska**

Diana Bline is the Director of Program Services for Covenant House Alaska. She has a Master of Public Administration. She joined CHA in 2009 and brings 20 years of supervisory experience to the agency. She has in-depth expertise in working with youth with disabilities and in human services in both the public and not-for-profit sectors. As the Director of Program Services, her position provides leadership and overall management, including planning and directing of all program related activities; and supervision and evaluation of all program specific and supportive and direct care staff for CHA programs. She has been instrumental in building partnerships with local law enforcement agencies and helping to bring awareness of human trafficking in Alaska. She has also assisted with providing nationally recognized training on the commercial exploitation of children.

## **Written Testimony for Elsie Boudreau**

**Elsie Boudreau, (Yup'ik Eskimo), Social Worker and Director, Alaska Native Unit within Alaska CARES, and Alaska Native Justice Center**

Elsie Boudreau is a Licensed Master Social Worker, is a proud Yup'ik Eskimo from the village of St. Mary's, Alaska. She helped establish and operates an Alaska Native Unit within Alaska CARES, a child advocacy center. In that role, she provides advocacy services and therapy for Alaska Native and American Indian families whose children have been severely physically or sexually abused and conducts forensic interviews of children. As a prior Children's Justice Act Project Coordinator for the Tribal Law and Policy Institute, she helped develop an educational video project highlighting child sexual abuse in Alaska, grasping the wisdom of Elders, and identifying ways of healing to apply to such traumatic experiences. She has also worked with law firms Manly & Stewart and Cooke Roosa Law Group as a Victims Advocate providing support to approximately three hundred victims of clergy child sexual abuse in Alaska, South Dakota, Oregon, and Montana. Elsie has a bachelor's degree in social work from Carroll College in Helena, Montana, and a master of social work degree from the University of Alaska, Anchorage. Alaska CARES provides sexual and physical abuse evaluations for children, newborn to age eighteen years, and twenty-four-hour on-call services for cases that are considered emergent. She is married and has three children.

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My name is Elsie Boudreau. My Yup'ik name is Apugen, after my Maternal Grandmother. Even though I have never met her, I feel her spirit when I identify who I am. I am the youngest daughter of the late Edgar and Theresa Francis of St. Mary's, the granddaughter of the late Alfred and Nastasia Francis of Pilot Station and the late George and Martha (Apugen) Peterson of Old Andreafski. I am married and have two sons and a daughter. I am also a survivor of clergy sexual abuse. And I must add I am also a licensed social worker stationed at a child advocacy center working with children who have been sexually abused and severely physically abused in a special Alaska Native Unit.

I am so honored to have been asked to be part of this panel, to be a voice for the hundreds of Alaska Native children who experience violence and to pay respect to those children whose lives have been lost. With that, I humbly ask for guidance from our Great Spirit to give me the right words—words that will make a difference in the life of even just one child.

And it is with that in mind and in heart that I share with you humbly my experience and what I have learned since I have publicly come forward as a victim of clergy sexual abuse and what I have gleaned working with over 300 clergy abuse survivors and hundreds of Alaska Native children who present to the child advocacy center. I don't intend disrespect to anyone, but rather I see speaking my truth as a way to honor my ancestors, my family, other survivors and not only our Native peoples of Alaska, but all people. So, thank you for this opportunity.

I come from a long line of a proud Yup'ik people who inhabited the southwestern part of Alaska for thousands of years living off the land and according to Yuuyaraq—the Way of the Human Being. Our ancestors lived with an understanding that everything was interconnected, the land, the animals, human beings and the universe. Respect was paramount. The survival of the family depended on the interdependent relationships among its members and the world around them. And they used the extended network of family members to raise its children teaching compassion, humility, humor and a strong sense of spirituality. There was a way of being in the world that ensured not only survival, but a way to thrive as an integral part of the universe.

The Yup'iks and other Alaska Natives you see today are living in a different world. Many are born out of the boarding school era where our parents and grandparents were stripped of their identify to fit into the Western Culture. The goal of the missionaries and the government was to save the child while killing the Yup'ik, Athabascan, Inupiaq, Tlingit, Haida, Tshimsian, Aleut and/or the Aluutiq spirit of the person. They were forbidden to speak their languages and were severely punished if caught. They were beaten, neglected, made to work as slaves to survive. They were physically and sexually abused.

Before that, our grandparents were born out of the Great Death of the early 1900's where whole families and in some places whole communities died from various diseases. The result of which was trauma. Having difficulty making sense of such tragedy, of the profound sense of vulnerability and loss of control, many of our grandparents responded by activating what professionals today call the "survival center" of the brain. While I am reminded that some did speak of the trauma, many did not speak of what happened or how they were feeling. It was just too painful. They believed they had offended the spirit world and were therefore being punished. Their world was perceived to be in continued danger and the "fight/flight/freeze" response was a way to cope—many kept quiet. And in doing so, many felt intrinsically bad about themselves as if their feelings did not matter, and they did not matter. So when the missionaries came preaching the "Good News" and a way to salvation, it was easier to accept their world view of a separate God who ruled over Heaven and Earth and to accept the notion of Hell. Shame was planted in the souls of those who searched for a life free from the evil that allowed such death to occur. They were no longer born into a world free of sin, but rather had to be baptized and confess their sins to be saved. They were no longer interconnected, but rather taught to think of themselves as individuals in order to gain salvation.

Many Yup'iks and other Alaska Natives you see today are born into and live in a world where violence is the norm and the once peaceful people are desperately seeking to matter.

We are also living a different secret, another trauma. It is a trauma that is born out of the spiritual death through sexual abuse by those who moved into our communities to provide comfort, forgiveness and salvation: the Catholic priests, nuns and lay persons. This has created what we know today as complex trauma.

I speak both from a victim/survivor standpoint, but also from a professional standpoint. For me, I have had to relearn or shift what it means to be human, to be Yup'ik as a result of the sexual

abuse I suffered by a Catholic priest from when I was 10 until I was 19. When Fr. Poole arrived at my college my freshman year, I wrote him a letter stating that I didn't ever want to be alone with him again. After that, I never was. Since then, I have had to adapt to a world where he no longer was my "father, my brother, my friend and my lover" as he often told me, but rather a person of power who used me to satisfy his own needs. I have had to adapt to a world where I can no longer look to the Catholic Church as a means of providing for my sense of spirituality. I have had to accept the fact that the Church hierarchy knew long before I was even born that Fr. Poole had "problems with young girls" but did nothing to protect me or the 20 or so other girls who have since come forward after I filed a lawsuit.

I have had to adapt to a world where I accept myself not only as a victim of sexual abuse, but as a strong Yup'ik woman on a journey with a willingness to integrate my interactions with my environment (including the spiritual realm) in a way that promotes well-being. In doing so, I have accepted the fact that I am more than the abuse. And it is my hope that all Alaska Native children who experience violence have the opportunity to believe at least that. But, my experience in the work I do every day tells me differently as not only are we seeing children who are currently being abused, but we are seeing children whose parents and grandparents were victims of sexual abuse and familial abuse. The cycle continues and we are witnessing the generations of trauma every day in the eyes of our youngest and most precious resource, our children. The numbers speak for themselves:

- Of the 1726 children seen at child advocacy centers throughout Alaska in 2013, 673 or 39% were Alaska Native/American Indian.
- Of the 4,569 children seen at the Anchorage child advocacy center between 2009-2013, 1757 or 38% were Alaska Native/American Indian. According to the 2012 census, the overall population of Alaska Native children is only 17.7%.
- According to the State of Alaska for the month of April, 2014, 130 or 57% of the total 230 substantiated victims of child maltreatment were Alaska Native children.
- According to the State of Alaska for the month of April, 2014, 63% of children in out-of-home placements were Alaska Native.
- When you look at the numbers of substantiated victims of child maltreatment month by month for the past year (2013), Alaska Native children consistently represent 53% to 64%. The same is true for children in out-of-home placements.

And, according to Bishop Accountability, there have been 44 priests, nuns and representatives from the Catholic Diocese of Fairbanks accused of sexual abuse since the 1960's. The Catholic population within that Diocese is that of 14,500 with almost half living in urban Fairbanks. There are 36 parishes spread among 410,000 square miles, most of which are within Alaska Native communities. The Archdiocese of Anchorage has named 4 priests with a Catholic population of 32,000. The Archdiocese of Boston, with a Catholic population of 1.8 million, has 243 named perpetrators. If the Archdiocese of Boston had the same rate of abuse reported, there would have been allegations made against 5,462 priests. So, when you look at the different dioceses' around the nation and compare numbers of abusive priests and the communities they serve, the risk of being a child victim of sexual abuse by clergy is substantially higher within Alaska Native communities. The atrocity is outrageous.

Then, when you look at the number of victims, it is astounding. We know there were 300 victims that came forward within the Diocese of Fairbanks. What we know about children who have been abused and what research has shown is that only 1 in 10 victims ever talk about their abuse. Within the Diocese of Fairbanks, this would equate to an additional 2700 victims or 18% of the Catholic population.

In one of my journal entries, I wrote “Abuse destroys those qualities of a child and creates a world of shame and guilt, of feeling alone, of self-doubts, of blaming oneself for the situation, of thinking there is something wrong with you, always having to put on a front or mask like everything is okay. In speaking the truth and holding people accountable, a resurgence of goodness, innocence, vulnerability, playfulness, trust and safety in the world returns.”

I, like hundreds of abuse victims, have had to live with the consequences of the abuse which were psychological, physical and spiritual in nature. Richard Sipe, in his book Unspeakable Damage: The Effects of Clergy Sexual Abuse, states that there are “severe and long-term consequences.” In short, he says “victims remain emotionally divided, confused about their sexuality or even confuse sex with violence”, and I would also add that victims confuse sex with love. For myself, I’ve struggled with the fact that my first sexual experience was with a priest. I thought Fr. Poole loved me. I had no reason to believe otherwise.

Richard Sipe continues by saying “anxiety overwhelms the victim and a host of addictive behaviors involving alcohol, drugs, sex or other acting out behaviors are endemic among many men and women who have suffered abuse.” In Alaska, high rates of alcoholism, domestic violence, child physical abuse, neglect, child sexual abuse, suicide and other social ills are all too prevalent within Alaska Native communities. There are reasons for that.

Richard Sipe says that those addictive behaviors are “among the means victims use to mollify their confusion and the pain of trauma”. It manifests in those emotional and behavioral problems we professionals call anxiety, PTSD, sexual disorders, low self-esteem, poor body image, depression and thoughts of suicide among others.

So what do we do?

We first acknowledge collectively our resilience as Native people and use that strength as a foundation to then acknowledge and resolve the grief and pain that comes with what we now call historical trauma. We can look honestly and holistically at the effects on our communities, families and individuals. We need to heal collectively as the trauma was experienced collectively and continues to be passed on to our children.

We must see that sexual abuse has deep historical roots that permeate into the lives of our children today. Acknowledging a history of painful events (colonization, racism and oppression), all the painful things we went through as a Native people, the systemic deprivation of our cultures and acknowledging the harms against our children and how that impacts all of us.

We have to acknowledge the fact that many of our relatives (we are all related) were and sexually abused and many by clergy. We must understand that when the abuser is a parental figure that also represents god, the spiritual world and the eternal, the betrayal leaves the victim nowhere to turn. All supposedly secure and trustworthy persons and institutions become suspect.

We must encourage victims to come forward and support them in this process. Talking about the abuse is part of breaking the silence and telling the truth about what happened. Ignoring, minimizing, denying, hoping it will go away or not talking about it does not help a child/survivor begin a healing process. We must speak the truth. We cannot ignore or deny this reality anymore. Such patterns of abuse and harm will only continue if we continue to ignore and deny it.

We must believe what we see and hear from survivors, particularly our children, no matter how painful.

We must provide means for people to cope with the stress and the trauma of sexual abuse. We must be open to integrating all forms of intervention, particularly for our Alaska Native children who live in rural areas of the state. Trauma informed treatment for children is the standard to help children heal. It is difficult and expensive for a child to receive appropriate services that speak to healing on any level. For example, in order for a child from a village in southwestern Alaska to receive this type of treatment, the child and a protective caregiver would have to fly to an urban setting like Bethel or Anchorage. A round-trip airline ticket from a village could cost up to 600.00 per person. If they were to travel once a week for the recommended 16-20 sessions, the total amount in just airfare alone would be \$24,000. You would need to take into account money for food/lodging/transportation. And not to mention that this child and caregiver most likely could not make it to treatment and back home in one day. This would mean they would have to take two days out of every week to get the help this traumatized child needed. Multiply that by the astronomical number of Alaska Native children who experience violence in any given year.

We must acknowledge that we are all related. When one child is hurt, we all hurt. And the opposite is true as well, when one child is protected and loved, put in a place of honor, we all benefit.

We must also acknowledge the possibility of healing. Not just individual healing, but healing on a more communal scale.

What does that look like?

Getting help and support to Alaska Native communities in a rural setting has been difficult under less complicated circumstances—the fact that the outsiders who came in to ‘help’ were the ones who inflicted the abuse only complicates what it means to have communities and their leaders seek and accept help from the outside. The communities and the victims and families who

suffered will need treatment and support, but the way the communities connect with the support is a vital aspect of the healing process. Given the wide range of impact and the multiple factors affecting communities and possible interventions, a standard public health model will not suffice.

A leadership capacity building strategy to address this complex and difficult issue could be the answer. I, along with some trauma experts, have a three part proposal. First is to connect with the communities and build the leadership of families through outreach to parents—to provide education and information about parenting with a focus on understanding the issues of parenting with a history of trauma. This outreach will serve to reach vulnerable children and families right away, will serve to strengthen connections to community leaders and create a network, and will help us learn more about the extent of the problems of trauma from the communities.

Second is a proposal for an Arts intervention to continue helping people tell their stories. The filmmaker who made 'The Silence' would film people from multiple generations to create a living quilt from elders to youth of the complex stories of strength and survival that have been and still are a part of our lives. The art will serve to extend the conversations and provide a platform for healing circles.

The third part of the proposal is to bring the leaders throughout Alaska Native communities together including community Elders, local governing leaders and leaders in the health, education and local businesses. The hope is to get the leaders across the communities to come together to explore the impact of generational trauma within our communities, understand the nature of trauma and the healing trajectory and create culturally relevant and sustainable interventions for our communities, our families and the individuals and to build the capacity of all of the leaders in the community, governance, and business sectors to strengthen the response to the issue of historical trauma and its after-effects: our children experiencing violence.

#### Why Parents? Why Leadership?

If you want change and growth, you need to heal families and you need to strengthen leaders. And if you want healthy, sustainable change, the leadership needs to come from within, and not from outside. A leadership development model (the LDP) of approaching a complex public health issue has been successfully employed by the United Nations Development Program across 30 countries in order to stop the spread of HIV/AIDS. The UN acknowledged that the standard approaches were not working and that leadership was a critical missing component: without support and action from leaders, change was not sustainable. The UNDP LDP was successful across differences in culture, religion, development level, and gender norms. The LDP is methodology of transformative leadership that seeks to enhance the skills and understanding of generational trauma to include clergy sexual abuse and the violence our Alaska Native children experience on a daily basis in order to generate influential responses and results. It is premised on the acknowledgement that leadership commitment will leverage efficient and effective responses particularly if government and civil society leadership is innovative, dynamic and transformative.

The LDP is based on a set of structuring frameworks that communicate effectively across levels of society and diverse cultures as they are based not on intellectual concepts, but on intuitive concepts that our Alaska Native people will grasp.

Teleos Leadership Institute was a significant contributor to the LDP methodology, in particular the Emotional Intelligence framework (Goleman, Boyatsis and McKee, 2001). Teleos lead the LDP effort in Post-Apartheid South Africa and in Post-war Cambodia. In these countries in particular, there was specific emphasis given to the Emotional Intelligence framework in the light of an appraisal of the socio-psychological and cultural context of trauma which both communities had suffered. This appraisal highlighted the sustained trauma and disruption of the genocide as well as subsequent years of civil war and occupation as barriers to transformation and change. It also appropriately recognized that strengthening these capacities would allow for the existence of effective and targeted responses to rising prevalence among high risk groups.

As the UNDP describes it, “the Leadership Development Program is transformational, and contrasts with the prevailing notion that leadership is associated with high-profile public figures that make public speeches and attend high-level meetings. Instead of focusing on improving managerial capacities and styles, the program includes theories and practices of distinction, leadership conversations for effectiveness in businesses and government, emotional intelligence competencies, and cognitive maps for understanding complexities and organizational development. Based on taking a stand and a commitment to producing results, it allows true leaders to take risks and overcome obstacles. It also empowers and strengthens the capacity to seek innovative responses and take effective actions. The end result of transformational leadership is empowering others to take more initiative in their work, inspiring them to be more committed and building their self-confidence.”

What this all comes down to is being a good relative. We must acknowledge the current situation and plan for healing, as good relatives do, for generations to come.

Another survivor shared that because he felt so ashamed, so uncertain about himself; he put himself outside the circle of his community. We all know we cannot survive without community.

We can rely on our own ways by grasping the wisdom of our elders to help define who we are while acknowledging our connection to the land, each other and our values. We understand, in order to ensure, regain and restore healthy communities, we need to find and regain that connection...that connection to spirit, to all that is sacred, and the basis of who we are as Native people, as human beings. We must ensure that all our people are within the circle of community.

## **Written Testimony for Lynn Hootch**

**Lenora (Lynn) Hootch, (Yup'ik), Founder, Native Village of Emmonak Women's Shelter; and Director, Yup'ik Women's Coalition\***

Lenora ("Lynn") Hootch is a Yupik Eskimo and an enrolled member of the Alaska Native Village of Emmonak, located in the Yukon Delta Region of southwestern Alaska. She was raised in her Village all of her life and is an active member of the community. Lynn has held numerous elected positions in her community, including Emmonak Tribal Council, Emmonak City Council, Vice Mayor for the Village of Emmonak, member of the Parish Council, and Advisory School Board member. She served as an officer and a board member for the Alaska Native Women's Coalition and the Alaska Network on Domestic Violence and Sexual Assault. Lynn is a founder of the Emmonak Women's Shelter, a non-profit, grass roots organization founded in 1979 to increase safety for women and children who are victims of domestic violence, sexual assault or other forms of abuse, and to provide emergency shelter and assistance for these women and children. Lynn currently serves as the Director for the Yupik Women's Coalition, a regional tribal coalition which raises public awareness of domestic violence, sexual assault, stalking and/or dating violence, enhances the response to violence against Native women at the local, state and national levels, and provides technical assistance to other tribes in Alaska to enhance access to essential services for victimized Native women. Lynn is married and the mother of five beautiful children, three boys and two girls, and a grandmother to two girls who bring life, joy, happiness and love to all.

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*Testimony was not available prior to hearing*

## **Written Testimony for Tami Jerue**

**Tamra (Tami) Truett Jerue, (Athabascan), Director of Social Services, Native Village of Anvik; and Member, Anvik Tribal Council**

Tamra "Tami" Truett Jerue is a long time Alaska Native woman's advocate and lives in the Athabascan village of Anvik, Alaska along the Yukon River. Currently, she works as the Director of Social Services for the Anvik Tribal Council. Tami has worked in various capacities on violence against Native women issues since 1977, helping to facilitate change at a community level, within systems, and families to help survivors live violence free lives.

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My name is Tami Truett Jerue, I live and work in Anvik Alaska, a small Athabascan village on the Yukon River, only accessible by plane year around, and by snow machine or boat depending on the season. I have worked in the field on ICWA and Family Violence for the last 30 years. Many times the exposure to violence is in a child's home and community. In Alaska the statistics state that a higher percentage of Alaska Native Children are represented in out of home care. (Foster system both State and Tribal). Many times it is due to neglect, abuse or exposure to violence. Domestic Violence is extremely high, alcohol and substance abuse is at epidemic proportions. All of these factors contribute to the violence children are witnessing or experiencing. Unfortunately the symptoms and reactions to violence far outlast the initial contact with children who have been exposed. There are many concerns about the violence in the media, games and in our schools. The experience of children exposed to violence also increases the physical and mental health of all ages of children who are witnessing violence.

Living in a small community, it is often too obvious which families are in need of intervention, and which children are being exposed to violence, neglect and abuse. The Anvik Tribe has an active Tribal Court and has worked with cases involving children for over 30 years. Oftentimes intervention comes in the form of a concerned community or family member, contact from a State Social Worker, or school teacher's concerned about the welfare of a child. Unfortunately, because of the lack of resources intervention is sporadic and limited in its effectiveness. As the ICWA social worker in a small community, I often am called on to intervene with families when there is heavy drinking, domestic violence or other significant problems going on. I often will intervene and make sure kids are in a safe place for the night/day and then work with the Tribal Court to see what type of intervention is necessary to insure the children's safety. Unfortunately, there are not a lot of family/foster homes available to insure a longer term intervention. The Tribal Court can take custody and does and can then work with the family for safety and a plan to help get the family back on track. When the State OCS office intervenes it is often with children out of the community and the Tribe intervenes through ICWA and again attempts to assist in making sure that the family can get help in changing behavior to reunite the family.

The major issues and obstacles faced by intervening in both communities and families where children are exposed to violence is lack of available local and statewide resources.

- Alcohol/Drug Treatment/Assessment
- Counseling for children and families
- Available foster care/family care
- Parenting Support and Classes
- Domestic violence information/classes
- Mandatory classes for perpetrators of violence
- Lack of law enforcement
- General lack of knowledge/training of the effects of violence when children are exposed.
- Lack of Training for Tribal Courts on the effects of Violence on children and what would be most appropriate for intervention.
- Lack of OCS (State of Alaska Office of Children's Services) respect for and utilization of Tribes as a resource.
- Lack of resources to aid children who have been habitually exposed to violence, whether through counseling or intervention services.
- Suicide/Bullying prevention education.

Although this is a long list, chronically small Alaska Native villages are underserved in all areas and because of the isolation of most of our communities it can create an even bigger gaps that are not being filled. The State agencies often do not have any idea of how to help our villages and tend to ignore the local knowledge and expertise that may be available.

Recommendations for systemic and programmatic change are:

- Education on what exposure to violence does to children and young people, and how this effect their futures but also the future of a community. This education needs to be done at all levels, families, communities, law enforcement, State, Tribes and Tribal organizations. The knowledge of the risk our children are in has to be brought to the forefront. Education and Training is a first step in this process. (We have a campaign in Alaska about Choose Respect, but this is not effective if we put no resources behind the campaign to deal with the epidemic we are faced with in our efforts to stop violence in the home and community, because we have forgotten the children and end up putting band aids on wounds).
- Intervention services that can reach families and children at their local level, be it Tribal or State. We need the resources to help communities solve some of the issues at the local level. Through intervention services, counseling, parenting, tribal court intervention, health care, and alcohol/substance abuse intervention.

- Collaboration of services, whether local or in an urban setting.
- Tribal and State cooperation and education in the legal system, courts, law enforcement, probation, and youth services.
- Health care education and prevention related to the effects that children exposed to violence or abuse have many more health related issues and help in facilitating interventions.
- Foster/Family care and education to help facilitate healing and advocacy for children.
- Education system and training for teachers and staff in our schools.
- Encouraging and supporting local knowledge and initiatives to facilitate change at the community level.

We all know that the high cost of children being exposed to violence is costing us our most precious resource, our children and we have the ability to help facilitate change so that our communities can again be and acknowledge the legacy of the survival of our Native people.

Thank you for this opportunity to address you and I hope this gives some help in this effort.

## **Written Testimony for Diana Bline**

**Diana Bline**, Director of Program Services, Covenant House Alaska

Diana Bline is the Director of Program Services for Covenant House Alaska. She has a Master of Public Administration. She joined CHA in 2009 and brings 20 years of supervisory experience to the agency. She has in-depth expertise in working with youth with disabilities and in human services in both the public and not-for-profit sectors. As the Director of Program Services, her position provides leadership and overall management, including planning and directing of all program related activities; and supervision and evaluation of all program specific and supportive and direct care staff for CHA programs. She has been instrumental in building partnerships with local law enforcement agencies and helping to bring awareness of human trafficking in Alaska. She has also assisted with providing nationally recognized training on the commercial exploitation of children.

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### **Introduction to Covenant House Alaska**

Thank you for the opportunity to participate in the American Indian/Alaska Native Children Exposed to Violence Advisory Committee and to share Covenant House Alaska's efforts to keep vulnerable and at-risk youth safe and provide opportunities for youth to have a brighter future.

### **Brief history**

Covenant House Alaska (CHA) has been providing a continuum of services for homeless, runaway and trafficked youth in our state for over 25 years. Our mission is to "serve suffering children of the street, and to protect and safeguard all children with absolute respect and unconditional love" regardless of race, ethnicity, gender, socioeconomic status, sexual orientation, gender identity, or religious affiliation. Our doors are open 365 days a year, 24 hours a day, 7 days a week.

Through our core programs and services, we're able to meet the basic needs of youth at a critical time in their lives as well as provide support that helps facilitate their journey to become healthy, self-sufficient, and contributing members of our community. As an organization we've evolved from offering emergency shelter to youth who need safety, warmth, and a place to sleep comfortably to providing a full continuum of services to help support youth as they move towards independence—from street outreach and emergency shelter services, to employment and education services, counseling and wellness, transitional living programs, and ultimately stability and success.

### **Who Covenant House Alaska Serves**

CHA serves homeless, runaway and at-risk youth ages 13 to 20. Since 1988 when we opened our doors, we've served over 20,000 young people. In 2013 we provided services to 3,756 unduplicated youth, with 69% of those youth receiving in-house services at the emergency shelter or transitional housing. Through our Street Outreach program and the Drop-In Center, 1,888 youth were provided 35,449 services, including 8,683 bed nights, 1,725 sack lunches and 2,178 in-house health services.

The young people we serve come from communities statewide and represent diverse backgrounds. Over the past eight years, the characteristics of the youth we serve has remained primarily steady—54% are male and 46% are female; 40% are Alaska Native; 33% Caucasian; 20% African American; 6% Hispanic; and 1% Asian/Pacific Islander. The large number of Alaska Native youth we serve is particularly alarming as Alaska Natives/American Indians only comprise ten percent (10%) of the total population in Anchorage. The homeless population, both adults and youth are disproportionately Alaska Native.

### **Vulnerability of the Youth We Serve**

Alaskan youth face a number of challenges and experience some of the nation's highest rates of suicide, alcohol abuse and domestic violence. Grimmer still, are the statistics for sexual assault and child abuse; Alaska ranks #1 in the nation. Nationwide, the average rate of child abuse per 1,000 children is 12.4, in Alaska the rate is 42.2, *three times the national average.*<sup>14</sup> In Anchorage the rates of reports of harm were 2.5 a day in 2010.<sup>15</sup>

Alaska's Department of Health and Social Services describes "alcohol abuse (as) Alaska's number one health problem." Alaska's alcohol-induced death rate was 29.3 per 100,000 in 2012 compared to 7.6 per 100,000 nationwide.<sup>16</sup> The high rate of alcohol dependence and abuse directly impacts Alaska's youth.

Drug use in Anchorage has been an increasing epidemic. In a recent training for CHA staff, Anchorage Police Department staff reviewed the dangerous qualities of "spice" and other synthetics that are becoming increasingly popular with youth, as well as the rise in heroin use. CHA staff report an increase in youth who are under the influence appearing at the shelter as well as an increase in youth disclosing this as a barrier for their employment and housing.

Over the years, CHA has continued to see an increase in the influx of young people who come to Anchorage from rural communities. A majority of the youth we serve arrive in Anchorage with a history of victimization, family alcohol abuse and have limited education. Although extended family often provides space in which the teen can "crash" for a few days, the youth finds little stability, often having to move repeatedly from one overcrowded house to another. In this rootless environment, continuing high school becomes impossible and life on the streets starts to look like a better option than life with family. As a magnet city, Anchorage's homeless youth population is 45% greater than the entire rest of the state.<sup>17</sup> With high rates of abuse, paired with harsh weather conditions our youth are at extreme risk for sexual abuse, prostitution and exploitation.

### **Youth who come to Covenant House Alaska Need Help**

The number of youth and the needs of those who come to Covenant House Alaska continue to increase each year. The youth we serve typically have a myriad of challenges to navigate. Those include: Living on the streets, in jail, in hospitals, or at other shelters before arriving at CHA (22%); Have been in residential mental health treatment (40%); Have been sexually abused—(46%) of girls report this to staff; Have been in foster care (33%). In 2010, 33% of girls we served already had children of their own; (14%) of the

<sup>14</sup> U.S. DHHS, Administration on Children, Youth and Families. Child Maltreatment 2008 Washington, DC.

<sup>15</sup> State of Alaska, electronic communication Kristen E. Tromble. May 5, 2011; latest data available.

<sup>16</sup> State of Alaska, Department of Health and Social Services, Alaska Scorecard, 2012.

<sup>17</sup> Alaska Housing Finance Corporation, Homeless Providers Survey. January 2009.

youth we served have been arrested in the past three months; and among those 18-20 year olds, 66% haven't finished high school.<sup>18</sup>

### **The Array of Services we provide**

In 2013, in response to the growing need in our community, we opened the doors to our new Youth Engagement Center located in downtown Anchorage. The multi-purpose facility allowed us to increase our emergency shelter beds from 40 to 60 and combined all of our non-residential support services under one roof. In addition to our Street Outreach/Drop-In Center, Emergency Shelter, and Transitional Living programs, we currently provide access to: Health care; mental health counseling; substance abuse services; educational achievement; employment assistance and placement; housing assistance; case management services; youth enrichment programs such as art, music and physical recreation; advocacy; and pastoral ministry.

### **Evidence-Based Practices we utilize in our work with youth**

CHA has developed programs that build resilience in the lives of youth and surround them with positive influences to encourage their growth and development. We believe we can be most effective if we utilize Evidence-Based Practices in our work with youth. CHA currently utilizes the ARC (Attachment, Self-Regulation and Competency) model which is a framework for intervention with youth and families who have experienced multiple and/or prolonged traumatic stress. In addition, CHA staff use Motivational Interviewing as a technique to strengthen an individual's motivation for and movement towards change.

CHA's goal is to build on each youths' strengths and assets to restore their confidence and sense of competence, cultivate life skills and strategies that result in positive and healthier choices in their lives, provide opportunities to develop healthy relationships and connections based on trust, and create a non-judgmental and secure environment that promotes strong physical and mental health.

### **Partnerships with Local Law Enforcement**

In addition to working directly with youth, CHA leadership and staff have worked tirelessly to build strong relationships and partnerships with community members, local businesses, other social service providers, law enforcement and schools. This serves as an important step in ensuring the community is educated about the needs of this population, are knowledgeable about the services CHA provides, and can refer a young person they know who may need help. One of our most important partnerships are those we've developed with the Anchorage Police Department and the local Federal Bureau of Investigation office. In part through collaborative work, there has been an increase in awareness and education around sex trafficking in Alaska and in Anchorage.

### **The Increase of Sex Trafficking in Alaska**

CHA has invested significant resources in learning about sex trafficking and how to effectively work with victims. Since 2001, there have been six prosecutions for sex trafficking.<sup>19</sup> These six cases

<sup>18</sup> Martin and Melendez. "Keeping Kids off the Street: Snapshot of Covenant House Alaska." Institute of Social and Economic Research. University of Alaska Anchorage. March 2010.

<sup>19</sup> "Recommended Actions to Address Sex Trafficking in Alaska." Ad Hoc NGO Working Group.

involved a total of 105 victims, twenty percent (20%) of whom were Alaska Native. Forty percent (40%) of the total victims were minors.<sup>20</sup> In 2012, the FBI created the “Innocence Lost” task force to address sex trafficking in Alaska. The statewide task force aims to gauge the prevalence of human trafficking and prostitution in Alaska, as well as the services available to help victims. Authorities testified that it is notoriously underreported. Among the most vulnerable are chronic runaways whose own parents have quit looking for them. Authorities testifying said other highly vulnerable targets are Alaska Native girls from rural communities.

CHA leadership and staff, along with 60 other people from across the state attended the “Commercial Sexual Exploitation of Children” training developed by Rachel Lloyd, national expert and founder of Girls Educational and Mentoring Services (GEMS). In the fall of 2013, following the training, staff was able to identify 27 young people who were victims of sex trafficking and who received services at CHA during a three-month period. Utilizing specialized methods of engagement, data was collected on demographics and life experiences. The results were both staggering and devastating. The majority (55%) either had previous involvement with child protective services and the juvenile justice system. 85% reported being physically assaulted. 30% reported being assaulted with a weapon. 25% reported being held captive, either being kidnapped or held hostage. In addition, 100% of the youth had mental health issues; 100% reported substance use and 100% also reported experiencing a sexual assault at some point in their lives.

*“He made me feel special. He found me when I was broken. He built me up. Broke me back down. And built me back up again to where I thought he was my everything.”*—Heather (Alaska sex trafficking survivor)

### **Characteristics of Sex Trafficking in Alaska**

Covenant House Alaska has worked with the FBI’s Innocence Lost Task Force and the Anchorage Police Department’s Vice Unit to not only provide an alternative for homeless teens and young adults who are at-risk for sex trafficking as well as those who have been identified as victims of trafficking. CHA street outreach staff work hard to engage with young people who are vulnerable. In addition, street outreach staff actively work to create partnerships with entities in the community who may encounter a young person who is being trafficked so they are aware of the warning signs and know what to do to help a victim to safety. Human trafficking cases are mostly found due to additional investigations and rarely present as such to law enforcement. In fact, most of the human trafficking cases that have been brought to law enforcement’s attention initially started as assault, domestic violence, drugs, or runaway cases.

In Anchorage, there are some hallmark characteristics of human trafficking cases. Cases typically include the following: 1) They are primarily internet based; 2) Victims are recruited directly by the trafficker; 3) Drugs are involved; 4) Promises of a better life and money are used to entice victims; and 5) Victims are isolated and removed from their families. Over the years we’ve seen an influx of

<sup>20</sup> Ibid.

young Alaska Native victims from rural Alaska who are coerced and vulnerable to predators. Typical cases from rural Alaska usually include the following characteristics: 1) Victims from rural communities are lured to Anchorage by family members or boyfriends, referred to as "Tundra Pimping"; 2) Something other than money is used in exchange for sex, typically illicit substances; and 3) There is a history of prior victimization. The average age of entry into human trafficking is between 15-17 years old. Alaska Native youth from rural communities are particularly vulnerable because they may not be familiar with the city of Anchorage, have little or no support systems in Anchorage, and are unaware of the resources and help available to them.

Obviously, homeless youth represent those at the greatest risk of exploitation and victimization. In fact, CHA Street Outreach staff have identified that 1 out of 3 youth will be approached by someone looking to exploit them within 48-72 hours of being homeless. Many victims are targeted because they appear vulnerable to the trafficker and have a history of abuse and/or substance abuse. CHA has seen some disturbing trends recently. We've seen predators attempting to recruit young people who are coming to Covenant House to receive services, both by waiting and loitering outside our facility and by sending in other youth to recruit. In fact, staff recently identified 25 youth who accessed our services and who disclosed being exploited by a pimp or trafficker in the last 3 months. A sobering statistic that highlights the vulnerability of the homeless youth in our community.

The scope and magnitude of the problem is very difficult to quantify. However, law enforcement officials are very clear that this is an epidemic and that human trafficking is notoriously underreported.

### **RECOMMENDATIONS:**

Increase the availability of funding to support Street Outreach and Emergency Youth Shelter

Street outreach and emergency youth shelter are services that meet the most basic needs of youth—clothes, food, and shelter. These services are the first step in a continuum that begins with identifying vulnerable and at-risk youth and beginning the process of engagement. With an increase in human trafficking, particularly among Alaska Native youth, it is critical that funding to support street outreach efforts and emergency youth shelter is available to faith-based and secular organizations' whose mission is to provide safety and support to vulnerable youth.

Studies have identified the primary needs of trafficking victims which include the following: Safe and secure housing (emergency, transitional, and long-term); Food and clothing; Individual counseling and peer support; Substance abuse treatment; Medical services; Legal assistance; Job training and placement; and Education.<sup>21</sup>

Promote trauma-informed principles in the delivery of services

Covenant House Alaska believes that by incorporating trauma-informed care in the delivery of our services and through developing positive adult relationships and role models of healthy lifestyles,

<sup>21</sup> State of Alaska Task Force on the Crimes of Human Trafficking, Promoting Prostitution, and Sex Trafficking. "Final Report and Recommendations." February 15, 2013.

youth learn the skills they need to be competent and contributing members of our community. Utilizing trauma-informed care has expanded CHA's ability to engage youth and develop meaningful, life-changing relationships. Trauma-informed care is the hallmark of effective programs to promote recovery and healing for young people who have experienced sexual abuse, domestic violence and/or sexual exploitation and who are at risk for future exploitation.



**Panel #5: Alaska Native Children Exposed to  
Violence in the Home and in the Community  
(Child abuse/neglect, domestic violence, ICWA)**



## **Panel #5: Alaska Native Children Exposed to Violence in the Home and in the Community (Child abuse/neglect, domestic violence, ICWA)**

**Outcome:** Identify promising approaches to responding to American Indian children exposed to violence in the community. Recommend approaches for responding and training on the issue.

### **Panelists:**

**Diane Payne**, Consultant, Justice for Native Children

Diane Payne is the owner of Justice for Native Children, a consulting business providing technical assistance, program development support, curriculum development and editing, as well as a range of tailored training events for Native American and Alaska Native Nations, Tribal consortia, and multidisciplinary teams addressing civil and criminal child abuse issues serving Native communities. Prior to her work with Justice for Native Children, Diane worked with Alaska Summit Enterprise Inc., a Native owned business, providing a range of services specifically related to Alaska Native and rural Alaska issues such as: development of child advocacy centers in rural Alaska, training and technical assistance toward establishing criminal justice focused Multidisciplinary Teams (MDTs) and Village-based child protection teams (CPTs) to address abuse, neglect and sexual abuse of Native children including children impacted by interpersonal violence. Diane worked as the Children's Justice Specialist and Director of the Alaska office of an Indian-owned non-profit Tribal Law & Policy Institute, where she developed "Pathway to Hope" curriculum. Diane has authored numerous tribal training and skills development resources including an Indian Child Welfare Act Basic Manual, Intermediate and Advanced Indian Child Welfare Manuals, Child Abuse Protocol Guide and child-specific units of the National American Indian/Alaska Native Victim Assistance Training curriculum. She has provided many presentations on sexual abuse of Native children in the United States and international forums addressing child abuse issues. Diane is a mother, sister, grandmother and adopted daughter of the late Margaret Horn Nason, member of the Northern Cheyenne Nation. She was raised primarily in eastern Washington and has lived in Alaska for more than 30 years

**Trevor J. Storrs**, Executive Director, Alaska Children's Trust

For nearly 17 years, Trevor Storrs has lived in Anchorage, Alaska. During these years, he has had the privilege of visiting almost every corner of the state, reaching remote areas only accessible by plane or boat. Current, Mr. Storrs is Executive Director of the Alaska Children's Trust/Alaska PCA Chapter. He has worked in the nonprofit and human services field for 20 years, working with the underserved and vulnerable populations (i.e. homeless, HIV/AIDS, disabilities). Over the past couple years, the AK Children's Trust has been the backbone of the AK ACEs & Resiliency Initiative. The Initiative is a partnership of nonprofit, private, tribal and government organizations. The goal of the Initiative is to advance the dialogue in our state of how to reduce ACEs/trauma and build resiliency.

**Dr. Cathy Baldwin-Johnson, MD FFAFP, Medical Director, Alaska CARES**

Dr. Cathy Baldwin-Johnson is a family physician and co-founder of The Children's Place, a Child Advocacy Center in Wasilla, Alaska. She serves as the Medical Director for both the Children's Place and Alaska CARES, the child advocacy center in Anchorage, and oversees the SCAN (Suspected Child Abuse and Neglect) Teams for the Children's Hospital at Providence in Anchorage and MatSu Regional Medical Center in Palmer. She is also the Chair of the Alaska Children's Justice Act Task Force. Cathy has 25 years' experience as a family doctor in a small Alaskan community, with 12 years' experience in child abuse work. She provides medical consultations and training on child abuse throughout Alaska. Her most recent project is an Alaskan Child Abuse Medical Evaluation Resource Kit with electronic specialized medical exam forms, guidelines, and other resources to assist health care providers who do this work.

## **Written Testimony for Diane Payne**

**Diane Payne**, Director, Justice for Native Children

Diane Payne is the owner of Justice for Native Children, a consulting business providing technical assistance, program development support, curriculum development and editing, as well as a range of tailored training events for Native American and Alaska Native Nations, Tribal consortia, and multidisciplinary teams addressing civil and criminal child abuse issues serving Native communities. Prior to her work with Justice for Native Children, Diane worked with Alaska Summit Enterprise Inc., a Native owned business, providing a range of services specifically related to Alaska Native and rural Alaska issues such as: development of child advocacy centers in rural Alaska, training and technical assistance toward establishing criminal justice focused Multidisciplinary Teams (MDTs) and Village-based child protection teams (CPTs) to address abuse, neglect and sexual abuse of Native children including children impacted by interpersonal violence. Diane worked as the Children's Justice Specialist and Director of the Alaska office of an Indian-owned non-profit Tribal Law & Policy Institute, where she developed "Pathway to Hope" curriculum. Diane has authored numerous tribal training and skills development resources including an Indian Child Welfare Act Basic Manual, Intermediate and Advanced Indian Child Welfare Manuals, Child Abuse Protocol Guide and child-specific units of the National American Indian/Alaska Native Victim Assistance Training curriculum. She has provided many presentations on sexual abuse of Native children in the United States and international forums addressing child abuse issues. Diane is a mother, sister, grandmother and adopted daughter of the late Margaret Horn Nason, member of the Northern Cheyenne Nation. She was raised primarily in eastern Washington and has lived in Alaska for more than 30 years

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*Please see next page for testimony*

## **Introduction**

For years, Alaska Natives, the government of Alaska, the federal government and others have sought the most effective way to provide law enforcement and access to the justice system in rural Alaska. In 2004, following a number of statewide forums and discussions, the United States Congress created the Alaska Rural Justice and Law Enforcement Commission to review federal, state, local and tribal jurisdiction over civil and criminal matters in Alaska (Public Law 108-199). The Commission was formally appointed by the U.S. Attorney General and charged with providing recommendations to the Congress and the Alaska State Legislature regarding ways to improve the quality of justice and law enforcement in rural Alaska.

The reach of the Commission's work extends to all areas of rural Alaska. In the enabling legislation, this is defined as those areas outside of the Municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough, the Matanuska-Susitna Borough, the City and Borough of Juneau, the Sitka Borough and the Ketchikan Gateway Borough.

Meetings and public hearings were held beginning in early October 2004. The Commission also established four working groups to address the key areas of the Commission's charge: law enforcement, judicial services, alcohol importation and interdiction, and domestic violence and child abuse. The workgroups met weekly from January 2005 through April 2005 and developed over 100 options that the Commission reviewed. The options it adopted were organized into nine general recommendations that form the outline of this report.

The Alaska Rural Justice and Law Enforcement Commission's charge has been extended and the Commission will work to ensure implementation of the recommendations contained in its "Initial Report and Recommendations."

## **Executive Summary**

Created by Congress in 2004 (Public Law 108-199), the Alaska Rural Justice and Law Enforcement Commission is charged with the task of studying four broad areas related to rural Alaska: law enforcement; judicial services; alcohol importation and interdiction; and domestic violence and child abuse. Meetings and public hearings were held from early October 2004 through June 2005, and the Commission also established four workgroups of professionals, experts, and officials working in fields related to these four topics, numbering 50 Alaskans in all. The workgroups met weekly from January 2005 through April 2005, and developed over 100 options that the Commission reviewed. In reviewing these options, the Commission also considered the many hours of public testimony offered in hearings held across Alaska. The options it adopted were organized into one of the following nine general recommendations.

### **1. Engage in More Partnering and Collaboration**

One of the most significant outcomes of the Commission's work was engendering collaboration among a broad spectrum of stakeholders in trying to address the four issues before the Commission. In order to continue the dialogue, this Commission recommends that its work continue for the next three to five years. Given the dearth of resources and the daunting nature of the problems facing rural Alaska, the Commission urges more collaboration among the various governments involved. It specifically recommends collaboration on development of a number of agreements that will better coordinate law enforcement and judicial services in rural Alaska.

### **2. Make Systemic Changes to Improve Rural Law Enforcement**

Responding to its first charge, the Commission offers several recommendations to improve law enforcement in rural Alaska, including 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 qualifications to seek full police certification by the Alaska Police Standards Council. It further recommends expansion of police and public safety training, changes in state law to help law enforcement reduce the importation of alcohol into dry rural Alaska villages, and a ban on written order sales of alcoholic beverages to "dry" or "damp" communities.<sup>3</sup>

### **3. Enlarge the Use of Community-based Solutions**

The Commission was impressed with the public testimony and evidence that demonstrated the importance, and success of, approaches responding to the immediate and cultural needs of communities that are *locally* driven. To this end, the Commission recommends amending state statutes to allow the Division of Juvenile Justice to delegate authority to tribes to enable the sharing of resources with respect to tribal juvenile offenders, with other amendments to permit tribes to participate in juvenile proceedings and juvenile delinquency treatment. It further recommends expanded funding to help non-profit organizations and rural Alaska communities develop new programs at the local level to increase prevention, intervention, and treatment of domestic violence and child abuse. Housing Alaska's inmates in out-of-state facilities is a weak point in the State's correctional system, and the Commission recommends that the Department of Corrections explore other options, including working with Native regional corporations, to keep inmates in Alaska. To help reduce the amount of alcohol reaching dry communities, the Commission recommends the establishment of alcohol distribution centers, in damp hub communities such as the one established in Barrow, restricting alcohol sales to residents of those communities only.

### **4. Broaden the Use of Prevention Approaches**

The Commission concluded that there are insufficient substance abuse prevention approaches in rural Alaska. The Commission recommends expanding culturally appropriate prevention programs to reduce the demand for alcohol in rural Alaska, starting with youth, linking youth with adults in healthy activities, and providing more information to schools. There should also be more education, prevention, and early intervention programs targeting domestic violence and child abuse in rural Alaska, specifically, the development of new prevention curricula to be implemented in kindergarten through eighth grade, teaching respect, establishing interpersonal relationships, healthy lifestyle choices, and the importance of remaining substance free.

### **5. Broaden the Use of Therapeutic Approaches**

There are a number of programs in rural Alaska that target the problems of substance abuse, domestic violence, child abuse and neglect, and sexual abuse, all of which are routinely tied to the consequences of substance abuse in rural Alaska.

<sup>3</sup>A "dry" community is one in which alcohol may be neither sold nor possessed. A "damp" community is one in which alcohol may not be bought or sold, but may be possessed.

However, there remains a great need to expand therapeutic approaches. Alcohol and drug abuse treatment programs should be expanded in rural Alaska, with a system of longer-term residential care in hub communities (including programs for women with children) matched with a network of aftercare services in rural villages. Substance abuse, mental health, and dual diagnosis treatment options for youth also need to be strengthened, as well as therapeutic courts, and group homes for children in need of aid who are not appropriate for, or unable to access, foster care. By changing state regulations to allow close relatives caring for children in need of aid to receive the same level of financial reimbursement that non-relatives now receive, the availability of care in rural Alaska could be greatly expanded.

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

Cultural identification and modeling are important in rehabilitation. In the face of significant overrepresentation of Alaska Natives from rural communities who encounter legal problems with law enforcement, and an even greater overrepresentation of Alaska Natives in the correctional system in Alaska, there is a great – and growing – need to recruit and employ Alaska Natives in these systems. As a result, the Commission recommends: the implementation of a focused recruitment effort to bring more Alaska Natives and rural Alaskans into the correctional, law enforcement, and public safety workforce. It also recommends increasing the training and utilization of Village Public Safety Officers as probation officers in the villages and contracting with tribes to oversee community service work, which would increase the supervision of offenders on probation and parole in rural Alaska.

#### ***7. Build Additional Capacity***

The Commission reviewed a multitude of indicators that pointed to the relative lack of infrastructure to support police and public safety functions in rural Alaska, which in turn has a detrimental effect on recruitment and retention of officers. The Commission therefore recommends the improvement and expansion of housing for police and public safety officers; increased availability of appropriate intra-community transportation; more law enforcement offices and holding facilities in rural Alaska; and improved law enforcement equipment. The Commission also recommends improved and expanded public safety training, and the development of a standardized statewide data system to document and monitor law enforcement investigations in rural Alaska.

#### ***8. Increase Access to Judicial Services***

The Commission found that residents of rural Alaska do not have access to sufficient civil legal assistance to address legal problems related to domestic violence and child abuse, and recommends enhanced funding to respond to this need. It also recommends the increased use of tribal courts, as well as training and technical assistance to judges and support staff in the Alaska Court System and in tribal courts to inform and instruct participants in both systems to be aware of and value the cultural differences in rural Alaska.

#### ***9. Expand the Use of New Technologies***

Alaska enjoys the most sophisticated telehealth system in the world, the Alaska Federal Health Care Access Network (AFHCAN), which includes broadband telecommunications services in most rural Alaska communities. However, in the hundreds of rural Alaska villages that are part of the AFHCAN, other organizations do not have access to existing broadband capabilities. To improve communication within the law enforcement and judicial systems in rural Alaska, the Commission recommends changing current regulations to allow rural police, public safety officers, and court officers to utilize this resource. The Commission also recommends that the Department of Corrections explore the use of new electronic monitoring technology, such as the Global Positioning System, for rural Alaskan probationers, and that the Alcohol Beverage Control Board develop a statewide database for all alcohol written orders<sup>4</sup> for the new community distribution centers.

Finally, noting the importance of consistent monitoring and evaluation of the implementation of its recommendations, the Commissioners ask that Congress extend their appointments or authorize the creation of a successor commission to oversee implementation, continue the dialog among justice stakeholders that has been nurtured by the Commission, conduct additional research, monitor the recommended pilot projects, and evaluate the impact of these new and expanded activities into the future.

<sup>4</sup> Process to obtain alcoholic beverages from a licensed vendor when delivery, purchase or possession is not otherwise prohibited by law.

## **Written Testimony for Trevor J. Storrs**

**Trevor J. Storrs**, Executive Director, Alaska Children's Trust

For nearly 17 years, Trevor Storrs has lived in Anchorage, Alaska. During these years, he has had the privilege of visiting almost every corner of the state, reaching remote areas only accessible by plane or boat. Current, Mr. Storrs is Executive Director of the Alaska Children's Trust/Alaska PCA Chapter. He has worked in the nonprofit and human services field for 20 years, working with the underserved and vulnerable populations (i.e. homeless, HIV/AIDS, disabilities). Over the past couple years, the AK Children's Trust has been the backbone of the AK ACEs & Resiliency Initiative. The Initiative is a partnership of nonprofit, private, tribal and government organizations. The goal of the Initiative is to advance the dialogue in our state of how to reduce ACEs/trauma and build resiliency.

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*Testimony was not available prior to hearing*

## **Written Testimony for Cathy Baldwin-Johnson**

**Cathy Baldwin-Johnson**, Medical Director, Alaska CARES

Dr. Cathy Baldwin-Johnson of Wasilla, AK is a private practice family physician and the 2002 National Family Physician of the Year from the American Academy of Family Physicians. In 1999, Baldwin-Johnson co-founded and is the volunteer medical director of The Children's Place, and since 2005 has served as a consultant and trainer on child abuse issues. Dr. Baldwin-Johnson oversees the medical aspects of Alaska CARES, and is well-known and well-respected throughout the state. She is a family physician with Providence Matanuska Health Care Associates.

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Good afternoon and thank you for inviting me to talk with you about the issue of Alaska Native children exposed to violence in their homes and communities. For me as a family physician, this is absolutely tied to improving the health and safety of all Alaskan children and their communities. When one child suffers from violence and adversity, we all suffer as a community, state and society. And I have very personal reasons for wanting Alaska to be a safe and healthy place for kids to grow up: I am first and foremost the mother of two grown children, and hope that my future grandchildren will be raised here.

I am a lifelong Alaskan, a graduate of the University of Washington School of Medicine and Swedish Hospital Family Medicine Residency Program in Seattle, and have been a family physician for 31 years. For 25 years I provided the full spectrum of family health care, delivering babies and sometimes caring for four generations within a family. I slipped into child abuse medicine sideways – at first getting specialized training because I found myself woefully unprepared when these issues came up, then realizing that children who traveled between my office, the police station, and the child protection office were slipping through the cracks and needed a better way. I now spend most of my time as the medical director for Alaska CARES, the Child Advocacy Center in Anchorage and a department of the Children's Hospital at Providence; and for The Children's Place, the CAC in Wasilla which I co-founded in 1999. I still work as a family doctor one day a week. I also serve on the Alaska Children's Justice Act Task Force, our state-wide Maternal-Infant-Child Mortality Review Committee, and the Alaska Children's Alliance, the umbrella organization for all of the Child Advocacy Centers in our state. I provide training on the recognition, response, and medical evaluation for child abuse all over Alaska, and oversee a web-based state-wide peer review system to mentor and support other medical providers who do this work in remote areas. I share this so that you will know I have the background to speak to this topic.

For many families and cultures, stories are used to teach, explain, and pass along tradition, and this is certainly true for many Alaska Natives. So I will use a story to help describe what we face in our state.

Mary is a 14 year old girl raised in a village of 200 in a remote area of Alaska. She comes to our CAC to be evaluated, and I will return to Mary's story a little later. First I want to talk about Mary's mother, Josephine. Josephine is an overweight diabetic who periodically binge drinks. When she drinks, she forgets to take her medications. She has required emergency transport and hospitalization twice in the last year for alcohol poisoning and dangerously high blood sugars.

Like many physicians, I would sometimes get frustrated with patients like Josephine, with their multiple health issues and poor lifestyle choices. They continued to smoke, drink, abuse drugs (sometimes trying to make me complicit in their addiction), have horrible eating habits, not exercise, not take their medications – yet continued to come in expecting me to miraculously fix them with yet another pill. I could not understand why they didn't just follow my perfectly good advice.

Then I heard Dr. Vincent Felitti present at the San Diego Child Maltreatment Conference about the Adverse Childhood Experiences (ACE) Study and had an entire paradigm shift in how I think about chronic disease. Dr. Felitti from Kaiser-Permanente Health System in California and Dr. Bob Anda from the Centers for Disease Control were the lead researchers for this study of more than 17,000 mostly middle class and middle aged adults. They showed that when children are exposed to family violence and dysfunction they are more likely to have poor health as adults. There were links between child physical, sexual and emotional abuse, neglect, exposure to domestic violence, parental substance abuse, mental health problems, separation, and criminality, to almost all of the most common causes of illness and premature death in our country today, including heart disease, chronic lung disease, cancers, diabetes, obesity, sexually transmitted infections, smoking, substance abuse, and depression. Adverse childhood experiences were even linked to fractures, a sedentary lifestyle and poor work performance. And these links were dose-dependent: that is, the more bad things happened to kids, the more likely they were to have poor outcomes as adults.<sup>22</sup> These links and others have been demonstrated in a number of other studies, including those showing adverse health outcomes in childhood and risk of future victimization.<sup>23,24,25</sup> Learning about these links transformed how I approached my patients and their chronic health problems, but also brought the realization that we need to be working further upstream.

Do the findings from the ACE study hold true in Alaska Native and American Indian populations as well? There is no reason to think otherwise. Similar studies have been conducted in other countries with similar findings.<sup>26,27,28,29,30</sup> A review by Brockie et al concluded that "Reservation-

<sup>22</sup> Felitti, Anda et al Am J Prev Med 1998

<sup>23</sup> Flaherty et al Academic Pediatrics 2009

<sup>24</sup> Flaherty et al JAMA Pediatrics 2013

<sup>25</sup> Simmel et al J Child Sexual Abuse 2012

<sup>26</sup> Hyland et al J Behav Med 2012

<sup>27</sup> McCabe et al J Psychiatr Res 2012

<sup>28</sup> Fuller-Thompson & Brennenstuhl Cancer 2009

<sup>29</sup> Norman et al PLOS Medicine 2012

<sup>30</sup> Danese et al Arch Pediatr Adolesc Med 2009

based Native Americans disproportionately experience ACEs and health disparities, significantly impacting long-term physical and psychological health.”<sup>31</sup>

What about adverse childhood experiences in Alaska? We are the nation’s largest state, and we have some of the largest problems. In Mary’s village of 200 reside 6 registered sex offenders. There is no one who has not been impacted by sexual abuse. Mary’s mother Josephine was sexually abused by an itinerant priest when she was 8 years old. Mary’s older brother committed suicide 3 years ago, during a bleak year when 4 other young men also killed themselves and our newspapers carried stories about the epidemic of suicide in young adults in rural Alaska.

Although we do not have a published Alaskan ACE study, we do have access to a number of different data sources that inform us. Alaska’s rates of reported child abuse are amongst the highest in the nation.<sup>32</sup> Evidence for disproportionate impact is found in our Office of Children’s Services data as summarized in *Child Welfare Outcomes 2009-2012: Report to Congress*, with over 50 percent of investigated child maltreatment reports and children in foster care or awaiting adoption being Alaska Native or American Indian.<sup>33</sup> Our rates of students experiencing physical dating violence are 30 percent higher and sexual violence 20 percent higher than national averages; our rate of forcible rape between two and three times the higher.<sup>34</sup> In 2012, someone was worried enough to make a report to child protection for nearly one out of ten Alaskan children.<sup>35</sup> Although we have made dramatic improvements in our overall infant mortality, we have not impacted maltreatment-related infant mortality.<sup>36</sup> Four percent of our pregnant woman admitted to being victims of intimate partner violence during their recent pregnancy.<sup>37</sup> Our rates of suicide are substantially higher than the national average, and the rates in our most rural areas are two to three times higher than our urban areas. Thirteen percent of those suicides were children, and nearly 40 percent were Alaska Native or American Indian. Of those suicides tested, the majority met the legal definition for alcohol intoxication or had other illicit drugs in their system, confirming the grim toll that substance abuse takes in our state.<sup>38</sup> Rates for homicide of infants were higher than any other age group: 25.3/100,000; nearly 15 percent of homicide victims are children less than 10 years of age.<sup>39</sup>

In our state we must also add the longstanding effects of historical trauma in our Alaska Native population: the devastation of epidemic illnesses. Mary’s great-grandfather was a shaman whose traditional ways of healing were ineffective against the Great Sickness of 1900. He and many other elders died during this epidemic of measles and influenza, taking with them the knowledge and spiritual belief system that had sustained their peoples for thousands of years. We must add

<sup>31</sup> Brockie et al Nursing Research & Practice 2013

<sup>32</sup> Child Welfare Outcomes 2009-2012: Report to Congress

<sup>33</sup> Ibid

<sup>34</sup> Council on Domestic Violence and Sexual Assault 2013 Alaska Dashboard

<sup>35</sup> Child Maltreatment 2012 Chapter 2: Reports p. 11

<sup>36</sup> State of Alaska Epidemiology Bulletin No. 06 Feb. 25, 2008

<sup>37</sup> Council on Domestic Violence and Sexual Assault 2013 Alaska Dashboard

<sup>38</sup> Alaska Violent Death Reporting System 2003-2008; Aug 2011

<sup>39</sup> Ibid

the loss of culture, traditions, diet, and lifestyle for many individuals and communities; the impact of poverty and racism and children sent far away to boarding schools; the introduction of alcohol; the physical, emotional and spiritual damage of clergy abuse.

Not surprisingly then, the 2011-2012 Behavioral Risk Factor Surveillance System<sup>40</sup> revealed that:

- 65 percent of Alaskan adults were overweight or obese
- 21 percent smoke
- Only 58 percent meet DHHS Physical Activity Guidelines
- 17 percent binge drink
- 30,000 are living with cancer

And in the 2013 Youth Risk Behavior Survey<sup>41</sup> of Alaskan high school students:

- 27 percent felt so sad and hopeless in the prior 2 weeks that they stopped some of their usual activities
- 8.4 percent had attempted suicide in the past year
- 10 percent smoked cigarettes or used other tobacco products
- Nearly 13 percent had had 5 or more drinks within 2 hours in the prior 30 days
- 26 percent were overweight or obese

Finally, specifically in the Alaska Native population:

- Rates for 9 of the 10 leading causes of death are higher than the general US population (cancer, unintentional injury, suicide, alcohol abuse, chronic obstructive pulmonary disease, cerebrovascular disease, chronic liver disease, pneumonia and influenza, and homicide)
- Cancer is the leading cause of death
- Suicide rates are 3.5 higher than US whites
- Alcohol abuse deaths are 16.1 times higher than US white<sup>42</sup>

Although it seems intuitive that child abuse should be bad for children, it is reasonable to ask, why? Why does child abuse and neglect cause physical health problems? Why does someone who experienced traumatic stress in childhood develop chronic lung disease even if they never smoked? Why is it just as bad for a child to watch their mother beat up as it is to be beat up themselves? Why do we see generation after generation impacted? Why can't Mary's mother Josephine control her diabetes and her drinking? Why couldn't she protect her daughter better? Why is Mary's younger sister seemingly doing okay? Why are some children more resilient than others?

<sup>40</sup> Alaska BRFSS Highlights 2011-2012

<sup>41</sup> 2013 Alaska YRBS Preliminary Highlights

<sup>42</sup>

[http://www.anthctoday.org/epicenter/publications/mortality/AlaskaNativeMortalityUpdate2004\\_2008\\_17\\_jan\\_2012.pdf](http://www.anthctoday.org/epicenter/publications/mortality/AlaskaNativeMortalityUpdate2004_2008_17_jan_2012.pdf)

We are beginning to get answers that are simultaneously scary and exciting, and that lie in understanding how our brains, immune systems and even our genetics respond to stress. Here it is important to differentiate between “normal” stress – of learning something new, of working against a deadline – from toxic stress or complex trauma, where multiple stressors or traumas occur over time and overwhelm inherent resiliency mechanisms to create permanent and measurable changes.

We already knew that an infant’s brain at birth is incompletely developed, and in fact is “built” to develop and change in response to environmental cues – a child will learn to speak the language to which they are exposed, for example, and a child’s eyes must be lined up the right way for their brain to learn how to interpret images the retina captures. We also knew that much of brain development is sequential, that is a baby’s brain must first learn very basic survival such as how to breathe, regulate body temperature, suck and swallow before moving on to more advanced skills. Now we know that just as children learn how to walk and talk, they must learn how to form relationships, and that a secure foundation from that early attachment and bonding is as critical to future brain success as learning any other skill. And now we know that toxic stress permanently alters how the brain builds and wires itself, often in maladaptive ways, and that we can even see those effects on brain size and structure with our imaging studies.<sup>43, 44, 45</sup>

We can also see the impact of stress on our chromosomes. Telomeres are stretches of DNA at the end of our chromosomes that have been compared with the plastic tips on shoelaces, because they keep chromosome ends from fraying and sticking to each other. Each time a cell divides, the telomeres get shorter. When they get too short, the cell can no longer divide; it becomes inactive or it dies. This shortening process is associated with aging, cancer, and a higher risk of death. Studies have demonstrated that both children exposed to violence and adults with PTSD as a result of childhood trauma have erosion of their telomere length.<sup>46, 47</sup>

It turns out that how our genes express themselves is also sensitive to what happens in our environment. This study of gene expression is called epigenetics, and is helping us to understand that even prenatal stressors impact gene function in offspring, including risks for schizophrenia, autism, ADHD, anxiety and other problems.<sup>48</sup> Early-life experiences significantly affect gene expression that is measurable in both animal and human studies. For example, human studies demonstrate differences in stress reactivity and suicidality in children exposed to trauma.<sup>49</sup> Animal studies of gene expression after early stressors demonstrate differences in behaviors, responses to stress, sleep patterns, risk of certain infections, and maternal care.<sup>50, 51</sup> Even more

<sup>43</sup> McCrory et al. *Frontiers in Psych* 2011

<sup>44</sup> Hart & Rubia *Front Hum Neurosci* 2012

<sup>45</sup> Bremner et al *Amer J Psychiatry* 2003

<sup>46</sup> O’Donovan et al *Biol Psychiatry* 2011

<sup>47</sup> Shalev et al *Molecular Psychiatry* 2012

<sup>48</sup> Boersma et al *J Neuroendocrinology* 2014

<sup>49</sup> Lutz & Turecki *Neuroscience* 2014

<sup>50</sup> Boersma et al *J Neuroendocrinology* 2014

<sup>51</sup> Szyf & Bick *Child Development* 2013

frightening, it appears that some of these epigenetic changes could be permanent and passed along to future generations.<sup>52</sup>

So what do we need to do? We certainly need better and earlier intervention. Child Advocacy Centers have been shown to be a viable model in Alaska and across the United States. For those of you who may not be familiar with the Child Advocacy Center model, a CAC provides a child-focused and child-friendly location where all of the agencies and individuals responsible for responding to allegations of child maltreatment bring their services to the child and family. Those services include a forensic interview by someone trained to talk to children about difficult issues; a medical evaluation by a health care provider with special training and experience; a psychosocial evaluation of the child and family; advocacy and support at the time and through any legal process that might occur; and referrals for any needed services, particularly counseling and further medical care. We now have 10 Child Advocacy Centers and two satellite centers throughout Alaska. Even so, geography, weather, and staff turnover and burnout in all of the involved agencies affect our ability to always respond in the way we need to once abuse has occurred.

At Alaska CARES I work with a skilled and compassionate group of nurse practitioners and forensic nurses, and a highly functioning multidisciplinary team to evaluate children for whom there are concerns for abuse and neglect. We accept referrals from the Office of Children's Services, law enforcement and medical providers. We are very fortunate to be co-located with one of the units of the Office of Children's Services, the Crimes Against Children Unit of the Anchorage Police Department, an investigations unit of the Alaska State Troopers, the Special Victims Unit, and Forensic Nursing Services of Providence which provides forensic exams for adult and older adolescent victims of sexual assault.

Located in the largest urban area (Anchorage), Alaska CARES is the largest and busiest Child Advocacy Center in the state. We see on average more than 900 children each year. We also provide services to children admitted to the pediatrics units in Providence Alaska and Alaska Native Medical Centers. These hospitalized children may be from anywhere in the state.

Mary was referred to us from a residential treatment program where she was admitted after a suicide gesture and months of acting out. Mary's mother sent her to live with her grandmother in Anchorage a year ago. Mary started having consensual intercourse with a 28 year old she refers to as her boyfriend and whom she met via Facebook and was devastated when he broke up with her. In therapy she disclosed that she had been sexually abused by her father when she was four. Bad weather kept the assigned Alaska State Trooper from getting into the village for more than a week, so even though the abuse was witnessed by a relative, the relative was convinced by family members not to testify. Since Mary had a normal exam the case was never prosecuted. During her forensic interview she also disclosed that she was sexually abused by an uncle when she was 8, and raped by her brother's best friend when she was 10. She tried to tell her mother about her uncle, but her mother could not believe he would do anything like that. She did not

<sup>52</sup> Roberts et al Biol Psychiatry 2012

tell anyone about her brother's best friend. She never received counseling. In her tiny village mental health services are provided by an itinerant behavioral health specialist who comes in once a month if the weather allows.

Forty-five percent of the children we see are very young, infants to age 6. Thirty-four percent are age 7-12, and just over 20 percent are teens. The majority of children we see are for sexual abuse, but we also see children for physical abuse, severe neglect, drug endangerment, Munchausen's by proxy, and foster intake exams. We also see children who are chronic runaways and potential witnesses to violent crimes. Sixty-five percent are girls, 35 percent boys; 12 percent report exposure to violence in their homes; another 11 percent report exposure to substance abuse. (We believe these numbers to be gross underestimations, based on our knowledge that children often try to protect their parents as well as information we obtain from child protection and law enforcement.) Over a third of their parents report their own histories of child sexual or physical abuse, confirming the frequent cyclic and intergenerational nature of family violence. Sadly, 38 percent of the children we see are Alaska Native or American Indian,<sup>53</sup> compared with 17.7 percent of the general pediatric population.<sup>54</sup>

During Mary's medical exam we find that she has Chlamydia and is at risk for a serious pelvic infection. She has also acquired a high risk strain of human papilloma virus, and her history of toxic stress has affected her immune system so that she now has early cervical cancer. She is given antibiotics and a referral to a gynecologist is made for treatment of her cancer.

What else do we need to do? It would be easy to give up on both Mary and Josephine. It is discouraging to think they likely have irreversible changes in their brains and immune systems and even in their genomes. But there should always be hope. At almost any age it is possible for the brain to learn. There is research that shows good social supports may mitigate some of the effects of childhood adversity,<sup>55</sup> as may diet,<sup>56</sup> medication,<sup>57,58</sup> and psychotherapy.<sup>59</sup>

These would be my recommendations:

1. Help ensure the best response possible once abuse has occurred. Support on-going funding for Child Advocacy Centers. We cannot control weather or geography, but we can ensure that there is funding and support for child abuse cases to be appropriately investigated and for children to receive services through a CAC that is reasonably accessible to them.
2. Educate our communities about ACEs. Engage leaders, elders and business owners. Start with a few communities in Alaska that are receptive and ready to create safe environments for children and facilitate their development of intervention and

<sup>53</sup> Alaska CARES data

<sup>54</sup> Child Welfare Outcomes 2009-2012: Report to Congress

<sup>55</sup> Runsten et al Informa Healthcare 2013

<sup>56</sup> McGowan et al Brain Res 2008

<sup>57</sup> Weaver Epigenetics 2007

<sup>58</sup> Thomaes et al J Psychiatr Res 2014

<sup>59</sup> Thomaes et al J Psychiatr Res 2014

prevention programs. Don't entirely re-invent the wheel – try programs that have worked in other communities, just modify if needed based on the resources locally. Ask for accountability for funding. If a particular plan works, share that success with other communities.

- a. When Mary becomes pregnant, help her be a better parent by expanding programs that have proven themselves like Nurse-Family Partnership program (the Nutaqsiivik program at Southcentral Foundation is a great example).<sup>60</sup>
- b. Trial other promising parenting programs such as SEEK (Safe Environment for Every Kid) in rural Alaskan communities.<sup>61</sup>
3. Get creative with behavioral health services. Advances are being made in the use of telemedicine for mental health treatment, but resources and research to determine effectiveness are needed. All therapists providing behavioral health services in Alaska should be aware of ACEs and be able to provide trauma-informed care.
4. Educate health care providers about ACEs and epigenetics so that we can stop blaming our patients for their illnesses and they can stop blaming themselves. We need instead to help them get care that integrates their physical, mental and spiritual needs, is trauma informed, and culturally appropriate.
5. Support research to determine the best ways to ameliorate the affects the ACEs once they occur. We need to know how best to change the trajectory of Mary's life for the better.
6. Create a campaign to educate policy makers about ACEs and the significant adverse economic impact of child maltreatment over both the short and long term. They are grappling with how to pay for the high cost of our health care in this country and in our state. They need to understand that paying now for prevention will pay for itself within a generation.
7. The Centers for Disease Control recognizes the significant impact of child maltreatment and family dysfunction on health and safety for our entire nation. Significant strides have been made during my life-time on other public health issues like smoking, vaccine-preventable disease and car seats through universal messaging, creation of positive norms, and access to needed resources. It is time, as the Centers for Disease Control recommends, for every child to have Safe Stable and Nurturing Relationships to help them be resilient to what life throws at them and achieve their full and healthy potential.<sup>62</sup>

It is time to make our children our priority. We don't have a moment to lose.

Thank you,

Cathy Baldwin-Johnson MD FAAFP  
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<sup>60</sup> Nelson et al Journal of Applied Research on Children: Informing Policy for Children at Risk 2014

<sup>61</sup> Ibid

<sup>62</sup> [http://www.cdc.gov/ViolencePrevention/pdf/CM\\_Strategic\\_Direction--Long-a.pdf](http://www.cdc.gov/ViolencePrevention/pdf/CM_Strategic_Direction--Long-a.pdf)



## **Panel #6: Promising Approaches**



## **Panel #6: Promising Approaches**

**Outcome:** *Identify promising approaches to responding to Alaska Native Children Exposed to Violence. Recommend approaches for responding to and training on the issues.*

**Panelists:**

**Evon Peter, (Gwich'in)**, Executive Director, Indigenous Leadership Institute; and CEO, Gwanzhii, LLC.

Evon Peter is the executive director of the Indigenous Leadership Institute, chief executive officer of Gwanzhii, LLC, and former Chief of the Neetsaaii Gwich'in from Arctic Village in northeastern Alaska. He has served as the Co-Chair of the Gwich'in Council International and on the Executive Board of the Alaska Inter-Tribal Council. His experience includes work within the United Nations and Arctic Council forum representing Indigenous and environmental interests. Evon dedicates a significant portion of his time to youth leadership development, suicide prevention, community wellness, and gathering facilitation. He holds a Bachelor's degree in Alaska Native studies with a minor in Political Science and is completing a Master's degree in Rural Development from the University of Alaska. He helps people to see the best in their self, to build from their strengths, and to live accomplished and fulfilling lives. He is an uplifting speaker, skilled facilitator, tribal counselor, and accomplished initiative builder. He resides with his wife and three children in Alaska.

**Mary David (Nome Eskimo Community)**, Executive Vice President, Kawerak, Inc.

Mary David is the Executive Vice President of Kawerak, Inc., the regional non-profit tribal consortium in the Bering Strait Region of Alaska, where there are 20 federally recognized tribes. She began her employment with Kawerak, Inc. in July of 2012, but has held other positions within the corporation since 1990 such as the Human Resources Director, Vice President of Children & Family Services, Kawerak Family Service Director, and General Assistance Director. Mary has volunteered in the past as a Bering Sea Women's Group (domestic violence organization) board member and a City of Nome Council Member. She is currently the Financial Secretary for the Community United Methodist Church. Mary was raised in Nome, and is a tribal member of Nome Eskimo Community. Mary's family roots (maternal & paternal) are from the village of Wales, Alaska. Mary's professional goals are to improve individual, family, community and global conditions that may impact the health and welfare of those Kawerak serves and the environment in which we live. Mary holds a Master of Public Administration from the University of New Mexico, Albuquerque and a Bachelor of Social Work degree from the University of Alaska, Anchorage.

**Elizabeth (Liz) Medicine Crow, (*Tlingit and Haida*), President/CEO, First Alaskans Institute**

Liz Medicine Crow is Tlingit and Haida, on her Tlingit side she is Raven Kaach.adı, Fresh Water-marked Sockeye Salmon; on her Haida side she is Eagle Tiits Gitee Nei, Hummingbird. In October 2012 she was named President/CEO, after serving as Director of the Alaska Native Policy Center since August 2008, and Vice President. Medicine Crow received her BA from Fort Lewis College, Durango, Colorado, and her law degree from Arizona State University College of Law in Tempe, Arizona. She served as Director of the Legal Department at Cheyenne River Housing Authority before moving to Anchorage where she worked as the Policy Analyst & Planner for the Alaska Native Tribal Health Consortium, working on behalf of the Alaska Native Health Board. The major theme of her education and work experience has been the continued integration of Native values, life ways, and traditional knowledge into Tribal governments, Tribal organizations, and relationships with other governments and organizations to affect a policy landscape that works with Alaska Natives to improve the lives of Native People. Medicine Crow grew up in Kake and Juneau. She is a Kake Tribal Corporation shareholder by gifting and a Sealaska shareholder by both gifting and the new inclusion of after-borns. She was blessed to spend a lot of time with her Naanii (grandmother) Mona Jackson and has been writing her life story in her free time. Medicine Crow also attended the Institute of American Indian Arts. She is a member of the Alaska Native Sisterhood Kake Camp #10, Keex Kwaan Dancers, and though she lives in Anchorage her heart is always at home with her family and people.

**Bobbi Outten, Director, Family Wellness Warriors Initiative, Southcentral Foundation**

Bobbi Outten joined Southcentral Foundation and Family Wellness Warriors Initiative (FWWI) in April 2004. Bobbi grew up in Haines, Alaska, with two sisters, where her parents commercial fished. A proud grandma of nine, she raised four children as a single parent for more than 12 years. She leads support groups for military families and Wellness Warriors Trainings, choosing to share her story of domestic violence with hopes that her story will help to break the silence of abuse. Besides her children and grandchildren, Bobbi's passions include being a full-fledged soccer mom, running, weight-lifting, hunting, fishing and camping.

## **Written Testimony for Evon Peter**

**Evon Peter, (Gwich'in), Executive Director, Indigenous Leadership Institute; and CEO, Gwanzhii, LLC.**

Evon Peter is the executive director of the Indigenous Leadership Institute, chief executive officer of Gwanzhii, LLC, and former Chief of the Neetsaaii Gwich'in from Arctic Village in northeastern Alaska. He has served as the Co-Chair of the Gwich'in Council International and on the Executive Board of the Alaska Inter-Tribal Council. His experience includes work within the United Nations and Arctic Council forum representing Indigenous and environmental interests. Evon dedicates a significant portion of his time to youth leadership development, suicide prevention, community wellness, and gathering facilitation. He holds a bachelors degree in Alaska Native studies with a minor in Political Science and is completing a Masters degree in Rural Development from the University of Alaska. He helps people to see the best in their self, to build from their strengths, and to live accomplished and fulfilling lives. He is an uplifting speaker, skilled facilitator, tribal counselor, and accomplished initiative builder. He resides with his wife and three children in Alaska.

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*Testimony was not available prior to hearing*

## **Written Testimony for Mary David**

**Mary David (Nome Eskimo Community), Executive Vice President, Kawerak, Inc.**

Mary David is the Executive Vice President of Kawerak, Inc., the regional non-profit tribal consortium in the Bering Strait Region of Alaska, where there are 20 federally recognized tribes. She began her employment with Kawerak, Inc. in July of 2012, but has held other positions within the corporation since 1990 such as the Human Resources Director, Vice President of Children & Family Services, Kawerak Family Service Director, and General Assistance Director. Mary has volunteered in the past as a Bering Sea Women's Group (domestic violence organization) board member and a City of Nome Council Member. She is currently the Financial Secretary for the Community United Methodist Church. Mary was raised in Nome, and is a tribal member of Nome Eskimo Community. Mary's family roots (maternal & paternal) are from the village of Wales, Alaska. Mary's professional goals are to improve individual, family, community and global conditions that may impact the health and welfare of those Kawerak serves and the environment in which we live. Mary holds a Master of Public Administration from the University of New Mexico, Albuquerque and a Bachelor of Social Work degree from the University of Alaska, Anchorage.

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TESTIMONY OF MARY DAVID, EXECUTIVE VICE PRESIDENT  
KAWERAK, INC.  
IDENTIFYING PROMISING APPROACHES TO RESPONDING TO ALASKA NATIVE  
CHILDREN EXPOSED TO VIOLENCE

Esteemed members, thank you for giving me the opportunity to testify today. My Eskimo name is Qiapik, but I go by my English name of Mary David. I was born, raised and live in Nome. I am one of five children who grew up in an Inupiaq household that practiced and benefited from both the Native and non-Native systems of living. I am a tribal member of Nome Eskimo Community, I have a bachelors degree in Social Work and a Master of Public Administration. I hold our traditional value of Love for Children close to my heart and therefore offer these comments and recommendations on the subject matter.

Introduction/Background:

Kawerak is the tribal consortium in the Bering Strait region of Alaska, an area with 20 federally recognized tribes and 16 communities. Our service area is approximately 26,000 square miles or roughly the size of West Virginia. The region's population is about 9,000 people, of which 75% are Alaska Native. The cost of living in rural Alaska is astronomical and we are plagued by a myriad of social conditions attributed to historical trauma and efforts aimed to assimilate our people into Western society. Alaska's children are our most vital resource. Ensuring they are raised in a safe, loving and nurturing home should be the #1 priority of all Alaskans.

The Bering Strait region for many years has consistently been rated number one in many unfortunate areas: high suicide rates (Between 2005 and 2013, the Bering Strait Region had 63 suicide completions, an average of 7 completions per year. Of those 63 suicide completions, 54 were males and 9 were females. 62 of the 63 were Alaska Natives), high drop-out rates (Nome Public School 2012-2013 dropout rate of 2.8% and graduation rate in 2013 of 68.75%; Bering Strait School District drop out rate is just under 4%, and graduation rate is about 60%. This rate has improved in the last two years) , high rates of domestic violence (3760 shelter nights in 2013 ) and sexual assault are prevalent. It is time to take action and address these social issues that impact our children.

Kawerak, Inc. was incorporated in 1973, and first began providing services to children through the Head Start program in 1979. We operate a Children and Family Services program, providing services to children and families involved with the State Office of Children's Services. Kawerak employs Tribal and Family Service workers who represent tribal interest in State family cases. Kawerak operates a Child Advocacy Center and a child day care facility. We have a long history of working with children and families, but also struggle as to how this issue can be addressed, and how exposure can be eliminated. I look forward to hearing what other panelist have to say and what recommendations come out from this hearing.

Kawerak's mission statement is as follows: "Building on the Inherent Strength of Our Cultural Values, We Shall Assist Our Tribes and Residents to Create a Positive Future." It is through this

mission that we strive to address issues in a positive way as well as collaboratively with other agencies.

#### **Address Substance Use & Abuse**

Any type of violence, when it happens and where it happens is not acceptable. Unfortunately, violence may occur when one or both parents are under the influence or are drinking alcohol. One way to prevent child exposure to violence is by addressing alcohol and substance abuse within the family unit. Currently, no residential substance use treatment programs exist in the Bering Strait Region and are, in fact, over a thousand air miles away from the region's communities in urban areas with very different cultural programs. This out of-context approach to treatment without family and community support has been found to be generally unsuccessful. Clients with substance use treatment needs or co-occurring disorders treatment needs who require a higher level of substance use treatment are required to leave their homes, communities, and families for varying periods of time to receive substance use treatment outside of the region. Upon their return, the client finds little if any clinical work has involved their families and communities to assist in supporting wellness and sobriety.

During the past two years, interviews with the region's Elders have led to the planning for expanded substance use treatment services; these services will join an evidence-based treatment program with the cultural activities and values of the peoples. The Elders have repeatedly said that treatment services based on this region's traditions and culture is needed for wellness. Basing this program within Behavioral Health Services allows for clients to move through varying levels of treatment both in Nome and in their home communities. The Behavioral Health Aides in the village communities will address the treatment needs of the families and support persons to promote sustained health and wellness for parents and children. Funding is needed (\$14 million) to build the treatment facility in Nome. In the interim, treatment services continue to be expanded for Nome clients and for village clients who have lodging in Nome. While the construction cost of \$14 million is significant, the saving gained by the State of Alaska in reduced state costs for building more prisons, funding increased law enforcement services, court costs, victims' costs, and health costs will very quickly be realized.

#### **Children as a Priority**

Fostering resilience amongst children is vital. Back in 2007 Kawerak conducted a Youth Activity and Resource Assessment. Staff traveled to several villages in the region and every village identified the need for healthy youth activities and they wanted cultural activities. Funding and/or lack of continued funding for programming is a barrier. Kawerak has been fortunate to receive State and Federal grants to work with and help children, youth and families. But, funding due to our fiscal climate has reduced. We are called upon to provide the same or higher level of service, but with reduced funds. In the last three years, our Kawerak Wellness program had contact with 2,300 children, providing the opportunity for children to build their self-esteem, resilience and to learn about positive behavior so that the cycle of violence or negative behavior ends with them. Our Wellness program is nearing the end of its grant cycle.

We need more programs like these and stable resources to fund the program yearly as they provide beneficial and needed activities and education to our children and youth.

Kawerak avoids using “funding” as a barrier to address issues when at all possible. About two years ago the Cultural Planners Group was formed. This group is made up of staff from Kawerak, Norton Sound Health Corporation, National Park Service, Sitnasuak Native Corporation, Nome Eskimo Community, University of Alaska/Northwest College Campus, Bering Strait Native Foundation, and Nome Public School. The group pools resources to plan and host cultural activities for children within Nome. One of the last events occurred on April 26<sup>th</sup>; Nome and several of our region’s villages along with other statewide locations held an Honoring our Children’s Day. This grassroots event was planned to recognize and uplift children and youth, it brought them to the forefront and honored them through a day of ceremony and fun activities. Through efforts such as these, a movement will start where children become a priority and the negative behavior, and violence, is eliminated or reduced.

#### Student Education & Awareness

Our children are in the school system nine months of the year, up until the 12<sup>th</sup> grade. It only makes sense to provide recommendations to address this issue through the educational system and in an environment where students are for a majority of their early life. Prevention is key, and stopping the cycle of violence is key to ending exposure. Education, and skill development while in school is the optimal location to addressing this issue.

Parenting classes in high school should be considered as a way to end the cycle of violence. With the increase in technology, companies like Realityworks have a curriculum that exposes students to Basic Infant Care; Healthy Choices: Relationships, Sexuality and Family Planning; and Parenting: A Guide to Parenting Skills for Life. This type of curriculum would be useful at our Bering Strait School District/Nome Public Schools and the Northwest Alaska Career and Technical Center (NACTEC); but funding unfortunately is an issue. NACTEC was designed to provide Bering Strait School District (BSSD) and Nome Public Schools high school students with the necessary resources and skills for employment opportunities, the pursuit of postsecondary education, and independent living skills through instruction in four focus areas: career and technical skills, career exploration, life skills, and work readiness skills. In Jr. High, and high school (and possibly even sooner) you are influenced by what you hear and see; you begin to form opinions and make decisions about yourself as a person. Being exposed to a parenting course while in school, may influence the type of parent one will become or choose to become later in life.

Although the teen birth rate among Alaska Native teens since 1981 has decreased significantly, in 2010, the teen birth rate among Alaska Native women (75.8 live births per 1,000 teens ages 15-19 years) was more than three times that of Alaska Whites (22.8). [Alaska Native Epidemiology Center] Parenting education as a life skills course is beneficial and should be available to students interested in taking it. Funding for public schools has reduced; therefore funding for programs such as Realityworks is not a priority. Funding should also be available to schools to purchase curriculum.

Other programs our region is considering, is the Native It's Your Game program. Within this program students learn about: Healthy friendships & relationships, how to handle peer pressure around drugs, alcohol, and sex, internet safety and facts about substance abuse. The program teaches about healthy relationships, life skills, communication, and refusal skills.

I would like to tell you about another program offered by the Kawerak Wellness Program; It is the My Life, My Body Program. Panganga Pungowiyi, our Community Development Coordinator was recently certified to teach My Life, My Body to mainly Jr. high and high school students, but it can be taught to the wider community. My Body...My Life... is an evidence based program that displays promising practice in the prevention of violence against women ages 13 to 93. The focus of the program is to provide a multitude of tools that a woman could use to empower her to reduce the risk of violence and sexual assault. This program is designed to empower girls/women but also educate boys (program still under development). The female version teaches self-defense, and the male version teaches non-violent intervention. There are 10 modules but the last one is more of a celebration. A BSSD staff expressed to me that he hoped that Panga would be able to share this program with their school counselors.

Assault charges are probably one of the common crimes that occur in our region. But, with gun violence increasing, particularly in schools or other public places, and often times this violence is done by other students, it is important that anger management training be provided and anger issues are addressed at an early age up through young adulthood. Norton Sound Health Corporation, Behavioral Health Services at one time, through a grant, developed a Mobile Adolescent Treatment Team. This wrap-around-model of care provided services to children and youth and involved their parents and family. This model of care, kept children within the region and provided wrap-around substance abuse and counseling services. A comprehensive and coordinated effort focused on the child and the parents/family is needed in the region.

#### Community Awareness & Education

When Norton Sound Health Corporation began offering Applied Suicide Intervention Skills Training (ASIST) and Suicide First Aid workshops, village participants told them that, while the programs are good and can help, they are steps ahead of where we should be starting, that we are "putting the sled in front of the dogs."

Land was taken, value systems were replaced, knowledge systems were invalidated, and entire histories were denied. Three generations post contact were mired with illnesses like the flu, measles and tuberculosis, sometimes wiping out entire village populations. Family structures were re-formed; In Alaska at least 2 generations of children were removed from their communities and sent to boarding schools where punishment, coercion and control were the day to day methods of child rearing. Native languages have historically been forbidden to be spoken in church and government run schools, and painful memories of physical abuse still run vividly in the grandparents of current school aged children. Loss of language was a direct consequence of government and school policies promoting assimilation. Many boarding school stories tell of emotional, physical and sexual abuse.

Religious indoctrination by converting souls to Christianity justified the dismantling and extinction of ancient systems of Spirituality. Time-honored methods of wisdom-based government structures existed in pre-contact times. The ability to determine our own path as Alaska Native people was removed from our power.

High rates of domestic violence, child abuse and neglect, sexual abuse, suicide, alcohol and drug abuse are the legacy of historic trauma experienced en masse by Alaska Native and Native American people. Lateral violence is the direct consequence of generations of discrimination and subjugation.

We are at a point in our present day, where we are beginning to become aware of our shared history and address these community-level past hurts as Indigenous Peoples on a global scale. Locally, the Nome Social Justice Task Force began hosting difficult community conversations and provided training to service delivery agencies and the general public on historic trauma. Kawerak Wellness staff began delivering talks on Alaska Native history to Junior High and High School students in Nome this past year. Many students shared that they have not been taught their important history in their classrooms.

In order to heal or begin that healing process, you often need to go to the root of the issue first to determine how or why certain actions, events or incidents have occurred and how or why they impact the present situation. Education and an awareness of historical trauma is the first step in the healing process and must be offered in a holistic and culturally-based program approach in this region.

The Family Wellness Warriors Initiative from Southcentral Foundation began working in our region recently. We have only heard positive things said about this program. It offers hope and begins the healing process to those who participate. Exposure to violence by youth in the Bering Strait Region is significant, and causes long lasting damage to the youth and their communities. NSHC Behavioral Health offers a Parenting with Love and Limits program to help educate and coach families through their struggles which often deal with some sort of violence and aggression. This program is very structured and requires a master's level clinician to provide the bulk of the program. Right now BHS is working diligently to figure out ways utilizing technology in an efficient way to help save time and money in getting this program out to our region's villages. The other option, that is cost prohibited, would be to send the trained Parenting with Love and Limits clinician and case manager out to a village for 6 weeks to complete the program in the village. Until BHS can figure out a cost effective way to successfully implement this program out in the village they are limited to only serving a small portion of the region that lives in Nome.

The Office of Children's Services (OCS) with other local agencies are planning a community education activity later this year. 98% of the OCS cases within our region involve alcohol and domestic violence. OCS uses an assessment tool to determine historical and secondary trauma with families they serve. This tool is used to refer families to appropriate services. In October

of 2014, OCS and several other regional agencies are planning an educational gathering in Savoonga and Gambell. Topics covered will be substance abuse, domestic violence, suicide and other mental health concerns, truancy and child protection. Public Health will be invited to talk about health related issues such as STDs. The goal of this gathering is to increase awareness and knowledge base of parents and the public in hopes that it will have a positive impact and reduce incidents.

These past several years, we have noticed an increase in men coming forward who have experienced domestic violence or are victims of violent crime by their spouse/significant other. Last year in the community of Brevig Mission, a man was stabbed by his partner. As he lay dying, he held and spoke to his children. It is a tragedy such as this that shows that it is not always a female that is a victim of violent crime, and that females too can be as violent as males. Services for male victims are limited in rural Alaska and it shows another area of need for this population.

#### State & Tribal Involvement

Numerous prior Commissions\* over the last several decades have received testimony and analyzed the high incidence of family violence and lack of public safety and access to justice, in rural Alaska. Unquestionably, exposure of Native children to violence in rural Alaska is a consequence of the lack of public safety and access to justice in rural Alaska as such violence occurs during episodes of domestic violence, child abuse and neglect and substance abuse related offenses that are not being adequately addressed in rural Alaska. The conclusion reached over and over is that these issues must be addressed at the local level, with the State working in partnership with Tribes, to build capacity locally to address public safety and access to justice in rural Alaska.

The Rural Justice Commission and Law Enforcement Commission (Rural Justice Commission) was created by Congress to respond to needs related to justice and law enforcement in rural Alaska through Public Law 108-199. It consisted of Federal and State Co-Chairs and commissioners from numerous interests, including tribal authorities. The Rural Justice Commission (and prior Commissions) made numerous findings and recommendations that the State should review and consider implementing. The Rural Justice Commission's Recommendations included (1) engaging in more partnerships and collaboration with tribes, (2) enlarging the use of community based solutions, (3) building additional capacity, and (4) increasing access to judicial services. In particular, the Rural Justice Commission found that the "State's resistance to tribal courts" is a barrier to many proposed solutions, and recommended "tribes and the state reach agreement regarding tribal jurisdiction."

In November, 2013, the Indian Law and Order Commission presented a comprehensive report to the President and Congress regarding public safety and Alaska Natives/American Indians, titled "*A Roadmap for Making Native America Safer*" (the "ILOC Report"). An entire chapter of the ILOC Report focused on "*Reforming Justice for Alaska Natives: The Time is Now.*" The Commission found that access to public safety and justice in rural Alaska communities is wholly inadequate or non-existent, and made recommendations for improving such access. A main

component of the Commission's recommendations is for the State of Alaska to support tribal authority over public safety and justice locally in rural communities instead of actively resisting such efforts.

Building capacity in rural Alaska to increase public safety and provide access to justice locally will provide a badly needed safety net that is not adequately in place in rural Alaska. It is not the only answer, but should be part of a comprehensive strategy to address violence against children in rural Alaska.

How do you hold parents accountable for the harm that they may have inflicted upon or exposed their children to? How can it be done in a culturally responsive way where the individual, family and child receive the services to heal, the offender is held accountable, and the community at large believes that justice has been served. This is best determined at the local level. Overall, it is recommended that the State should utilize tribes in rural Alaska as resources to partner with in addressing exposure of Native children to violence, by recognizing tribal authority and jurisdiction over family violence and other contributing problem areas, and embrace building local capacity. Here are some specific ways in which this can be achieved:

- Support S.1474, the Alaska Safe Families and Villages Act (ASFVA), currently introduced in Congress, providing a "Self Governance Intergovernmental Grant Program" which provides for intergovernmental agreements between tribes and the State of Alaska relating to the enforcement of certain State laws by the tribes in areas such as misdemeanor alcohol or drug offenses.
- Support ASFVA's provisions regarding the "Self Governance Tribal Law Project" which recognizes the concurrent civil jurisdiction of tribes exercising jurisdiction over matters relating to child abuse and neglect, domestic violence, drug offenses and, consistent with any local option law in effect in the community, alcohol related offenses.
- Support repeal of the Violence Against Women Reauthorization Act of 2013 (VAWA) Section 910, which creates confusion over the ability of tribes in Alaska to issue and enforce domestic violence protective orders. Section 910 clouds the issue, and its repeal will remove the unnecessary uncertainty created by Section 910.
- Support collateral efforts which provide better support for treatment programs, law enforcement and victim assistance programs. For example, create a better system in the State database so that judges are able to track prior substance abuse assessments of offenders and whether the offender is in compliance with any conditions that have been mandated. Another example is to support domestic violence programs with more funding for domestic violence shelters and relocation travel for victims in life-threatening situations so that VPSOs and others are not scrambling to find shelters or "safe houses" or even housing victims themselves, in these situations.

\*See the *Alaska Natives Commission, Final Report, Volumes I-III* (1994) from the Alaska Natives Commission, the *Final Report to the Governor* (1999) from the Alaska Commission on Rural Governance and Empowerment, and most recently, the *Initial Report and Recommendations of*

*the Alaska Rural Justice and Law Enforcement Commission, 2006*, from the Alaska Rural Justice and Law Enforcement Commission.

#### Local Law Enforcement

Within the Bering Strait region, Kawerak employs ten (10) Village Public Safety Officers (VPSO), stationed in seven (7) villages. One VPSO serves on an itinerant basis. The Bering Strait region, outside of Nome, is comprised of 15 village communities. Eight of these villages do not have a VPSO. Five Alaska State Troopers and one Sergeant are stationed in Nome and two Alaska State Troopers are stationed in Unalakleet, and they provide law enforcement coverage over an area that encompasses the size of West Virginia (23,000 square miles).

The presence of VPSO officers has had a significant impact on improving the quality of life in participating villages. In most villages there is only one VPSO. They do not have back-up or another VPSO to provide 24 hour coverage. VPSOs are the first responders in the communities they live. Despite the lack of equipment, funding, and support, the VPSO's have made valiant efforts to defuse volatile situations, prevent the escalation of problems, deter crime, serve as a communications link with the troopers, coordinate search and rescue efforts, assist with fires, investigate minor offenses, work with schools on crime prevention education for youth, and provide basic law and order in the village. Those who persist despite the conditions and remain VPSO's have proven that the VPSO program can work.

Community policing cannot take place over the telephone or by a trooper visiting a village three times a year. There are many villages that have no local law enforcement whatsoever. In these villages, misdemeanors often go un-prosecuted. In more recent years, the troopers have attempted to be more responsive to less serious felonies, particularly in those communities with local police, but usually after substantial delays. However, their primary law enforcement role has remained the investigation of serious felonies. Because of such delays, in many villages the troopers are not called or only rarely called upon to investigate lesser offenses, and even when they are, they may be "stacked" which means the troopers wait until they have several offenses to investigate before flying to an outlying village. This time delay results in loss of memory, loss of evidence, and ultimately, lack of prosecution. When there is a delayed response to reports of crime or reports of harm, the perpetrator has free reign to victimize others. Victims may recant when they are finally interviewed, evidence may be lost, and prosecutions may not occur because the investigation was delayed for so long. This only serves to normalize criminal behavior and perpetuate social dysfunction.

There is a certain baseline of state services that all state citizens should have the right to expect. Those services need to be defined, funded, and provided. Law enforcement and justice, whether it be in urban or rural Alaska, is a baseline service. Until such time as a new system is developed that truly meets the needs of rural and Native Alaskans, the state needs to adequately fund and support their existing system to make it as effective as it can be.

### Providing Services to Children – Room for Improvement

The best practice is for a child who is exposed to violence either being the victim or witness to the abuse should be to bring the child to a Child Advocacy Center (CAC) for a forensic interview and a forensic medical exam. At the CAC, the child will only have to tell his/her story once, as all pertinent parties will be there, as opposed to telling the account over and over again. The CAC is a child-friendly, culturally respectful environment and takes things at the child's pace, not law enforcement, OCS, or medical specialists pace.

Training, including Child First Forensic Interviewing, Trauma Informed Care, and Child Development training are needed for all members of a multi-disciplinary team, especially law enforcement and the district attorney's office. The child is the most important person in these situations and his/her needs should come FIRST. Victim advocates and behavioral health specialists need to be trained in traditional, culturally appropriate approaches to trauma and hardship as well as Western research-based approaches such as trauma-focused cognitive behavioral therapy (TF-CBT).

Within our region, Behavioral Health Clinicians travel to villages once a month. There are 17 Village Based Counselors/Behavioral Health Aides are in 15 of 16 communities. NSHC has done an excellent job growing their own Village Based Counselors and training staff at the local level.

Currently there are no level-5 mental health treatment facilities in Alaska and only a small handful of facilities that accept parents and children. Sending a child who has been exposed to violence, and is having a difficult time to Utah or Texas is NOT the best treatment option. Keeping the child in Alaska, where he/she can be connected to relatives and their culture is the much better option for care as severing ties to their extended family and community may have negative long-last effects on the child's mental, emotional, and physical health.

Children under the age of two are negatively impacted when exposed to violence. Even tiny babies have an emotional and physical response. All children exposed to violence in the home are in a constant state of fight or flight causing them to lose sleep, to be unable to concentrate, and to act out. Physical symptoms could include headaches and stomachaches. A child who is acting out in school or at home isn't necessarily doing it to get a laugh, but to express themselves. They may be hurt, angry, and scared.

Best practice dictates children be brought into a CAC for an interview and exam (even if just being told they are a-ok) and for an advocate to follow up and refer to services. Best practice is not happening here in our region. Law enforcement either does not refer the family to OCS or to the CAC or if the case is referred to OCS, they are not bringing the child in but are doing interviews out in the field. Rarely does the Kawerak CAC see children who have been physically abused. Although, law enforcement and OCS is getting better at bringing children who have been sexually abused to the CAC, they are still conducting partial interviews in the field first, thus making the child disclose more than once.

All law enforcement and multidisciplinary team members should have the Alaska Child First Interviewing training. Within the Bering Strait region we've had poor representation at the training since it began in January, 2013. In other regions, more troopers, police and District Attorney's have attended. Within our region, local OCS staff and Kawerak staff have attended the training. One officer and one trooper have attended since the program started. I would like to see the training held in each region and all MDT members be required to attend.

In conclusion, to reduce the exposure of violence amongst Alaska Native children requires a holistic approach. Prevention and treatment in a culturally appropriate way must be considered in order for efforts to be successful. There is a need for more trained law enforcement, more treatment facilities that accept the whole family, and more after care services at the local level. Additionally, parents and community members need to be educated about the long-term effects and impacts of children exposed to violence. Policies and programs must also encourage, build, and rehabilitate offenders, not just incarcerate them.

At a time of shrinking resources, we need to be creative in structuring services and maximizing resources. Thank you for giving me the time and opportunity to testify today.

## **Written Testimony for Elizabeth Medicine Crow**

**Elizabeth (Liz) Medicine Crow, (*Tlingit and Haida*), President/CEO, First Alaskans Institute**

Liz Medicine Crow is Tlingit and Haida, on her Tlingit side she is Raven Kaach.adi, Fresh Water-marked Sockeye Salmon; on her Haida side she is Eagle Tiits Gitee Nei, Hummingbird. In October 2012 she was named President/CEO, after serving as Director of the Alaska Native Policy Center since August 2008, and Vice President. Medicine Crow received her BA from Fort Lewis College, Durango, Colorado, and her law degree from Arizona State University College of Law in Tempe, Arizona. She served as Director of the Legal Department at Cheyenne River Housing Authority before moving to Anchorage where she worked as the Policy Analyst & Planner for the Alaska Native Tribal Health Consortium, working on behalf of the Alaska Native Health Board. The major theme of her education and work experience has been the continued integration of Native values, life ways, and traditional knowledge into Tribal governments, Tribal organizations, and relationships with other governments and organizations to affect a policy landscape that works with Alaska Natives to improve the lives of Native People. Medicine Crow grew up in Kake and Juneau. She is a Kake Tribal Corporation shareholder by gifting and a Sealaska shareholder by both gifting and the new inclusion of after-borns. She was blessed to spend a lot of time with her Naanii (grandmother) Mona Jackson and has been writing her life story in her free time. Medicine Crow also attended the Institute of American Indian Arts. She is a member of the Alaska Native Sisterhood Kake Camp #10, Keex Kwaan Dancers, and though she lives in Anchorage her heart is always at home with her family and people.

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*Testimony was not available prior to hearing*

## **Written Testimony for Bobbi Outten**

**Bobbi Outten**, Director, Family Wellness Warriors Initiative, Southcentral Foundation

Bobbi Outten joined Southcentral Foundation and Family Wellness Warriors Initiative (FWWI) in April 2004. Bobbi grew up in Haines, Alaska, with two sisters, where her parents commercial fished. A proud grandma of nine, she raised four children as a single parent for more than 12 years. She leads support groups for military families and Wellness Warriors Trainings, choosing to share her story of domestic violence with hopes that her story will help to break the silence of abuse. Besides her children and grandchildren, Bobbi's passions include being a full-fledged soccer mom, running, weight-lifting, hunting, fishing and camping.

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Thank you for this opportunity to share testimony with the Advisory Committee on American Indian and Alaska Native Children Exposed to Violence and what Southcentral Foundation and the Family Wellness Warriors Initiative is doing to meet the needs of the youth and families in Alaska.

I am Bobbi Outten, director of Southcentral Foundation's Family Wellness Warriors Initiative. The Family Wellness Warriors Initiative (FWWI) is our answer to the problem of family violence and child maltreatment that precipitated the appointment of this task force.

Southcentral Foundation is an Alaska Native nonprofit health care organization established under the tribal authority of Cook Inlet Region, Incorporated in 1982 to improve the health and social conditions of Alaska Native people, enhance culture, and empower individuals and families to take charge of their lives.

Southcentral Foundation is compacted to serve Indian Health Service beneficiaries in Anchorage and Southcentral Alaska on behalf of the federal government. We provide health services to nearly one third of all the active users of IHS services in Alaska, and do so at a level of quality second to none anywhere in the country. Our corporate vision, *A Native Community that enjoys physical, mental, emotional and spiritual wellness*, expresses the broad view of health shared by many Native communities.

Health care and wellness involve more than treating physical and mental illnesses alone – wellness involves every aspect of our human being. Given this broad view, it is not hard to understand why the leadership of Southcentral Foundation has dedicated extensive resources, while working with Alaska Native leaders across the state, to develop a uniquely Native response to the pandemic of family violence and child maltreatment that is damaging our children, wrecking our families, dividing our communities, and shredding the very core of our culture. We call this response the Family Wellness Warriors Initiative.

In the previous hearings, you heard testimony from Tribal Leaders, experts, and knowledgeable people from reservations and tribal communities about the damage being done to our children through direct violence or as a witness. We also know the trauma experienced by too many of our women permanently affects our children – even before they are born. Additionally, we learned from the CDC's Adverse Childhood Experiences Study that four of the 10 adverse experiences involve violence or threat of violence. Being faced by these adverse experiences during childhood has serious, chronic health effects that rob people and our communities of their health, productive years, and increases the likelihood of substance abuse, obesity, and, potential for being raped as an adult woman.

But I am not here today to provide what can be called “keen perception of the obvious.” You’ve heard all of this at previous hearings by presenters far more informed than I.

Our Family Wellness Warriors Initiative was developed 15 years ago by Alaska Native leaders who recognized the failings of the existing approaches to these problems:

- We had too many of our children being taken from their families and communities to be raised in alternative, non-Native care.
- We had too many of our men being taken from our communities and sent to prison where they learned to think and act like felons.
- We had too many of our women going from one bad relationship to the next.
- And, perhaps worst of all, this was surrounded by a pervasive silence where our people lived with shame and guilt in total isolation. Many dulled their feelings by excessive eating, alcohol, drugs, and other risky behavior – all short-term solutions with serious long-term consequences.

Alaska Native leaders looked at the evidence base for the then “current approaches” long before it became *de rigueur* among grant makers and third-party payers. They quickly concluded the Western “solutions” were ineffective at best, and more importantly, often caused more harm than they prevented. Unfortunately, the funding sources and policymakers seeing this same evidence concluded to be more effective was to do more of the same – more arrests, more prosecutions, more jail sentences, more taking children into state custody, etc.

I am here today to emphasize the positive and talk about how we are moving to end family violence in Native communities within this generation with our Family Wellness Warriors Initiative, which takes a decidedly different approach, one grounded in our conviction of the power of story and relationship:

- FWWI, as we refer to it, was developed by, and continues to evolve under, the leadership of Alaska Native people.
- We approach these issues by focusing upstream – before things happen rather than responding after someone has been harmed.
- FWWI looks to Native men as the **solution**, not the **problem**, and calls on them to resume their traditional cultural role as protectors of their families.

- FWI eschews the use of the terms *victim* and *perpetrator*, which capture only a snapshot in time rather than the cycle of violence in which we often find today's *perpetrator* was yesterday's *victim*.
- We reject the assumption, found inherent in the usual law enforcement approach to the problem, that every person causing harm has an Anti-Social Personality Disorder. This only serves to deny a large number of people hope for redemption. It denies children a parental role model, and robs Native communities of a critical resource important for their survival.
- Finally, I should stress that at FWI we always wait until a community invites us in; we never impose.

FWI is a community development approach designed to help communities heal and change. Organizationally, FWI maintains a core staff and training facilities with housing in Anchorage. Our core staff includes trainers, logistical support, business staff, and program administration. Revising the curriculum, updating manuals, producing public information materials, and developing learning supplements are done by our core FWI program staff. Other Southcentral Foundation departments and programs contribute expertise when needed. For example, program evaluation is conducted by Southcentral Foundation's Research & Data Services Department, while clinical back-up is provided by the Behavioral Services Division.

FWI recognizes it takes time to change community attitudes. This is why we have designed our FWI community development plan as a three year process. In the first year, we focus on identifying a local leadership team and training. The team includes leaders, Elders, and people seen in the community as "natural helpers". The core of the team constitutes the project steering committee. Much of the first-year work consists of training the local leadership team and conducting at least one community event. Almost all of the work, including the logistical arrangements necessary to feed and house the large group of volunteer group leaders and professionals, is done by the FWI core staff and shadowed by people from the community's leadership team.

The second year follows a similar approach but with the community leadership team taking on an expanded role in the coordination and management of events.

In addition, local volunteers receive training and begin using some of their new skills in helping to facilitate groups under the guidance of experienced group leaders.

In the third year, our FWI staff and the community leadership group completely reverse their roles of the first year. We serve as consultants on an as-needed basis and give the community leadership team full management. Similarly, local group leaders take on facilitating groups while experienced leaders serve as coaches.

At the completion of the cycle, the focus community is competent to continue conducting events with minimal additional training, consultation, and support from the FWI core staff. We then start the process all over again in a new community that wants to implement its own FWI program.

While there are several types of FWWI events, all include elements of a well-developed program and curriculum. Commensurate with the depth and duration of the harm and trauma experienced directly and indirectly by a large proportion of the Alaska Native population, FWWI events are intensive. These are multi-day events where participants share their personal stories with others in a supportive, non-judgmental environment facilitated by trained volunteers.

Alaska Native leadership has from the beginning led by example in sharing their stories and breaking the silence about their own lives. Large group sessions provide short teachings on relevant topics combined with the presenter's personal story of harm they have experienced or caused related to the topic.

This is followed by participants breaking into small groups to share their own stories in facilitated sessions with trained volunteers. For many this is their first experience of sharing their story and it is a powerful moment in their lives. It is the experience of using and hearing their own voice combined with the encouraging and supportive responses of others that for many opens the door to healing and gives hope to the goal of breaking the cycle of family violence in this generation.

Participants are encouraged to practice self-care during this emotionally intense event. Time for individual reflection and meditation also is included in the curriculum. We always have professional mental health clinicians available in the event that these stories trigger an overwhelming emotional response in a participant, or for those who find themselves in need of extra support.

Whenever possible, all participants are lodged together in a hotel, camp, retreat center, or community center. This not only helps isolate them from the distractions of day-to-day living, it gives them an opportunity to focus on themselves and make their personal stories coherent.

We've found the atmosphere of group support established and enhanced during the course of an event helps to end feelings of isolation and guilt that typically build over the years from intensely personal trauma experienced or done to others but never talked about.

The program's immensely powerful positive effects come from having a group of peers support and encourage their desire to rid themselves of the guilt and isolation from the past while empowering them to change in positive ways. As might be expected, such fundamental change requires time, trust, and support. Consequently, these events typically run from three to five days with a series of smaller follow-up sessions.

The experience is so emotionally powerful and moving that people often request to repeat the experience. Evaluation of the program has documented a positive dose effect – validating participant's self reports.

Facilitating the creation of this supportive environment, and the large and small groups involved, does require a large number of trained people. Hiring professionals trained in group facilitation would be cost prohibitive, so this is why FWI depends on volunteers. Multiday events in small, remote communities are often necessary to get the program to the people who need it most; the community development model includes helping the community leadership teams recruit, select, train, and maintain a cadre of volunteers.

We realize training of volunteers is an intensive process. They must be recruited. Many people also volunteer after participating in an FWI event. All volunteers are screened to assure they psychologically “fit” for the tasks they will be required to perform. Once having completed a full-cycle of FWI events, volunteers are provided group leadership training and then paired with an experienced person to serve as a group facilitator at an FWI event before becoming an assigned facilitator responsible for a group. All group leaders, regardless of level of experience, have access to on-site FWI staff experts as needed.

To date, more than 1,500 people have participated in an FWI event, and we literally have hundreds of volunteers trained as group leaders. FWI has been introduced in several regions in Alaska, and we have a waiting list of communities ready to have FWI brought into their regions.

It is important to add that FWI has an evaluation component. In the first round of programs, our evaluation focused on how participants felt they were actually living the family role they believed they should be doing. The evaluation found that the discrepancy between actual and ideal behavior decreased immediately and up to six months following participation in an event. The evaluation also found that participation in subsequent FWI events further reduced this discrepancy.

A more extensive evaluation was developed with the assistance of Dr. Sherry Hamby, an internationally-known expert on family violence, about five years ago. This includes a sequence of questionnaires completed before, at the conclusion of, and six months following an event. Preliminary results show statistically significant positive changes in multiple areas of mental and behavioral health are among both men and women. Participants report reduced symptomology associated with depression, trauma and anxiety. Difficulty controlling anger and the risk of purposeful harm or threat to harm (either self or others) is also reportedly reduced. Equally important, evaluation findings indicate significant positive changes associated with key protective factors – including spiritual well-being, self-family cohesion and self-esteem/efficacy. And cultural connectedness, a central FWI program tenet, remains intact following training participation.

Funding FWI is a constant challenge. Southcentral Foundation governance and leadership are extremely supportive with direct funds and vast expertise among the organization’s programs and staff. A number of private foundations have contributed over the years. Some of the Alaska Native regional corporations have sponsored events for their shareholders. FWI has received federal grants from the Indian Health Service and Department of Justice. And the State of

Alaska has provided support through a major, three-year operating grant from the Governor's Domestic Violence Initiative.

Other than Southcentral Foundation, all funding is time limited. While we consider FWWI a healing program that contributes immensely to wellness, third-party insurance payers do not share our view, and there is no permanent reimbursement method available to us.

Another challenge the program faces is the barrier crimes laws that prevent people who have committed certain types of offenses from having any formal contact with youth. The Indian Child Protection Act and Alaska's Barrier Crimes Acts both prevent FWWI from using men and women who have the potential to be powerful teachers – by virtue of having realized and changed the errors of their own thinking and behavior. These laws allow no exception or special conditions to be made. So we lose a potentially powerful teaching tool.

In summary, FWWI offers a model that is ready for use in any American Indian and Alaska Native Community. We are seeing lives changed and men and women empowered to live differently. We are seeing renewed commitment to families and parents determined to parent their children differently from the harmful ways they may have been parented. We are seeing the restoration of hope; hope for life can be different, and the hope that indeed we can stop the cycle of abuse, neglect and domestic violence in this generation. This change happens and this hope is born one individual at a time. It is expensive, but the expense pales in comparison to just continuing to do what has been done. Thank you for the opportunity to speak.