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Kurt G. Alme

United States Attorney for District of Montana

Kurt Alme is a Montana native who graduated from the University of Colorado with his bachelors in business. He received his law degree from Harvard Law School.

Mr. Alme previously served as an Assistant United States Attorney and then First Assistant in the United States Attorney's Office. He started his legal career as a law clerk to United States District Judge Charles Lovell. He then joined the regional law firm currently known as Crowley Fleck PLLP, eventually becoming a partner. Mr. Alme next served as Director of the Montana Department of Revenue. Prior to becoming United States Attorney, he served as President and General Counsel of the Yellowstone Boys and Girls Ranch Foundation, which supports the treatment of youth suffering from mental health issues and substance abuse.

Mr. Alme was unanimously confirmed as United States Attorney for Montana in 2017 by the U. S. Senate.

Statement of Kurt G. Alme
United States Attorney, Montana
U.S. Department of Justice
Before the President's Commission on Law Enforcement and the Administration of Justice

Chairman Keith, Vice Chair Sullivan, and Members of the Commission,

Thank you for the opportunity to testify today about Public Safety Challenges with American Indian and Alaska Native Communities. It has been invigorating to serve on the Rural and Tribal Law Enforcement Working Group with members who are very experienced about these issues. Today it is truly an honor to be able to present to you, and to do so with such knowledgeable panelists.

Montana has 11 principal tribal groups living on seven federally recognized reservations and one recently federally recognized tribe, the Little Shell Chippewa Tribe. Those reservations include over 8.3 million acres, which is about the size of Massachusetts and Connecticut combined.

As the U.S. Attorney for Montana, I have had the pleasure of working with our tribal governments on public safety issues. With their partnership and that of our federal law enforcement colleagues we have made good progress: increasing felony prosecutions in 2018-19 by 15% over 2016-17; funding three tribal prosecutors who serve as SAUSAs; regularly consulting with our tribal partners about federal grant opportunities; ensuring that those grant funds go to their intended beneficiaries through our Guardians Project; convening regular child abuse and sexual assault response team meetings, prosecutor meetings, and trainings on the non-Public Law 83-280 reservations, and now preparing for a significant expansion of victim services.

I also serve as the Vice Chair of the Native American Issues Subcommittee of the Attorney General's Advisory Council, which is composed of all 52 U.S. Attorneys with federally recognized tribes in their district. In the last two weeks, you have heard from three other U.S. Attorneys who are members of that subcommittee: Ron Parsons from South Dakota, Bryan Schroder from Alaska, and Trent Shores from Oklahoma. They have highlighted many of the important public safety challenges and opportunities facing American Indian and Alaskan Native Communities. I want to stress three of the most critical.

Need For More Law Enforcement Officers On The Ground In Indian Country

In many parts of Indian country, violent crime rates are high. According the FBI's Uniform Crime Reports, the 2018 violent crime rate in Billings, Montana's largest city, was 5.42 per 1000 people. However, among Indians on the nearby Crow Reservation, the rate is estimated to be 8.96. That is only slightly below the rate in DC, which, at 9.96, is higher than any state. Most troubling, the rate among Indians on the Northern Cheyenne Reservation is estimated to be 18.76, which is more than double the rate of its neighbor, the Crow Reservation.

Meanwhile, both BIA direct service (BIA) and many BIA tribally contracted (BIA Funded) law enforcement programs in Indian country are understaffed. Most tribes in Montana have not ceded criminal jurisdiction to the state under Public Law 83-280. Thus, they have chosen either BIA or BIA Funded programs, as have tribes on 212 reservations across the U.S. According to the 2018 Uniform Crime Reports, U.S. cities with a population of less than 10,000 people averaged 3.8 full-time law enforcement officers per 1000 people. Meanwhile, in its 2017 Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, BIA reported that in 2015, to get both BIA and BIA Funded programs funded at just a level of 2.8 officers per 1000 would cost

$566 million. The amount actually expended that year was just $199 million, both because the amount appropriated was less than $566 million and BIA and tribal law enforcement agencies struggled to recruit and retain officers. To fund these programs at 3.8, instead of 2.8 officers per 1000 would significantly increase the cost above $566 million. In addition, BIA and BIA Funded programs should arguably have more officers per 1000 than small city police departments because reservations generally have larger geographic areas to cover than cities.

Although BIA and Tribal Law Enforcement supervisors and officers work hard to ensure public safety, these officer shortages can have negative impacts, including: delays in responding to calls for service and backup; delays in investigating cases; requiring officers to work long hours, leading to fatigue and long-term burnout, and limiting opportunities for training; and frequently moving officers to other locations to cover acute staffing shortages.

To ensure fundamental public safety in Indian country, we need to continue to look for ways to get more law enforcement "boots on the ground."

Need For Comprehensive Plans To Reduce Substance Abuse

Drug distribution and abuse in many areas of Indian country are too common. According to DEA's "2019 National Drug Threat Assessment," methamphetamine and marijuana are the drugs most widely used by American Indians, but prescription drug and heroin use have increased in many areas of Indian country. The widespread availability and abuse of drugs, coupled with drug trafficking groups operating in Indian country, contribute to high rates of crime on reservations. According to SAMHSA's "2018 National Survey on Drug Use and Health: American Indian and Alaskan Natives," American Indian and Alaskan Native adults use methamphetamine at three to four times the rate of the overall U.S. Population. A 2006 report by the National Congress of American Indians entitled, "Methamphetamine in Indian Country: An American Problem Uniquely Affecting Indian Country," noted that Native American communities have the highest meth use rates, and that meth causes dramatic increases in violent crime, suicide and child neglect. In Montana, meth use is widespread in Indian country and, with alcohol, is the most significant cause of violent crime.

Opioid abuse is also a serious problem in Indian country. In her article, "Prescription Drug Abuse and Illicit Substance Abuse: A Crisis in Indian Country," Leslie Hagen, DOJ's National Indian Country Training Coordinator, reported that in 2016, American Indians and Alaskan Natives had the highest rate of opioid overdose death of any minority group.

Many tribal communities, like all communities across the U.S. with serious substance abuse issues, need comprehensive action plans to reduce the supply of drugs through enhanced enforcement and to reduce the demand for drugs through effective prevention and treatment.

Different organizational structures can be used to improve drug enforcement in Indian country, but the effectiveness of those structures is limited by an overall shortage of federal and tribal law enforcement, including drug enforcement officers and agents. With its award-winning Native American Drug and Gang Initiative Task Force, Wisconsin has shown that when reservations have sufficient local law enforcement, a task force composed of officers from each reservation can effectively disrupt drug supply.

FBI Safe Trails Task Forces have also proven to be very effective, accounting for approximately 40% of all arrests by the FBI in Indian country in 2017. Recently, the FBI started a new task force in Montana to address drug distribution in a four reservation area. It is working with DEA, BIA, and state, local and tribal law enforcement to coordinate enforcement efforts and has been effective. There are, however, only 20 Safe Trails Task Forces in all of Indian country. BIA drug enforcement agents are cooperative members of the Safe Trails Task Force in Montana. However, for all of Indian country, the BIA Division of Drug Enforcement only has 48 agent positions, not all of which are always filled. These agents are vital to local investigations, providing critical coordination between local law enforcement and other federal drug agents in Indian country.

DEA has no agents specifically designated for Indian country. In Montana, however, to help provide enforcement in a two reservation area, DEA is providing intelligence and coordination to the local and federal law enforcement. It has also provided Task Force Officer (TFO) status to a deputy sheriff and will apply case-by-case TFO status to a second deputy. Chairman Keith deserves some of the credit for the second deputy because the sheriff has applied to fund the position through a COPs Hiring Program grant that we discussed with the Sheriff last summer when the Chairman came to Montana to listen to rural and tribal law enforcement. DEA is also using a TFO and an agent to conduct drug investigations on the seventh reservation in Montana. Together with an adjacent federally funded High Intensity Drug Trafficking Area Task Force, which is expanding its operations to that reservation, DEA is working to disrupt drug supply there.

To make these organizational structures work, Indian country needs adequate BIA, Tribal, FBI and DEA staffing, and rural and tribal law enforcement entities need sufficient COPS Hiring Program and Edward Byrne Memorial Justice Assistance Grant program funds to support their efforts.

Enforcement is important, but it is not enough. Tribal communities, like all communities affected by substance abuse, also need a comprehensive plan to reduce demand through prevention and treatment. Prevention and treatment programs have many components that must all work well for the program to be most effective. For example, an effective treatment program may need a Tribal Healing to Wellness Court supported by adequate jail space; probation and parole services; inpatient and outpatient substance abuse treatment, including medication-assisted treatment; mental health services; sober and long-term housing; and job assistance. Gaps in any of these areas disproportionally degrade the effectiveness of the entire program.

The Departments of Justice, Interior, and Health and Human Services work together to support tribal governments to create these types of plans, called Tribal Action Plans. Tribal Action Plans provide a map for how a tribal community comes together to address alcohol and substance abuse in ways that meet the needs of the community and are culturally responsive. The plans also identify the resources and programs of the three federal departments that can help implement the plan.

We need to continue to get word out to tribal governments about Tribal Access Plans to help them take control of the substance abuse issues in their communities.

Missing and Murdered Indigenous Women

A 2016 NIJ study based on 2010 data from the Centers for Disease Control and Prevention reported that 56.1 percent of American Indian and Alaskan Native women have experienced sexual violence in their lifetimes, and 55.5 percent have experienced physical violence by an intimate partner.

The CDC also reported in 2017 that American Indian and Alaskan Native women experience one of the highest rates of homicide, based on an analysis of data from 18 states.

We need to ensure all missing American Indians and Alaska Natives are reported to proper authorities in a timely manner, that law enforcement and community responses are understood and coordinated, and responding personnel have the training and resources they need to quickly and competently act. We also need to ensure the missing person's information is promptly entered into appropriate databases and important information is gathered, such as tribal affiliation and if they went missing from tribal lands, so we can ensure law enforcement is looking for them.

But this is not a procedural and data problem. This is human problem. Behind every missing person's record is a face, a family, friends, and a community. I have talked to loved ones of missing women in Montana and heard their fear and sorrow. I also heard from loved ones and tribal community members across the country at the DOJ Annual Government-to-Government Violence Against Women Tribal Consultation last year. And, at the U.S./Canada/Mexico Trilateral Working Group on Violence Against Indigenous Women and Girls, organized by Commissioner Sullivan when she led DOJ's Office of Violence Against Women, participants confirmed that indigenous women go missing not just in the U.S., but all across North America.

For the sakes of these women and children, their families, friends and communities, and the sake of all who will experience this in the future, we need to work together to ensure that every missing American Indian and Alaskan Native, whether they go missing in or outside of Indian country, is found.

A good example of this teamwork was the way the family, law enforcement and other officials responded a few years ago when a young girl was abducted in Montana. Twenty-year-old meth user John Lieba abducted the girl from a park on the Ft. Peck Reservation. The girl's friend ran to her grandma's house and told the nightmare story. The family immediately notified law enforcement with important details, and within hours more than 120 personnel from federal, Canadian, state, local and tribal law enforcement and other agencies mobilized. Through their efforts, Lieba was caught and admitted enough that the girl was found alive two days later.

If the missing person does end up being the victim of a crime, then her abductor must be brought to justice, as occurred in this case where Lieba was convicted at trial and sentenced to over 41 years in prison.

In response to this problem, President Trump took the lead last November by signing an Executive Order forming a Presidential Task Force on Missing and Murdered American Indians and Alaskan Natives. The Task Force, also known as Operation Lady Justice, focuses on enhancing the operation of the criminal justice system and addressing the legitimate concerns of American Indian and Alaska Native communities regarding missing and murdered people. The work of the Task Force is concentrated on consulting with tribal governments, developing protocols for new and unsolved cases, reviewing cold cases, and clarifying roles, authorities and jurisdiction throughout the lifecycle of cases.

In November of 2019, Attorney General Barr also launched a national initiative to address missing and murdered indigenous people. Because of the work already being done to address this issue by our office and our tribal, state and federal partners, AG Barr chose Montana to announce it.

The Missing and Murdered Indigenous Person (MMIP) Initiative places MMIP Coordinators in 11 U.S. Attorney's Offices to develop protocols for a more coordinated law enforcement response to missing

persons cases. Montana was the first to bring our Coordinator on board with funding provided by the Office of Justice Programs under the leadership of Commissioner Sullivan, those Coordinators are coming onboard now, with the most recent being hired by Commissioner MacDonald in Minnesota. The initiative also calls for expanded use of Specialized FBI Rapid Deployment Teams. Montana's Coordinator assisted the Big Horn County Sheriff request an FBI Child Abduction Response Team to help locate the body of Selena Not Afraid who went missing from a rest stop this past January. The value of FBI child abduction response training was on display ten days ago in Montana when Blackfeet Law Enforcement officers used it to locate a three-year-old girl within hours of her abduction. Finally, the Attorney General's MMIP Initiative calls for improved data and data sharing.

Although impacted by the onset of the coronavirus, work on the goals of Operation Lady Justice and the Attorney General's Initiative continue at the national level. Meanwhile, in Montana, we have taken additional steps with the Montana DOJ, FBI, BIA and our tribal partners to help address this issue.

- To ensure that federal, state, local and tribal law enforcement properly use all federal and state missing persons databases (like the NCIC Missing Persons File, NamUs, and NCMEC) and alerts (like Amber Alert), we partnered to provide two statewide trainings.

- To ensure that tribal community members know what to do when a loved one goes missing, we partnered to provide two public statewide trainings to explain what to do and how to use NamUs to help find a loved one. My office also coordinated with all of our tribal government partners to bring NamUs representatives to each reservation in Montana for a public training. We also produced a public service announcement explaining what to do when a loved one goes missing.

- To stay in dialogue with our tribal government partners about MMIP issues involving their members and to help ensure that all missing Native Americans in Montana have been reported to the NCIC Missing Persons File, my tribal liaison coordinator joined the Montana Missing Persons Task Force headed by the Montana DOJ and including members from all of Montana's federally recognized tribes. The task force has encouraged the tribal representatives to be sure the Montana Missing Persons Clearinghouse, which publicly lists the names of all missing persons in the state, includes all currently missing Native Americans from their tribes.

- To ensure that tribal law enforcement are able to directly enter missing persons information into the NCIC Missing Persons File, we have supported the efforts of DOJ's Office of Tribal Justice and BIA to ensure implementation of the Tribal Access Program (TAP) to all tribes without access.

The framework to address the MMIP tragedy has been laid out by President Trump and Attorney General Barr. Now it is important for our American Indian and Alaskan Native neighbors to tell their stories and share their perspectives on both the problem and solutions. Having those stories and perspectives will help us all work together nationally, and in tribal communities across the country, to create community plans to find the missing, to bring justice to those who are murdered, and to identify and address the underlying causes.

Thank you all again for your work on this Commission and your willingness to labor to improve public safety in Indian country.

Leanne Guy

Executive Director, Southwest Indigenous Women's Coalition

Leanne Guy, Diné, is of the Tó' áhani (Near to water) clan and is born for the Tódichi'ii'nii (Bitter Water) clan. Her chei (maternal grandfather) is from the Tábaahí (Waters Edge) clan, and her nali (paternal grandfather) is from the Tachii'nii (Red Running into the Water) clan. This is who she is as a Diné woman. She is a wife, mother, grandmother, sister, auntie, and works as an agent for social change and justice.

Leanne has over 20 years of experience in tribal community health promotion, disease prevention, and public health and safety initiatives. Leanne has worked to help increase the capacity of tribal programs to organize, develop and implement intervention and prevention strategies and services related to HIV/AIDS, women's health, domestic and sexual violence, and substance abuse. She is a member of numerous national, state, and tribal boards, task forces, and committees including the National Congress of American Indian's Violence against Women Task Force, National Indigenous Women's Resource Center, Alliance of Tribal Coalitions to End Violence, and Arizona's Missing and Murdered Indigenous Women and Girls Study Committee.

Currently, Leanne is the founding executive director of the Southwest Indigenous Women's Coalition, the first statewide tribal domestic and sexual violence coalition in Arizona. Prior to this, Leanne was the executive director of a nonprofit, community-based domestic violence and sexual assault services program located on the Diné Nation. Leanne has also worked for the Inter-Tribal Council of Arizona, Inc. and the Indian Health Service as well as nonprofit agencies in the area of HIV/AIDS, cancer prevention, and women's health. The many blessings Leanne has experienced in working with tribes is getting to know the people---hearing their stories, observing their customs, seeing their land, and sharing their food.

Leanne Guy, Diné Nation – Written Testimony – May 27, 2020
President's Commission on Law Enforcement and the Administration of Justice
Rural and Tribal Panel – *Public Safety Challenges within AI/AN Communities*

My name is Donasbah given to me by my grandmother, which was also her name. It means *Never Went to War*. My English name is Leanne Guy. I'm from the Diné Nation in the Four Corners area. My clan is Tó' áhani (Near to water), which is my mother's clan. I'm born for Tódichi'ii'nii (Bitter Water), which is my father's clan. My chei (maternal grandfather) is Tábaahí (Waters Edge), and my nali (paternal grandfather) is Tachii'nii (Red Running into the Water). This is who I am as a Diné woman. I am also a wife, mother, grandmother, daughter, sister, auntie, and work as an agent for social change, safety, healing, and justice. I am the founding executive director of the Southwest Indigenous Women's Coalition, a statewide tribal domestic and sexual violence coalition located in Arizona.

I am honored and grateful for the opportunity to provide oral and written testimony on the Challenges of Public Safety in American Indian and Alaska Native (AI/AN) communities. This testimony represents my perspective which is based on my lived experience and from my work of twenty-five plus years of helping to build responses to violence against Native women; as well as from my participation in numerous public safety focused task forces, committees, and boards. As a Native woman in the grass roots movement to end violence I know first-hand the devastating impact violence has had on our Tribes. I have seen and heard the stories of domestic violence, rape, and sex trafficking. I have felt the heart wrenching pain that poverty, childhood trauma, and substance abuse bring. I have heard the deep inconsolable cries of family members whose child, sister/ brother, auntie/uncle, mother/father, or grandmother/grandfather has gone missing and found murdered or is still missing years later without justice or closure. It is for the victims and survivors that I provide this testimony. It is their stories that drive the purpose and form the foundation of the work that is needed around public safety in Indian Country and Alaska.

When addressing public safety or any issue within Indian Country and Alaska, it important to understand the true history of American Indian/Alaska Native peoples as this history is not taught in the American education system. Since time immemorial tens of millions of Indigenous peoples have inhabited what it now called the United States. Uniquely distinct with their own structure, land base, language, culture, and customs, they would later be defined as American Indian/Alaska Natives forming a nation-to-nation relationship with the United States Government. "Tribal nations have remained as political powers from colonial period until today…As the United States formed a union, the founders acknowledged the sovereignty of tribal nations, alongside states, foreign nations, and the federal government in the U.S. Constitution. Tribal nations are part of the unique American family of governments, nations within a nation, as well as sovereign nations in the global community of nations."[1] Today there are 574 federally recognized Tribal Nations still uniquely distinct and sovereign. Having survived the Colonial period, Allotment and Assimilation, Removal, Reservation and Treaty, Indian Reorganization, and Termination policies; Tribal Nations have remained resilient, but fraught with historical trauma that collapsed and almost destroyed Indigenous lifeways. Lifeways that held sacred, governed, honored, and protected all community members. Where there is trauma there also needs to be healing. If I could label the period Indigenous People are in today, I would call it the Restoration Period as Tribes are elevating their efforts to heal, to lead, to protect, and restore their lifeways.

Although there exists a nation-to-nation relationship with the United States Government, Tribes continue to be in a consistent position of defending their sovereign status and authority. Tribes diligently strive to provide competent and swift public safety to their community members. However, their ability to do this has been weakened by federal laws that have stripped or limited their authority to adequately and efficiently protect their community members and hold offenders accountable. Additionally, large geographic law enforcement (LE) service areas, lack of housing/shelters, lack of adequate technology and up to date LE equipment and vehicles, lack of proper roadways, Internet

infrastructure, public transportation, and understaffed and underfunded LE agencies add to the complexities and challenges of providing adequate public safety.

Challenges in public safety in Indian Country and Alaska are vast, long-standing, persistent, and intricately connected to social, economic, health, and environmental challenges. In a recent National Institute of Justice report[2] that provides a snapshot of the violence within tribal communities reported that four out of five (84.3 percent) of AI/AN women and 4 in 5 AI/AN men (81.6 percent) have experienced violence in their lifetime. This includes: 56.1 percent of women and 27.5 percent of men have experienced sexual violence; 55.5 percent of women and 43.2 percent of men have experienced physical violence by an intimate partner; 48.8 percent of women and 18.6 percent of men have experienced stalking; and that 66.6 percent of women and 26.0 percent of men were concerned for their safety. Also, in a transgender survey[3] it was reported that 33% of AI/AN transgender women were more likely to be sexually assaulted in grades K-12 and 57% of AI/AN transgender people reported attempting suicide. These high rates of crime demonstrate an urgent need for public safety in Indian Country and Alaska.

Given the disproportionate rates of violence experienced by AI/AN's, this urgent need has been largely unmet even with tribal leader testimony at annual tribal consultations with key federal departments. Moreover, the needs remain outstanding despite the consistent advocacy of grass roots tribal victim advocates including written testimony in the reauthorization of the VAWA or as demonstrated in marches across Indian Country and Alaska imploring for equity in justice and safety or as written in grant applications seeking funding to increase access to and the provision of justice, safety, and healing.

"Many of the concerns and recommendations made by tribal leaders during past consultations are addressed in the Violence Against Women Reauthorization Act of 2019, H.R. 1585. Other recommendations are addressed in the SURVIVE Act, Justice for Native Survivors, the Not Invisible Act and other pending legislation. In 2018 tribal leaders raised concerns about the lack of shelter and supportive services for Indian tribes. The primary and only dedicated funding for shelter is provided under the Family Violence Reauthorization Act (FVPSA) that expired in 2015 and must be reauthorized. The concerns and recommendations raised by Indian tribes are extensive as documented in past VAWA Consultation Reports to Congress."[4] The following is a list of recommendations that seek to decrease the funding disparity of Tribes, which would increase the safety of tribal community members, and support the authority of Tribes as sovereign nations to hold offenders accountable.

Tribal Jurisdiction Over Non-Indian Offenders and Tribal Criminal Jurisdiction (SDVCJ)
The lack of tribal jurisdiction over non-Indian offenders on Indian lands continues to be a key reason for the perpetuation of disproportionate violence against American Indian and Alaska Native women. VAWA 2013 addressed this issue for certain crimes of domestic violence, dating violence, and protection order violations for some tribes. While a step forward VAWA 2013 failed to make the changes needed for Indian tribes to fully protect Native women from abusers, rapists, traffickers, and predators. It also did not address protections for tribal children and public safety personnel in the context of domestic violence crimes. And, it failed to include 228 tribes in Alaska and Indian tribes in Maine. For those tribes that are implementing the jurisdiction provision of VAWA 2013, funding and resources are a significant problem. Indian tribes are concerned about payment of health care costs for non-Indian inmates who are sentenced in tribal courts.
Recommendations to Department of Justice (DOJ) and Department of Interior (DOI) to Support the Following as provided by the VAWA Reauthorization Act (H.R. 1585):

- Expansion of tribal criminal jurisdiction over non-Indian perpetrators of domestic violence, sexual assault, dating violence, stalking, and sex trafficking for all federally recognized Indian tribes.
- Increased funding for tribal implementation of SDVCJ.
- Inclusion of 228 Alaska Native Villages as eligible to utilize SDVCJ.
- Creation of an Alaska pilot project under which tribal criminal jurisdiction over non-Indian perpetrators of domestic violence, sexual assault, dating violence, stalking, and sex trafficking can be implemented (SDVCJ) on all land within any Alaska Native village.
- Inclusion of Indian tribes in the State of Maine as eligible to utilize SDVCJ.
- Extending protections for children and law enforcement personnel on tribal lands. As also provided by the Native Youth and Tribal Officer Protection Act (NYTOPA).
- Restoring tribal authority to prosecute non-Indians in cases of sexual assault, sex trafficking, and stalking as provided by the Justice for Native Survivors of Sexual Violence Act.

Missing and Murdered Indigenous Women (MMIW)
Arial Begaye, Ashlynn Mike, Amber Webster, Ryan Shey Hoskie, Teri Benally, Fredrick Watson, Marena Holiday, Hannah Harris, Savanna LaFontaine-Greywind, Misty Upham, Sharon Kills Back, Laverda Guy Sorrell, Rethema Lee, Earline Chavez, Jarrod Marks, Dallas Farmer, and Lavon "Raven" Nevaktewa. These are the names individuals that have gone missing or have been murdered. This list represents a very small fraction of the number of Indigenous Peoples that are missing and murdered. This is not a new concept or a new trend, it's been a regular practice since first contact with those who colonized this country. MMIW exists within a spectrum of violence against Indigenous peoples that includes domestic and sexual violence and sex trafficking. The President's Task Force on Missing and Murdered American Indians and Alaska Natives is a good start to addressing the crisis of Missing and Murdered Indigenous Women and Peoples at the federal level. We cannot continue to ignore the importance of a fully resourced local, tribal response to prevent abductions and murders. It is a continuation of the history of genocide committed against the Indigenous peoples of this country. The tribal and public calls for justice have resulted in a National Day of Awareness for Missing and Murdered Native Women and Girls recognized by Senate Resolutions (2017, 2018, and 2019) and in 2020 with the presidential proclamation. This public call for increased awareness is indicative of the extent of the reality that Native women go missing on a daily basis often because of the lack of tribal jurisdiction and tribally centered responses, advocacy services and inadequate responses by law enforcement. **Recommendations: Support for the passage of Savanna's Act, the Not Invisible Act, the Bridging Agency Data Gaps and Ensuring Safety Act and other pending legislation to address MMIW.**

Disbursement of Crime Victim Funding (VOCA)
While there has been some movement from OVC towards the formula distribution of the 2020 Tribal VOCA set-aside, there are new issues as a result of COVID-19. Our tribal governments are now confronting unprecedented challenges with extreme disruptions to their economies and governments, while trying to protect a uniquely vulnerable population. Now more than ever, critical funding is needed to protect and prepare tribal communities to effectively provide services to victims and survivors of domestic and sexual violence with the ongoing challenges presented by the COVID-19 public health emergency and crisis**.** Tribal leaders during the last consultation and other meetings have stressed the importance of funding to be flexible to allow tribal governments to meet the diverse needs of victims and survivors in their communities. **Recommendations**: 1) work with tribes to provide tribal governments with needed flexibility to navigate the needs of tribal victims including the new challenges caused by COVID-19; and 2) ensure the recommendations offered by tribal leaders at consultation are reflected in future formula distributions to ensure success of the program and in meeting the needs of victims.

DOI, BIA, Disparities in Funding

Address funding disparities for tribes in Public Law 280 (PL 280) and similarly situated jurisdictions. Indian nations in PL 280 jurisdictions have been provided substantially lower amounts of support from the BIA for tribal law enforcement and tribal courts than Indian nations not subject to PL 280. Consequently, the tribes in PL 280 jurisdictions have had far less opportunity to develop their own police departments and court systems. Beginning in the 1990s, the DOJ has financially supported and provided technical assistance to Indian nations for development and enhancement of their police departments and court systems. In the past few years the DOI requested and received funding towards this end. **Recommendation to BIA:** The BIA continue to request appropriate additional federal funding to end this disparity in funding between tribes based on their PL 280 status.

Accountability of Extractive Industries for Violence Against Native Women

The escalation of sexual and domestic violence, including sex trafficking, due to extractive industries must be addressed by the DOJ, DOI, and HHS. Industries must be held accountable for the resulting violence of itinerant workforces created within tribal communities by these industries. Native women and their children should not be exposed to violence by felons, often times serial predators employed by such industries.

Recommendations:

- DOJ and DOI create standards of protection for tribal communities for extractive industries to comply with before, during, and post construction to protect Native women and children, including through the federal permitting processes.
- DOJ and DOI establish screening guidelines to prevent convicted rapists, domestic violence offenders, stalkers, child predators, sex traffickers, and murderers from assignments by industries on tribal lands to prevent predators from accessing vulnerable, and often unprotected, populations of Native women and children.
- DOJ assist Indian tribes in safeguarding the lives of Native women where extractive industries employ a militarized police force to ensure no militarized tactics and usage of excessive force and/or violations of civil rights are committed against members of tribal communities.
- HHS should enhance support for services and training for shelter and related advocacy services by developing materials addressing the needs of domestic violence victims who are victimized by itinerant workers who cannot be held accountable by local tribal authorities.

Compliance with the Tribal Law Order Act of 2010 (TLOA)

TLOA, Section 201, Federal Accountability. Section 201 requires U.S. Attorneys to coordinate with tribal justice officials on the use of evidence when declining to prosecute or refer a reservation crime. Sharing of this type of information is critical to keeping Indian women safe. Tribal officials need to be notified when a U.S. Attorney declines to prosecute sexual assault and domestic violence cases so that, in the case of an Indian defendant, a tribal prosecution may proceed, or in all other cases, tribes can at least notify the victim of the status of the case so that the victim may take the necessary steps for protection. **Recommendation:** The Attorney General direct U.S. Attorneys to implement the law, Section 201, and be accountable for the necessary coordination and reporting duties with tribal justice officials under the TLOA. Failure to implement the law should be tied to employee performance and merit-based reviews.

TLOA, Section 304, Enhanced Tribal Sentencing Authority. Section 304 provides tribal courts the ability to sentence offenders for up to 3 years' imprisonment for any one offense under tribal criminal law if certain protections are provided. This is a significant improvement, although this maximum sentence still falls short of the average sentence of 4 years for rape in other jurisdictions. Crucial for our purposes, tribes must have the capacity to house the offender in detention facilities that meet federal standards; otherwise, the enhanced sentencing power is meaningless.

Recommendation: The DOJ work with Congress to ensure that the Bureau of Prisons Pilot Project is reauthorized.

TLOA, Section 601, Prisoner Release and Reentry. Section 601 requires the U.S. Bureau of Prisons to notify tribal justice officials when a sex offender is released from federal custody into Indian country. **Recommendation:** Ensure that tribal justice officials are notified of prisoner release and reentry on Indian lands, regardless of the process by which this occurs. Whether the BOP Director gives notice directly to tribal justice officials or notice to the U.S. Attorney, it is the U.S. Attorney who is responsible for relaying that message to tribal justice officials.

As Tribal Nations, we understand the importance of coordinated community responses between victim services, law enforcement, health care, prevention, and justice services, but when there exists historical trauma, oppression, funding disparity, racism, misogyny, discrimination, patriarchy, capitalism, and limited tribal authority it is impossible to adequately provide public safety. Public safety must be adequately funded, indigenous created and led with the input of victims/survivors. It must be trauma and healing informed and inclusive, responsive, and accountable to all community members including the LGBTQ/Two-Spirit and disability communities. Tribal sovereign authority must be respected, acknowledged, and fully restored otherwise Tribes and their citizens will continue to be marginalized, their voices silenced, they will continue to be invisible, and public safety will continue to be an urgent, unmet priority.

Thank you again for this opportunity to provide this testimony on Public Safety Challenges with AI/AN Communities.

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[1] "Tribal Nations and the United States: An Introduction", NCAI, www.ncai.org/tribalnations

[2] Rosay, André B., "Violence Against American Indian and Alaska Native Women and Men", National Institute of Justice, 2016

[3] "2015 US Transgender Survey: Report on the Experiences of American Indian/Alaska Native Respondents, http://transequality.org/site/default/files/USTS%20AIAN%20Report.pdf

[4] Agtuca, Jacqueline, "Tribal Consultation, August 21-22, 2019: Priority Issues to Address Violence Against Indian Women", Restoration, June 2019

Vivian Korthuis

Chief Executive Officer, Association of Village Council Presidents

Vivian Korthuis (Yup'ik name: *Anginran*) became the Chief Executive Officer of the Association of Village Council Presidents (AVCP) in October of 2016. AVCP is the largest Alaska Native non-profit tribal consortium serving 56 federally recognized tribes. In her first year as CEO, Vivian launched an organization-wide Quality Improvement Process (QIP), to improve service delivery at the expressed request of the AVCP Executive Board and tribal delegates of the Yukon-Kuskokwim Delta (Y-K Delta). Prior to her appointment, Vivian served AVCP for 18 years in several capacities including Vice President of Programs. Before that, she worked in a leadership capacity at the Yukon-Kuskokwim Health Corporation and as a school teacher. Vivian has been a lifelong advocate for the Y-K Delta region and has more than 30 years' experience working to improve education, health care, and social services delivery within the region. Currently, Vivian serves on several boards including the Inuit Circumpolar Council Executive Board, the Alaska Federation of Natives Board of Directors, and the Yuut Elitnaurviat Board of Directors. She was born in Bethel and raised in Emmonak. She holds a bachelor's degree from Dartmouth College, and a master's in education from the University of Alaska Fairbanks.

President's Commission on Law Enforcement and the Administration of Justice
Testimony of Vivian Korthuis, Chief Executive Officer, Association of Village Council Presidents

Thank you for the opportunity to provide testimony on the important topic of **public safety challenges within American Indian and Alaska Native communities**. I was born and raised in the Yukon-Kuskokwim Delta ("YK-Delta"), a vast and remote area of southwest Alaska covering over 55,000 square miles— approximately the size of the State of New York. The YK-Delta is an entirely roadless area occupied by 56 federally recognized tribes. State law enforcement is minimal and federal law enforcement is non-existent. Our greatest challenge is the absence of clear governmental authority for our Tribes—which have inhabited this region for millennia—to promote public safety, including through law enforcement and measures to contain the coronavirus pandemic. To address this problem head-on, this Commission should call upon Congress to provide our tribal governments with permanent, non-competitive and direct funding to support law enforcement salaries, equipment, and detention facilities. Further, the Commission should call upon Congress promptly to enact S. 2616, which will clarify the authority of all our tribal governments to fill the void and take action to protect our communities and our elders, our women and our children. Finally, the Commission should call upon Congress to support our law enforcement training needs.

I have served as the CEO of the Association of Village Council Presidents (AVCP) for the past four years and have over 30 years of experience in tribal organizations administering social and health care services in rural Alaska. The need for public safety has always been a priority in our region, but that need has increased dramatically in the last decade. In 2016, our tribes voted public safety as the number one priority in our region. Since that time, AVCP has strategically focused on identifying the necessary components of public safety service delivery in rural Alaska. I am happy to share those findings and recommendations with you today, and I hope that the end result of this Commission's work is that the federal government finally makes a permanent investment in protecting communities in rural Alaska.

There are 229 federally recognized tribes in Alaska. Virtually all tribes belong to one of the 12 regional non-profit tribal consortia. AVCP is the largest non-profit tribal consortium in the United States with 56 federally recognized tribes as members. Our headquarters are located in Bethel, Alaska in the heart of the Yukon-Kuskokwim Delta (YK-Delta). Our member tribes are located along the Yukon River, the Kuskokwim River, and the Bering Sea Coast. The AVCP region spans approximately 55,000 square miles – roughly the size of the State of New York or Washington. The YK-Delta, like much of rural Alaska, is located "off the road system" meaning the only means of transportation into our region are by plane or (in summer months) by barge. The primary mode of intraregional transportation is small aircraft. In summer, residents also rely on boat travel and in winter they travel on ice roads and snow machine trails.

Public Safety Crisis in Rural Alaska

There is a well-documented public safety crisis in rural Alaska – just last summer Attorney General Barr declared a law enforcement emergency in rural Alaska (this means there is a public safety crisis on America's northernmost border!). You may already know the statistics, but I will share a few of them with you here:

- 59% of adult women in Alaska have experienced intimate partner violence, sexual violence, or both.
- Alaska Natives comprise just 19% of the state population, but 47% of reported rape victims. Alaska Native women are over-represented by 250% among domestic violence victims.
- In Rural Alaska's tribal communities, and for Alaska Native women living in urban areas, women 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.

Every meeting with tribal leaders that I attend – whether an individual meeting with a tribal council, our annual convention, or statewide convenings of all Alaska native tribes – I hear the same stories and the same question, "what are you doing about the public safety crisis in our community?" My answer is "we are sharing with everyone, the State, the Federal Government, what we need right now to make rural Alaska safer." That's why I'm happy to share with you today the challenges facing our tribes and what the federal government can do to give us the tools we need to protect the women, children, and families living in our communities.

Public Safety Challenges

I like to call rural Alaska *extreme* rural America. There's an idea of what rural is in the Lower 48 that gives an incomplete picture of what life in rural Alaska is really like. The remoteness is more pronounced because of the inability to travel without airplanes or boats. The cost of living markedly higher instead of lower – the cost of groceries for households in Bethel is more than twice the average cost of groceries in the United States (for a family of four the average is $149/week; in Bethel it is $396/week). The weather is unpredictable and harsh. These factors compound the public safety challenges our tribal communities face.

Limited or Non-existent Transportation Infrastructure

With no roads connecting our villages to each other or our region to the rest of the State, the most reliable source of transportation is by small plane. The alternative modes of boat in the summer and ice road or snow machine trails in the winter are only available for a few months each season. The rest of the year the river is too solid for boating, but not frozen sufficiently to drive safely – climate change has also affected the amount of snowfall each winter. If law enforcement is primarily based in regional or sub-regional hubs, such as Bethel, response times will range anywhere from several hours to several days. This is why it is most effective to have officers in (or located in closer proximity to) the communities they serve.

Shortage of Law Enforcement Officers

It is most effective to have local law enforcement present in communities. Unfortunately, we are faced with a severe lack of law enforcement officers (LEOs). The reasons for this include:

- The majority of Alaska State Troopers (the state's primary law enforcement agency) are stationed on the road system. The ones who are stationed in rural Alaska are based only in hub villages. This means Troopers cannot engage in community policing – they can

only respond to incidents and crimes. Due to the amount of demand and limited number of Troopers, in-person response in rural Alaska is often limited to felonies.

- The number of Village Public Safety Officers (VPSOs), LEOs hired by tribal consortiums (like AVCP) who are granted funds by the State of Alaska, has steadily declined for years. There has been a steady decrease in state funding for the program, it is challenging to recruit and retain officers, the pay disparity between VPSOs and Troopers and overall attitude of the Alaska Department of Public Safety officials toward the program lowers moral. These officers are highly sought after by tribal communities because they often live full-time in a community and are local to the community or region. However, as the only LEO (or full-time LEO) present in a community it is very hard to disengage during non-working hours (resulting in a 24/7 on call mentality). Currently, no VPSOs in the State are armed.
- Tribal Police Officers (TPOs) and Village Police Officers (VPOs) are LEOs hired directly by tribal and municipal governments respectively. The two governments often work together under memorandums of agreement to fund the salaries, equipment, and public safety buildings for the officers. These governments generally have no reliable source of revenue (i.e. tax base) and fund these positions through cyclical grant awards, corporation donations, and fundraising through raffles and bingo. The positions are mostly part-time without benefits and there is rarely funding for training (see below).

Training

The average length of a police training academy in the U.S., e.g. the Alaska Law Enforcement Training Academy or the U.S. Indian Police Academy, is 16 weeks. TPOs/VPOs are often sworn in and on the job with no training at all. This past March, a 10-year-old girl was abducted and murdered in Quinhagak, a village in our region. The first responder was a Tribal Police Officer. This is one of example of on-the-job situations our TPOs/VPOs find themselves in.

Tribal consortia leverage education, employment, and training funds to help fund training for TPOs/VPOs. There is currently one training provider offering VPO/TPO law enforcement training, which is the Yuut Elitnaurviat People's Learning Center (Yuut) located in Bethel, Alaska. Yuut holds a two-week basic public safety course. I'm sure none of you who are law enforcement professionals would consider two weeks an adequate amount of training, but our tribal officers consider themselves fortunate to have this opportunity. We have discussed with Yuut the possibility of expanding the current training, but have not secured funding to do so.

Tribal Government Authority

In our villages, the tribal government is the only governmental authority – it is the government that is responsible for keeping community members safe. The burden of funding LEOs falls on the tribal council; and when hiring a public safety officer isn't a possibility it becomes the responsibility of individual tribal council members. At each annual tribal gathering, I listen to the stories of our tribal leaders – often women, sometimes elders – telling me what they have to do to keep their communities safe, how afraid they are, and how they do it anyway.

Our unique legal history has clouded the authority of our tribal governments to take robust action today to protect our communities. As you know, tribal law enforcement typically happens in "Indian country" as defined in 18 U.S.C. 1151. But the 1971 Alaska Native Claims Settlement Act (ANCSA) abolished most "Indian country" in village Alaska, leaving our villages in a legal

no-man's land. Worse yet, with the enactment of Public Law 83-280 the federal government pulled out of law enforcement across rural Alaska and transferred that authority to the State, even though (with the exception of the most extreme felonies) state law enforcement is largely absent in our villages. To make matters worse, the Bureau of Indian Affairs (BIA) provides very little law enforcement support to Indian tribes located in states covered by Public Law 280. These elements have combined to leave Alaska tribes in the most vulnerable position possible, both from criminals and abusers in the village and from outside threats like the coronavirus.

The inability to access BIA funding, combined with the compromised ability of our villages to prosecute crimes and exercise territorial sovereignty, has crippled tribal law enforcement.

Three Recommendations for Delivering Public Safety Services in Rural Alaska

Please keep in mind that tribes and tribal consortia in Alaska have decades of experience delivering high quality social services and healthcare services in *extreme* rural America. We know what works for the tribal communities in rural Alaska. The recommendations I share are echoed by my fellow tribal consortia presidents/CEOs as well as the Alaska Federation of Natives (the largest statewide Native organization in Alaska).

Permanent, direct, noncompetitive base funding

The number one need of our tribal communities is a public safety presence in each community. To do this, we must be able to hire officers and pay them a livable wage and benefits commensurate with their duties and experience. Our officers will also need the equipment necessary for them to do their jobs safely and effectively. They need appropriate public safety buildings with holding cells in their communities (two years ago AVCP surveyed all the public safety facilities in our region – of 48 physical villages in our region, 37 either needed a facility constructed or some level of renovation). This requires funding.

Currently, the only source of federal funding available to our tribes for hiring LEOs is Community Oriented Policing Services (COPS) funding through the Department of Justice. While this is a very important source for tribes, it is not sustainable or efficient to base your village's entire public safety infrastructure on competitive, cyclical grant funding.

To make real improvement and form a solid foundation for public safety in rural Alaska, we need access to direct, noncompetitive base funding for public safety. This funding must come to tribes and tribal consortia directly – not be funneled through the State of Alaska. Under the Indian Self-Determination and Education Assistance Act, tribal consortia have successfully provided social services such as Indian child welfare services, tribal government administration and support, trust services (lands and resources, realty transactions, forest management), and many others directly to tribes. Under the Alaska Tribal Health Compact, tribal health organizations provide top notch health care to tribal members across the State, including rural Alaska. We could truly transform public safety for the tribal communities in rural Alaska if we directly receive the funding to do so.

Support S.2616, Alaska Tribal Public Safety Empowerment Act

The Alaska Tribal Public Safety Empowerment Act (S. 2616) was introduced by U.S. Senator Lisa Murkowski (R-AK) on October 17, 2019. The bill recognizes that regardless of land title, Indian Tribes in Alaska must be secure in their inherent civil and criminal jurisdiction over all

Alaska Natives present in their villages, and civil jurisdiction over all other individuals who threaten or commit domestic violence in our villages. These minimum topic areas must be expanded to include protecting our communities from contagious diseases, and the proposed legislation needs to be enacted at once.

The bill also creates a new pilot program in Alaska in which the Attorney General would select up to five tribes or inter-tribal organizations per year to exercise general civil jurisdiction over all persons within the village, plus criminal jurisdiction over all persons concerning the crimes of domestic violence, dating violence, violation of a protective order, sexual violence, stalking, sex trafficking, obstruction of justice, assault of a law enforcement or correctional officer, any crime against a child; and any crime involving the illegal possession, transportation, or sale of alcohol or drugs. As Congressman Don Young mentioned in connection with a precursor to S. 2616, what is needed today is a custom-made Alaska answer to a unique set of Alaska problems borne of our unique legal history and facts on the ground. We ask the Commission to aggressively support the prompt enactment of S. 2616.

Fully Fund Comprehensive Training for Tribal Law Enforcement Officers

Our tribal LEOs must receive the training that they need in a way designed to help them be successful. The current model of no training (or very minimal training) is not working. It also might not work to require these officers to leave their homes and attend training hundreds of miles away. Each region needs the flexibility to determine a training model that works.

In our region, we know a successful model is breaking up the training into several "chunks." Officers can complete the first part of their training, return to their village and work, and later go to complete the next part of their training. This repeats until the officer has completed the entire training academy. This is a model used by two nationally recognized programs that are active in our region – the Health Aide Program and Dental Health Aide Therapy program. Through partnership with our region's current training provider, Yuut, we can easily design a complete law enforcement training program in three-to-four-week segments.

<u>Conclusion</u>

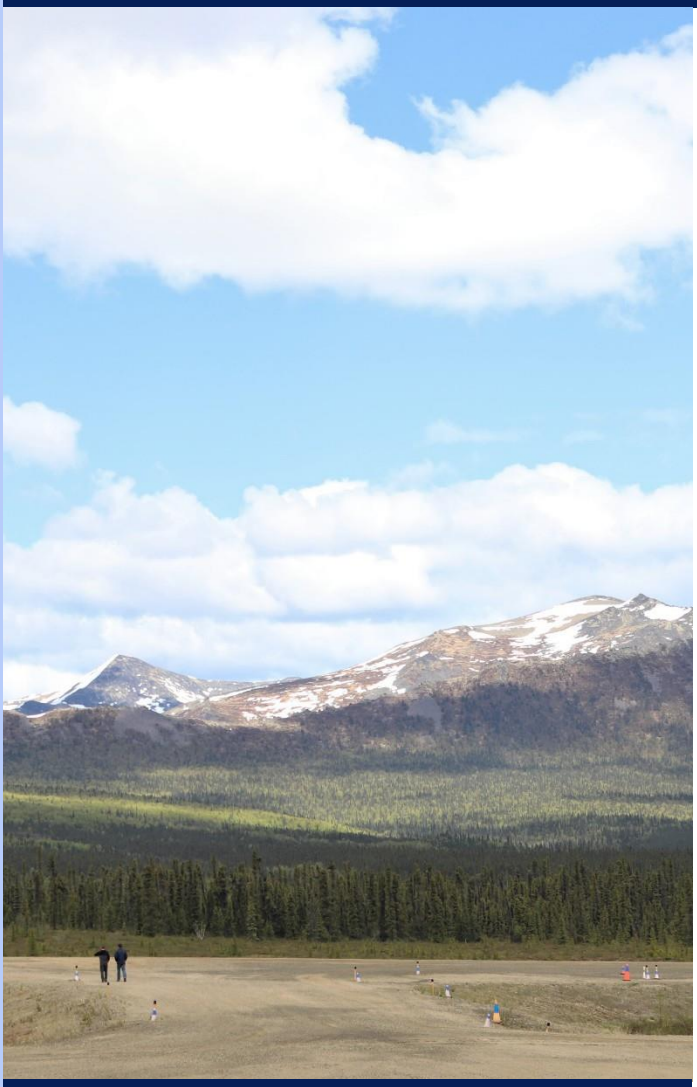
In closing, I encourage you to review the supplemental materials that I am attaching to my testimony – "Public Safety in Rural Alaska: Recommendations for Successful Public Safety Service Delivery" provides additional information on rural Alaska and more details on my recommendations, including citations and links to further reading, and the AVCP Public Safety White Paper will provide a timeline of AVCP's public safety advocacy in the last few years.

I look forward to reading this Commission's final report. I feel confident that it will not just sit on a desk collecting dust – that you remain focused on your mission despite the fact we are in an unprecedented pandemic lets me know that you understand how crucial this issue is. I want to leave you with the reminder that tribal communities in rural Alaska are not asking for anything more or anything less than any other community in Alaska or the United States.

Thank you.

Public Safety in Rural Alaska

Recommendations for Succesful Public Safety Service Delivery



*For the **President's Commission on Law Enforcement and the Administration of Justice***

MAY 27, 2020

Association of Village Council Presidents

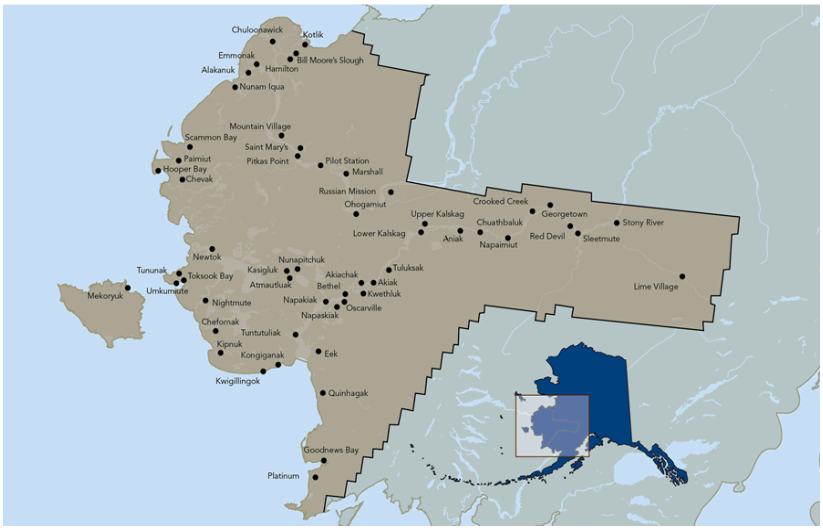
AVCP.org

Rural Alaska

Extreme Rural America

The State of Alaska is 571,951 square miles, making it the largest state in the United States. Parts of Alaska are also considered the Arctic (above the Arctic Circle). Alaska's population is approximately 731,500, with approximately 234,000 residents in Rural Alaska. Rural Alaska consists of communities located off the road system. These communities are not connected to each other or the rest of the State by any roads or the Alcan Highway. These communities are accessible to the rest of the State only by plane or boat. Many communities in Rural Alaska are predominately made up of Alaska Native tribal members. The beauty and resiliency of Rural Alaska is unparalleled. However, the lack of transportation and technology infrastructure and the extremely high cost of living[1] bring unique challenges to Alaska Native communities in Rural Alaska. Many commonplace amenities in most areas of the lower 48 states, and even urban Alaska (e.g. running water, flush toilets, transportation infrastructure, internet services), are not readily available in Rural Alaska.

The Yukon-Kuskokwim Delta



The Yukon-Kuskokwim Delta (the "YK-Delta"), is located in Southwest Alaska. Geographically our region is about the size of the State of New York, approximately 55,000 square miles. As is characteristic of Rural Alaska, there are no roads connecting the 48 communities to each other or to the rest of Alaska. The main source of transportation within the region is by small aircraft. In the summer, travel by boat on the rivers and in the winter by ice road or snow machine trails is also commonplace.

The YK-Delta's population is approximately 26,000 people. 85% of the population is Alaska Native. The population is young, with a median age of 24-years-old. The YK-Delta is home to 56 federally recognized tribes, whose members are of Yup'ik, Cup'ik, and Athabascan descent. Members of the 56 tribes live in 48 communities (i.e. traditional Alaska Native villages) in the YK-Delta. Communities are located along the Yukon River, Kuskokwim River, and the Bering Sea Coast. Many villages are located on original traditional hunting grounds or fish camps. A subsistence lifestyle (fishing, hunting, and

gathering of native species) is widely practiced, and is the primary source of food for many tribal members.

The Association of Village Council Presidents

The Association of Village Council Presidents (AVCP) is a regional Alaska Native non-profit organization and tribal consortium. All 56 federally recognized tribes of the YK-Delta are members of AVCP, making AVCP the largest tribal consortium in the Nation (with 23% of Alaska's tribes and 10% of all tribes in the Nation). AVCP provides community development, education, social services, culturally relevant programs, and advocacy to member tribes and their tribal members.

AVCP provides services on behalf of the U.S. Department of Interior, Bureau of Indian Affairs to member Tribes who choose to compact with AVCP. AVCP also provides additional services to all tribes and tribal members, regardless of compact status, on behalf of the Federal government or the State of Alaska (e.g. cash assistance benefits such as Temporary Assistance to Needy Families (TANF)).

AVCP operates several programs through its Family Services Center and Tribal Resource Center, including cash assistance benefits, child welfare, road construction and planning, Indian trust services, early childhood education, public safety, and other programs. We deliver services using a four-tiered model: at the village level, sub-regional level (i.e. "hub" villages), regional level (i.e. Bethel, Alaska), and out-of-region.

Public Safety in Rural Alaska

On June 28, 2019, Attorney General Barr declared a law enforcement emergency in rural Alaska, calling the law enforcement challenges "complex, unique, and dire[.]"[2] His observations were based on his own personal experience visiting Alaska and traveling to the different regions and meeting with tribal officials and tribal public safety officers in person.

The public safety crisis in rural Alaska is well documented.[3] The statistics are stark and overwhelming:

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[1] In December 2018, the average cost of groceries for US households was $149 – in Bethel, Alaska it was $396; the costs in more remote villages are even higher, http://live.laborstats.alaska.gov/col/col.pdf.

[2] Department of Justice Press Release 19-728 https://www.justice.gov/opa/pr/attorney-general-william-p-barr-announces-emergency-funding-address-public-safety-crisis.

[3] *See* A Roadmap for Making Native America Safer, Chapter 2 – Reforming Justice for Alaska Natives: The Time is Now (The Indian Law and Order Commission's Report to the President and Congress of the United States) https://www.aisc.ucla.edu/iloc/report/files/Chapter_2_Alaska.pdf. *See also* the "Lawless: Sexual Violence in Alaska" series by the Anchorage Daily News and ProPublica, https://www.adn.com/lawless/.

- 59% of adult women in Alaska have experienced intimate partner violence, sexual violence, or both.[4]
- Reported rape in Alaska is 2.5 times the national average.[5]
- Alaska Natives comprise just 19% of the state population, but 47% of reported rape victims. Alaska Native women are over-represented by 250% among domestic violence victims.[6]
- In Rural Alaska's tribal communities, and for Alaska Native women living in urban areas, women 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.[7]
- More than 95% of all crimes committed in Rural Alaska can be attributed to alcohol.[8]

In the face of these statistics, tribes and tribal communities have little to no law enforcement resources to keep their members safe. Tribal communities rely on a patchwork of state law enforcement (Alaska State Troopers), state-funded and tribal-hired law enforcement (law enforcement provided by tribal consortiums, such as AVCP, through the Village Public Safety Officer Program), and local law enforcement (Village Police Officers or Tribal Police Officers). This patchwork approach leaves many gaps in service and most rural communities struggle to keep even one officer employed[9], and as a result our communities – and the Nation's northernmost border – are left unprotected.

Alaska State Troopers

The State of Alaska's Department of Public Safety (DPS) includes the Alaska State Troopers (AST) Division. AST is responsible for providing public safety for areas too small or remote to employ local police. However, there are limited numbers of State Troopers. The vast majority are stationed along the road system. The ASTs stationed in Rural Alaska are based only in the hub villages. AST responds primarily to felonies, however transportation challenges, which includes inclement weather conditions, results in response times that vary from a few hours to several days.

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[4] "Missing or murdered? In America's deadliest state, one family is still searching for answers." USA Today, July 1, 2019, https://www.usatoday.com/in-depth/news/nation/2019/06/25/deadliest-state-women-alaska-rape-and-murder-too-common-domestic-violence-rape-murder-me-too-men/1500893001/.

[5] *Id.*

[6] Chapter 2, ILOC Report at 41 https://www.aisc.ucla.edu/iloc/report/files/Chapter_2_Alaska.pdf.

[7] *Id.*

[8] *Id.*

[9] In May 2019, 98 tribal communities, with a total population of 30,000, had no state-funded law enforcement at some point in 2019. Of that number, about 70 communities had no local police of any kind. "These Cops are Supposed to Protect Rural Villages. They're in the Suburbs Instead." ProPublica, December 5, 2019, https://www.propublica.org/article/looking-for-alaskas-rural-police-force-check-the-suburbs.

Village Public Safety Officers

Village Public Safety Officer (VPSO) positions are funded through a grant from Alaska DPS. Tribal non-profit organizations and consortia apply for this state funding, hire VPSOs, and station them in tribal communities (i.e. villages). DPS provides training, equipment, and field oversight. VPSO training focuses on five public safety aspects: (1) law enforcement, (2) search and rescue, (3) emergency medical services, (4) fire suppression, and (5) water safety. VPSOs are unarmed and are often the only law enforcement presence in their assigned community.

The VPSO program faces several challenges, including: a steady decrease in State funding, disparity in pay relative to ASTs, and difficulty recruiting and retaining officers. Another challenge is the communities are responsible for ensuring a public safety office building and jail cells are available.[10] Communities that are unable to provide public safety officer housing are also at a disadvantage. AVCP currently employs 4 VPSOs though we are funded for 10 positions and there are 48 communities in our region.

Despite these challenges, VPSOs remain highly desired and sought after by tribal communities in Rural Alaska. When a VPSO is present in a community, they are very effective because they are usually local hires or individuals with a working knowledge of their assigned community. Another desirable aspect of the VPSO Program includes a direct relationship between the community's governing body and tribal non-profit consortium – this gives the local community more input in how public safety is provided.

Tribal Police Officers and Village Police Officers

Tribal Police Officers (TPOs) and Village Police Officers (VPOs) ("tribal law enforcement officers") are hired by a village's tribal government or municipal government, respectively. Tribal and municipal governments struggle to find funding to hire, train, and retain these officers. There is no sustained source of funding – such as funding determined by a tax base – to pay for training, salaries, or the public safety office buildings. Tribal communities rely on time-limited grant funding (e.g. Community Oriented Policing Services (COPS) grants), for-profit corporation donations, bingo proceeds, or any other source of available funds. As a result, positions are often part-time and do not include benefits. The only training in the State currently accessible to tribes for tribal law enforcement officers is at the Yuut Elitnaurviat training center in Bethel, Alaska. Tribal consortia, like AVCP, provide scholarships for training, but this funding only covers a two-week training program. These limitations result in many

[10] In the summer of 2018, AVCP took a comprehensive assessment of public safety buildings in our Region. Of the 48 communities, 38 had public safety facilities – four of those facilities required major renovation or replacement and 24 facilities required some level of renovation. Nine communities had no public safety facilities at all. 26 of the communities had no dedicated public-safety housing. Full assessment available at https://www.avcp.org/2019/01/26/avcp-public-safety-facilities-assessment-report/.

young tribal law enforcement officers without training responding to domestic violence calls or incidents involving weapons.[11]

A Successful Public Safety Service Delivery Model for Rural Alaska

This patchwork approach to public safety services in Rural Alaska is not working – Alaska Native women, children, and other vulnerable tribal members living in Rural Alaska are not safe in their communities.

To successfully deliver the public safety services tribal communities in Rural Alaska deserve, four components must be present:

1. Appropriate Resources

For comprehensive public safety service delivery, there must be appropriate public safety resources. In order to recruit and retain law enforcement personnel in our villages, there must be funding to provide reasonably competitive salary and benefits. Further, officers need the standard equipment necessary to do their jobs safely and effectively. Our villages also need public safety infrastructure – this includes public safety office buildings with holding cells, officer housing, and tribal court buildings. These are the basic components required for having a public safety presence in villages.

2. Tribal Authority

In rural Alaska, tribal authority is essential to the development of local-level responses to crime. However, Alaska Native tribes' authority to protect their communities has been called into question due to our unique legal history.

Tribal law enforcement typically happens in Indian Country, as defined in 18 U.S.C. 1151. In 1971, Congress settled Alaska Native land claims through the Alaska Native Claims Settlement Act (ANCSA). ANCSA has been interpreted by the United States Supreme Court as eliminating almost entirely "Indian Country" in Alaska.[12] This cast Alaska tribes' criminal jurisdiction into doubt and prevented them from exercising the authority or accessing the funding granted to other tribes under legislation that has been passed to address crime in "Indian Country."

[11] "For Quinhagak tribal officers, law enforcement training means feeling prepared for a job they were already doing." KTOO, July 2, 2019 at https://www.ktoo.org/2019/07/02/for-quinhagak-tribal-officers-law-enforcement-training-means-feeling-prepared-for-a-job-they-were-already-doing/.

[12] *Alaska v. Native Village of Venetie Tribal Government*, 522 U.S. 520 (1998).

Furthermore, with the enactment of Public Law 83-280 (i.e. "PL-280") the federal government withdrew from law enforcement in rural Alaska and transferred authority to the State, even though state law enforcement (with the exception of serious felonies) is largely absent in our villages. Additionally, with the apparent extinguishment of Indian Country in Alaska, Alaska Tribes are unable to request that the federal government re-assume federal criminal jurisdiction of certain violent crimes in their villages.

The inability of Alaska's tribes to access the BIA's tribal law enforcement funding combined with the apparent loss of authority to prosecute crimes committed within their villages due to the loss of Indian Country leaves tribal governments flummoxed as they attempt to protect tribal members from disproportionately high rates of violence. As a result, Tribes remain dependent on the highly centralized and thinly stretched state law enforcement.

As the federal Indian Law and Order Commission (ILOC) found in their 2013 report, by recognizing Alaska tribes' criminal jurisdiction over their members in their internal village boundaries, it is "easier to create State-Tribal MOUs for law enforcement deputization and cross-deputization, cooperate in prosecution and sentencing, and apply criminal justice resources of optimal, mutual benefit" and it will facilitate the ability to create "intertribal courts and institutions."[13]

3. Training

Adequate training is necessary to recruit and retain officers, promote officer safety, and to increase officers' presence as a crime deterrent. Most police certification programs, such as the U.S. Indian Police Academy and the Alaska Law Enforcement Training Academy, are approximately 16 weeks in length. These full length-certification programs are then followed by field officer training and continuing education.

In addition to its full-length certification, the State of Alaska's Law Enforcement Training Academy provides the 10-week VPSO certification program. The cost to attend the VPSO training is roughly $65,000 per recruit, at a minimum. For tribes in rural Alaska, the state's public safety academy is a cost prohibitive option. The only in-state alternative for TPOs/VPOs (law enforcement hired directly by local tribal communities) is the two-week basic training course offered by Yuut Elitnaurviat, in Bethel Alaska.

[13] Chapter 2, ILOC Report at 55 https://www.aisc.ucla.edu/iloc/report/files/Chapter_2_Alaska.pdf.

4. Career Path

Creating a youth engagement model to foster an interest in law enforcement careers and steering youth away from behaviors and activities that will result in future hiring barriers is a systemic solution to the current recruitment issues for public safety officers in Rural Alaska.

Introducing middle school and high school aged youth to a career path and keeping them engaged throughout their secondary education is a successful model for Rural Alaska. The University of Alaska's Alaska Native Science and Engineering Program (ANSEP) is a nationally recognized program for its success in placing Alaska Native and rural students on a career path toward leadership in the fields of science, engineering, mathematics, and technology. AVCP has partnered with ANSEP to increase the number of students from our region who attend ANSEP programs, with great success. We know that a similar model will produce similar results in public safety.

Three Recommendations

The following recommendations will have an immediate positive impact for public safety service delivery in rural Alaska.

1. Permanent, direct, noncompetitive base funding

A permanent source of funding will help tribes secure the fundamental and basic resources to provide public safety. Currently, the primary source of law enforcement funds Alaska's tribes can readily access to are Department of Justice funds issued through several grant programs. However, the insecurity and administrative burden of applying for grants on an annual or bi-annual basis is not an effective or efficient model for funding public safety services for tribes in Rural Alaska.

Tribes need a permanent and reliable source of funding that is provided directly to tribes and tribal organizations – not passed through the State.[14] One such method is through compacting, a process whereby a recurring base amount of funding is provided upfront to a tribe or tribal organization to fulfill certain governmental purposes (in this case, providing basic public safety and law enforcement services). Compacting funds through tribal organizations/consortia has proven to be an effective way to manage federal funds and provide services to Alaska's tribes in both social services (Bureau of Indian Affairs funds) and healthcare (Indian Health Service funds) contexts.

An example of compacting authority legislative language for the Department of Justice is below:

[14] On June 28, 2019, the Department of Justice made $6 million dollars available to the State of Alaska for critical law enforcement needs of Alaska Native villages. On October 16, 2019, the Alaska Department of Public Safety published a solicitation for grant applications from tribes and tribal organizations. Awards were not made until May 2020.

Sec.___ACCESS TO JUSTICE. (a) Notwithstanding any other provision of law, the Attorney General may make compacts or and enter into contracts with entities defined in Section 7(a) of P.L. 92-203 [Native non-profit organizations] or consortia of such entities to provide grants from any Department of Justice program including the Criminal Division, United States Attorneys, Federal Bureau of Investigation, Drug Enforcement Bureau, Office of Justice Programs (including State and Local Law Enforcement Assistance programs, Community Oriented Policing Services (COPS), Office of Violence Against Women, and Juvenile Justice Programs), or other tribal justice, law enforcement, restorative justice, crime prevention, or other programs to expand and improve law enforcement and criminal justice in Native communities and to prevent violence against Native women.

In order to protect tribal communities, tribes must have the funding to secure the necessary law enforcement and public safety resources.

2. Support S.2616, Alaska Tribal Public Safety Empowerment Act

The Alaska Tribal Public Safety Empowerment Act (S. 2616) was introduced by U.S. Senator Lisa Murkowski (R-AK) on October 17, 2019. The bill recognizes that regardless of land title, Indian Tribes in Alaska have inherent civil and criminal jurisdiction over all Alaska Natives present in their villages and that Indian Tribes in Alaska have full civil jurisdiction within their villages to issue and enforce domestic violence protection orders involving any individual. The recent and unprecedented pandemic has highlighted the need for this authority also to be expanded to empower tribes to enforce tribal health and safety ordinances.

The bill also creates a new pilot program in Alaska in which the Attorney General would select up to five tribes or inter-tribal organizations each year to exercise general civil jurisdiction over all persons within the village, plus criminal jurisdiction over all persons concerning the following crimes: domestic violence, dating violence, violation of a protective order, sexual violence, stalking, sex trafficking, obstruction of justice, assault of a law enforcement or correctional officer, any crime against a child; and any crime involving the illegal possession, transportation, or sale of alcohol or drugs.

Passage of S.2616 gives a practical, tailored, Alaska-centered solution to a unique Alaska problem and gives Alaska's tribes the clear authority to protect their tribal members and communities.

3. Fully Fund Comprehensive Training for Tribal Law Enforcement Officers

What a comprehensive training program looks like may differ from region to region, but the need for tribal law enforcement training is clear. AVCP has reviewed two existing programs from Alaska's tribal health organizations, the Heath Aide Program and the Dental Health Aide Therapy program. Both programs have been successfully delivered in Rural Alaska to address dire community needs and are

nationally recognized for their success. These programs use an applied learning approach, similar to an apprenticeship. Students learn skills, return to their communities to apply them in real world settings, and then come back for advanced training and continuing education to build on foundational skills. A similar model can be used in our region to provide a full-length law enforcement certification course in three-to-four-week segments by an experienced training provider (such as Yuut Elitnaurviat).

Proper training is essential to providing law enforcement protection in rural Alaska – this is what our officers and communities deserve.

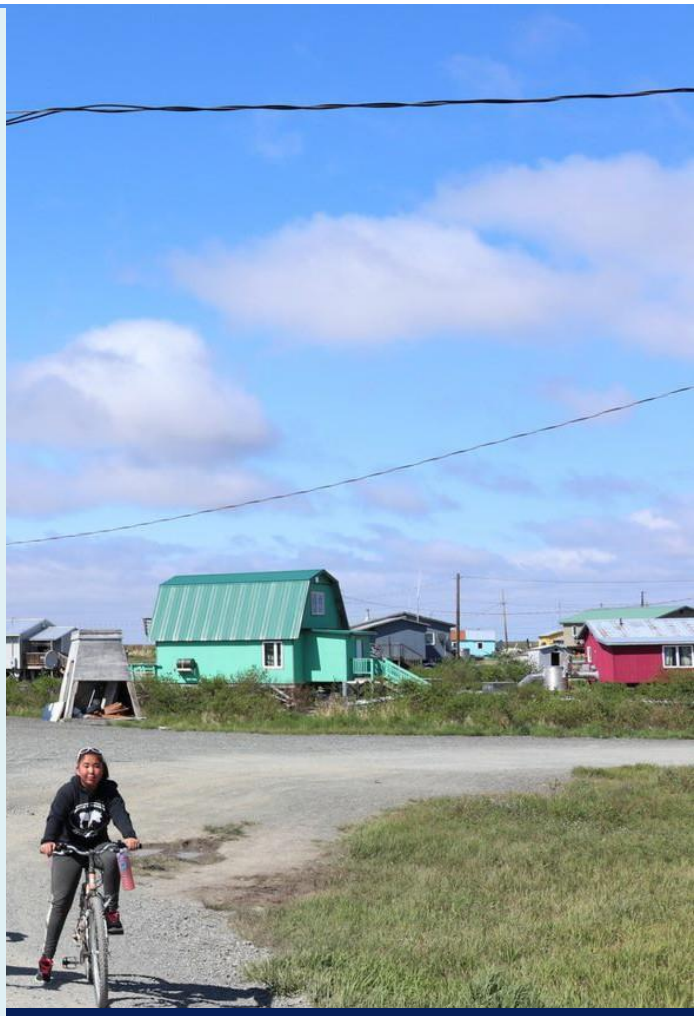
Conclusion

AVCP makes these recommendations based on decades of experience delivering social services in rural Alaska, years of public safety advocacy, and close working partnerships and collaborations with our member tribes, other Alaska tribal non-profits and consortia, and the Alaska Federation of Natives. These recommendations are proven to work in rural Alaska and are widely supported by Alaska's tribes and tribal communities.

"We are not asking for anything less or anything more than any other community in Alaska or the United States."
– Vivian Korthuis, AVCP CEO

Public Safety in the Yukon-Kuskokwim Delta

Solutions for Making Tribal Communities Safer



2019

Association of Village Council Presidents
Bethel, Alaska
AVCP.org

Akiachak, Akiak, Alakanuk, Andreafski, Aniak, Atmautluak, Bethel, Bill Moore's Sl., Chefornak, Chevak, Chuathbaluk, Chuloonawick, Crooked Creek, Eek, Emmonak, Georgetown, Goodnews Bay, Hamilton, Hooper Bay, Lower Kalskag, Upper Kalskag, Kasigluk, Kipnuk, Kongiganak, Kotlik, Kwethluk, Kwigillingok, Lime Village, Marshall, Mekoryuk, Mtn. Village, Napaimute, Napakiak, Napaskiak, Newtok, Nightmute, Nunakauyak, Nunam Iqua, Nunapitchuk, Ohogamiut, Oscarville, Paimiut, Pilot Station, Pitka's Point, Platinum, Quinhagak, Red Devil, Russian Mission, Scammon Bay, Sleetmute, St. Mary's, Stony River, Tuluksak, Tuntutuliak, Tununak, Umkumiut

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Overview

The Association of Village Council Presidents (AVCP) is a regional non-profit tribal consortium of the 56 federally recognized Tribes of the Yukon-Kuskokwim Delta. Our Region lies along the Nation's northernmost border and spans 55,000 square miles (approximately the size of the State of New York). Our Region has a population of approximately 27,000+ living in 48 communities along to two major Arctic rivers (the Kuskokwim and Yukon Rivers) and the Bering Sea Coast. The only modes of intra-region transportation available are small aircraft year-round and by boat when the rivers are flowing and, truck, snow machine, or four-wheeler when the river is frozen.

AVCP provides social services that enhance the quality of life of tribal members, programs that support the self-governance and self-determination of our member tribes, and is the voice of the Region on a myriad of issues.

For the last three years, our Tribes have prioritized public safety as the number one issue in the AVCP Region. Rural Alaska is facing a public safety crisis, and our Tribes have asked us to look for solutions.

To find solutions, we have consistently engaged with our Tribes and communities, the State of Alaska, and the Federal Government. Through this process we have identified a public safety service delivery model that will work for our communities.

As we explore all potential avenues toward public safety, we know that Alaska Tribes must have criminal jurisdiction to prevent and respond to crimes in their villages.

By partnering with Tribes, the Federal Government, and the State of Alaska, we can make our communities safer. AVCP has created a Public Safety Taskforce to assess the state of public safety in the YK-Delta and to make recommendations for a public safety service delivery model for our Region.

This white paper shares our process and findings.

The Public Safety Crisis

The public safety crisis in Alaska's tribal communities is well documented.[1]

U.S.News CIVIC

Jail Deaths Highlight Ongoing Rural Alaska Safety Issues

A spokeswoman for an Alaska regional tribal consortium says the recent deaths of three people at village jails underscores ongoing public safety problems in rural parts of the state.

By **Associated Press**, Wire Service Content May 15, 2019

PROPUBLICA

LAWLESS

Why We're Investigating Sexual Violence in Alaska

Something has changed in the way Alaskans talk about sexual assault. A yearlong partnership between the Anchorage Daily News and ProPublica aims to highlight the stories of violence and survival in the final frontier.

by Kyle Hopkins, Anchorage Daily News, May 16, 11:29 a.m. EDT

Domestic Assault In Kalskag Results In Village Lockdown

By GREG KIM (/PEOPLE/GREG-KIM) • MAY 23, 2019

Search And Rescue Recovers Unidentified Body From Kuskokwim River

By ANNA ROSE MACARTHUR (/PEOPLE/ANNA-ROSE-MACARTHUR) • MAY 21, 2019

In Marshall, Residents Protect Each Other In A Village Without Police

By TERESA COTSIRILOS • MAR 22, 2018

Public Safety Persists As Top Issue For Y-K Delta Tribes

By ANNA ROSE MACARTHUR (/PEOPLE/ANNA-ROSE-MACARTHUR) • OCT 5, 2018

LAWLESS

At least one in three Alaska villages has no local law enforcement. Sexual abuse runs rampant, public safety resources are scarce, and Gov. Mike Dunleavy wants to cut the budget.

By Kyle Hopkins, Anchorage Daily News

May 16, 2019

This article was produced in partnership with the Anchorage Daily News, a member of the ProPub Reporting Network.

LAWLESS

How We Tallied Alaska Villages Without Local Law Enforcement

We asked more than 500 organizations representing 195 communities if they employ a police officer of any kind. Of that number, 70 communities reported having no police at some point in 2019.

by Kyle Hopkins, Anchorage Daily News, and Alex Mierjeski, ProPublica, May 16, 11:29 a.m. EDT

[1] *See* A Roadmap for Making Native America Safer, Chapter 2 – Reforming Justice for Alaska Natives: The Time is Now (The Indian Law and Order Commission's Report to the President and Congress of the United States) https://www.aisc.ucla.edu/iloc/report/files/Chapter_2_Alaska.pdf.

Statewide VPSO Strategic Plan

In May 2018, the ten Village Public Safety Officer (VPSO) Program Tribal Contractors and the Alaska Department of Public Safety met to develop a strategic plan for the Statewide VPSO Program. The strategy that was identified was:

(1) Communication: branding/identity; building and strengthening partnerships/relationships at all levels; and community engagement
(2) A VPSO Available in Every Community: funding; strong talent recruitment strategy
(3) Program Governance: consider innovative and flexible ways to accomplish the VPSO program, i.e. compacting
(4) Adequate Funding & Policy Influence through Key Stakeholder Outreach
(5) Define VPSO Roles & Responsibilities.

AVCP is ready to work with the State of Alaska to achieve these goals.
The full Strategic Plan can be accessed here.

AVCP Public Safety Facilities Assessment

In May and June of 2018, the AVCP VPSO Program along with AVCP Facilities, Information Technology, Legal, Communications, and Administration traveled to 45 communities in the AVCP region to conduct general facilities assessments on Public Safety buildings and infrastructure. This information identifies the need for additional infrastructure for Public Safety in the AVCP region. The assessment identified existing and non-existing Public Safety facilities and Public Safety housing in the region.

Of the 48 communities in the AVCP region, 38 have existing Public Safety Facilities. 4 of these facilities require major renovation or replacement. 24 of these facilities require renovations. 9 communities in the AVCP region don't have any public safety facilities and 26 of communities do not have dedicated public safety housing.

The AVCP Region lacks public safety services and infrastructure. In the few communities that have law enforcement, the Tribal Police Officers (TPOs) and Village Police Officers (VPOs) lack adequate equipment and often work in substandard buildings. In emergency and disaster situations, the tribes and community members who respond without adequate public safety are placed in dangerous situations and often must go into lockdown to remain safe. To provide these services, the communities require adequate public safety facilities and housing.

The condition of the Public Safety buildings in each community vary greatly. Some are in very poor condition and are recommended as un-inhabitable, while others are in new or very good condition. Most facilities are found to be in-between, needing various amounts of attention to correct safety deficiencies.

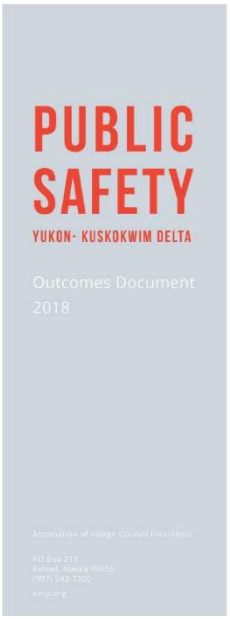
AVCP estimates the cost to address this issue to be:
Replacement of 4 existing Public Safety facilities - $1.28 Million
Renovation of 24 existing Public Safety facilities – Phase I - $300,000
New Public Safety facilities for 9 communities – $2.88 Million
New Public Safety housing for 26 communities - $6 Million

The full Facilities Assessment can be accessed here.

AVCP Public Safety Summit

On August 1-2, 2018, AVCP hosted the Public Safety Summit at the Yupiit Piciryarait Cultural Center. The theme of this summit was Public Safety: Addressing Barriers and Identifying Solutions in the Y-K Delta. The public safety summit provided a forum for tribal leaders and public safety providers to guide our work in addressing public safety issues and improving the well-being of our communities.

The Public Safety Summit addressed the following categories: What is Public Safety; Current Status of Law Enforcement – Alcohol and Substance Abuse; Tribal Courts/Circle Sentencing; Parenting and Community-Based Solutions; Success Stories: What is working for our Communities? What do we want Public Safety to look like in our region; Public Safety Priorities by Unit; and Community Based Actions and Solutions.



The following challenges were discussed at the Public Safety Summit: alcohol and drugs, no law enforcement, lack of support for law enforcement, decreased National Guard presence, lack of funding, deficient tribal courts, and that law enforcement is a normal service that is provided throughout the rest of the United States. Proposed solutions identified were: Healthy Families, public safety starts at home, increased community involvement, tribal courts, increased collaboration, training, state involvement, support for current law enforcement, and further development of community programs.

Participants at the Public Safety Summit realized that most communities in the region are facing similar public safety issues and that TPOs have power that they didn't know they have and need additional training.

It was recommended that there are additional Public Safety Summits to follow-up on topics discussed, incorporating culture, adding another day and allowing additional

time for discussions. Another recommendation was to include more elder and youth in discussions.

Public Safety will continue to be a priority of the AVCP Region until community members have achieved the basic need of feeling safe in their communities and their homes.

The Public Safety Summit Outcomes Document can be accessed here.

Tribal Law and Order Act Requests

In February 2019, 43 of AVCP's Tribes submitted Tribal Law and Order Act (TLOA) requests to the Department of Justice requesting the United States to assume federal criminal jurisdiction over Indian country in the AVCP Region. A Meeting between requesting Tribe and the Department of Justice is scheduled for February 2020.

U.S. Attorney General William Barr Visits Alaska

In May 2019, U.S. Attorney General William Barr visited Alaska. On May 31st, he traveled to the Yukon-Kuskokwim Delta where he met with AVCP's Public Safety Taskforce in Bethel before traveling to Napaskiak where the Napaskiak Traditional Council presented him with a "Resolution to Request for a Declaration of Emergency."

During his visit to Bethel, AVCP's Public Safety Taskforce presented the **AVCP Tribal Safety and Wellness Proposal: Phase One** to both Attorney General Barr and Senator Murkowski. The full proposal can be accessed here. The abstract is below -

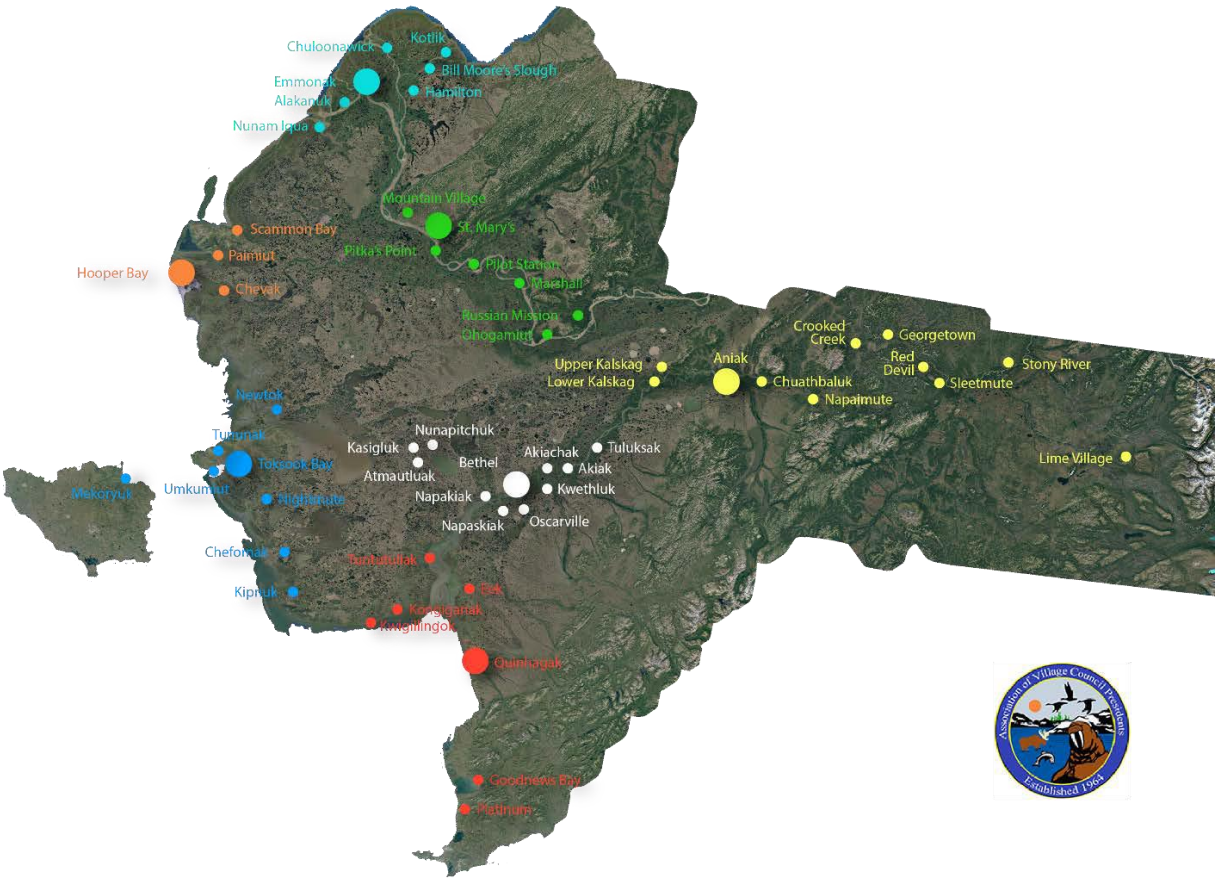
AVCP Tribal Safety & Wellness Proposal: Phase One

Introduction

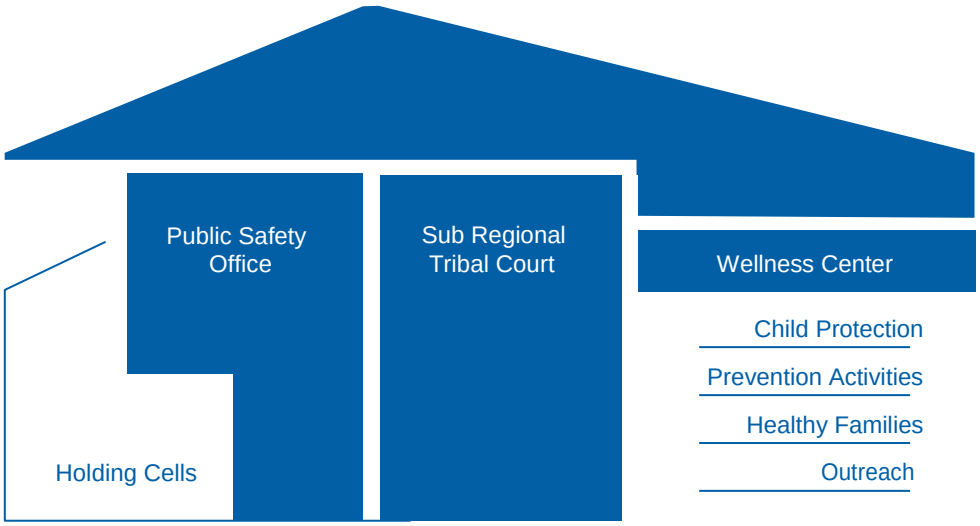
The Association of Village Council Presidents (AVCP) is the largest tribal consortium in the Nation, with the Region's 56 federally recognized Tribes as members. The Yukon-Kuskokwim Delta (YK-Delta), located in Western Alaska, is part of the Arctic and consists of 48 physical communities which lie along the Yukon and Kuskokwim Rivers and Bering Sea. Spread across an area the size of the State of New York, these communities are not connected to each other by a road system. The 27,000+ residents' only access to each other and the rest of the State is by open river in the summer, ice road or frozen tundra in the winter, or plane.

AVCP's long-term goal for comprehensive tribal public safety in the YK-Delta is to provide full-time law enforcement and access to justice in the tribal court system for all tribal communities.

AVCP's immediate proposal to address the Region's public safety crisis is to provide public safety coverage and access to justice through a sub-regional model.



Phase One: Sub-Regional Tribal Safety & Wellness Centers



AVCP's Public Safety Taskforce proposes a holistic approach to public safety in the YK-Delta by basing services out of seven sub-regions (see map). Each Sub-Regional Tribal Safety & Wellness Center will serve six to eight federally recognized Tribes and/or tribal communities in the AVCP-Region. The seven centers will provide full public safety coverage to all 56 tribes/48 communities in the YK-Delta.

Sub-Regional Tribal Court

- Panel judges are cross-trained on individual tribal codes; judges rotate in from each Tribe.
- Panels hear child protection cases; family law cases (adoption, custody, divorce, child support, name change, and guardianship); domestic violence cases (protective orders); and criminal cases (criminal violations of protective orders and tribal criminal codes).
- Alternate panels serve as court of appeals.
- Panels also hear cases referred through State of Alaska's Civil Diversion Agreement.

Sub-Regional Public Safety Office

- Three tribal law enforcement officers based in each sub-region.
- Provide coverage throughout the sub-region on a TDY (Temporary Duty Yonder) basis (respond to crimes, community policing, prisoner transport).
- Employ jail guards on an as-needed basis.
- Officers are cross-deputized under agreement with State of Alaska (can enforce both State and Tribal law).

Holding Facilities

- Sub-regional short-term holding facilities for three to four prisoners at a time.
- Temporary holding facilities in each community.

Wellness Center

Tribal Child Protection

- Houses the Community Family Support Specialist (CFSS) supervisor who supervises six to eight village-based CFSS workers.
- CFSS workers are case workers in tribal child protection cases and are case managers/liaisons for ICWA-compliance in State of Alaska child protective cases when Tribes have intervened.

Healthy Families

- A holistic approach to family and community wellness through the sharing, teaching, and practice of traditional values.
- Offer workshops in villages, sub-regions, and Bethel.
- Sponsor cultural activities for families and children that include connecting them with elders, sharing local plant knowledge, and other activities rooted in our indigenous values.

Prevention

- Preventing future Tribal or State child protective services involvement through early intervention for at risk families.
- Refer families to AVCP services (e.g. Benefits; Vocational Rehabilitation; Healthy Families; Tribal Workforce Development; Education, Employment and Training; Child Care, etc.).
- Provide one-on-one coaching and mentoring for parents as needed.

Safety Outreach

- Provide All Terrain Vehicle (ATV) safety courses and safety gear (e.g. helmets).
- Perform winter trail marking and maintenance for faster response time to public safety emergencies and to reduce injuries and deaths that occur when traveling between villages on ice road trails.

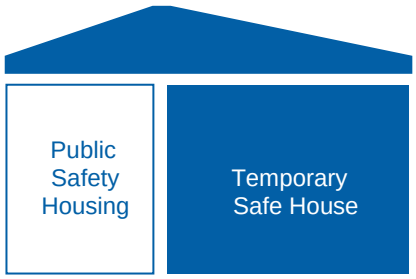
Public Safety Housing

Tribal Law Enforcement Housing

- Provides housing for up to three law enforcement families.

Temporary Safe House

- Provides a temporary shelter for victims of domestic violence who need an immediate safe place to stay.



Phase One Priority Needs

Estimated Cost: $130 Million

Infrastructure

Current: No adequate multi-function tribal court/public safety buildings exist in the AVCP Region.
Proposal: seven centers – one in each subregion (see map).
Current: Housing is a severe impediment to recruiting and retaining tribal law enforcement personnel. There are only two women's shelters in the entire AVCP-Region (Tundra Women's Coalition and Emmonak Women's Shelter).
Proposal: seven multi-housing units – one in each subregion (see map).

Personnel

Current: Only six full-time law enforcement officers for 48 communities; no full-time court staff in any community.
Proposal: 21 full-time law enforcement officers serving 48 communities; 7 full-time court staff for 7 sub-regional courts.

Training

Proposal: Intensive training/cross-training and ongoing technical support for tribal court judges and court staff provided by AVCP's Tribal Justice Department. Yuut Elitnaurviat (http://yuut.org/) will provide training for tribal law enforcement officers (in collaboration with AVCP's Tribal Justice Department for cross-deputization training).

Western Alaska Emergency Response Center

In addition to law enforcement officers, public safety facilities, and tribal court infrastructure, AVCP has long advocated for a Western Alaska Emergency Response Center.

Due to the increased traffic along the Bering Sea Coast and the logistical challenges of traveling from the hub community of Bethel to the other communities, the need for a coordinated response plan to emergencies in Western Alaska is critical. The AVCP Region lacks a current comprehensive regional disaster preparedness recovery and resiliency plan. In emergency and disaster situations, the various organizations who respond are in a reactive position. AVCP's plan for the design and development of the Western Alaska Emergency Response Center is an opportunity for Western Alaska to become proactive. AVCP has donated an 8,400 square foot building, located adjacent to the Kuskokwim River, for this purpose. AVCP plans to involve all stakeholders, including Tribes, regional and State entities and programs, in the planning and implementation process.

The Western Alaska Emergency Response Center will:

- Serve as the headquarters and training center for the regional Village Public Safety Officers (VPSO) program, as well as be available when necessary to other agencies and programs involved in emergency and disaster management (local Search and Rescue groups, local and State law enforcement, visiting federal or military personnel, etc.).
- Centralize and improve coordination of public safety and emergency responsive preparedness and activities for Tribal, local, State, and Federal law enforcement personnel as well Search and Rescue groups.
- Secure centralized storage for emergency response equipment.

AVCP estimates it will cost approximately $4 million dollars to renovate an 8,400 square foot, two-story steel building adjacent to the Kuskokwim River that AVCP has donated toward this project.

U.S. Department of Interior Public Safety Listening Session

In February 2019, AVCP requested a roundtable discussion on public safety held in the AVCP Region. On August 21, 2019, the U.S. Department of Interior (DOI) hosted a Public Safety Listening Session in Bethel, Alaska.

Forty-four Tribes provided comments on the state of public safety in their villages and requests for assistance from the Federal Government. The tribal recommendations and requests for assistance included these themes:

- Tribes need non-competitive, permanent and direct funding for public safety
- Compacting for public safety
- Infrastructure development and public safety housing is a need
- Training for tribal law enforcement officers
- Better response times from Alaska State Troopers
- Tribal court development
- Interdiction for drug and alcohol smuggling
- Partner agreements with neighboring Tribes and State agencies
- Rotational/roving public safety officers
- Community-based solutions

At the conclusion of tribal comments, AVCP's CEO requested that AVCP be a demonstration site for a public safety model that includes compacting funding through multiple federal agencies.

Listening Session Participants

Akiachak Native Community; Akiak Native Community; Village of Alakanuk; Algaaciq Native Community; Village of Aniak; Village of Atmautluak; Village of Chefornak; Chevak Native Village; Chuloonawick Native Village; Village of Crooked Creek; Emmonak Village; Native Village of Georgetown; Iqurmiut Traditional Council; Kasigluk Traditional Council; Native Village of Kipnuk; Native Village of Kongiganak; Native Village of Napakiak; Native Village of Napaskiak; Village of Bill Moore's Slough; Native Village of Chuathbaluk; Native Village of Eek; Native Village of Goodnews Bay; Native Village of Hamilton; Native Village of Hooper Bay; Native Village of Kwinhagak; Native Village of Marshall; Native Village of Napaimuit; Newtok Village; Native Village of Paimiut; Native Village of Scammon Bay; Native Village of Tununak; Nunakauyak Traditional Council; Native Village of Nunam Iqua; Organized Village of Kwethluk; Orutsararmiut Traditional Native Council; Oscarville Traditional Council; Native Village of Pitka's Point; Village of Sleetmute; Native Village of Tuntutuliak; Tuluksak Native Community; Umkumiut Native Village; Village of Lower Kalskag; Village of Kalskag; Yupiit of Andreafski

The White House; US Department of the Interior; Bureau of Indian Affairs; U.S. Department of Health and Human Services; Alaska Federation of Natives; Office of Senator Murkowski; Office of Senator Sullivan; Association of Village Council Presidents

AVCP has asked for protection and safety of our families and tribal communities… We are not asking for anything less or anything more than any other community in Alaska or the United States.

Vivian Korthuis, CEO

Public Safety in Rural Alaska:

Testimony: Public Safety Challenges within American Indian and Alaska Native Communities

President's Commission on Law Enforcement and the Administration of Justice

Vivian Korthuis

Chief Executive Officer

Association of Village Council Presidents

There is a public safety crisis in Rural Alaska

Three Recommendations

- **Permanent, direct, noncompetitive base funding directly to tribes/tribal organizations**
- **Support. S. 2616, Alaska Tribal Public Safety Empowerment Act**
- **Fully fund comprehensive training for tribal law enforcement officers**

Tribes/Tribal Organizations have successfully provided social services and health care services in Rural Alaska for decades.

Tribal governments must have the authority to keep their members and communities safe.

We must give our tribal law enforcement officers the tools to be successful.

"We are not asking for anything less or anything more than any other community in Alaska or the United States."

Vivian Korthuis, AVCP CEO

Quyana

Charles Addington

Director for the United States Department of the Interior (DOI), Bureau of Indian Affairs (BIA) and Office of Justice Services (OJS)

Charles Addington is currently serving as the Director for the United States Department of the Interior (DOI), Bureau of Indian Affairs (BIA), and Office of Justice Services (OJS) in Washington DC. Prior to Charlie's appointment to the OJS Director position, he served as the Deputy Associate Director position for the Bureau's Division of Drug Enforcement. In that capacity, he managed numerous national programs, including the agency's drug enforcement and the Indian Highway Safety program. Charlie led the BIA's National Drug Enforcement program which is responsible for complex drug, gang, border and human trafficking investigations effecting Indian Country. Before accepting the Deputy Associate Director position in Muskogee, Oklahoma, Charlie was the Associate Director of Field Operations in Washington DC where he overseen numerous national programs including federal law enforcement, corrections, drug enforcement and Indian Highway Safety programs. Charlie is an enrolled member of the Cherokee Nation of Oklahoma and has over 28 years of law enforcement experience, 23 of which has been in the management of Indian Country law enforcement programs. With his knowledge in the Indian Country law enforcement field, Charlie was selected to work directly on numerous high level initiatives including the Department's Presidential High Priority Goal (HPPG) titled "Safe Indian Communities" and the comprehensive "Protecting Indian Country" projects. In 2013, Charlie was nominated for a Service to America Medal for his work on the HPPG Initiative; where he led the development and implementation of an innovative law enforcement program that significantly reduced the high violent crime rate on four Indian reservations, providing a model for other Indian communities. As a Senior Manager in the organization, Charlie has instructed numerous training programs related to Indian Country law enforcement and is a graduate of the FBI National Academy.

Statement of Charles Addington

Deputy Bureau Director – Bureau of Indian Affairs

Office of Justice Services

Before the President's Commission on Law Enforcement and the Administration of Justice

May 27, 2020

Chairman Keith, Vice Chair Sullivan, and Distinguished Members of the Commission,

Thank you for the opportunity to testify today about law enforcement and the administration of justice in Indian Country. As the Director for the Bureau of Indian Affairs (BIA) Office of Justice Services (OJS), this is a very important topic for me and it is truly an honor to be here representing Indian Affairs and Indian Country public safety programs throughout the nation. I am an enrolled member of the Cherokee Nation of Oklahoma and have over 29 years of law enforcement experience, 24 of which have been in the management of Indian Country law enforcement programs.

Public safety and justice in Indian Country is a priority of the leadership at the Department of the Interior and Indian Affairs. It has been and continues to be a top priority for Secretary David Bernhardt and Assistant Secretary Tara Sweeney. They are keenly aware of the painful toll that high crime rates take on tribal communities and on the individual families living in our tribal communities. They also recognize that addressing this crisis requires us to advocate for policies that lead to economic prosperity and improved public health outcomes for our tribal citizens, which will ultimately lead to healthier communities free of the scourge of drug and alcohol abuse.

To that end, we have worked in close consultation with tribes and with our federal partners to hone the efficiency of the tools at our disposal and mount a vigorous response to the public safety crisis. We are looking forward to the recommendations of the Commission on steps that can be taken in the future to enhance our tribal and rural public safety programs.

The BIA OJS provides recurring appropriations to 191 Law Enforcement programs; 96 Detention/Corrections programs; 9 OJS districts, headquarters, and support offices; 230+ Tribal Courts as well as other BIA agency offices that support Public Safety and Justice Programs. The BIA funds are spent either by BIA when they deliver direct services or by tribes when they contract services with funds transmitted to the tribes through self-determination contracts or self-governance compacts, pursuant to the Indian Self-Determination and Assistance Act, P.L. 93-638.

With the limited amount of time, I wanted to touch on just a few areas I feel is most critical to public safety in Indian Country.

Public Safety Staffing

The most important resource needed to address crime in Indian Country is BIA and tribal boots on the ground. Although I believe our Indian Country public safety staff are some of the best in the nation, we can only do so much with the limited resources we have. Indian Country is very geographically diverse, comprised of large and small land areas. For example, the largest is the 16 million-acre Navajo Nation Reservation located in Arizona, New Mexico, and Utah. The smallest is a 1.32-acre parcel in California where a tribal cemetery is located. Due to this diversity in geography, officers must often travel long distances to simply answer calls for service on reservations in predominantly rural areas.

Further exacerbating tribal public safety staffing issues, many tribal programs are having difficulty recruiting new staff and retaining existing staff. Pay levels, lack of benefits, lack of adequate housing and the long hours with minimal staffing levels are the most frequent reasons we hear from tribal chiefs of police regarding their hiring challenges.

Staffing levels can have a tremendous effect on reducing crime. As an example, a few years ago, the BIA OJS implemented an effort known as the "High Priority Performance Goal" (HPPG) [Safe Indian Communities] Initiative to reduce violent crime in Indian Country. Based upon an analysis that showed violent crime rates in tribal communities were above the national average, four reservations were selected as sites for implementing the initiative. The goal of the initiative was to achieve an overall reduction in criminal offenses (violent crime) by five percent within a 24-month period. One of the first steps in achieving this goal was to properly staff the law enforcement agencies at levels on parity with non-Indian Country law enforcement agencies. Staffing levels were increased by utilizing detail staff from other agencies until permanent staff could be hired and on-boarded. After staffing levels were increased, the officers went to work implementing intelligence-led policing techniques and crime reduction strategies that could not be done before with the low staffing levels. At the end of the 24-month period, the four reservations had a combined 35 percent reduction in violent crime.

I also want to point out that although we often talk about the needs of law enforcement officers in Indian Country, I want to ensure that we are not forgetting the other crucial components to public safety: our detention, dispatch and judicial staff. These components are paramount to our success in effectively delivering public safety services in our tribal communities.

Many times I have been asked what the unmet needs are for Indian Country public safety staff. In response, the Tribal Law and Order Act of 2010 (TLOA) requires BIA OJS to submit to the appropriate committees of Congress, for each fiscal year, a detailed spending report regarding tribal Public Safety and Justice programs and the unmet needs for uniformed police, criminal

investigations, detention and tribal court programs. This annual report details the unmet needs for Indian Country Public Safety staffing and I recommend that this data should be used as a roadmap for what critical public safety resources are needed in Indian Country. This would meet the immediate unmet staffing needs for Indian Country and provide tribes with the resources that would put them on parity with other law enforcement agencies.

Public Safety Infrastructure

As I travel throughout Indian Country, I am constantly shown public safety facilities that are in dire need of replacement. When speaking with tribal leaders, facilities are one of the topics we get asked about most often. Although Congress did begin allocating some funding back to Indian Affairs in 2018 to replace public safety facilities, there is a much greater need for replacement of facilities to house all public safety components. I recommend that the Commission look for ways to further the expansion of re-building the tribal public safety infrastructure.

Mental Health Wellness Programs for Indian Country

There is an immediate need for adequate mental health resources in Indian Country. Our tribal public safety employees often respond to a high number of violent crimes and witness very traumatic crime scenes without any avenue to maintain their mental health. As we see officer suicide rates increasing and the number of public safety staff experiencing PTSD or other occupational stress, we need culturally appropriate services available locally or within a short distance from our reservations. These much-needed resources would help ensure our most precious public safety resource, our staff, have access to the mental health resources they need when they experience occupational stress. I recommend that the Commission look at ways to require the Department of Health and Human Services (HHS) to provide these culturally appropriate services to Indian Country public safety staff.

Better Data Collection

Another issue we face is the limited amount of data that is collected from Indian Country law enforcement programs. Currently, tribal law enforcement programs do not provide all their crime data to the federal government. Tribes only report crime data to BIA OJS that is included in the FBI's Uniform Crime Report and the monthly drug reports, which does not include crimes such as domestic violence or collect missing person data. Without the submission of adequate monthly crime data by tribal programs, it is difficult to analyze and address some underlying violations that could lead to more violent crimes. With that in mind, I recommend that the Commission consider ways to expand the data set collected when the new National Incident-Based Reporting System (NIBRS) reporting begins on January 2021.

Although I only touched on a few of the obstacles faced by public safety staff in Indian Country, there are many more areas that should be examined and enhanced. I want to once again want to recognize our Indian Country public safety staff throughout the nation. Though they face many

obstacles as they carry out the agency's mission, we must never forget that all of these very brave men and women are warriors and go to work each day in order to continue to protect their tribal communities and keep their fellow citizens safe. While we continue to make great strides to enhance public safety in Indian Country, we still have much more yet to do. Thank you again for the chance to provide testimony today and I look forward to our panel discussion. I am happy to answer any questions.