

**Alaska Rural Justice
And Law Enforcement Commission**

Commission Meeting

**Wednesday, March 30, 2005
Anchorage Downtown Marriott Hotel
Kodiak Room
4:30 p.m. – 6:30 p.m.**

MINUTES

The Alaska Rural Justice and Law Enforcement Commission met on Wednesday, March 30, 2005, at the Anchorage Downtown Marriott Hotel, Kodiak Room in Anchorage, Alaska.

1. CALL TO ORDER

Commissioner Botelho, designee for the Co-Chairs of the Commission, called the meeting to order at 4:32 p.m.

2. ROLL CALL

Roll call was completed. A quorum was established.

COMMISSION MEMBERS PRESENT

Timothy Burgess, Co-Chair	Gail R. Schubert (telephonic)
Bruce Botelho	Ethan Schutt (Alternate for Buddy Brown)
Wilson Justin	Jim Torgerson
Roxanne Auge (Alternate for Edgar Blatchford)	

MEMBERS ABSENT

Edgar Blatchford (Represented by Roxanne Auge)
Harold "Buddy" Brown (Excused) (Represented by Ethan Schutt)
Bill Tandeske
Loretta Bullard

ALASKA NATIVE JUSTICE CENTER/TECHNICAL STAFF PRESENT

Denise Morris	Karen Bitzer	Lindsay Lamar
Edward Deaux	Kela Halfmann	

OTHERS:

Tony Vaska
Kevin Illingworth

David Case
Daina Zarins (Representing Governor Murkowski)

Lisa Jaeger

APPROVAL OF AGENDA

Commissioner Botelho asked Commission members if they would like to make any additions or revisions to the Agenda. Hearing none, Commissioner Torgerson moved, Commissioner Justin second. Agenda adopted as written. **MOTION CARRIED**

ANNOUNCEMENTS

Lisa Jaeger of the Tanana Chiefs Conference presented each of the Commissioners with a copy of a DVD which was produced by TCC in cooperation with the BJA TCAP program to illustrate the history and progress of tribal courts in Alaska.

APPROVAL OF MINUTES

Commissioner Botelho directed the attention of the Commissioners to the minutes of the Special meeting of January 24, 2005 and the regular meeting of January 26, 2005. He asked if there would be any objection to postponing review and approval of the minutes until the next meeting scheduled for April 14, 2005. Hearing no objection, action on the minutes was postponed.

OLD BUSINESS

Panel Visits review:

Commissioners have attended panel visits in Nome, Kotzebue, Barrow, and Fairbanks since their last meeting. Each community has hosted the Commission and each experience has been different and enlightening.

Commissioners are planning to travel to Kake and Mentasta in April. The Commissioners asked that Co-Chair Burgess identify some dates that work well in his schedule and then circulate to the other Commissioners for possible attendance. Commissioners Justin, Botelho, and Ms. Morris expressed a desire to travel to Kake.

Meeting Schedule:

The Commissioners seem comfortable with April 14 as the deadline for Working Groups to complete their work and report to the Commission. Commissioners have set the following dates for meetings:

- April 14 Hotel Captain Cook
- May 2 -3 TBA – retreat-like setting for the Commission
- May 18 All day meeting – first draft review
- May 31 All day meeting – second draft review

Report Format Presentation:

Dr. Edward Deaux of Deaux Enterprises and Kela Halfmann of SEARC have been contracted with to create the Report of the Commission. Dr. Deaux presented an outline (see attachment) for the report stating that some of the beginning pieces have been created and will be shared with the Commission.

Ms. Halfmann presented a draft of the cover to the Commissioners for their approval as well as an example of the binding and formatting of the report.

Upon reviewing the materials presented by Dr. Deaux and Ms. Halfmann the Commissioners delegated the final decision regarding cover design to the Co-Chairs and the formatting and binding to the Staff. Report title may be up for consideration at the May 2-3, 2005 meeting. Dr. Deaux was asked to have the beginning pieces of the report (forward, history etc.) be a part of their May 2 -3, 2005 meeting packet for their review prior to that meeting.

Commissioners commented regarding the draft outline of the report, requesting that:
The options presented by the work groups and an explanation of the general process used by the work groups be included
Some discussion surrounding how the matrix developed by the DV working group would be included in the report
Appendices would be created in separate volumes i.e. working groups and written testimony
Transcribed testimony will be available on the website by topic and location.

Commission asked that some testimony be woven into the body of the report
An executive summary would be included
Several maps would be beneficial in telling the story, i.e. DV centers in Alaska, local gov't; boundaries and tribes; native corporations, etc.

NEW BUSINESS

Working Group Progress Reports:

Domestic Violence: Commissioner Botelho
The working group is moving along quite well. They are finalizing the option next week and have pretty much reached consensus. Indemnification has surfaced as an issue for domestic violence shelter and tribal entities.

Law Enforcement: Ethan Schutt
The working group is planning to finalize 12 options for recommendation; 3 are considered pretty significant and all work toward a unified law enforcement system

Options look at a tiered system of law enforcement – having up to 3 categories of peace officers and 3 categories of state certified officers. One concern that has surfaced is for VPSOs to have their training tracked and relevant to their resume and that they receive recognition of skill sets when working with troopers. There has also been discussion surrounding the extent that local capacity should be taken into consideration as criteria for the provision of law enforcement in communities.

Judicial: Commissioner Torgerson

Discussions with working groups have resulted in approximately 21 options. Most options are close to being finalized – needing rationale and impact statements. The working group has decided to sidestep the jurisdiction issue as the Commission will have to deal with those issues in order for the intent of the options to move forward. The group is asking that the report make comment that this work group would not be able to come to consensus regarding jurisdiction. The suggestions made to the commission may be modest but it changes the playing field and allows for the potential for future shifts and evolution.

OTHER:

Reporting to Congress

Denise Morris of ANJC reported that she had recently traveled to Washington DC and had met with Senator Stevens' staff. It is the Senator's impression that the report would flow to the Senator. The staff is asking for a draft of the report prior to the final report being completed.

Commissioner Burgess had also been to Washington DC and in his discussions with the Attorney General's office and the Office of Legislative Affairs. This process would be much more time intensive, and the release of the report would be subject to the OMB process. Commissioner Justin expressed concern with OMB being involved in that it is a slow process and may be one that would initiate report revisions. Discussion among the Commissioners included if there is a need for a public comment period and how realistic a June date may be in light of the OMB process.

Commissioner Burgess agreed to have further discussions with Washington DC to get clarity on the process.

Working Group Recognition

The Commission has asked for a reception to be planned on the evening of April 13, 2005 as a celebration for the working groups' task coming to an end. Commission has directed staff to organize the celebration and create certificates for all members of the working groups to thank them for their time and contribution to the work of the Commission.

Testimony

Kevin Ritchie has requested time on the April 14, 2005 agenda to present regarding Municipal/tribal relationships.

ADJOURNMENT

Commissioner Botelho moved for adjournment. Hearing no objection, Commissioner Burgess adjourned the meeting at 7:18 p.m.

Alaska Rural Justice and Law Enforcement Commission
Commission Meeting Minutes
Federal Building Conference Room
Anchorage, Alaska
December 9, 2005

Present: Tim Burgess, Dave Marquez, Bruce Botelho, Gail Schubert, Wilson Justin, Bill Tandeske and Loretta Bullard

Absent: Harold “Buddy” Brown (or Ethan Schutt) and Jim Torgerson

ANJC Staff Present: Denise Morris, Karen Bitzer and Julia Meier

Announcements

1. Wilson spoke of what he termed “unethical reporting” on the death of Daniel Nicolai, Jr. near Mentasta on December 3, 2005. Questions include the timeliness and content of the report, including whether it was primarily a search and rescue or a missing person. Concerns include the response time, the length of time Nicolai was left in the back of a van and the affects on his family of the reporting.
2. Tim announced the Holiday Open House, U.S. Attorney’s Office, District of Alaska on December 16, 2005 from 12:00 P.M. to 2:30 P.M.

Report of Conversation between Tim, Dave and Liz from Senator Stevens’ Office

1. Membership
 - Senator Stevens’ office understands RJC as open-ended
 - Regarding recommendations changing composition – Tim and Dave asked by Senator Stevens’ office to write letter to Senator, including the recommendation for a health and social services person. It is unclear by what means these recommendations may be carried out, including the possibility of legislative change.
 - Wilson voiced concern regarding the accessibility of Tim’s successor. Tim will pass along these concerns.
2. Term
 - No time limit at this point
 - Renewal unnecessary
 - Tim inquired as to whether RJC wants to suggest a term for people serving. Gail and Wilson respond that it is better to let the organizations decide. Wilson voiced the possible constraints a fixed term would have on organizations with less money.
3. Funding
 - \$998,000 for FY 2006 from BJA (informed by letter to ANJC)
 - Amount above is not divided out between RJC and ANJC
 - Possibility raised that the Rasmuson Foundation might be willing to provide funding

Discussion of RJC/ANJC Budget

1. Overall Budget

- Proposed budget prepared by Karen Bitzer by looking at last year's budget, staff requirements and assuming no pilot projects
- Total proposed draft budget: \$241,072 for FY 2006
- Funds available February 2006 through September 2006
- Funds are already being expended
- Opportunities like national meetings need to be made available. Some of the Commissioners were unaware of some past, pertinent national meetings.
- Denise will see if there is money left over from FY 2005

2. Personnel

- Bruce wants a high-powered Executive Director and voices concern that one cannot be gotten with \$25/hour.
- Discussions with Senator Stevens' office show that Senator does not want another Denali Commission.
- ANJC should have the resources to support RJC.
- Dave believes that this is not the year for an Executive Director

3. Travel

- The opportunity remains for non-commercial travel

4. RJC v. ANJC Monies

- Loretta sees a conflict of interest between RJC and ANJC.
- Tim and Dave note that all RJC can do is ask ANJC for money. Suggested that maybe once RJC has a more finalized proposed budget, RJC can meet with ANJC's Board and present the budget.
- Bruce believes that Denise is accountable to two different and conflicting entities.
- Denise and Tim tried to get separate funding source.
- Denise informed RJC that the next ANJC Board of Directors' meeting will approve ANJC's 12 month ongoing budget. RJC is a project that ANJC supports. RJC should decide end product for this year. Denise states that she has no vested interest in how the monies are spent. ANJC can still adjust the budget after the board meeting

5. The Purpose of RJC in FY 2006

- Denise raised the questions of whether there should be a strategic planning meeting, what the plan is for the next 12 months and what the role is of the working groups.
- Tim supported strategic planning meeting. RJC needs to give more focus to ANJC for budget.
- Denise noted that Senator Stevens' office thinks RJC fits into advocacy.
- Tim responded that RJC needs to move to implementation.

- Gail asked whether the work group meetings are for implementation or still working out previously unfinished work.
- Tim responded that the working groups should focus on recommendations that could not be answered the first time and then push what was figured out.
- Wilson thought the costs for next year were for implementation.
- Tim sees costs as implementation but also another track.
- Tim sees implementation as going to the AK legislature and Congress.
- Gail is concerned about the absence of money for implementation and sees FY 2006 costs as programs on the ground, etc.
- Karen sees it as working groups, etc.

Discussion of Communication with AK Legislature and Congress

- Dave suggested first quarterly meeting be in Juneau to present the report to the legislature and brings up issue of going to Washington, D.C.
- Bruce supported going to Washington, D.C.
- Wilson supported meeting in Juneau while the legislature is in session.
- Tim noted that the Juneau legislators have voiced the desire for RJC to come down and there may be a similar opportunity with Congress.
- RJC has been explicitly invited to Juneau to present the report.
- Denise believes that the presentation in Juneau to the legislature was incorporated into the budget.
- Loretta asked if there is any way for the State to contribute to the costs.
 - The State and Fed will pay for themselves
- Dave thinks RJC should speak with congressional delegation to see what the delegation expects prior to the meeting on the budget and strategic planning

Review of Public Comments

1. Overall Discussion
 - Tim believes that the crime statistics should be beefed up because it is a good selling point
 - Wilson suggested inviting Stephanie Cole of the Alaska Court System to a meeting to discuss her comments
2. Alcohol Issue
 - Wilson proposed reconsidering the alcohol issue and returning the stricken language
 - ANJC supports returning the language because it provides a mechanism for communities to deal with the issue and if it is not incorporated then RJC missed the mark.
 - Dave said that the State opposes the language as counterproductive inasmuch as it would become the focus of attention for the State legislature and color the report as a whole. In addition, Senator Stevens does not support it. The State has proper jurisdiction and

it would require a change in federal law. The issue is better addressed in RJC through pilot programs. RJC should focus on getting its proposed legislation passed and getting its pilot programs funded

- Loretta noted that the public comments support language and some language must be added to the report. If language cannot be agreed upon, then RJC must agree to disagree.
- Tim called for the issue to be discussed in an Executive Session.
- There will be continued discussion on the issue.

Motion for Executive Session, Motion Approved and Executive Session Held

Review of Public Comments

1. Stephanie Cole, Alaska Court System (November 15, 2005)
 - a. Letter, p. 1, par. 3 – acknowledge availability of training
 - b. Letter, p. 2, par. 1 – give the evidence: insert language such as “Based on testimonies and reports received and reviewed by the Commission”
 - c. Letter, p. 2, par. 2 – no action
 - d. Letter, p. 2, par. 3 – add to footnote 118, p. 63 language noting the court system’s partnership with CDVSA, such as “The Commission commends the court system for having partnered”
 - e. Letter, p. 2, par. 4 – insert additional footnote that the Family Law Self Help Center is an available online resource
 - f. Letter, p. 3, par. 1 – include the source of the statistics cited (thought to be Harvard study cited on prior page of the report) and does the report say what “success” means?
3. Lyman Hoffman, Alaska State Senator (September 26, 2005)
 - a. Bill will draft language regarding idea of a Regional Unified Justice Center.
4. Gerry Hope, Sitka Tribes of Alaska (October 31, 2005)
 - a. Rob will draft language regarding tribal court funding for tribes within city boroughs.
5. Julie Kitka, Alaska Federation of Natives, Inc. (November 18, 2005)
 - a. The scope of the report – Rob will draft language regarding tribal court funding for tribes within city boroughs and municipalities.
 - b. Lack of Economic Opportunity – Edward will look into the republication of Professor Huskey’s paper on Alaska’s Village Economies and send an email to RJC.
 - c. Lack of Economic Opportunity – Edward will look whether there is any pertinent information on federal assistance benefiting rural communities in Alaska contained in GAO Report 05-719 and email RJC.

- d. Law Enforcement – Discussion regarding law enforcement and Kitka’s suggestion that every village in rural Alaska should have a resident law enforcement officer.
 - i. Bill noted that if this is doable there is not enough money, or if enough money then not doable
 - ii. Loretta thinks that it is possible based, in part, on the example of the health aides. Thinks recommendation should be included.
 - iii. Gail noted that the report does include the statement that law enforcement should be adequate to the size and need. Thought that the comment is already addressed by two bullet points on page 50 of the report.
 - iv. Loretta stated that the suggestion could provide more federal funding.
 - v. Dave felt uncomfortable changing what the law enforcement working group had come up with.
 - vi. Discussion is deferred until later when Ethan is present. Suggestion is that RJC review its guiding principles and then revisit the issue.
 - e. Law Enforcement – Edward will fix comment regarding an Appendix that does not match.
 - f. Cross-Deputization – The issue is deferred until Ethan is present.
 - g. Child Protection – Issue will be revisited after conclusion of pending litigation.
 - h. Continued Life of the Commission – Suggestion of expanding RJC membership to include State Court System already addressed. Suggestion of expanding membership to include UAA Justice Center rejected.
 - i. Preservation of Report and Documents Provided to the Commission – Agreement that RJC catalogues and adds to its website the various documents and reports that were provided to RJC. Agrees to enhance website.
 - j. Technical Corrections – Already incorporated
 - k. Letter p. 5, par. 4 – ANJC will provide language adding the additional funding that VPSO program receives beyond State funding.
 - l. Bill and Loretta will draft language to produce a recommendation on the definition of a village.
 - m. Loretta will draft language regarding the background of COPS funding.
6. Joe Banghart, Iditarod Area School District (October 12, 2005)
- a. Dave will draft language regarding partnerships with school districts to train students regarding law enforcement work and suggest possible meeting convened by RJC with potential stakeholders. Dave’s language will be included in Recommendation 6, report p. 60.
7. Dean Westlake (not included in packet)
- a. System believed to already be in place.

- b. Vanessa will add Westlake email to chart.
8. AITC (not included in packet)
- a. Discussion regarding inaccuracy of AITC's \$7m figure
 - b. Vanessa will add AITC letter to chart

Future Meetings

- 1. January 5, 2006 – U.S. Attorney's Office, 11 a.m.
 - Executive Session
 - Facilitator (Melanie Edwards suggested)
 - Agenda: strategic planning and budget
- 2. January 6, 2006 – ANJC, 9 a.m.
 - Public meeting
 - Agenda
 - Review any technical edits
 - Review any drafted language
 - Discuss alcohol issue
 - Discuss AFN's comments regarding law enforcement and cross-deputization
 - Discuss improvement and expansion of the website
 - Submit budget for approval
 - Finalize report

Preparations for Upcoming and Future Meetings

- 1. General
 - Current draft report will be re-dated and emailed out by Tim. Everyone should work from this draft (completed)
 - Incorporate AITC letter and Westlake email into chart of public comments (Vanessa)
 - New version of report will be provided for the January 6th meeting that includes a cover sheet with table of contents. All documents will be numbered (ANJC)
 - Ensure that all agreed upon changes based on Alaska Court System's public comments have been incorporated (ANJC)
- 2. Drafts
 - Draft letter to Senator Stevens' regarding recommended changes to RJC's composition (Tim and Dave)
 - Beef up the crime statistics in the report (?)
 - Draft language regarding idea of a Regional Unified Justice Center (Bill)
 - Draft language regarding tribal court funding for tribes within city boroughs and municipalities (Rob)
 - Draft language regarding additional funding that VPSO program receives beyond State funding (ANJC)

- Draft language for a recommendation regarding the definition of a village (Bill and Loretta)
 - Draft language regarding the background of COPS funding (Loretta)
 - Draft language regarding partnerships with school districts to train students for law enforcement careers (Dave)
3. Discussions
- Discuss the alcohol issue
 - Discuss law enforcement and cross-deputization issues raised by AFN's public comments when Ethan is present
 - Discuss enhancement of website, including the cataloguing and addition of various reports and documents reviewed by RJC
 - Revisit child protection issue raised by AFN's public comments when the litigation is concluded
4. Communications
- Pass on concerns regarding the accessibility of Tim's successor (Tim)
 - Contact Rasmuson Foundation regarding funding possibility (?)
 - Inform commissioners of any available, pertinent national meetings (?)
 - Check whether there is money left over from FY 2005 (Denise and Karen)
 - Speak with congressional delegation to see what they expect prior to the January 5th meeting on strategic planning and the budget (?)
5. Fact Checks
- Look into the republication of Professor Huskey's paper on Alaska's Village Economies and send email to RJC (Edward)
 - Look into whether there is any pertinent information on federal assistance benefiting rural communities in Alaska contained in GAO 05-719 and email RJC (Edward)
6. Review
- Review Tim's edits
 - Review Rob's edits
 - Review Bruce's suggested language emailed by Tim

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 - Draft language regarding idea of a Regional Unified Justice Center (Bill)
 - Draft language regarding tribal court funding for tribes within city boroughs and municipalities (Rob)
 - Draft language regarding additional funding that VPSO program receives beyond State funding (ANJC)

- Draft language for a recommendation regarding the definition of a village (Bill and Loretta)
 - Draft language regarding the background of COPS funding (Loretta)
 - Draft language regarding partnerships with school districts to train students for law enforcement careers (Dave)
3. Discussions
- Discuss the alcohol issue
 - Discuss law enforcement and cross-deputization issues raised by AFN's public comments when Ethan is present
 - Discuss enhancement of website, including the cataloguing and addition of various reports and documents reviewed by RJC
 - Revisit child protection issue raised by AFN's public comments when the litigation is concluded
4. Communications
- Pass on concerns regarding the accessibility of Tim's successor (Tim)
 - Contact Rasmuson Foundation regarding funding possibility (?)
 - Inform commissioners of any available, pertinent national meetings (?)
 - Check whether there is money left over from FY 2005 (Denise and Karen)
 - Speak with congressional delegation to see what they expect prior to the January 5th meeting on strategic planning and the budget (?)
5. Fact Checks
- Look into the republication of Professor Huskey's paper on Alaska's Village Economies and send email to RJC (Edward)
 - Look into whether there is any pertinent information on federal assistance benefiting rural communities in Alaska contained in GAO 05-719 and email RJC (Edward)
6. Review
- Review Tim's edits
 - Review Rob's edits
 - Review Bruce's suggested language emailed by Tim