

# ALASKA RURAL JUSTICE AND LAW ENFORCEMENT COMMISSION

MINUTES  
January 28, 2009

Stoel Rives  
510 L Street, Suite 500  
Anchorage, Alaska

Nelson Cohen called the meeting order at 10:10 am at the offices of Stoel Rives in Anchorage.

## **Roll Call:**

Commissioners Present:

Nelson Cohen, Joe Masters, Bruce Botelho, Charlotte Brower, Jim Torgerson, Wilson Justin, Talis Colberg (telephonically), Monica Jenicek (telephonically), Patrick Anderson (arrived late), and Gail Schubert (telephonically)

Staff: Donna J. Goldsmith

Guest: Denise Morris, ANJC

## **Approval of Agenda:**

Commission members voted to approve the substantive items in the agenda, but reorganized the agenda, moving the 2010 Funding Request discussion to the next to the last item on the agenda, and the discussion regarding Donna Goldsmith's contract extension to the end of the agenda, for Executive Session.

## **Budget Report:**

Denise Morris, ANJC, reviewed the Commission's expenditures, and identified a balance of \$101,158.97 in available remaining funds

## **Summary of Legislative Retreat:**

Donna Goldsmith reviewed the Memorandum in which she summarized the Legislative Retreat for Commission members, at the request of the Commission. Monica Jenicek expressed concerns regarding some characterizations in the Memorandum, and that it had been drafted at all, as she was under the impression that there would be no memorialization of the discussions within the retreat. Nelson Cohen indicated that the Donna drafted the Memorandum at the request of the Commissioners, to help inform those Commissioners who were not able to be present at the retreat, and to provide a starting point for discussions about future Commission activities. He and other Commissioners offered Monica an opportunity to write her concerns and email them to Donna, who would then try to incorporate Monica's thoughts into the Memorandum.

**Status of Work Group Recommendations:**

Donna Goldsmith reviewed her summary of the status of implementation of the Work Group Recommendations. Joe Masters, Rick Svobodny (Deputy of the Criminal Division for the DOL, appeared briefly at Talis Colberg's request) and Monica Jenicek offered additional information and a correction regarding the Public Safety summary. Monica did not agree with Donna's characterization that the ICWA MOU discussions came to a halt over liability issues, and other issues that were resolvable.

**Strategy for Future ARJLEC Efforts:**

Commissioners engaged in a discussion about whether the ARJLEC had completed its task. The majority of Commissioners believed that the Commission has not yet addressed its charge, and that there is much work yet to be done. There was a discussion about whether or not the Commission can or should move forward. Wilson Justin wants completion of the ICWA MOU to be one of Commission's primary goals, and believes that the Commission has not even begun to tackle the issues of jurisdiction, which were parked early in the life of the Commission for later discussion. Gail Schubert believes that local control over alcohol remains one of the most serious challenges for rural Alaska and wants the Commission to remain committed to this issue. Charlotte Brower asked the Commission to consider adding suicide prevention to its tasks. Talis Colberg expressed concern about mission creep. Many commissioners want to replicate the retreat. After much debate, it was agreed that the Commission would table this discussion for the next face-to-face meeting.

There was a discussion about applying for funding, to protect the Commission's ability to continue its charge. No one registered opposition to application for funding, application due February 17th. Denise Morris agreed to work with Donna Goldsmith to complete the application.

**Tribal Law and Order Act of 2008**

Nelson Cohen asked Donna to explain why the Tribal Law and Order Act of 2008 was on the agenda. Donna explained that Wilson Justin brought this proposed legislation to the attention of the Commission because it has broad implications, and could be amended to address key issues of concern in Alaska. Donna reported that NCAI and NARF are supporting this legislation, and AFN is still evaluating its own position regarding this bill. This bill might present an opportunity for the Commission to seek funding to support achievement of its recommendations.

It was agreed that the next meeting would take place in Juneau on February 11, 2009 at 1pm, because so many commissioners would be in Juneau on that date. Bruce Botelho will make arrangements for a meeting room.

The Commission then went into Executive Session to discuss extending Donna Goldsmith's contract. Donna left the building at that time, as she was told that there would be no need for her to stay.

The Commission came out of Executive Session, and agreed to extend Donna Goldsmith's contract until March 20, 2009.

# ALASKA RURAL JUSTICE AND LAW ENFORCEMENT COMMISSION

## MINUTES

February 13, 2009

Nelson Cohen called the meeting to order at 4:25 p.m. in City Hall, Juneau, Alaska.

### **Roll Call:**

Commissioners Present:

Nelson Cohen, Karen Loeffler, Rick Svobodny, Bruce Botelho, Loretta Bullard, Jim Torgerson (telephonically), Joe Masters (telephonically), Gail Schubert (telephonically)  
Monica Jenicek

Staff: Donna Goldsmith

Guest: Denise Morris, ANJC

### **Approval of Agenda:**

Commission members approved the agenda as drafted.

### **Approval of Minutes from 1.28.09 Meeting:**

Bruce Botelho made a motion to approve minutes as amended to reflect that the Commission authorized an extension of Donna Goldsmith's contract for one month.

### **Legislative Retreat Summary:**

Monica Jenicek continued to object to the summary prepared by Donna Goldsmith, and does not agree that the suggestions as stated were made at the retreat. Nelson Cohen disagreed, specifically recalling the points made in the Memo. Joe Masters agreed that the minutes accurately reflect what he heard at the retreat (he left just prior to the final portion of the retreat), but wanted to clarify that they represent a Commission statement to move forward, and are not official minutes. Monica Jenciek also objected to the suggestion that the focus was state-tribal, and excludes federal. Jim Torgerson recalled that the retreat discussion really was focused on state-tribal relations. Nelson Cohen emphasized that the Memo is just that – it is a memo, not minutes. Bruce Botelho suggested including language that “government to government” should replace “state-tribal” language in the bullet-points. Everyone agreed to this change. One other change was made regarding the final paragraph. Donna Goldsmith made both changes to the document.

At this point the Commission re-organized the agenda, realizing that they had to first review the status of the Work Group efforts before any discussion of the FY 2010 Funding Request.

**Status of Work Group Recommendations:**

Joe Masters made several changes to the VPSO task force bullet points. DG made those changes. No other changes were offered.

**Funding Request:**

After reviewing the Memorandum re: Work Group Recommendations, Commissioners discussed what their future should be. Loretta suggested creation of a Task Force, or an amendment

All agreed that Donna Goldsmith will meet with Gail Schubert tomorrow (Thursday) morning to work on the funding request to demonstrate the need money to continue working on those areas where there has been deadlock.

**Strategy for Future ARJLEC Efforts:**

Bruce Botelho suggested that the ARJLEC consider duplicating the Legislative Retreat w/ regard to other topic areas: ICWA and alcohol control. Everyone agreed that federal law change would have to address alcohol jurisdiction. Loretta Bullard, Gail Schubert, Bruce Botelho agreed that this issue should be picked up again.

**Schedule for Next Meeting:**

All agreed that they would send Donna the days in March and April that they are unavailable to participate in a face-to-face meeting for a full day. Donna will reconcile calendars and identify a day for the meeting that will work for everyone. The location will depend on the needs of Commissioners Joe Masters and Rick Svobodny to participate in the legislative session.

Bruce Botelho suggested extending Donna Goldsmith's contract into April. No objections from anyone, all agreed to extend the contract.

The meeting adjourned at 5:50 p.m.

# ALASKA RURAL JUSTICE AND LAW ENFORCEMENT COMMISSION

## Minutes

4.28.2009

### **Roll call:**

Jim Torgerson, Joe Masters, Gail Schubert, Wilson Justin, Karen Loeffler, Bruce Botelho (telephonic), Loretta Bullard (telephonic), Charlotte Brower, Patrick Anderson, Monica Jenicek

Staff: Donna J. Goldsmith

Guest: Denise Morris

### **Agenda approved.**

### **Minutes from 2.13.2009 approved.**

All agreed that Jim Torgerson would facilitate meeting.

Discussion ensued re whether ARJLEC is appropriate vehicle to address critical issues faced by Native community in rural Alaska.

Key issue re future of Commission is **access to justice** – whether Native peoples are trusted, and respected. Commissioners discussed whether it is worth it to continue efforts, because state continues to put up roadblocks to implementation of any recommendations.

Wilson: desperate need for interpreters, yet in the 3 years since the Commission has issued recommendations, not one interpreter has been hired

Charlotte: Suicide is very prevalent in her communities, must be addressed. An elder asked her to bring issue of sovereignty to the ARJLEC – only two tribes can receive \$ at this moment, the communities are struggling against bureaucracy, brick walls. If Commission can address 2 issues, it will have touched lives of a lot of everyday people.

Joe: the ARJLEC can continue to address issues that are vital, without addressing the larger issues of sovereignty/GTG relations.

Loretta: Without full time, dedicated staff, the Commission cannot function well or accomplish much.

Monica: if ARJLEC could put sovereignty aside, there would be better chance of success, to address all issues that are very important.

Wilson: we parked jurisdiction initially. The Congressional mandate, however, addresses tribal sovereignty. ARJLEC needs to address jurisdiction and sovereignty.

Gail: Need to explore tribal authority, even if we don't all understand it or appreciate what it can offer.

Jim: ARJLEC has not strayed from its mission or original recommendations – ICWA MOU reflects effort to develop or encourage partnership, with an implicit understanding that sovereignty exists.

Charlotte: sat as a magistrate for Barrow, to decide whether to accept a child sexual abuse case, turned the case back to the state b/c tribe did not have the resources to handle the case and address the issues properly.

Bruce: The differences in the commissioners' approach and beliefs reflects differences within the leadership in state generally. perhaps need to take the bull by the horn and be up front about these differences, state them clearly. for example, that the state will not accede to certain tribal powers. given this backdrop, how do we go forward to improve rural justice? if not us, there will never be another body that is any brighter or more capable of advancing the ball, which is improvement of rural justice delivery. ARJLEC can do things that improve the overall target.

Commission agrees to wait for Joe to return after lunch and think about:  
Intermediate strategy might be appropriate until A.G. is in place: things we could do and need to be done over the next few months, such as pursuing appropriation, working on statements from the commission, etc.

**Funding Available:**

Per Denise Morris, the ARJLEC began this fiscal year with \$162,607

As of 3.31.09 ARJLEC has "expended" \$72,713 (does not include DG last invoice, which is unpaid, or any Commissioners' travel costs)



## **ALASKA RURAL JUSTICE AND LAW ENFORCEMENT COMMISSION MEETING**

**September 3, 2009**

**Law Offices of Stoel Rives  
510 L Street, Suite 500  
10:00 a.m. – 3:00 p.m.**

### **Call to Order:**

Commissioners Present - Joe Masters, Gail Schubert, Bruce Botelho, Jim Torgerson, Karen Loeffler, Wilson Justin, Loretta Bullard, Charlotte Brower, Dan Sullivan (Patrick Anderson absent)

Commission Staff – Donna Goldsmith

Guests – Peter Putzier, Assistant Attorney General, and Denise Morris, ANJC

Commission approved Agenda

Commission approved minutes from last meeting

State Attorney General Dan Sullivan, new state Co-Chair of the Commission, introduced himself, provided brief history. He is now the chair of the Rural Sub-Cabinet, and is interested in finding common ground between the Sub-Cabinet, and the ARJLEC. Example given: State's desire to protect Native 8(a) corporations, which are under heavy scrutiny from Congresswoman Claire McCaskill (Missouri). Each Commissioner, and guests, introduced themselves, as well.

Future of Commission:

1. **ICWA MOU**
  - Failure to resolve ICWA MOU prototype creates credibility issue
  - Could focus on remaining issues that have not yet been resolved
  - Commission agreed to try to bring working group back together to resolve ICWA MOU conflict – Donna Goldsmith to talk to former members to ascertain willingness to participate again



## 2. **Tribal Law and Order Act**

- There are two proposals as of this date – one embraced by AFN HRC and forwarded to Senator Murkowski, drafted by large group of lawyers; one drafted by TCC/State of Alaska
- Commissioner Sullivan indicated lots of progress on TCC/State proposal, but that AFN proposal is more challenging for State
- Senator Murkowski's staff working on their own version for introduction
- ARJLEC could convene a discussion about these proposals, but no vote
- Short of full endorsement of one or other, ARJLEC could support the principles
- Denise Morris indicated that there will be a resolution at AFN re the AFN proposal, and Donna Goldsmith confirmed

## 3. **AFN Speaker**

Donna Goldsmith extended offer from AFN to ARJLEC to speak at annual convention and bring Native community up to date on activities. Commissioners agreed to ask Dan Sullivan to speak, asked for focus on the Commission's activities, not on the activities of the Rural Sub-Cabinet.

Dan Sullivan indicated that the State just entered an MOU w/ the Central Council of the Tlingit and Haida Indian Tribes of Alaska re child support. Commissioner Sullivan had to leave before the end of the meeting, he had a conflict.

## 4. **Fiscal issues**

ANJC provided corrected ARJLEC balance sheet, which reflects \$70,924.30 as of end of end of July 2009. Denise Morris reported that there are no outstanding debts of the Commission. Donna Goldsmith indicated that she has not billed the Commission for time over the summer, but will bill for prep for and attendance at this meeting. She agreed to work for reduced hours for the immediate future, billing no more than \$2,000 per month. Commissioners agreed that everyone needed to look for more money. Donna to talk w/ David Ramseur and Kim Elton to see if they might help find additional resources. Donna will ask Commissioners Masters and Sullivan if the Department of Public Safety, and the Department of Law, might be able to offer funding to support the Commission's future activities, as the State has not contributed financially in the past.

## 5. **Website**

All agreed that Donna Goldsmith should pursue contract with the website designer and get that into production.

Next meeting to take place at either CITC conference room, or in the Federal building, with two rooms if possible: one for Commission, for executive session, and one to allow for larger audience that might be expected due to AFN week



## **ALASKA RURAL JUSTICE AND LAW ENFORCEMENT COMMISSION MEETING MINUTES**

**October 19, 2009**

**Office of the U.S. Attorney  
Anchorage, Alaska**

**10:00 a.m. – 3:00 p.m.**

### **Call to Order:**

Commissioners Present - Joe Masters, Gail Schubert, Bruce Botelho, Jim Torgerson, Wilson Justin, Loretta Bullard, Charlotte Brower, Kevin Feldis sitting in for Karen Loeffler (called to D.C. for mandatory meeting), Dan Sullivan (arrived late) (Patrick Anderson absent)

Commission Staff – Donna Goldsmith

Guests – Peter Putzier, Assistant Attorney General (arrived with Dan Sullivan)

Commissioner Botelho called the meeting to order because Commissioner Sullivan was caught in another meeting and Commissioner Loeffler was in meeting in D.C.

The Commission approved the Agenda with two additions - 1) under Tribal Law and Order Act discussion part 1, add discussion of Senate recommendations regarding the VPSO program; 2) add a third component to this same discussion to address Alcohol Interdiction; and 3) discuss the ARJLEC prototype ICWA MOU.

The Commission also approved the minutes from last meeting

### **Financial Report:**

Donna Goldsmith provided a tentative report, based on oral information from Denise Morris/ANJC, indicating that since the last financial statement provided by ANJC in early August, where the fund balance was \$70, 924.00, there has been little activity. Donna Goldsmith has submitted two outstanding invoices, each for \$2,000 plus minor costs, that have not yet been paid. Loretta Bullard reported that she had submitted travel

reimbursement requests that are outstanding. ANJC did not advise Donna Goldsmith of those outstanding reimbursement requests. Goldsmith estimated that remaining fund balance at approximately \$64,000.

Dan Sullivan provide a report of recent State activities to demonstrate commitment to rural Alaska justice needs: increased efforts of rural subcabinet; addressing economic opportunities as loss relates to rise in public safety issues; Governor attended AVCP convention to underscore State's commitment; AG had positive meeting w/ AFN Human Resources Sub-Committee on Tribal Law and Order Act; AG met w/ ANJC to reach out re sexual assault issues; Lt. Gov has focused on fuel and food issues re winter stockpiles; AG traveling to D.C. to coordinate DVSA w/ U.S. Attorney Loeffler and AUSA Kevin Feldis.

Commissioner Schubert inquire about the State's request for the en banc hearing in the Kaltag case, expressed confusion about State's commitment to rural Alaska. Commissioner Sullivan indicated that the State will not recognize tribal jurisdiction, but is looking at approach of programmatic scheme, such as transportation. Discussion ensued, with other Commissioners providing genesis and history of Tribal Law and Order Act Alaska proposal (genesis was ARJLEC working group recommendations on Alcohol Interdiction), and suggestions that it would be huge step forward for state to move forward on MOU or other such issue, and Commissioner Sullivan indicated State is committed to finding solutions, echoed by Commissioner Masters.

Commission called attorney Bruce Baltar, who is General Counsel for Bristol Bay Native Association, who discussed current Tribal Law and Order Proposal from AFN. He underscored that tribal courts are underutilized tool in rural Alaska, and that the lack of clarity regarding extent of jurisdiction was becoming problematic, particularly relating to domestic violence, alcohol and drug use, and related issues, and that it is clear that the State's justice system cannot be scaled down to reach the villages where justice systems are needed. Native organizations and tribes believe that more can be done at the local level to provide for safety. AFN/HRC will move forward w/ proposal regardless of whether the original Tribal Law and Order Act is stalled. Bruce responds to Commissioner Sullivan inquiry whether the proposal preempts state jurisdiction over CP/DV that it does not – the effect of certification is concurrent jurisdiction, due to P.L. 280. He also agrees w/ Commissioner Botelho that the savings clause protects the State's jurisdiction.

Commission moves into Executive Session for more than an hour.

Commission comes out of Executive Session at 2:30, and Commissioner Masters indicates that he is having trouble filling VPSO posts that are available – 20 open spots. Has finished a recruitment video, and Commissioner Bullard suggests showing it at AFN.

Commission discusses ICWA briefly, and need for FTCA to cover tribal liability.

Commissioner Sullivan indicates that he will draft the agenda for the next meeting, and will provide it in advance for input from other Commissioners. DG will circulate proposal for next meeting date of 12/14, to be held, perhaps, at ASRC corporate headquarters 4600 DeBarr, Commissioner Schubert will order lunch.

Commissioners instruct DG to continue keeping website in holding pattern, no expenditures.