



ALASKA RURAL JUSTICE AND LAW ENFORCEMENT COMMISSION

**Minutes
Teleconference April 8, 2010
3:30 p.m. – 4:15 p.m.**

Co-Chair Karen Loeffler called the meeting to order, with a quorum present.

Commissioners in Attendance: Wilson Justin, Karen Loeffler, Jim Torgerson, Charlotte Brower, Bruce Botelho, Dan Sullivan, Gail Schubert

Staff: Donna Goldsmith

Guest: Denise Morris

Budget Workplan for Senator Begich

The Commission considered a draft budget (See Attachment A) for submission to Senator Begich to seek FY 2011 funding.

After discussion, the Commission unanimously supported submission of the proposed budget set forth in Attachment B.

The Commission also discussed setting a sunset date for the Commission but did not reach a conclusion.

The Commission agreed to meet within the next month or two to try to set its agenda for the remainder of the year. Ms. Goldsmith will poll Commissioners regarding available meeting dates.



ALASKA RURAL JUSTICE AND LAW ENFORCEMENT COMMISSION

**Minutes
June 22, 2010**

Meeting called to Order

Attendance: Jim Torgerson, Charlotte Brower, Joe Masters, Bruce Botelho, Dan Sullivan, Loretta Bullard, Wilson Justin by telephone, and Kevin Feldis (representing Karen Loeffler, who was called last minute to mandatory meeting at USDOJ in Washington, D.C.)

Commission Staff: Donna Goldsmith

Guests: Monica Jenicek, Assistant A.G.
Peter Putzier, Assistant A.G.

Minutes from 4-8-10 teleconference approved.

Reports:

1. Dan Sullivan provided update on the State's activities:
 - As part of Governor's initiative on domestic violence and sexual assault, the State has increased funding to provide an additional 15 VPSO positions (thanks, in part, to Joe Masters' advocacy efforts), and has held summits around the state to encourage more attorneys to accept more pro bono domestic violence work. Loretta Bullard urged increased funding for Alaska Legal Services, which funding the state has significantly reduced over the last 10 years, resulting in closed offices around the state.
 - Dan Sullivan and Joe Masters have initiated discussions with U.S. Department of the Interior and U.S. Department of Justice to obtain a portion of the federal funding allocated for law enforcement training throughout Indian Country in the lower 48, which funding does not reach Alaska as a result of the dearth of Indian country in Alaska. They are seeking funding to support increased VPSO/TPO training, and asked the ARJLEC to support for this request with a letter. Dan Sullivan asked Donna Goldsmith not to draft and circulate a letter in support until

he has drafted the State's letter – all agreed that once Donna receives the State's draft letter to federal agencies, she will draft and circulate a letter from the Commission in support of this request.

- Monica Jenicek provided an update regarding the State's effort to re-draft the ICWA MOU previously drafted by the ARJLEC ICWA MOU Work Group. She and other AAGs met with Dave Case and Jim Torgerson in January, have taken their advice, and hope to have a final product by end of summer. The State maintains that tribes will need to sign a sovereign immunity waiver as part of any state-tribal agreement, but they are trying to draw clear lines of responsibility to minimize any potential liability.

2. Kevin Feldis advised that the U.S. Attorney has received funding to hire a new prosecutor that will address cases in rural Alaska. They are also working with the U.S.P.S. regarding alcohol interdiction, and working with Alaska State Troopers to address sex offender registration issues in rural Alaska.

3. Donna Goldsmith reviewed the budget report received from ANJC, and the ARJLEC reviewed the current budget. There was discussion about the possibility of a federal appropriation, and the Commission's decision to utilize Kawerak as a fiscal agent for any future funding.

4. Wilson Justin raised his concerns that he has never received any response from the State Attorney General regarding a letter he sent to Talis Colberg requesting review of the Renkes advisory opinion. He would like the courtesy of a written response from the Office of the Attorney General.

5. Loretta Bullard advised that she and Gloria O'Neill serve on a national Tribal Budget Advisory Committee, and continue to try to educate the federal government about the funding limitations that are hampering service delivery in rural Alaska. She also asked that the Commission invite Commissioner Joe Schmidt to attend the next meeting to discuss coordination between DOC and other rural service providers to address the issues that continue to result in high numbers of Native individuals going to jail.

6. The ARJLEC discussed need to amend organizational protocols at the next meeting, and a desire to consider a request to AFN to put the ARJLEC on the agenda.

7. Commissioners identified the following agenda items for next ARJLEC meeting, and meeting date – Donna Goldsmith will circulate dates for next meeting target of September meeting date. Following items should be included in next agenda:

- ICWA MOU
- Update from Dan Sullivan and Joe Masters regarding \$\$ for law enforcement training proposal
- Discussion regarding how to get onto the AFN agenda
- Update regarding ARJLEC's appropriation request, and current financial status

- Discussion with DOC Commissioner Joe Schmidt, to be invited by Dan Sullivan

ALASKA RURAL JUSTICE AND LAW ENFORCEMENT COMMISSION MEETING

Minutes

Stoel Rives
500 L Street, Suite 500
Anchorage, Alaska

10:00 a.m– 2:00 p.m.
September 16, 2010

I. Call to order – Dan Sullivan

II. Roll call

Karen Loeffler, Dan Sullivan, Bruce Botelho, Jim Torgerson, Loretta Bullard,
Wilson Justin, Joe Masters

Staff: Donna J. Goldsmith

Guests: Peter Putzier, State of Alaska Department of Law

III. Approval of Agenda
Motion/pass

IV. Reports

a. *Current Financial Status: Donna Goldsmith*

Based on information from Denise Morris/ANJC, the ARJLEC needs to either encumber the remaining \$54,000 in ANJC funds prior to October 31, 2010 and spend them within three months of that deadline, or propose and receive a no-cost extension from the funding agency, whichever agency that is.

Bruce recommends a final briefing before the Congress and the Alaska State Legislature to close out the Commission, and a letter that requests the Attorney General to discharge the ARJLEC.

Motion made/passed for two letters to Denise/Patrick: 1) Commission is in wind-down mode, and need to accomplish the following for an orderly closure (support and successful of seeking federal support for training issue, commissioners playing positive role on ICWA MOU, briefing to the Legislature and Delegation and Judiciary Committee and USDOJ, and identify what remains undone (strong

differences among commissioners that require additional focus and attention to resolve where there is no consensus on how to resolve the issues and challenges facing rural Alaska (thus we need a no-cost extension to complete the ARJLEC's tasks), and 2) ARJLEC commissioners need an opportunity to meet with ANJC board/staff to address issues that bear upon funding and the ARJLEC's ability to have confidence regarding the money for which the ARJLEC has been responsible but over which there has been no control, in order to wind down.

b. Katie Tepas, Coordinator for Governor's Initiative on Domestic Violence and Sexual Assault

Dan Sullivan summarized the initiative and his remarks to the USDOJ in which he focused on asking for \$\$.

Wilson Justin suggested including mediation funding to help with resolution of dv issues that do not include sexual assault. Katie Tepas reported that 400,000 going to South Central for Warriors' Initiative, some to Dillingham, KANA, pilot project through Dept of Health for new, culturally relevant initiatives from rural communities. Also asking for DOC funds to look at disproportional representation of Native men. Ultimate goal is to prevent jail, to enhance primary prevention, but will continue to work on risk issues.

Bruce inquired how they are reaching out to the tribes – Katie is reaching out on a grass roots level, she will travel to communities as she is able to do so to hear from communities and report to communities. Karen Loeffler has also created a rural Alaska position that is similar to Katie Tepas' position, to reach out to rural Alaska.

Loretta Bullard raised issue of DOC and looking at incarceration and reentry issue in a new way. She also emphasized need for alcohol treatment, without which none of these issues will be resolved.

Wilson Justin urged listening to each community about their needs and extend an opportunity within the initiative to reach out to tribal courts as a vital component of the approach.

Dan Sullivan reminded folks regarding upcoming Pro Bono Legal Summit in Fairbanks will have a rural focus re delivery of services to victims to reduce recidivism.

Bruce Botelho suggested that the ARJLEC complement the State of Alaska on promoting enhanced protection of victims of domestic violence and sexual assault as a statewide initiative. The Commission members present, other than Dan Sullivan (who abstained from voting), agreed, with caveat that more emphasis be focused on prevention of harm and expansion of treatment options.

c. Law Enforcement Training Initiative – Dan Sullivan

Commission agreed that there is no controversy about the proposal for enhanced law enforcement training for rural Alaska law enforcement officers, it reflects the Commission's earlier recommendation. Jim Torgerson's office will prepare a signature page for signature by each commissioner, and will finalize and mail out the final letter. The State has changes it wants to see to the draft letter, and will circulate those proposed changes to the Commission.

d. *Renkes Opinion and Kaltag Case*

Wilson Justin attempting to address how the *Kaltag* case genesis, and to remind Dan Sullivan that the *Renkes* opinion was challenged early on by Wilson, who was concerned that it was ill-timed and very confusing. Wilson simply wants a response to his challenge – which has thus far gone unanswered.

Dan Sullivan has petitioned the U.S. Supreme Court in the *Tanana* case, which is indirectly related to the *Kaltag* litigation, and which challenges tribal court jurisdiction over non-members. The State is merely seeking clarity from the Supreme Court on an area that they believe is confused – tribal jurisdiction over non-members. They are not challenging the legitimacy of the tribes' status as tribes. The Solicitor General has been asked to provide guidance on this case.

Loretta inquired re the final ICWA MOU draft, Dan responded that it will be a final draft soon.

V. Approval of the Minutes from 6.22.10

VI. Date/Time of next Commission meeting:
10-11-10

**ALASKA RURAL JUSTICE AND LAW ENFORCEMENT
COMMISSION MEETING
Draft Minutes**

**Stoel Rives
500 L Street, Suite 500
Anchorage, Alaska**

**10:00 a.m – 11:30 a.m.
October 11, 2010**

I. Call to order – Co-Chair Karen Loeffler

II. Roll call

Commissioners Karen Loeffler, Bruce Botelho, Jim Torgerson, Wilson Justin, Joe Masters, Charlotte Brower, Jim Torgerson, Loretta Bullard, Gail Schubert, Patrick Anderson

Staff: Donna J. Goldsmith

Guest: Peter Putzier, State of Alaska Department of Law

III. Agenda:

Grant closeout requirements per ANJC
Finalization of ICWA MOU

IV. Grant Closeout

Donna Goldsmith reported that she reviewed the general grant closeout requirements located on the website provided by Denise Morris, which generally require a financial report and an activities report. The instructions indicated that we also need to be in compliance with whatever the specific funding agency requires for reporting and closeout – however, because we still do not know that information, the ARJLEC cannot know what those additional requirements might be, if any. In addition, we are not in control of the finances relating to the ARJLEC, which have been within the full control of the ANJC. Without knowing more specific information about the name of the grant, what type of grant, and what agency funds the grant, it is impossible to know the final closeout requirements that need to be met. The Commission will need to submit its final activities report to the specific funder as part of a final package for approval/review, but Ms. Goldsmith believes that the ARJLEC can issue its final report and recommendations to Congress and to the Alaska State Legislature without prior approval from any agency, as those are two distinct reports. She expects the ANJC to be responsible for drafting financial reports and grant reports, as that information has never been within the control of the ARJLEC.

Commissioners agreed that they want to review and approve any final financial disclosures/reports drafted by ANJC to submit to OJP on behalf of this grant closeout. Donna Goldsmith explained that without additional information from Denise Morris, ARJLEC cannot engage in this process – in order to properly comply with the closeout requirements, Denise Morris will need to provide specific information requested by Ms. Goldsmith previously.

Gail inquired whether the “closeout” date is an ANJC deadline or a federal grant deadline, and Donna Goldsmith was not able to answer that question because Denise Morris has not been willing to provide information about the grant.

Donna also reminded the ARJLEC that it needs to amend the line items within the current, approved budget to reflect the ARJLEC’s needs for producing its final report to Congress/Alaska State Legislature as well as the grant closeout reports. She has requested from Denise Morris, but not received, the deadline by which the ARJLEC needs to submit that budget amendment. The ARJLEC has been advised that if the budget changes fall within 10% of the current approved budget, no change will need to be requested.

V. ICWA MOU – Co-Chair Karen Loeffler reported that Co-Chair Dan Sullivan wants to move forward on finalizing the ICWA MOU. Because he was not able to attend this meeting, Commissioners asked Peter Putzier to report back to the ARJLEC as soon as possible when the State’s final draft ICWA MOU document will be made available to the ARJLEC so that it can then take it back to an ICWA MOU work group to discuss, amend if necessary, and finalize as an ARJLEC product. Peter affirmed the document is close to being final and is being vetted throughout the Department of Law for comment, but that it is not yet final and that he has no timeline to offer. He agreed to get back to the ARJLEC with an expected date for receipt of the State’s draft MOU.

Wilson Justin suggested that if there is a working MOU draft by the time of the BJA Providers’ Conference, the ARJLEC will likely be able to use it for discussions with tribal leaders and representatives. He cautioned that if there is no working document at that point, tribal representatives might strike out on their own to develop their own working document, making any efforts by the ARJLEC less valuable to the process.

Patrick Anderson has offered to set up a meeting with Denise and Donna tomorrow or Wednesday to ensure that it has immediate access to whatever information the ARJLEC requires to enable it to comply with grant closeout requirements. He will make that clear to Denise Morris.

The next teleconference will take place on October 20 at 8:00 a.m. Alaska Time and will be a relatively short conference call. Donna Goldsmith will set that up before she leaves town.

ALASKA RURAL JUSTICE AND LAW ENFORCEMENT COMMISSION

Teleconference Meeting Minutes

1 Hour

October 20, 2010

I. Call to order

II. Roll call

Commissioners Karen Loeffler, Dan Sullivan, Bruce Botelho, Charlotte Brower, Gail Schubert, Loretta Bullard, Joe Masters

Staff: Donna J. Goldsmith

III. Discussion Re Budget Modification

Donna Goldsmith reported that Denise Morris has request final budget modification request to be submitted to her by 11.10.10. Discussion ensued regarding what steps the Commission wants and needs to take to sunset. Agreement reached that ARJLEC will request David Case to meet with the State and interested Commissioners for a scoping meeting to discuss the State's proposed revisions to the ICWA MOU. Dan Sullivan reported that the Department of Law is close to finishing and approving its proposed revisions, and hopes to present it to the ARJLEC soon. He could not promise a specific date by which it would be ready for discussion with the ARJLEC.

After discussion about what budget items to include in the ARJLEC's proposed modified budget request to the USDOJ, all agreed that the following items were the Commission's top priority:

- \$11,000 for the website overhaul;
- Meeting expenses for two face-to-face meetings
- Funds for travel to Washington, D.C. for at least 1 Commissioner to present the closeout report to the USDOJ and Congress;
- Funds for travel to Juneau for 1 Commissioner

Loretta Bullard offered to work with Donna Goldsmith to give guidance on the format of the budget modification request

Teleconference ended.