



ALASKA RURAL JUSTICE AND LAW ENFORCEMENT COMMISSION

Minutes

Teleconference Meeting

January 20, 2011

10:00 a.m.

Stoel Rives Law Firm

510 L Street, Suite 500

Anchorage, AK

Roll call:

In Anchorage: Co-Chair Karen Loeffler, Jim Torgerson, Gail Schubert, Bruce Botelho, and Wilson Justin

Telephonically: John Burns, Loretta Bullard, Joe Masters, Charlotte Brower, and Patrick Anderson

Staff: Donna J. Goldsmith (in Anchorage)

Call to Order:

I. Status of State's Proposed Amended ICWA MOU

Attorney General John Burns reported that he has not yet had an opportunity to review and digest the State's revised version of the ICWA MOU. There was discussion about whether it would be appropriate to wait for the Supreme Court's impending decision in the Tanana case before finalizing a draft, but no agreement was reached, as many commissioners believe that the ICWA MOU is intended to be jurisdiction-neutral, and to provide simply a mechanism for how the State and the tribes can work together regardless of controversies about jurisdiction and sovereignty. It was agreed that Donna Goldsmith would work with Nancy Korting, John Burns' executive assistant, to set up a meeting between the AG and Bruce Botelho, Jim Torgerson, Wilson Justin, Charlotte Brower and Donna Goldsmith (and

possibly others) to discuss the MOU and bring the AG up to date on the ARJLEC's intentions with regard to the MOU.

II. Budget Modification Request

Patrick Anderson advised that: the ARJLEC is not required to submit a formal budget modification request to USDOJ, and that Walt Monegan is the new President of ANJC, and all agreed to ask Walt to join the conversation. Walt Monegan advised that the grant that funds the ARJLEC has approximately \$111,000 remaining, and that it is unknown how much of that could be used in the future for Commission activities. He will be traveling to DC to discuss these issues with USDOJ and the Congressional delegation. Several commissioners reminded everyone that ARJLEC has repeatedly asked for the original grant documents from ANJC. It was agreed that Walt would sort it all out, understanding that Commissioners need access to his information to know, for liability issues, the details of the actual grant, to ensure conformance with federal law and grant requirements. Bruce Botelho made a motion asking Donna Goldsmith to send a letter to Walt Monegan with questions/requests for information/confirmation regarding details of the grant supporting the Commission, which information the Commission has wanted for years. Jim Torgerson seconded the motion, which passed.

III. Outstanding issues

- Tribal jurisdiction/enforcement authority in pilot project for alcohol interdiction;
- Educational forum for state and maybe federal employees if additional funding can be found
- Appropriations 2012 -- Gail Schubert suggested that the ARJLEC apply for new funding with support of ANJC. It was suggested that Donna Goldsmith prepare and submit documents, relying on applications submitted last year, to Walt Monegan, who will submit them on behalf of Commission. Walt has a meeting with the delegation in mid-February, and can submit the documents by that time. Donna Goldsmith will send documents to John Burns, noting that ARJLEC already agreed to narratives – and he will get back to her asap if additions are needed.

V. New Business

- Gail Schubert also suggested meeting with the Governor to ensure that he understands that Commission is not trying to create reservations. Karen Loeffler will work with John Burns to draft something for the Governor about how the ARJLEC wants to approach this. Wilson to make sure that the Governor knows that the ARJLEC has yet to address the jurisdiction issue.
- Loretta Bullard wants Commission to invite Joe Schmidt from DOC to address Commission re preventive and tx issues within Corrections. Joe

Masters offered to invite Katie Tepas re what the follow up has been for DV prevention and tx.

- Charlotte Brower would like to put the Suicide Study on a future agenda, as part of the study is now public.
- Report from Karen Loeffler: she has hired a new rural prosecutor (Kelly Cavanaugh); she attended the BIA conference program re: sex trafficking with Native women, and she is working with Diane Payne re child abuse and dv.

Next Commission meeting: All commissioners agree that they are available on February 25, 2010 9 a.m. at Stoel Rives.

Meeting adjourned 11:30 a.m.



ALASKA RURAL JUSTICE AND LAW ENFORCEMENT COMMISSION

Minutes

**Meeting
February 25, 2011
10:00 a.m.**

**Stoel Rives Law Firm
510 L Street, Suite 500
Anchorage, AK**

Roll Call and Call to Order:

Commissioners present:

Co-Chair Karen Loeffler, Jim Torgerson, Bruce Botelho, and Wilson Justin. Co-Chair John Burns appeared telephonically from Fairbanks.

Staff: Donna J. Goldsmith

Guest: Walt Monegan, President/CEO, ANJC

Commission approved and adopted the minutes from 1.20.11 meeting.

Reports and Discussion:

I. Finances

Walt Monegan reported that approximately \$60,000 in unspent funds still remain in the budget for ANJC's BJ-8 grant, which has funded the Commission in the past several years. He hopes to gain approval from USDOJ/BJA to move those funds into the Commission's budget – at this juncture, he does not have final approval to do so. He will continue to seek that transfer.

Donna Goldsmith reported that she filed request for appropriations with Senators Murkowski and Begich, but was advised that Senator Inouye instituted a moratorium on earmarks, and that the current political climate has resulted in all agencies reigning in their budgets. It is very unlikely the Commission will receive any additional funding other than through the generosity of ANJC.

II. Approach to Wind-down Activities

Commission asked Donna Goldsmith to send copy of the memo she drafted for Bruce Botelho during the Millennium Agreement that summarizes information about the various Indian Commissions around the country.

Final report should:

- Be approximately 10 pages in length
- Build upon the Commission's Interim Report
- Focus on collaboration
- Establish what needs to be done to maintain some ongoing political structure that facilitates state-tribal relations
- Set out the 9 areas of recommendations, and list under each what the Commission has accomplished to realize those recommendations
- Recommend what changes should be made to address the current fragmented approach to problem-solving regarding state-tribal relations, and identify how best to facilitate programmatic collaboration

Commission agreed that if additional funding comes in from ANJC, it will focus on one additional forum to draft a template model for future collaboration, i.e. the implementation phase of a state-tribal forum

III. Update on ICWA MOU Discussions

Co-Chair Burns reported that the ICWA MOU Work Group met, and took a look at a new MOU drafted by Andy Harrington – new draft leaves behind the “heavy tome” version of the agreement, and focuses on how to work collaboratively when there are simultaneous proceedings initiated in both state and tribal courts. The State of Alaska Department of Law is aware of the shadow of the as-yet undecided Tanana case, but plans to move forward on positive collaboration regardless of jurisdictional issues.

III. U.S. Attorney Report

Co-Chair Karen Loeffler reported that there is a new rural prosecutor who will travel to rural Alaska as much as possible to listen to residents and be the USA face in rural Alaska. To facilitate travel into remote communities, the Alaska State Troopers and

the Federal Marshalls offices have offered him a seat whenever they fly into the villages and have an open seat.

IV. Invited Guest Commissioner Joe Schmidt

Commissioner Joe Schmidt, Department of Corrections, addressed the Commission, at Loretta Bullard's request, regarding what can be done/is being to reduce recidivism and enhance treatment for incarcerated individuals. Loretta Bullard, who had a conflict and could not attend the full meeting, was able to join the meeting telephonically during this phase of the meeting.

Joe Schmidt reported that the Department of Corrections is:

- Using PACE model for those who show the highest risk of recidivism, and it is working
- Offering substance abuse tx in every facility where there is long-term incarceration, because 85% of those in the system have substance abuse issues
- Joe Masters reported that Troopers are now using VPSOs as probation officers in some villages, to address accountability once incarceration ends and individuals go back to their communities, and additional pay for additional responsibilities
- ISER is trying to ascertain what is working, and why
- Stephen King, who works for Carmen Gutierrez, Deputy Commissioner of Rehabilitation, is in charge of assessments

V. Website

Brief discussion took place regarding development of the Commission's website. Bruce Botelho made a motion to ask Donna to implement the Commission's prior decision to move forward on that matter, and the motion passed. Prior decisions regarding content of the site, as reflected in prior minutes, should be the guide.

Next Commission meeting: The next Commission meeting will take place on April 14, 2011 at 9 a.m. at the law offices of Stoel Rives.

Meeting adjourned 11:30 a.m.



ALASKA RURAL JUSTICE AND LAW ENFORCEMENT COMMISSION

**Minutes
Law Offices of Stoel Rives
510 L Street, Suite 500
Anchorage, Alaska 99501**

April 14, 2011

Meeting called to Order by Co-Chair Karen Loeffler:

Attendance: Karen Loeffler, Jim Torgerson, Charlotte Brower participated in person, and Bruce Botelho, Wilson Justin, Joe Masters, Gail Schubert, and Monica Jenicek (for John Burns) participated telephonically.

Commission Staff: Donna J. Goldsmith

Minutes from February 25, 2011

Minutes from prior meeting adopted with following amendments:

- Reflect Loretta Bullard's participation in a portion of the meeting
- Remove "additional generosity" and add "from sources other than ANJC"

Updates and Discussion:

Commission Finances:

Walt Monegan confirmed this morning that the Commission will likely be able to utilize the additional \$60,000 that remains in ANJC's original BJA-8 grant. He has not yet received official confirmation of this tentative approval, though it appears that there will be nothing to get in the way of this transfer of funds. He advised that the drop-dead date for spending those monies is the **end of August** (even though the grant end is September), which means that all checks must be written on this grant by the end of August.

Tribal-State Forum/Retreat:

The Commission discussed facilitating a forum for leadership from the Executive Branch, the Alaska State Legislature, and the tribes.

There was discussion and agreement about conducting a two-day meeting with key leadership for a relatively small forum (as opposed to an “all comers” meeting) with a clearly established goal.

All agreed that it would be valuable to set up a meeting between the Governor, the Commission co-chairs, Joe Masters, and Gail Schubert, Wilson Justin, Loretta Bullard, and/or Charlotte Brower. Monica indicated that she will meet with John Burns next week, after session, regarding a meeting with the Governor.

Bruce Botelho suggested contacting Speaker and President of Senate/House to let them know what we are doing and hope that they will be interested, but to contact them now.

Agreement: goal is to establish a permanent point of contact and forum on tribal-state relations to formulate advisory recommendations to the Governor (look to Oregon model).

There will be a planning session on April 21, at 7 am at the Law Offices of Stoel Rives. The meeting will be open to all commissioners who want to participate. Bruce Botelho, Karen Loeffler, Jim Torgerson, Gail Schubert and Monica Jenicek committed to participate in that session.

ICWA MOU Update:

Jim Torgerson reported that the following individuals met regarding the ICWA MOU: Bruce Botelho, Charlotte Brower, John Burns, Wilson Justin, Jim Torgerson, David Case, Andy Harrington, Peter Putzier, Monica Jenicek, Carla Raymond, Donna Goldsmith and Jim Torgerson. The Alaska Supreme Court’s decision in the *Tanana* case altered the conversation regarding the MOU. This group talked about:

- Formal withdrawal of the *Renkes opinion*
- Developing a process for future discussions – as there are limitations on existing forums
- How best to collaborate given current political and legal landscape

Monica Jenicek reported that the Department of Law believes that it has to meet with attorney representatives to have an open dialogue.

Final Commission Report:

Commissioners reviewed and discussed draft outline, and agreed that:

- The final outline/report should also highlight all of the Commission's prior recommendations, not only those where accomplishments were achieved – to reinforce that these recommendations reflect a lot of work on the part of many individuals throughout the State;
- The second set of Work Group recommendations should be inserted under Section A

Next full Commission meeting will be Friday, April 29, at 9:00 am at Stoel Rives.



ALASKA RURAL JUSTICE AND LAW ENFORCEMENT COMMISSION

**Summary of Tribal-State Forum Planning Session
Law Offices of Stoel Rives
510 L Street, Suite 500
Anchorage, Alaska 99501**

April 21, 2011

Attendance: Karen Loeffler, Jim Torgerson, Bruce Botelho, Gail Schubert, and Monica Jenicek (for John Burns)

Commission Staff: Donna J. Goldsmith

Agreement reached:

1. Proposed objective for final tribal-state forum:

“To explore and make recommendations to the Alaska State Legislature and the Governor regarding whether, and how, to create a permanent point of contact and forum for tribal-state issues.”

2. Participants:

- 6 individuals from the Alaska State Legislature - 3 appointed by the Speaker of the House, and 3 appointed by the President of the Senate
- Commissioners
- 6 representatives from tribes or other Alaska Native visionaries – make certain to invite leadership from other regions in addition to SE
- 6 individuals appointed by the Governor from his leadership team

Donna to talk with Wilson Justin re ideas for how to choose tribal representatives.

3. Presenters:

Page 1 of 2

*Summary of Alaska Rural Justice and Law Enforcement Commission Tribal-State Forum Planning Session
April 21, 2011*

- Hardy Myers – former member of Oregon Legislature and former AG
- Jackie Johnson Pata – ED from National Congress of American Indians and member of Tlingit community, has substantial experience in this area and extraordinary talents
- W. Ron Allen – former President of National Congress of American Indians; Chairman of Jamestown S’Klallam Tribal Council since 1977; CEO of same since 1982; member of U.S./Canada Pacific Salmon Commission, and President of Washington Indian Gaming Association; former member of NW Indian Fisheries Commission, and of Treaty Council regarding fishing and hunting rights; Participated in Millennium Agreement negotiations in Alaska – tremendously talented at this type of meeting.
- Tom Gede – former ED of the Conference of Western Attorneys General; former Deputy AG, California; current partner in law firm.
- Possibly someone like Steve Haycox to give short history and look to the future

4. Facilitator: Julian Mason

5. Briefing materials will be circulated to all in advance

6. Date and Location:

Donna to check on the following possible locations for 2 days during the last week of July, with preference for Alyeska:

- Alyeska
- Talkeetna
- Windsong (owned by CIRI) in Seward
- Best Western Lake Lucille
- BP Energy Facility
- Dena’ina Center



ALASKA RURAL JUSTICE AND LAW ENFORCEMENT COMMISSION

**Minutes
Law Offices of Stoel Rives
510 L Street, Suite 500
Anchorage, Alaska 99501**

April 29, 2011

Meeting called to Order by Co-Chair Karen Loeffler:

Attendance: Karen Loeffler, Wilson Justin, Bruce Botelho (telephonic), Charlotte Brower, Patrick Anderson.

John Burns, Joe Masters, Loretta Bullard, and Gail Schubert were not available.

Commission Staff: Donna J. Goldsmith

Guests: Peter Putzier for the State of Alaska Department of Law

Updates and Discussion:

Commission Finances:

Donna Goldsmith confirmed that the Commission will receive an additional \$70,000 that remain unused in ANJC's BJA-8 grant. With those monies, the Commission has approximately \$105,000 to work with through end of August.

Tribal-State Summit:

Donna confirmed that the Alyeska Hotel is tentatively holding 50 rooms for July 26th and 27th, which were the only two days the last week of July where the hotel had enough guest rooms to facilitate the summit.

Bruce Botelho suggested making initial inquiries to the President of the Senate and the Speaker of the House, asap, before they disperse at the end of the Legislative Session.

Karen Loeffler will make the initial calls, and Bruce Botelho will follow up on those calls. Peter Putzier did not have any information about whether the Governor is interested in or willing to participate in the Summit. He will talk with Monica Jenicek and ask her to inform the Commission about the Governor's position.

Donna confirmed that she contacted Julian Mason (Ashburn and Mason law firm), Former Oregon Attorney General (and former state legislator) Hardy Myers, Tom Gede (former ED Conference of Western Attorneys General, and former Deputy AG for California), and Ron Allen (President, Jamestown S'Klallam Tribe and former President NCAI) per the recommendations of the Planning Committee. Julian Mason is available to facilitate the Summit, and Hardy Myers, and Tom Gede are available to participate in this Summit. All are excited to have been invited. Jacqueline Johnson, ED for the National Congress of American Indians, has tentatively agreed to participate. Donna has not yet heard back from Ron Allen. Donna also reviewed the list of potential invitee names that the Summit Planning Committee suggests for tribal leader invitees, which list is based on discussions with Wilson Justin:

- Jerry Isaac, President of Tanana Chiefs Conference
- Bertrand Adams, Sr., from Yakutat
- April January as a contact for the Bethel region
- Andy Teuber, Chair and President of ANTHC
- Robert Keith, Chair, Kawerak, Inc., and President, Native Village of Elim
- Marilyn Peratrovich as contact for Southeast Alaska
- Someone from Barrow region, per Charlotte's recommendation

Patrick Anderson suggested inviting Ed Thomas, President, Central Council of Tlingit and Haida Indian Tribes, and Myron Naneng, President, Associated Village Council Presidents. Both have served for a very long time in these capacities. Commissioners agreed that Donna will contact the following individuals:

- Jerry Isaac, President of Tanana Chiefs Conference
- Andy Teuber, Chair and President of ANTHC
- Robert Keith, Chair, Kawerak, Inc., and President, Native Village of Elim
- Ed Thomas
- Myron Naneng
- Charlotte Brower for suggestion from Barrow region

Monthly Compensation for Donna Goldsmith

Donna Goldsmith requested that the Commission pay her pursuant to the original agreement (\$7,000 per month) now that the Commission has sufficient funding to cover that expense and all other commitments. She reminded the Commission that she voluntarily reduced her invoices to \$2,000 per month when it became clear that the Commission's funding was insufficient, to enable to the Commission to continue its work. She believes that is no longer necessary for her to reduce her compensation for the duration of the Commission. It was agreed that Donna will forward a copy of the original agreement to Karen, who will circulate it to all Commissioners to obtain approval from

all. Bruce Botelho suggested that the original agreement is in place, and was not rescinded, so there should be no concerns about paying Donna pursuant to that agreement if Karen is comfortable with her performance and work.

Meeting adjourned, and the next meeting will take place via teleconference at 8:00 am on Thursday, May 12th.

ICWA MOU Update:

Jim Torgerson reported that the following individuals met regarding the ICWA MOU: Bruce Botelho, Charlotte Brower, John Burns, Wilson Justin, Jim Torgerson, David Case, Andy Harrington, Peter Putzier, Monica Jenicek, Carla Raymond, Donna Goldsmith and Jim Torgerson. The Alaska Supreme Court's decision in the *Tanana* case altered the conversation regarding the MOU. This group talked about:

- Formal withdrawal of the *Renkes opinion*
- Developing a process for future discussions – as there are limitations on existing forums
- How best to collaborate given current political and legal landscape

Monica Jenicek reported that the Department of Law believes that it has to meet with attorney representatives to have an open dialogue.

Final Commission Report:

Commissioners reviewed and discussed draft outline, and agreed that:

- The final outline/report should also highlight all of the Commission's prior recommendations, not only those where accomplishments were achieved – to reinforce that these recommendations reflect a lot of work on the part of many individuals throughout the State;
- The second set of Work Group recommendations should be inserted under Section A

Next full Commission meeting will be Friday, April 29, at 9:00 am at Stoel Rives.