

Introduction

For years, Alaska Natives, the government of Alaska, the federal government and others have sought the most effective way to provide law enforcement and access to the justice system in rural Alaska. In 2004, following a number of statewide forums and discussions, the United States Congress created the Alaska Rural Justice and Law Enforcement Commission to review federal, state, local and tribal jurisdiction over civil and criminal matters in Alaska (Public Law 108-199). The Commission was formally appointed by the U.S. Attorney General and charged with providing recommendations to the Congress and the Alaska State Legislature regarding ways to improve the quality of justice and law enforcement in rural Alaska.

The reach of the Commission's work extends to all areas of rural Alaska. In the enabling legislation, this is defined as those areas outside of the Municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough, the Matanuska-Susitna Borough, the City and Borough of Juneau, the Sitka Borough and the Ketchikan Gateway Borough.

Meetings and public hearings were held beginning in early October 2004. The Commission also established four working groups to address the key areas of the Commission's charge: law enforcement, judicial services, alcohol importation and interdiction, and domestic violence and child abuse. The workgroups met weekly from January 2005 through April 2005 and developed over 100 options that the Commission reviewed. The options it adopted were organized into nine general recommendations that form the outline of this report.

The Alaska Rural Justice and Law Enforcement Commission's charge has been extended and the Commission will work to ensure implementation of the recommendations contained in its "Initial Report and Recommendations."

Executive Summary

Created by Congress in 2004 (Public Law 108-199), the Alaska Rural Justice and Law Enforcement Commission is charged with the task of studying four broad areas related to rural Alaska: law enforcement; judicial services; alcohol importation and interdiction; and domestic violence and child abuse. Meetings and public hearings were held from early October 2004 through June 2005, and the Commission also established four workgroups of professionals, experts, and officials working in fields related to these four topics, numbering 50 Alaskans in all. The workgroups met weekly from January 2005 through April 2005, and developed over 100 options that the Commission reviewed. In reviewing these options, the Commission also considered the many hours of public testimony offered in hearings held across Alaska. The options it adopted were organized into one of the following nine general recommendations.

1. Engage in More Partnering and Collaboration

One of the most significant outcomes of the Commission's work was engendering collaboration among a broad spectrum of stakeholders in trying to address the four issues before the Commission. In order to continue the dialogue, this Commission recommends that its work continue for the next three to five years. Given the dearth of resources and the daunting nature of the problems facing rural Alaska, the Commission urges more collaboration among the various governments involved. It specifically recommends collaboration on development of a number of agreements that will better coordinate law enforcement and judicial services in rural Alaska.

2. Make Systemic Changes to Improve Rural Law Enforcement

Responding to its first charge, the Commission offers several recommendations to improve law enforcement in rural Alaska, including the development of a statewide, uniform, and tiered system of certification and training for police and public safety officers with a reasonable opportunity for advancement that could culminate in qualifications to seek full police certification by the Alaska Police Standards Council. It further recommends expansion of police and public safety training, changes in state law to help law enforcement reduce the importation of alcohol into dry rural Alaska villages, and a ban on written order sales of alcoholic beverages to "dry" or "damp" communities.³

3. Enlarge the Use of Community-based Solutions

The Commission was impressed with the public testimony and evidence that demonstrated the importance, and success of, approaches responding to the immediate and cultural needs of communities that are *locally* driven. To this end, the Commission recommends amending state statutes to allow the Division of Juvenile Justice to delegate authority to tribes to enable the sharing of resources with respect to tribal juvenile offenders, with other amendments to permit tribes to participate in juvenile proceedings and juvenile delinquency treatment. It further recommends expanded funding to help non-profit organizations and rural Alaska communities develop new programs at the local level to increase prevention, intervention, and treatment of domestic violence and child abuse. Housing Alaska's inmates in out-of-state facilities is a weak point in the State's correctional system, and the Commission recommends that the Department of Corrections explore other options, including working with Native regional corporations, to keep inmates in Alaska. To help reduce the amount of alcohol reaching dry communities, the Commission recommends the establishment of alcohol distribution centers, in damp hub communities such as the one established in Barrow, restricting alcohol sales to residents of those communities only.

4. Broaden the Use of Prevention Approaches

The Commission concluded that there are insufficient substance abuse prevention approaches in rural Alaska. The Commission recommends expanding culturally appropriate prevention programs to reduce the demand for alcohol in rural Alaska, starting with youth, linking youth with adults in healthy activities, and providing more information to schools. There should also be more education, prevention, and early intervention programs targeting domestic violence and child abuse in rural Alaska, specifically, the development of new prevention curricula to be implemented in kindergarten through eighth grade, teaching respect, establishing interpersonal relationships, healthy lifestyle choices, and the importance of remaining substance free.

5. Broaden the Use of Therapeutic Approaches

There are a number of programs in rural Alaska that target the problems of substance abuse, domestic violence, child abuse and neglect, and sexual abuse, all of which are routinely tied to the consequences of substance abuse in rural Alaska.

³ A "dry" community is one in which alcohol may be neither sold nor possessed. A "damp" community is one in which alcohol may not be bought or sold, but may be possessed.

However, there remains a great need to expand therapeutic approaches. Alcohol and drug abuse treatment programs should be expanded in rural Alaska, with a system of longer-term residential care in hub communities (including programs for women with children) matched with a network of aftercare services in rural villages. Substance abuse, mental health, and dual diagnosis treatment options for youth also need to be strengthened, as well as therapeutic courts, and group homes for children in need of aid who are not appropriate for, or unable to access, foster care. By changing state regulations to allow close relatives caring for children in need of aid to receive the same level of financial reimbursement that non-relatives now receive, the availability of care in rural Alaska could be greatly expanded.

6. Increase Employment of Rural Residents in Law Enforcement and Judicial Services

Cultural identification and modeling are important in rehabilitation. In the face of significant overrepresentation of Alaska Natives from rural communities who encounter legal problems with law enforcement, and an even greater overrepresentation of Alaska Natives in the correctional system in Alaska, there is a great – and growing – need to recruit and employ Alaska Natives in these systems. As a result, the Commission recommends: the implementation of a focused recruitment effort to bring more Alaska Natives and rural Alaskans into the correctional, law enforcement, and public safety workforce. It also recommends increasing the training and utilization of Village Public Safety Officers as probation officers in the villages and contracting with tribes to oversee community service work, which would increase the supervision of offenders on probation and parole in rural Alaska.

7. Build Additional Capacity

The Commission reviewed a multitude of indicators that pointed to the relative lack of infrastructure to support police and public safety functions in rural Alaska, which in turn has a detrimental effect on recruitment and retention of officers. The Commission therefore recommends the improvement and expansion of housing for police and public safety officers; increased availability of appropriate intra-community transportation; more law enforcement offices and holding facilities in rural Alaska; and improved law enforcement equipment. The Commission also recommends improved and expanded public safety training, and the development of a standardized statewide data system to document and monitor law enforcement investigations in rural Alaska.

8. Increase Access to Judicial Services

The Commission found that residents of rural Alaska do not have access to sufficient civil legal assistance to address legal problems related to domestic violence and child abuse, and recommends enhanced funding to respond to this need. It also recommends the increased use of tribal courts, as well as training and technical assistance to judges and support staff in the Alaska Court System and in tribal courts to inform and instruct participants in both systems to be aware of and value the cultural differences in rural Alaska.

9. Expand the Use of New Technologies

Alaska enjoys the most sophisticated telehealth system in the world, the Alaska Federal Health Care Access Network (AFHCAN), which includes broadband telecommunications services in most rural Alaska communities. However, in the hundreds of rural Alaska villages that are part of the AFHCAN, other organizations do not have access to existing broadband capabilities. To improve communication within the law enforcement and judicial systems in rural Alaska, the Commission recommends changing current regulations to allow rural police, public safety officers, and court officers to utilize this resource. The Commission also recommends that the Department of Corrections explore the use of new electronic monitoring technology, such as the Global Positioning System, for rural Alaskan probationers, and that the Alcohol Beverage Control Board develop a statewide database for all alcohol written orders⁴ for the new community distribution centers.

Finally, noting the importance of consistent monitoring and evaluation of the implementation of its recommendations, the Commissioners ask that Congress extend their appointments or authorize the creation of a successor commission to oversee implementation, continue the dialog among justice stakeholders that has been nurtured by the Commission, conduct additional research, monitor the recommended pilot projects, and evaluate the impact of these new and expanded activities into the future.

⁴ Process to obtain alcoholic beverages from a licensed vendor when delivery, purchase or possession is not otherwise prohibited by law.