

Pat Carlson, Borough Manager, Kodiak Island Borough
Alaska Rural Justice and Law Enforcement Commission
Public Testimony - Oral
November 10, 2004

My name's Pat Carlson. I'm the Borough Manager for Kodiak Island Borough. So we're kind of between the extreme rural world and urban world, obviously. Kodiak is as many of you know, is a fishing-dependent community.

But we do have a number of small communities and they're all struggling with this current situation. And I found it interesting that the State position on if a community went bankrupt, was they weren't going to allow it. And I found that a little hard to deal with. Because we do deal with the cold reality in our community and our citizens.

And I think one of the biggest conflicts that we have is that struggle of just not having enough money. Just not having the people to address the needs and how do we I think as a State, it's a State-wide solution that's needed.

But one of the biggest struggles we run in to as a borough representative is we're fairly toothless and handcuffed when it comes to dealing with sovereign entities or sovereign communities. Because those relationships are at a federal level and they're with the State of Alaska. And we are a mandatory borough, so we weren't created out by a vote. We were created by shotgun wedding. And we are a borough but we can only do what the State allows as a general law borough.

So many of the conflicts—the frustrating things we'll run into is we'll sit there and we'll have a facility that we would like to have – a federally sovereign entity participate with us but we can't because of the legal issues and the fact that the system doesn't really allow it.

And I guess the question I would have to the committee is to address that need for a blended high bred community.

Many of the communities, they get along just fine. The problem is when they have to deal with bureaucracy. And the bureaucracy needs to fix the wagon. They already know what they need to have done. And they want to have police and a nice community and a place to raise their kids. And they don't need this kind of chaos going on outside of it.

And so, for what its worth, I think that's an area of great concern. Is that the State of Alaska needs to address that relationship between those of tribal majority or with a greater influence of the government is towards a tribal form of government. Because the goals are the same. It's not a racial issue in my mind. It's just a different way to get to where everybody wants to go, which is utilities and airport and transportation and jobs.

Thank you for the opportunity to speak.

END OF STATEMENT

Richard Carroll, Mayor, Fort Yukon
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My name is Richard Carroll from the City of Fort Yukon. I guess they call me the godfather of Fort Yukon here. I've been a United States Commissioner for ten years. I've been a city manager for twenty years. I've been a mayor for about that many years also.

I think what everybody don't realize is that the total picture in these villages are changing. At one time we were based upon a subsistence economy. Today most all villages, outside of a few, are cash economy. Fort Yukon in there's no more such thing subsistence. They don't know what the word means today.

When I was growing up, it meant you had to get out and cut yourself some wood and chop a hole in the river and get some water and get things ready for the night fall and repeat the thing the next day. Today everybody's working.

We've got a multi-million dollar contract going on for construction – a new water and sewer system in Fort Yukon replacing the old system we have. The school employs a lot of local people. We have local college graduate teachers. We've got a clinic there that employs ten to fifteen people. The Fort Yukon Native Village employs at least twenty people. It's really a cash economy. It's changed. I know our surrounding villages, Chalkyitsik, Venetie, Beaver, Stevens Village, Circle – they don't have that cash economy yet. They're still in the subsistence living.

It seems strange that the villages all talk about dry villages, wet villages. Fort Yukon itself, the city is a wet village. It owns its own liquor store. And the liquor store brings in a half a million dollars a year to the city.

Don't think that's a half million profit. Out of a \$500,000+ a year we take in, about a \$105,000 to \$110,000 goes to the city treasury.

The city itself has seventeen employees. I think our Police Department employs four officers. I think two and a half or three dispatchers. So even with all this, every time someone mentions Fort Yukon, they think "that terrible place." It's like years ago, I'd say that about Bethel. But, you know, Bethel used to be called the hell-hole of Alaska at one time.

Fort Yukon's the hell-hole of Alaska - don't go there. Not very long ago, you saw the headlines in the Fairbanks paper: "The City Fires all Police Officers in Fort Yukon." Yes, we take these drastic measures. We have to. Especially when you get police officers that come in and give you false information, false I.D., and fool the people in Juneau, fool the Department of Public Safety. And when we did a little checking and found out, "Hey, you're no better off than the guy down the street." In fact, a couple of them were dishonorably discharged. The public don't see this part of it. They just see these big headlines the whole time.

And it's a little hard for us to try to bring it back.

I always tell a story about my first case as a United States Commissioner. It was my best friend and the Alaska Police picked him up. Brought him in on a drunk charge. Pretty sick. And I read the charge to him and threw him into detox. I said, "How do you plead, Carl?" He says, "Well, Dick, I don't know what you're going to do with me. I don't have any money. If you fine me, you're going to have to pay it yourself." It was this type of communication we had. And all through the ten years I served on the bench, we've had this before.

My big complaint and the city council and the people in the village of Fort Yukon, I can speak fully for, is we have a hell of drug problem. It comes in. We can't control it. The State Trooper can't control it. They tried. We just recently purchased a \$25,000 dog. It should be on duty, I believe, in another week. It will be at the airport drug sniffing. We've gone to a lot of these extremes to try to solve our own problems. But you know a lot of times you do need outside help. No matter how hard you try, you still got to get some help.

The local issue that I'd like to bring to your attention is the driver's license. You're not required to have a driver's license in the city of Fort Yukon. You're not required to have your vehicles registered either. If you get in an accident, you're without jack. Obviously I went to Fairbanks. I had my birthday last month and I tried to get my driver's license renewed. They said, you're lying. I didn't tell them I had a legal document in my pocket that I'm legally blind. But I thought I wanted to have something with me in case I get stopped.

But I'd like to see some arrangements made. In a large community like Fort Yukon, that everybody can get a driver's license. It not only helps Fort Yukon; it helps the people in the surrounding villages that could come in and apply. The

City Police Department cannot issue a driver's license. We tried it once and we had to pull it all back on account of liability.

The first one went to a 75 year old lady. The chief of police thought he was doing a very good favor. He gave this old lady a driver's license. He bragged about it and I caught on to it and I said, you what? He said he just gave her a driver's license. I said, she can't read or write. How come you gave her a driver's license? Look at the liability you're putting us in. So we had to pull it from her and then stop that procedure. But that is something that we would certainly—It sounds small maybe to you, but to us it's quite a need.

And then talking with villages—Stevens Villages – Fort Yukon that we have—that they come down during the spring carnival when several hundred people come into the community. But now that we have staff of eight officers, we can manage our own.

BURGESS: Thank you. Any questions?

JUSTIN: Thank you for comments and your presentation. The issue of—You spoke about a lot of drugs coming in and being a major problem. Which seems to be the trend across the State, big or small. Could you identify or tell me what kind of drugs that you're seeing.

CARROLL: Well, I wouldn't be able to identify drugs. I do know that marijuana is very—and cocaine is the two substances that I'm only familiar with. But the others, I don't know. I've never touched them.

JUSTIN: Thank you.

BURGESS: Okay. Thank you very much.

END OF STATEMENT

Dan Douglas, Mayor, Village of Kiana
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Good afternoon. My name is Dan Douglas. I'm the mayor of the City of Kiana.

Sometimes I like to put a little slash there by the mayor and put J O E T – Jack of All Trades.

And in saying that -- about three or four days before I came here, we had an incident. We had a hostage situation in our town and it took almost five hours for the State Troopers to respond.

And a year ago, we had a suicide and I was made a coroner. I never had the experience but the Trooper said we'll check the person out and leave them; shut the building down—turn the heat off; we'll be there when we can. Twenty something hours later. And this is not our Native culture. The family was hurt very bad.

And there's a lot that the Troopers do very quickly. If they get a report of alcohol coming into your village, they're there. If you have a situation which is a lot worse, it takes time. Life and death. A lot of times I think that it has to be when they come out, that somebody has to be put in a body-bag. And I don't think that's the way it should be.

Another thing with the VPSO program. It's a good program, but the way the direction of it is going—Like right now, the contract with Maniilaq was ended and now our VPSOs are going to be handled out of Kodiak. And I'm from the Northwest Arctic Borough. And I don't think that's right. I think that the administration should be within our Region. And if that can be brought back to our Region, I think we'd be working a lot better.

Another problem that we have with the VPSOs, is that a lot of the villages don't have a say on who's hired. And then on down the road, I've talked with some of the mayors from the smaller towns and they have the same problem. We don't know who their boss is. First, it's the City Council. And then the VPSO turns around and says, no, it's Maniilaq, and they turn around and say, no, it's the State Troopers. And that needs to be put down in writing to say who administers them

and who—when they come out to the villages, who takes care of them and who is their real boss.

Thank you.

SCHAEFFER: I just wanted to ask you Dan, when you have a new VPSO hired, who provides the support for that person to get familiar with your community?

DOUGLAS: It's usually the City Council.

SCHAEFFER: Okay. And once that person has some idea as to what the village is all about and he gets into his work and that's probably to be on call twenty-four hours a day/seven days a week. Is there any means of orientation or support beyond his first introduction to that village?

DOUGLAS: Right now, we haven't had a VPSO in about four years. We've had a VPO.¹ And the last one we had was trained by the Troopers and for some reason we have a hard time keeping VPSOs in Kiana. They're in only three or four months and then they're gone. We get a lot of drugs and alcohol. Alcohol especially. And when we do have alcohol in town, who gets picked on the most? The VPSO or the Village Police Officer?

The Council's tried to remedy things, tried to work with them. They're willing to work; the people are willing to accept the VPSOs and the VPOs when they're sober. But as soon as they get alcohol in them and then the VPSO is sought after.

BULLARD: Is Kiana dry?

DOUGLAS: Kiana's been dry.

END OF STATEMENT

¹ Village Police Officer.

Andy Durny
Alaska Rural Justice and Law Enforcement Commission
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My name is Andy Durny. Up until last August I worked in the City of Nulato. I was there for about twenty-five years working in the city office.

As an example of cooperation between the community and the VPSO program, the City of Nulato provided funding for—got grant money to purchase a VPSO vehicle. The City of Nulato provided—or got grant funding for a VPSO building. At one time we had an office and fire hall, but then it was moved and there's a different building used now.

We got State funding for a fire truck, but the fire truck is no longer there.

The city provided housing for the VPSO. And along with the housing, the city provided water and sewer and I think electricity too. And then there was some money put in the budget for the VPSO program to help purchase supplies. At different times, the city also provided funding to pay for a VPO¹ which was basically a curfew officer. So on the surface it would seem like there was a lot of support for the VPSO program and that everything should have been fine. For various reasons though, there was always—not always—but depending on who was on the governing body, who was the VPSO, at different time there was a lot of friction maybe between the governing body and the VPSO. And the VPSOs frequently felt that they did not have the support that they needed. So we're talking about a couple of different types of support. There's maybe financial support and then support from the community.

The support from the community, I think one way to address that—Somebody said earlier talking about—raising the issue about education. All these things are connected. The public safety officer, she was in the VPSO program. They're not isolated. Because the VPSO program and the State Trooper program are so, in my opinion and in a lot of other peoples' opinion, is so under funded, that's why you get this attitude where people think that when people—One of the reasons, people think that they're only there—They're kind of like the bad guys. They're often perceived as the bad guys. They come in, pick you up when there's a problem, and take you to jail.

¹ Village Police Officer

Almost every time we had a new VPSO, one of the first things that they talked about doing was they'd like to do public safety programs, work with kids in the school, do a public information or public education programs, fire safety programs. And almost every time we had a VPSO, probably every single time we had a VPSO, they ended up being unable to do hardly any of those things because it's under funded.

So that's another part that's related.

If we had more Troopers; maybe the Troopers would be seen more often than just when there's a crisis. But getting back to the education. If there was more funding, maybe the Troopers and the VPSO could spend a little bit more of their time on public education and letting people know what they do - what they can do. But I think that the people that keep getting recycled in the system knows how it works. But the people that are on the outside and aren't being arrested don't know how it works. So we have a totally different perception of it.

As a person in the administration, I didn't always know what the VPSO was able to do. The city council didn't always know what the city council was able to do. So it's hard to develop a good working relationship like that. You know that funding is a problem. But I just want to reiterate that. And also to add to what—you had the question about what kind of drugs there are. I would agree. That my experience in different communities - a lot of marijuana and a lot of cocaine.

END OF STATEMENT

Joe Evans, Attorney for the City of Kotzebue
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My name is Joe Evans. I'm the City Attorney for the City of Kotzebue. I don't know if the Commission knows or not. I know that Commissioner Tandeske knows. The City of Kotzebue is embroiled at the present time in a lawsuit with the State of Alaska over the Kotzebue regional jail. And I would hope at least as part of this process, that the Commission would take a look at how in rural Alaska the Department of Corrections handles State charged prisoners.

Just to give you a little background for those of you who don't know. For years, the City of Kotzebue has subsidized its regional jail to the tune of about \$330,000 to \$350,000 a year to handle State-charged prisoners. And after about five years of doing that and spending a million and half dollars, we couldn't do it anymore. So we closed the regional jail in Kotzebue last June 30, 2003. And starting July 1, 2003 the State of Alaska told us that we had to still detain pre-arraignment prisoners and keep them in the jail. So we had to re-open the jail on a limited basis. It's now costing us \$550,000 a year to hold pre-arraignment State-charged prisoners. And that is 13% of our budget. And we are literally, in Kotzebue, using our reserves to in essence do what I believe is a State responsibility.

And after trying to talk to the State about it for roughly five years, we gave up. We shut the jail and we sued the State. I'm sorry that we had to take that step. The council members and the residents of Kotzebue agonized for years over what to do. But finally we couldn't do it anymore.

And again, Kotzebue and the Northwest Arctic Borough—the Northwest Arctic Borough is the second largest Borough in the State. We have over 8,000 people in that area and yet we don't have a State correctional facility. We have a jail that was built there in 1988 that the State contracted with the city to run.

In 2003, we received \$6,000 less to operate the jail than what they gave us in 1994. So in nine years we went from \$595,000 a year to \$589,000 a year. If you use the Anchorage CPI,¹ it went up almost 40%. Our cost to run the jail went up approximately that much.

¹ Cost Per Inmate

The State of Alaska, when they came up to Kotzebue and talked to us about running the jail, we said why don't you run the jail. And just why don't you have DOC² people up here. The State of Alaska's response was "We couldn't afford to run the jail for what you run it for. It would cost us almost twice as much to run the jail with State employees."

And so I guess to conclude my remarks, I would hope that the Commission is part of rural justice—Part of rural justice in my opinion is keeping people who need services—correctional services -- in their communities so they can have their family support, so that they can receive support from the community as opposed to taking them to Anchorage or to Nome. I'd like to see them be able to stay in our area so they can receive that sort of support.

SCHAEFFER: What did the State of Alaska do to house prisoners that are being transferred to Kotzebue?

EVANS: What the State does now, prisoners – post-arraignment prisoner - in Kotzebue, Mayor, are now held in dog cages, basically, in the court house. They are eight by eight by eight; cyclone fence cages that they've put in the basement of the court house in Kotzebue. And the prisoners, after arraignment, are held in those cages until they can fill up a plane and take them to Nome.

SCHAEFFER: Thank you. In fact, the Governor was up there last week or the week before--two weeks ago. And went over and looked at the cages and he was alarmed at what he saw. Thank you.

END OF STATEMENT

² [Alaska] Department of Corrections

Jim (Henry) Ivanoff, Mayor, City of Unalakleet
Alaska Rural Justice and Law Enforcement Commission
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My name is Jim Ivanoff. I'm Mayor of Unalakleet.

First of all, I'd like to say I support more VPSOs in the villages. They know how to treat people. They know how to arrest them.

Sometimes you have to use force to arrest people. And our VPSO, I think are—they look at the situation and I know they don't use force, only when they have to.

On the other hand, with the State Troopers, there's a lot of force used when they arrest Natives. They handcuff them. They don't have their shirt on, bring them out in the winter. Bring them to jail.

I appreciate Pete Schaeffer's double-standards. What he talked about.

I seen them using billy-clubs; shooting with the stun-guns and using a lot of mace. And I just think it's too much force.

In the villages, we want enforcement. We want a better place to live. But we just ask that everyone be treated everyone equally.

That's all.

END OF STATEMENT

Roy Jones, Mayor and VPSO, the City of Larsen Bay
Alaska Rural Justice and Law Enforcement Commission
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My name is Roy Jones. I'm a VPSO from the City of Larsen Bay¹ and I'm also the Mayor. So what he was talking about, it can be done. You can be recognized by the city.

I'm not a very good speaker. So sort of bear with me here. I'm new at this.

What I found out is through living in Larsen Bay, we've gone through a lot VPSOs there. And as a citizen of Larsen Bay, I noticed one of the reasons why was—is they didn't really understand the culture. They were VPSOs. They were good VPSOs. But they couldn't fit in because they weren't really adapted to village life. And so it made it really rough. And all those times that that happened, it would make the VPSOs look like a bad system. And it sort of got the word out that it was a bad thing in a lot in the villages.

Well what I did was I just got brave and I stepped up to the bat there. And I went to the academy and graduated and went back to Larsen Bay as a VPSO.

And understanding my area, my people, all the things that go on there. I was able to make the people police themselves, basically. Just them knowing that there's going to be somebody there to ramrod the problems, to help out on the little things and being proactive.

And I've heard a lot of comments here about the State Troopers like twenty hours. Yeah, I deal with that too. And that's because the amount of Troopers there are and they're availability to get around to all the places. So you basically have to deal with the situation and do the best you can until they can arrive.

So anyway, I guess what I'm leaning to is the VPSO doesn't have the power to fix all the problems in a village, but you get to know your village by living there, by being there, and by paying attention to the village. And so you deal with the problems that are there. And the complaints that come into my office were complaints of the village. And so in a sense, I got on the city council because I

¹ Larsen Bay is a Village on Kodiak Island.

wanted to take some of these problems that the city was having with the people there and making them ordinances - like curfews and all the things that problems arise from. If kids are out playing all night long and there's no real curfew, then it's not being proactive. So you need to work on your community. They're all different. Everybody's different.

Another thing I wanted to say is that, okay, you can take these things, you can pass them as ordinance and then you can implement them. And it brings the numbers down on crimes because you're actually doing something.

So in Larsen Bay, it's sort of unique for me because I work with the city, with the Tribal [government], and I am a Native and I'm also the VPSO. And so when we come up on a problem, we can all sit down and work it out because they're working it out with the structure of the VPSO, the structure of the city, and the tribal, and we combine. Because we're only a handful people. If you have one crime in a small village like where I'm from, that's a bad average. It's a real bad average. So we all work together. We're like a big family. And that's the way all communities should be.

And then with KANA,² as my corporation that's funding me here, they have a lot of good programs – they have float coats. We have the problems of the funding and it's tough. So we have to make do. We have to make do with what we have. Sometimes we have fundraisers to do our own things.

But all of the programs that come through KANA, I try to implement it either by doing it myself or there's—and I don't know if you guys are familiar with villages, but there's always a handful of people that always want to help. So we've established a village response team. And these people will go around and we - all of us - will implement these programs. And they're all for being proactive. Because even though I'm a VPSO, my job isn't to get up every morning and to go out and see how many people I can arrest. There's no value in that. Pretty soon, I'll be the only one left in the village. It's boring.

So anyway, my focus as a VPSO, and it's a true one, is that I want to be proactive. The Troopers will call me up and say, we haven't seen any traffic tickets or anything coming out of there. Well, that's because I got fifteen licenses this—

² Kodiak Area Native Association (KANA), headquartered in the City of Kodiak, provides services to and manages several programs for most of the Tribal governments on Kodiak Island, including the Village Public Safety Officer Program.

license versus fifteen tickets. Sorry. We got the licenses. And I've narrowed it down to where there's just a handful left and I'm dealing with them.

But the thing is that the VPSO program is really needed in the villages. It's a really, really important thing. It changes a lot of peoples' attitude. You have to change it though. You can't wait for it happen. As a VPSO, you have to change it.

Since the program started, like I said before, it gets good names and bad names in different areas. Well I don't know why it is. But the bad names always hang around a little bit longer than the good stuff. So you just got to work hard at it. I guess what I'm trying to say is, I know how they've been doing budget cuts and doing all things and it's in a sense it's a shame that we don't have enough money to go around for everybody. But this is supposed to be a rich State. I can't figure it out. But I don't know. I don't know what I'm trying to say here.

I'm just saying that I think that the VPSO should be in the villages. I think that the VPSOs that are selected for the villages, he should be educated on the people where he's going to. It's a big difference.

Also, as a VPSO: Since I work with the community and I'm on the city council and I'm doing all this stuff here, I'm trying to get safety things dealt with through float coats. I'd rather go out and try to find all my float coats and get them back instead of going out and finding somebody that didn't have one on. I have little jobs.

And in a sense, in the last three years, what I've done is I've worked myself out of a job because I'm not going around busting people, as the phrase is. I'm going around trying to find my equipment so I can give it to somebody else, which is good. It's a good feeling.

And the people can wake up every morning and go out there and they know that they have some sort of organization going on. If they have a small—the smallest complaints, I'll go deal with it. Because it's not for me to judge what's good and what's bad and what's not. I have to go. If you're scared, then by god you're scared. Nobody's going to convince you of anything else. So you have to go and deal with it that way.

And then doing all that, this last election I was elected Mayor. So it's like okay, now we're on another thing here. But the thing is, working with the city and working with the borough and making a plan for our future, what we call is a

comprehensive plan for Larsen Bay dealing with all the future things and with all the planning and zoning that was talking about there, we've been trying to get all that stuff taken care of.

Don't get me wrong. I'm not trying to speak for my job. Believe me. I have enough jobs in the village. That's not my concern. But the thing is, is that VPSOs are needed in the village. If I can see myself and being a VPSO and having the community working with you, it is a working thing. It can work. And I'd just like to see the Commission and everybody support us. Let's get this going and get on the right road.

Thank you.

JUSTIN: I understand that your message is that if you're going to have a VPSO program, that it's better to recruit from your own village if you have the individuals who are willing to step up to the plate. Is that correct?

JONES: Well, in a sense, yes. But it doesn't necessarily have to be from your village. I mean there is people—We have people here from all over the world. It doesn't take much to sit down and just think about what you're doing. If you're going to be a plumber, you better know about pipes, or you ain't going to make it.

JUSTIN: When you talk about support, how important is that for that person to be successful in your community?

JONES: I don't understand the question.

JUSTIN: Support from your community.

JONES: The support?

JUSTIN: Right. From the individuals from the Mayor, from the City Council, the Tribal Council, from the Troopers, from everybody. How important is that for that person to be successful as a VPSO in your community?

JONES: It's very important.

JUSTIN: And to get that support, what did you have do to gain that support?

JONES: To gain that support? What I had to do is be true blue to your job. I am Village Public Safety Officer, so my goal out there was to go in there and implement safety. And it shows a concern for the people. It shows them that you care. It's just the simple things of life and people will respect you. My goal, like I said, my goal is to go out there and be the cop, and it was to be part of the community. Work with their problems and deal with it that way. And to me it's been successful. I am enjoying my job and I don't dread a day of it since I started. And I hope that the program continues to go.

JUSTIN: Do you have health benefits and retirement benefits in this job?

JONES: I believe so through the corporation on the hiring. Yes, we do.

END OF STATEMENT

Delbert Kadake, City Administrator, Kake
Alaska Rural Justice and Law Enforcement Commission
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I'm from the City of Kake. I'm the City Administrator.

About four years ago, we had four cops. They were on a COPS Grant and when our money ran out there—our insurance ran out with that and when the COPS Grant ended, they all left. So now today we have four cops that are just reserve officers.

And in the last year and a half they have been trying to help—to train our reserve officers. And we've been advertising for a real cop. But there's no cops that want to come to my community because we have no insurance to offer them. And the only thing that we have to offer them is PERS.¹ So I've been asking the State Troopers if they'd be able to help out our reserve officers and they tell me, "No, we can't come into your community to train your officers. The only time we can come into your community is when a crime is committed."

Back in September 15th, we had eight officers in Kake. Our little community. We had Fish and Game and I guess—I don't know if they're brown coats or blue coats there, but anyway, we had eight officers in Kake there and nobody would take the time to help train our officers.

But they were trying to bust our people in our community, and our community is economically depressed. We had no logging, no fishing. And yet people are trying to go out and get some moose. That's our moose season there. And I couldn't believe how much—I thought the State was supposed to be broke with Fish and Game guy. And we had eight officers in our community trying to bust our citizens.

And anyway we're still trying to get help there. We're not going to turn away help there because I do want help from the State or whoever can help us in our community to train our officers that we do have there. And I'm glad that we have four people that would step forward in our community to help us out in our police department.

¹ Public Employees' Retirement System, the Alaska State Government's retirement program.

And there is light at the end of the tunnel for us there. And if that VPO program goes through there, that would help us out on our end. Because we were told through the grapevine that the VPO program is just like the VPSO program, but only with a little bit more teeth there. And in rural communities like us, they told us that we would be able to count on these guys that we sent to the academy. And that went just a little short—shorter than the VPSO program and we want to make sure that we do have help coming there. We want the help there. Because in our community when we had the four officers there, we didn't have so much drugs coming into our community and the drinking wasn't so bad there and our—with our young kids. But now that we have no cops there—real cops there, that our public calls it—that we have kids drinking in our community and we have a lot of drugs coming into our community and I just want to get help from whoever would help us down in Southeast Alaska and I think you guys face the same thing up North here.

Like today I was really looking forward to seeing this here and I'm really glad that you opened it up to the public. Because I was just reading a piece of paper that said that the only people who are going to be able to talk is the ones that were on your list there. And I really appreciate you guys taking the time to listen to me.

SCHAEFFER: I have two questions. The first question is the population of Kake currently and the other question is, do you have detention facilities in the community now?

KADAKE: Yes, we do. We have three cells in our community.

SCHAEFFER: Are they in operation?

KADAKE: Yes.

SCHAEFFER: And how large of a community is Kake as far as people living there?

KADAKE: Back in January of this year we had over 800 people. But because of the economy; no logging, no fishing, we lost like 200 people since January.

SCHAEFFER: Thank you.

END OF STATEMENT

Delbert Kadake, City Administrator, Kake
Alaska Rural Justice and Law Enforcement Commission
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November 10, 2004

I just wanted to address. In our community with our economic being so bad we, the City of Kake, the Organized Village of Kake¹ and Kake Tribal² are all working together to help out our community. Because we don't want to be losing more people in our community. So each one of us, we all meet once a month there and we're all pulling our resources together there to see what kind of grants can come out of our meetings there. And we're starting to work together and that hasn't happened in probably the last twenty years or so.

I just wanted to let you know that we are working together there to keep our people in our community. And we're trying to find some jobs and grants to help our community out.

END OF STATEMENT

¹ Organized Village of Kake (OVK) is the name of the federally recognized Tribe.

² Kake Tribal is the for-profit corporation created by the Alaska Native Claims Settlement Act of 1971.

Ida Olemoun, Spouse of the City of Barrow Mayor
Alaska Rural Justice and Law Enforcement Commission
Public Testimony - Oral
November 10, 2004

I'm Ida Olemoun. I'm the spouse of the Mayor Olemoun, who's the City of Barrow Mayor. And I'm going to..... (speaking in Inupiat).

That's the number one barrier within the State of Alaska. That's why we have such an influx of Native inmates within the whole State of Alaska. And I don't know about the statistics, but I know that the majority of our Natives are male inmates in jail. And maybe you can provide that figure to us compared to the Caucasians and to the Blacks.

And I'm going to speak from experience. I have four sons and one daughter and six grandchildren. Unfortunately my son had been in and out of jail for DUI. And DUI leading to domestic violence. I can spend every penny. If I have a penny, I'll ensure that my child is out of jail. Even if I'm penniless, I'll ensure that my child is out of jail. Because I know the treatment that is how the Natives are treated. Less human in jail. And he can tell you a storybook with him being in jail. And there's so much racism that he talks about. But he fights for his right. He fights for his right. And that's from the good social upbringing that we brought into this world, except for some of the bad choices that he's made. And he's my provider. He provides meals for my table. He's my harpooner. That's why I'm going to spend every penny to make sure that he gets out of jail. And I've done that. I fought the system. But how many parents can afford that? How many parents can do that? How many parents have a voice? But I ensure that I be a voice to him.

Being in a jail; being in a four-by-four cell for little things that he's not even—he shouldn't be in there. He was at Point Mac. Less stringent than the regular jail. I looked. I fought and succeeded.

And then after he stayed there, they accused him of making home brew. He was not even involved. He was not even involved. That's how Natives are treated. Less than human. As if they don't have a brain to hold on to or express their opinions. But I talked to him. I encourage him. Whatever you think is right; move forward with it. So I fought. I got into a teleconference with those people that accused him at Point Mac and they had placed him at the Palmer Correctional Center and it's difficult. You cannot even talk to your own inmates—talk to your

own children without having this system called—more like Enron. What's that system called? That telephone system? You have to have a credit card and you're billed about three times the cost of it. I tried it but it was getting to be too much of an expense. There's a phone system that occurs here within the State of Alaska that they've bought into from the lower 48. You cannot relate to these inmates.

And another thing that I have is that this law—I'm not much in tune with the law where a girlfriend can call and say my boyfriend hit me. And I experienced this too with my son. So what happens? The Public Safety comes knocking. We're here to pick up your son. For what? There's been a complaint—a domestic complaint. And here he's at home. So they picked him up; have him for another year.

The system stinks especially for our Natives. I know that he just got released. But once an inmate is released, they're penniless even though there's money in the account. They're penniless. They just dump them at the airport. So he has to look around to see who can provide him the funds for a meal even though there is funds that I've sent to him. I mean, that's how they're treated.

And I hope that some of these things can help some of the inmates. And as with some of the inmates in Arizona, I don't know what the State plans to do. But I don't even know the figures down there as to how many Natives are down there. But I want to know whether there's any plans of these inmates being returned to Alaska.

And locally, when—I provide meals for those inmates because they're completely shut out of their Native diet. And now the system put in place—you cannot bring anything with bones in it. How am I supposed to make duck soup without bones? I mean that's just how much the system stinks.

And I hope that you take these into heart and consideration. Thank you.

END OF STATEMENT

Nathaniel Olemoun, Mayor, City of Barrow
Alaska Rural Justice and Law Enforcement Commission
Public Testimony - Oral
November 10, 2004

Hello. I'm Mayor Olemoun from the City of Barrow.

Seeing Al here—I went through the problem with him when he was a representative, a senator. And this is the first time I'm back in elected capacity as a city mayor in 15 years. And the problem is still there.

The State had requested land from the City of Barrow to build the airport and another parcel of land to use for a gravel source to build the airport. And they were supposed to return the gravel source and maintain the airport.

When I found out about it back in the 70's and the [Department of] Community [and] Regional Affairs acted like it could get the land back for the city because it was a city tract since they completed the project. They said they needed virgin land around the airport, so they kept it. But they weren't going to ____ for a gravel pit anymore. That's why they didn't want to give it back to the city because we might _____ as a gravel pit because we had opened one to another parcel next to it.

I'm back. And last year the State opened it as a gravel pit so they won't have to buy from the city—the gravel pit to fill up the airport. They tore up the whole thing after they promised. And we couldn't go back and ask for that parcel back from the State again.

The State don't have a relationship – when they asked the municipality to incorporate as a city or as a borough. They have laws in there like “you need a drivers' license to drive anywhere in the State and you need an ID card to board an airplane.” DMV's¹ the only one that provides it.

They withdrew from the city. They used to be under borough contract to provide licenses Slope-wide. But our community—We're breaking the law for being caught with driving without a license. So the city intervened. We couldn't exercise their powers. But we did it in form of an agreement now. It's on its first

¹ Alaska Division of Motor Vehicles.

year. We paid for the staff. We bought all the equipment and we're open two and half days a week using the title DVM to provide drivers' test and ID cards for the locals. But the other seven outlying villages don't have that anymore. And they're still breaking the law. And they're coming to Barrow and they have to pay their own way. The closest community – Nuiqsit is over four hundred dollars round trip. That's just to get a drivers' license so they won't have to break the law.

I mean, the relationship, I suppose it has to be opened someplace. Even if it's with tribal.

Our Native Village of Barrow, they were trying to open a juvenile intake court and they couldn't get any grants. And the State said they have the grants. And they just came back about two weeks ago and told them the State cannot give a grant to a tribal organization and they asked the City to intervene. So I had a special council meeting to work on the grants and we took that following the procedures, having them make a presentation. I don't know if we're going to get the grant. But the ____ have been trained. The building site has been approved. The land has been selected. After promising them they'll help them with a grant, they said "No, being a tribal government, we cannot give you a grant." So the City has to intervene. We don't know what's going to happen. But it's going to be our priority.

We're working to prevent our own people from committing crimes. But the State is not enforcing them. But the law is on the books. And the police department isn't enforcing them. So the City has been intervening and we're still trying to convince the State that we need more money to operate. Like any other community, we have no money to operate. We have the powers. What good are the powers, if you don't have the money?

Thank you.

END OF STATEMENT

Kevin Ritchie, Executive Director, Alaska Municipal League
Alaska Rural Justice and Law Enforcement Commission
Public Testimony - Oral
November 10, 2004

I want to thank the Commission for coming and certainly Mayor Botelho and Mayor Schaeffer, who are representatives of communities in Alaska as well as having a great background in rural justice as well.

And rural justice is probably one of the key issues, if not the key issue in all of Alaska. It's a service that many people in urban Alaska just can't imagine; it doesn't really exist in a practical extent in many parts of our State. And that's pretty shocking, but I think it's important for people to know that. And there's a lot to do. So we really commend this panel for working on this issue. And I think there's enough work basically for all of the partners in rural Alaska and urban Alaska. Certainly the tribes, municipalities, Native Corporations and there's other organizations that provide public services, including rural justice in Alaska and they all need to work together. As partners, municipalities--the structure for municipalities can be a great service delivery option for rural Alaska.

What I have provided to the panel and I've got some extra copies, not enough for everybody. But for others, if you're interested. Basically a full recitation of the local government article—the Constitution. Just real briefly, the Constitution calls for maximum local self-government in rural and everywhere else. That means all the partners working together. All local government power shall be vested in cities and boroughs. Clearly that's how the State delivers services. And in rural Alaska it's just as valid as urban Alaska. So we can be better partners than we are.

The borough and city structure for rural Alaska needs some work. And that's a thing I'll talk about real briefly.

The entire State shall be divided into Boroughs, organized or unorganized. We have one big unorganized borough that's sort of like God on the seventh day, after he got done creating boroughs, got tired and just decided to put everything else into one big unorganized borough. But in terms of service delivery, it's a very important thing to continue the evolution of government in rural Alaska and to start delivering services instead of, as a famous former Senator called it, the spaghetti system. There isn't as good a coordination now to provide services in rural Alaska as there could be in the future.

And the legislature: in the Constitution, says the legislature shall provide for the performance of services it deems necessary or advisable in unorganized boroughs. Essentially the legislature may exercise any power or function in an organized borough which the assembly may exercise in an organized borough. What that essentially means is the legislature is the borough assembly for the unorganized borough. And we're hoping we'll take a very active role in implementing the recommendations of this Commission.

What I included in the tables, is something from the Department of Commerce, Community, and Economic Development which lays out some of the powers and duties of first class boroughs, second class boroughs, home rule cities, second class cities and so on. And so that might be a good background for you.

And the last thing I wanted to touch on—to finish up is that one of the reasons why we're here in Fairbanks at the 54th Annual Local Government Conference is we are having a crisis throughout Alaska in terms of financing our municipalities, but certainly in rural Alaska.

We have a number of cities that are literally disintegrating. Meaning pieces are falling off and ultimately some of these communities may not be there—some are not there right now. We did a financial survey of all the communities in Alaska. We had 93 responses. Actually we were unable to contact a number of communities. One community, Nikolai. There may be reasons for this. We called Nikolai and we got a message that the phone's been disconnected.

Many communities don't even have the basic person to carry on the process of taking care of city council business, doing the sorts of things that need to be done just to maintain a local government.

And in fact, a number of communities don't provide services at all any more. A number of communities in our survey have stopped providing fire protection, for example. Critical. Obviously a number have not had public safety services to a great extent for quite a while.

And the last thing I want to say is that we've been working with the Commissioner and the Governor's office and a number of legislators talking about revitalizing the evolution of local government in Alaska.

One of the concepts that's being explored right now, because many of the many boroughs that we have simply don't have a tax base to speak of. But can be very effective. Local government service providers in partnership with other organizations in rural Alaska. And we're looking at the possibility of having a rather large base funding—a type of a revenue sharing that would actually encourage and provide some of the resources necessary to provide a good structure for rural Alaska, including public safety.

So with that, I want to thank you for very much and if there's any questions at all that you have, I'll be happy to answer them. And we will continue to work with you to any extent that we can.

BOTELHO: Kevin, part of the federal legislation talks about the creation of first, second and third class villages. Do you see that as either a necessary or enviable option for us to explore?

RITCHIE: Mr. Commissioner, you could probably add much to this with your background in State law. But my understanding of the Constitution, how it's written, specifically talks about all local government powers shall be vested in boroughs and cities.

And so if there's something other than a borough or city, it would be a Constitutional change essentially to create that. But actually, the concept that I think that's being worked out in that way is creating ways of sharing between municipal governments and tribal governments and other entities.

And a lot of those pathways already exist. Like Kiana recently entered into a partnership with its tribal government. Unfortunately I think that Kiana lacks the resources to be a very active partner in a relationship. Obviously you need two strong partners to go forward.

So I guess my answer is that by understanding of the laws—a tribal government primarily governs members; it is not a land based power as a city might be, that can have actual zoning laws and sort of a regulatory control over the land. That relationship doesn't quite exist. And I'm not sure if it legally could.

END OF STATEMENT

Pete Schaeffer
Alaska Rural Justice and Law Enforcement Commission
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November 10, 2004

My name is Pete Schaeffer and I'm the older brother of Ross.¹ And I have significant experience on the tribal side because I spent about ten years on a IRA Council as a president of the Council. And then I spent about five years on the other end of it—the administrative end for a number of years.

I'd like to speak on two subjects that I think hinge on whether justice is truly served in the bush or not. One is attitudes and the other is education. I find it appalling that most of the education of our Native people into the judicial is as victims. And I think that's wrong. And I have yet to see any meaningful extension of education about our judicial system from the State.

And I think with the tribes—I think the other thing is a level of fear out there. Especially by those that are not favorable to the existence of tribes.

I think that's an attitude problem. Because I believe that if there's an opportunity to work together like some folks do, I think it's a real opportunity to get things done. Because you can spend that same energy without fighting amongst yourselves which I think is totally useless and a disgusting waste of human energy.

I think that fear is based on peoples' perceptions of who we may be as tribal people. But let me tell you that for the services sometimes that's provided by the State, most of our villages—the only experience they have sometimes with the State is when the trooper plane comes flying over your village and you look up at it and basically say "Hell, what's happened now?"

And I think that an educational process needs to happen because I saw something happen in Bethel a number of years ago where they have the court navigator, and that's a person that speaks the language and knows the people. And I think that's an educational issue that I think can be a cross-cultural exposure of some sort. Even to people that have lived in the State all their lives and still don't know

¹ Ross Schaeffer, the Mayor of the Northwest Arctic Borough, was at that time a member of the Alaska Rural Justice and Law Enforcement Commission. Mayor Schaeffer later resigned from the Commission.

anything about the bush. If they're going to have anything to do with the bush, you'd have some kind of cross cultural education as to what their dealing with.

In this day and age, I still find that that's—its' not a pleasant experience to even get some of the judicial services that you have a right to, such as information; birth certificates and death certificates. Whatever.

And most of the time when you wind up in the court building, there's a prevailing attitude of a stand-offish nature. But I don't think it's conducive to a very healthy community and I think that needs to be changed.

And finally I think in the arena of education, I think that for a State that's been in existence for as long as it has, it still has not seen a Native in the Superior Court yet—a judge. Yet we are the biggest problem, so to speak, that the State has. And why is that? I think that's also an issue of fear and a lack of education. Because I know that in a lot of villages—in every village, there's good people. But yet when we have law enforcement come in or we have the judicial system come in, sometimes you can get the sense that there's a prevailing pre-attitude about who we are and what we are.

And I think we are willing to provide some solution to the problem by being invited to some kind of gathering where it's not intimidating where we can talk directly with our enforcement people, we can talk directly with our judicial people. And yet sometimes that takes a tribal note to it, because sometimes we're the only ones brave enough to go and try and even do that.

So I'm just saying that I think the true aspects of what I believe are important for anything to succeed in bush Alaska is for the system to review its attitude about the justice it services. Because I think, as victims, people feel sometimes that it's not justice that we're getting, especially when we see the results that may be different than what we read in the papers about maybe a similar crime that's happened somewhere else. It's a need to address, if there's such a thing as a double standard for Native people. I think that's worth talking about.

And then finally on the educational note, I think it's a significant value to start to involve people in the processes that define their future, literally. Because if you're sentenced to a term in prison, I mean that's a future too. And I think that an educational effort needs to happen that is not intimidating, that is inviting. Because I think ultimately respect is only earned when it's a two way street.

Thank you very much.

BULLARD: Not a question. Just a comment. And this is for Pete's information. We've formed what we call our "Wellness Forum" in the Bering Straits Region, which includes folks from our Regional Non-profit, service providers, the Troopers, the Nome Police Department, *et cetera*.

And one of the things that we've talked about is how to recreate wellness within the Region in terms of our villages—at the village level as well as at the Regional level.

And then we just decided that our next meeting is going to be out at the Anvil Mountain Correctional Center and that we were going to sit down and talk with those individuals, around which we have a revolving door situation. And those folks are primarily from the Bering Straits and the NANA Region. Let's go out and talk with them about what we as service providers or law enforcement or assistance people could have done along the way to prevent them from ending up where they're at and what we can do in the future to help them get out of that cycle – because it's that population around which many of our social issues evolve in terms of domestic violence, substance abuse, child sexual abuse, all of those issues. There's a revolving door situation. So that's where we're having our next meeting in the Nome area. We'll share the results with NANA folks.

END OF STATEMENT

David Trantham, City of Bethel/Board of Directors, AML
Alaska Rural Justice and Law Enforcement Commission
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First of all, welcome. I'm glad you're all here. I'm on the AML¹ Board of Directors and I was supposed to welcome you here today but we got our signals crossed a little bit. Welcome.

And may I encourage the group to testify. This is your opportunity to let your concerns be made.

In Bethel, the City Council and the Tribal Council meets together once every three months. And it's working very, very good. And I'd like to encourage all of you to do that. If the City government, the tribal government—things are going to happen. It's working very good.

Thank you.

END OF STATEMENT

¹ Alaska Municipal League