



Public Safety in Rural Alaska

37th Annual Alaska Tribal Court
Conference

August 18, 2021



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Public Safety Challenges

Public safety challenges have been described and defined in many state and national commissions, studies and reports

- 1970 – Alaska Judicial Council Conference Report
- 1974 – ALSC Bush Justice Conference Report
- 1976 – Governor's Commission on the Administration of Justice Report
- 1985 – AFN Bush Justice 4th Conference Report
- 1992 – Alaska Sentencing Commission *and* Resolving Disputes Locally (AJC)
- 1994 – Alaska Natives Commission (also House Report 104-838)
- 1999 – Rural Governance Commission
- 2003 – Recommendations of the Alaska Criminal Justice Council
- 2006 – Alaska Rural Justice and Law Enforcement Commission initial Report (ARJLEC)
- 2012 – Report of the Attorney General's National Task Force on Children Exposed to Violence *and* ARJLEC Report to the US Congress and the Alaska State Legislature
- 2013 – A Roadmap for Making Native America Safer: Report to the President and Congress of the United States. Indian Law & Order Commission
- 2015 – Alaska Criminal Justice Commission Report and Recommendations to Legislature

Public Safety Solutions

Have been identified (in the same commissions, studies and reports) for years.

1. Local control of resources and police presence
2. Integration with community norms and healing approach
3. Understanding communities, culture and regional differences that have an impact on justice system implementation
4. Consider culture and culturally relevant options for alternative adjudication, punishment and treatment
5. Address disproportionate child welfare outcomes

But aren't there limits on Tribal Jurisdiction?

- YES –
Congress has passed laws limiting tribal jurisdiction
- NO –
Not all jurisdiction has been limited or taken away
- None of it matters if Tribes don't exercise jurisdiction
 - The fact that the Tribe had not set up a system to punish members does not mean that it lacked the power to do so. It merely failed to exercise its jurisdiction. *US v. Jackson*, 600 F.2d 1283 (9th Cir. 1979)

ANJC Services

- Direct services to people
- Direct services to Alaska Tribes



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Services to Alaska Tribes

- **ICWA Tribal Representation Program**
 - State Court representation for Alaska Tribes with CINA cases in Southcentral
 - Training and technical assistance to Tribes, statewide
- **Tribal Justice Support**
 - Training and technical assistance
 - Resources
 - Support for opportunities to collaborate with the State
 - Tribal Domestic Violence Protection Orders - registering with state court
 - Tribal Model Law Drafting and Enhancing Victim Centered Tribal Courts



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Victim-Centered Responses

“The American criminal justice system was not created with victims in mind. However, most Tribal justice systems made the victim and her family the priority in any resolution to the crime. Today’s Tribal court systems can serve as leaders in the effort to provide respectful support for the many victims in our communities.”

-Carrie E. Garrow and Sarah Deer, *Tribal Criminal Law and Procedure*

ANJC stands ready to support Tribal justice systems.



Alaska Tribal Court Support Overview

We assist Tribal justice systems, both emergent and established, build capacity to implement culturally-appropriate remedies and access resources to help break the cycles of victimization.

Benefits:

- T/TA work plan.
- Culturally responsive T/TA.
- Better serve and protect victims.
- Improve Tribal court function.



The Three “Cs”

- Codes
 - This is the law to be applied
- Courts
 - This is the place the case will be heard
- Cops
 - These are the people to enforce the Tribe’s laws and orders of the court



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ANJC's Tribal Justice Support Team

Alex Cleghorn, Senior Legal and Policy Director

Alex was born in Anchorage and grew up in Fairbanks. He is a tribal citizen of Tangirnaq Native Village, and a shareholder of Natives of Kodiak, Koniag Incorporated and CIRI. Since graduating from law school in 2003 he has represented Tribes and Tribal Organizations and served as a Tribal Court Judge. He is a licensed attorney in Alaska, California, and several tribal jurisdictions.

Jeff Egoak, Administrative Paralegal Assistant I

Jeff was born in Bethel and raised in Napakiak. He is a Tribal member of the Napakiak Tribe. His mother is Julia Egoak, whom is a retired Yupik teacher from Lower Kuskokwim School District. He grew up in a dog mushing family, subsistence hunting and fishing. Jeff started as an Administrative Assistant and has steadily taken on more responsibility and was promoted to his current position in April 2021.

Kelsey Potdevin, Tribal Court Facilitator

Kelsey was raised in Juneau and has lived most of her life in Alaska. She is a Tribal Member of Native Village of Tanana and a Doyon Corporation shareholder. Before joining ANJC, Kelsey served as Special Assistant to the President at Alaska Federation of Natives where she assisted in planning the organization's annual convention and staffed the Council for the Advancement of Alaska Natives.

Rick A. Garcia, Tribal Court Facilitator

Rick was born in Germany and spent most of his life in sunny Miami, Florida. Before joining ANJC, Rick served as the District Court Magistrate Judge for the Alaska Court System's 4th Judicial District, serving the communities of the Yukon-Kuskokwim Delta in Aniak and Hooper Bay. Prior to this, Rick served as the Associate General Counsel and Tribal Justice Director for the Association of Village Council Presidents in Bethel, Alaska.



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