

IÑUPIAT COMMUNITY of the ARCTIC SLOPE

an IRA Regional Tribal Government



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Alaska Native Justice Center
121 West Fireweed Lane
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Re: Testimony by Inupiat Community of the Arctic Slope (Price D. Leavitt, Sr.,
Executive Director). *PDL/SR*

I work for Inupiat of Community of the Arctic Slope, a regional tribal government. One of its goals is to develop justice system in the outlying villages. There is no tribal court system in all the North Slope villages except Barrow due to lack of funds or legal barriers to begin development, and address local disputes to balance law enforcement and Indian Child Welfare Act matters. However, the problem of jurisdiction compounded by the need for financial or technical support for tribal governments from the federal government has hindered tribal court development in Public Law 83-280 States.

It is apparent that the rights and jurisdictional issues of tribes in Alaska need to be resolved so the State's justice system can become more responsive to the Native sovereignty and eliminating some of the stereotypes instilled by the dominant society. This process can be accomplished through public hearings and forums by the Inupiat to advocate for dispute resolutions at the local level. Strong collaborative efforts by the remote villages that desire justice through self government are needed to distribute strong communications to the Federal and State governments through the different media in expressing their lack of justice system in the remote locations throughout the North Slope area.

The State legal system and child protection agencies must allow the flexibility of the development of the tribal courts in the North Slope region to thrive due to cultural divisions between the two justice systems; and, the lack of State's resources to effectively adjudicate appropriate court proceedings and the fact that the type of punishments imposed do not fit most of the minor criminal offenses in rural Alaskan villages. It is no secret the State has a sad history in dealing with Native children within the social services and justice systems. The State court system is a foreign modus operandi for Natives who go into the court system where they have little knowledge and access. The State must concede concurrent criminal jurisdiction with tribes as partners and not as competitors in providing rural justice to villages of the North Slope area.

One of the crucial messages the Inupiat Community of the Arctic Slope want to convey to this Commission is to make amendments in the Public 83-280 Law. This major

legislation from the 1950s transferred criminal jurisdiction from the federal government to the states in Indian Country without tribal consent that has plagued "Indian Country" since its passage. Because of this law tribes have restricted funding for detention, corrections, and law enforcement, and has created other issues over criminal jurisdiction. To illustrate a "deaf ear" from the legislators and federal government officials in getting legislative support is the acquisition of operational dollars through the Bureau of Indian Affairs on the new Native Village of Barrow (NVB) secure youth facility. The State of Alaska claims P.L. 280 applies only to Indian Country in the lower 48s'. "Indian Country" must be restored in Alaska! Up to today these issues have haunted and hindered the construction of the NVB secure halfway juvenile detention facility.

The State has been utilizing cooperative efforts with tribes, municipal and local governments to exercise local modus operandi in dispute resolutions when appropriate due to its overburdened court system. The State should consent to give more authority to the Inupiat of the North Slope by sharing civil/criminal jurisdiction because of the distance and lack of adequate state resources to provide effective justice system in the northernmost part of the Alaskan communities. Tribal courts can finally give grassroots control to the Inupiat people in dealing with their domestic disputes by ensuring culturally relevant punishment and local control in dispute resolutions.

Public Testimony on Alaska Rural Justice and Law Enforcement

Creating a unified law enforcement system, court system and system of laws or ordinances for Alaska Native villages:

- Many laws are more easily enforced in larger urban areas.
 1. Domestic Violence Protective Orders become more complicated in smaller villages. Oftentimes victims must expose themselves to more danger while trying to get notarization of appropriate paperwork
 2. Victims also find it difficult to provide proof of identification. Perpetrators often withhold items such as ID's and other important paperwork.
 - a. Use of police officers as resource to verify ID.

- Meeting the law enforcement and judicial needs in rural Alaska, including the possible use of cross-deputization in a way that maximizes the existing resources of federal, state, local, and tribal governments:
 1. Lack of law enforcement coverage in smaller villages
 - a. Must choose between investigation of situation and protection of victim
 2. Increasing number of Tribal Courts, instituting Tribal police

- Addressing the need to regulate alcoholic beverages, including the prohibition of the sale, importation, use or possession of alcoholic beverages, and to provide restorative justice...:
 1. **ALCOHOL USE does not cause domestic violence.** However, any substance use may increase the probability of violence.
 - a. Persons arrested for assault of any type should have their license for importation of alcohol suspended or revoked.
 - b. Studies indicate a correlation between alcohol use and violence in people who have a history of violence.

- Addressing the problems of domestic violence and child abuse, including treatment options and restorative justice:
 1. Sexual assaults reported to the police are under reported. North Slope Borough report rates are double that reported to the state. AWIC statistics show that reports made to AWIC are double that reported to NSB Police.
 2. Child Abuse – OCS Social Workers in Barrow report 54% of the 2003 reports of harm involved domestic violence and/or sexual abuse of children.
 - a. State report rate: 22 of every 1000 persons
 - b. NSB report rate: 28 of every 1000 persons
 3. Statutory rape: there is an increasing number of girls ¹⁴ years of age or younger who are victims of statutory rape. While family members may be reluctant to report these situations, it is still illegal.
 - a. Perpetrators are not being held accountable. When reports are made to specific agencies, reporters are referred elsewhere so that these cases are falling through the cracks.
 - b. As a result, there is an increased rate of Sexually Transmitted Diseases, teen pregnancy and sexual activity beginning at younger ages.