

Public Safety Commission testimony  
April 6, 2005

My name is Sharon Lindley, I am originally from the village of Nunapitchuk. I have lived here most of my life except for the times I left to attend college. My comments may be repetitious but please take them into consideration because the common themes you hears, if taken with serious consideration, will help to alleviate the social problems in our region.

You just experienced majority of our yup'ik mono-lingual defendants in our judicial system, taking into consideration all the foreign legal jargons and procedures of the system. This difference in communication still happens between our rural and urban divide. For some reason, the urban legislatures, commissioners and state appointed committees aren't connecting the statistics in our prison system, the native children under Office of Children Services with lack of funding support in rural public safety services. In addition, there are numerable evidence of our regional need from studies done by the Universities and the Judicial Commission.

I have previously worked as a Cultural Navigator for the Alaska Court System and currently employed with AVCP, coordinating a Regional Needs Assessment.

During my employment with the Alaska Court System, my job entailed providing some assistance to people who had difficulty understanding the judicial system. The explanation of our system never fully sufficed in having people make informed decisions due to the conceptual differences between the legal system and our culture. In simpler terms, the judicial system is an adversarial system and we were asking a culture of people who valued compliance to make decisions foreign to their way of thinking. This resulted most often in "no contest" pleas by the defendants. Due process has no meaning nor does innocent until proven guilty. I initiated and completed a video production of the Yup'ik Miranda right. This video is currently used in Bethel Trial Courts.

I have also sat in a few criminal trials and have been appalled by the poor standard used as far as investigation and conviction of the people. It is dreadful to sit in a trial where the evidence in the cases is very poorly presented. The jurors are forced in our trial courts to make serious decisions on people's lives (conviction for years in prison) based on lag in Alaska State Trooper investigation in village which result in poor evidence. This accountability falls on the State of Alaska since they are the prosecutors. The evidence must be presented with specific guidelines which many VPO, TPO's have no training to conduct.

The Regional Needs Assessment findings include digital photos of public safety facilities. The pictures we have so far range from deplorable and unsanitary conditions to decent facility conditions. While the Correctional Officers in our urban area are having steak for dinner, many of our public safety facilities in the village have honey bucket and a bucket of water for bathroom use. Most of the public safety building utility bills are paid based on the turnout on bingo fundraising.

The tribal justice system is very effective in our region because the people in the village are using methods of sanctions and consequences that are culturally endorsed. The findings in the regional needs assessment include: many village have exhausted any source of grant funding or they lack the expertise and help in grant writing. The average overhead cost to run a tribal justice system is approximately 55,000 a year. This will cover building maintenance, judge's stipends, clerk salary, office equipment and supply. This overhead cost for Tribal court function for 1 year is probably more than most professional yearly salary. Another finding includes the lack of communication with the State judicial system and the tribal courts. The jurisdiction of legal boundary is not very clear and thus needs to be looked at.

Majority of the village law enforcement is manned by Village Police officers and Tribal Police offices (aka VPO and TPO), with half the region getting VPSO presence. For the VPO and TPO, the average hourly wage is \$10 with a guarantee of no raise or any benefits. The life of the VPO/TPO employment is guaranteed until the grant funds are depleted. One extraneous example I will give you is of a Village Police Officer who is paid \$10 an hour for the past 32 years of his employment. Whenever there is a crisis in the village, it does not matter if the VPSO, VPO or TPO is on vacation or he is off-duty, he is the first person people call. This automatically places him on 24 hour on-call status. Our Alaska State Troopers get additional pay for being on over-time or on-call status but our rural police officers aren't given the basic employment standard.

My suggestions for the commission to consider are:

- 1) There needs to be higher standard placed on the Public Safety service in our region from top-down. The management needs to consider equitable distribution of funds so all people are served equally and without bias based on status of urban, rural, borough and or municipality, and local contribution. The village police officers should be fully equipped with vehicles, buildings, computer, and office supply and fully trained to conduct investigation.
- 2) The management of the Public Safety in rural areas needs to be centralized. The State, as it is now, contracts the native organizations, statewide, to manage the funds for VPSO but the public safety facilities are the responsibility of the tribal villages. If the tribal villages cannot be provided automatically with public safety buildings and equipment, they need more funds for provisions of public safety facilities. That is why some of our villages have no public safety buildings and some are very well managed. Also, as Simeon Askoak from Russian Mission stated, he's paid the public safety utilities out of his own pocket, when most of us submit out car rental and hotel receipts for reimbursement
- 3) The local law enforcement, as you heard earlier from the VPSO, conduct 99% of the criminal investigation in the village yet, they are not certified with Alaska Police Standard Council. A state trooper who is not knowledgeable of our culture and language cannot go into a village and have a thorough investigation in 2 hours. I don't

have any legal training and I could be wrong but, the State Troopers are submitting cases to the district attorneys office based on hearsay. Hearsay of (VPSO, VPO, TPO) version, *considering our local law enforcement don't have credentials from Alaska Police Standard Council.* As one of the veteran VPSO commented, "like work, like pay."

Thank you.