



# NATIVE VILLAGE OF BARROW IÑUPIAT TRADITIONAL GOVERNMENT

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## MEMORANDUM

TO: Alaska Rural Justice and Law Enforcement Commission  
FROM: Hazel Faye Pebley, Executive Director *Hazel Pebley*  
DATE: March 15, 2005  
SUBJECT: Public Testimony - Native Village of Barrow

Attached is the testimony which I will present this afternoon. I thank you for inviting the Native Village of Barrow to give their testimony.

My e-mail address is: [hpebley@nvbarrow.net](mailto:hpebley@nvbarrow.net)

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Quyanakpak (thank you very much)

## NVB TESTIMONY

My name is Hazel Faye Pebley, Executive Director for Native Village of Barrow. I am giving testimony on behalf of, and provided from sources within, Native Village of Barrow. I would like to welcome you to Barrow and thank you for inviting us to talk with you about the Native Village of Barrow justice system, the work we do through that system and our needs for our future success.

The Native Village of Barrow is a federally recognized tribe incorporated in 1940 under the Indian Reorganization Act of 1934 (48 Stat. 984) as amended for Alaska Natives in 1936 by the United States Congress. The Native Village of Barrow meets a variety of tribal member needs related to adult basic education, secondary and higher education, realty, subsistence and wildlife, housing, social services and child protection through its Self-Governance Funding Agreement with the US Department of Interior Bureau of Indian Affairs.

Native Village of Barrow was recognized by US Congress as having Exclusive Jurisdiction over its Tribal Children effective September 7, 1999. With that, NVB has exclusive jurisdiction over "Child Custody Proceedings" where a member child resides in or is domiciled within the village. These matters are processed through the Tribal Courts. Tribal Courts heard their first cases in November 2002 after training of Tribal Court Judges in 1999. The Native Village of Barrow has, since time immemorial, had customary law governing appropriate methods of correcting juvenile offenses and regulating other internal matters, including child custody issues.

The Native Village of Barrow Tribal Council has established the Tribal Courts and has enacted ordinances and codes (including a Children's Code, Juvenile Delinquency Prevention and Rehabilitation Code, Juvenile Wellness Code and a Judicial Code) which sets forth the procedures for investigation and handling cases involving children in the Native Village of Barrow.

The Tribal Courts work for the best interest of our children, and for healthier, stronger families while strengthening our culture and community. The Native Village of Barrow Tribal Court would like to enhance its operations in the Exclusive Jurisdiction of handling Child Custody and Juvenile Delinquency cases.

The Social Services Department within NVB requires funding sources to provide much needed programs to better meet the needs of the tribal membership. Some funding comes from Federal grants, however additional sources of funding are needed to provide necessary care and services. Such funding would cover the costs of additional Long Term Foster Care Parents, Additional Family Advocates, Alcohol and Drug Counselors, Treatment Placements for Children, Wellness Court Judges and training and technical assistance for new judges and counselors. Additional funding is also needed to provide training for Foster Parents including stipends and to cover the costs of treatment for the children in need. NVB believes that it should receive Title IV-E and IV-B monies to assist in providing services to eligible children. Currently the IV-E and IV-B funds are provided by the federal government to the State. However, the State does not pass any of these funds on to NVB.

NVB has attempted to work with the State, through OCS, to receive assistance with services and funding, but has not received the necessary assistance so far. It is of major concern to NVB that the State seems to be unwilling to make funding or services available to NVB to ensure that the children of Barrow receive the same services that the State provides to other children within the State of Alaska, because of NVB's Exclusive Jurisdiction over "child custody proceedings." NVB believes that the children of Barrow, as citizens of the State of Alaska, are entitled to receive the same services and assistance as the children in other parts of the State, regardless of which courts have jurisdiction to decide child custody matters, and that funding must be made available to assist with the provision of those services.

In addition to the childrens' issues I have just discussed, the Native Village of Barrow also faces issues regarding crimes committed by juveniles in Barrow. With the current state of justice in Barrow and the growing prevalence of crimes committed by juveniles it is critical for the Native Village of Barrow to engage its resources and commit to a process of enhancing the Tribal Court. We have implementation grants for our juvenile justice, but to continue our juvenile court, we need continued funding which would allow us to give our participants wrap around comprehensive services with close judicial supervision.

The Juvenile correctional system is unavailable in Barrow to address crimes by juveniles including domestic violence, property theft, assault, and alcohol/drug related incidences and offences. For the vast majority of misdemeanor offenses and other offenses committed by minors, there is nothing in Barrow to hold them or provide services and interventions.

NVB is in the process of building Barrow Youth Services Center which will require funds to operate the facility. As we are all aware, staffing costs alone account for over 80% of life-cycle costs for a juvenile correctional facility, and construction cost are only about 6% of life-cycle costs (over 30 years). To date, BIA pays the operational costs for tribal correctional facilities in the lower 48, but not in Alaska. For several years BIA sources indicated that operational funding may be provided in the near future, but it appears that no progress has been made in this area.

We have sought operational funding from the State of Alaska Department of Health and Human Services, its Division of Juvenile Justice, and the Governor himself. All have expressed their belief that North Slope juveniles should be shipped to other places rather than the State paying for operational costs in Barrow.

It is our firm belief that we will have healthier, stronger families while strengthening our culture and community provided we have funding sources to better the services we provide to our children and their families.

Thank you for inviting me to provide this testimony.

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We will have healthier, stronger families while strengthening our culture and community provided we have funding sources to better our services provided to our children and their families.

Thank you for inviting me to provide this testimony.