

S. HRG. 114-191

**STRENGTHENING ALASKA NATIVE FAMILIES:
EXAMINING RECIDIVISM, REENTRY AND
TRIBAL COURTS IN ALASKA**

FIELD HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS

UNITED STATES SENATE

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

AUGUST 20, 2015

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THURSDAY, AUGUST 20, 2015

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Anchorage, AK.

The Committee met, pursuant to notice, at 11 a.m. in the Alaska Native Heritage Center, Hon. Lisa Murkowski, presiding.

**OPENING STATEMENT OF HON. LISA MURKOWSKI,
U.S. SENATOR FROM ALASKA**

Senator MURKOWSKI. Good morning, we will call to order this meeting of the Senate Committee on Indian Affairs. I want to welcome those of you who are joining us this morning. I hope you've got good sound in the back, is it working back there? Okay. All right.

I want to thank the Alaska Native Heritage Center for allowing us to be here this morning in their beautiful, beautiful facilities and I think it's somewhat notable that we are surrounded by not only Yupik culture as I look around, truly all of our Native cultures are reflected in these beautiful spaces here this morning, and so many friends from around the state, leaders in many, many ways.

We've got a very significant panel of individuals who are prepared to provide testimony for us morning and before we begin, I would like to recognize the members of the staff on the Indian Affairs Committee that have joined by staff, Greg Bringhurst, who is working all of my Alaska Native and rural issues. Greg has been with me now for several months, but we also have Rhonda Harjo who is the Deputy Chief Counsel on the Indian Affairs Committee. I've worked with Rhonda for many years now when I was the ranking member on the Indian Affairs Committee. She does a great job for Indian country around the nation here.

We have Emily Newman who is also counsel to the Committee. Jacqueline Bisille who is a legislative assistant again joined by Greg. They had an opportunity, I think, to go out to Bethel thus far, and hopefully, to gain better understanding of some of the challenges that we face here in Alaska, but even more so, the many opportunities that we have in front of us.

We'll begin the hearing this morning in, perhaps, a little less traditional manner than you would see in a hearing before the United States Senate back in Washington D.C. I would like to invite a

Yupik elder, Marge Nakak, to open the hearing this morning with an opening prayer and we're honored to have you with us this morning.

OPENING PRAYER

Ms. NAKAK. Good morning to each one of you. In Alaska, my Inupiat Native ancestry originates from Big Diomedede through my mother's father and that gives me my Inupiat name, Olawanna and from my grandmother, who is Yupik, I was named after her, her name is Mongwanna, which means seamstress.

We are all blessed to be on this land occupied for many years by the local Native cultural group of Dena'ina Athabascans. Their belief has been that every natural resource and all the animals and sea mammals and birds have a spirit, promoting mutual respect between nature and humanity. In honor and appreciation toward our Creator, for His benevolent provisions. There are still songs and dances and feasts and ceremonial potlatches, which are still enriching our lives as we express our appreciation and acknowledgment for these natural resources in our Alaskan regions.

The land is our Native foundation for a cultural history and evidence still exists throughout the magnificent state in ancient settlements that are being unearthed today.

In our prayer now, we are thankful and acknowledge these gifts of the land, the animals, the sea mammals, the birds, the fish, the lakes and rivers, the crisp air, the plants and berries, the valleys, the tundra and all the terrain in which humanity and wildlife, essential for our sustenance and for our health is still one of our subsistence ways of life today. Each of your presence is welcome, and with heartfelt gratitude, we participate in inspiring honor and respect to each one's identity. In former times past, our ancestors, through extreme changes, established tried and true ways of life to guide us with continued focus toward preserving the abundant benefits that nature provides for us.

Our ancestors intense diligence prompts us to carry forth these indigenous values while cooperatively enhancing our cultures through sharing and strengthening our peoples proven achievements throughout the centuries.

Our implementation of these life ways promotes motivation toward harmony in our present, diverse communities. Strands of connections tie us together to be successfully in our future without endeavors and our blended societies of many origins.

In radiance as the Northern Lights, each one of us is a ray of light and reflects the aurora borealis, which is always brilliant in the northern Alaskan skies. May our Creator and our benevolent God bless each one of you in all of your work for all of our people within this magnificent state. God bless you all. Thank you.

Senator MURKOWSKI. Qu yana, Marge, thank you for that blessing, thank you for your words to begin this morning.

One of the things that I respect and admire most is when a Native person, whether they be Inupiat from up north or Yupik or Athabascan or Tlingit, they always start by introducing who they are and they don't say my name is Lisa Murkowski, they speak about their family, they speak about where their family is from and

I've always felt that that is the gracious and beautiful way to identify oneself.

And so I am pleased this morning to identify myself as the daughter of Frank and Nancy, one who was born in Ketchikan and raised in communities around the state. While my name is Lisa Murkowski, the name that I have been given as an adopted daughter of the *dey chiton* is the name *Anshawayak*, which in Tlingit means Lady of the Land and it is an honor and a tribute, unlike anything that I have possibly ever been recognized with and it's a responsibility that comes with a name that I take very, very seriously.

So today, as we look at those issues, that I think bring sadness to us as Alaskans, sadness certainly to our Alaska Native people when they look at the grim statistics relating to what we see within our justice system here in this state and recognize that, in many ways, we are failing our people here in this state, we are failing our Native people with a system that is just not working right now. And as one who has that responsibility as Lady of the Land, it is also one who has great concern for the people of the land and ensuring that what we do every day is right by them.

So we have an opportunity here as we take testimony for the Senate Indian Affairs Committee to lay out the issues, the problems, the statistics and hopefully the solutions or a path to the solutions to better our opportunities, for not only our Native people, but for all people within our state in ensuring that there is a fairness, there is justice and that there is a path of hope and opportunity because I think sometimes, our justice system is not viewed as a path of hope. If anything, it is viewed as just a revolving door of commitment to despair and that is not what a justice system should be about.

There's a great deal of discussion back in Washington, D.C. right now about our justice system and the effectiveness of what we are seeing within our corrections system, with how we deal with sentencing, with just ensuring that our systems are right. And it is something that is generating a level of concern, but interests from those who are on the far right of the political spectrum and those who are on the far left of the political system, to attempt to try to find some solutions because I think the recognition is, is just building more prisons is not the answer for us. It's not the answer for us in Alaska, it's not the answer for us in the country, so how can we move towards a level of meaningful reform? And that is some of what I would like as to attempt to discuss today.

We know that here, in Alaska, we have some very significant challenges related to crime, justice and to recidivism. Recidivism is probably one of the more challenging issues that we are facing within our justice system right now. Whether it's a misdemeanor or a felony offender, our recidivism rates here, in Alaska, are some of the highest in the nation, especially for our Alaska Native males and this is especially true for individuals with lengthy or more serious criminal histories.

And we have good written testimony that is included as part of the record and we will hear from each of those we've invited to speak today. But I want to just cite briefly some of the statistics that are contained in Mr. Razo's testimony here and this comes

from the Alaska Prisoner Reentry Task Force's, the five-year prisoner reentry strategic plan for 2011 through 2016. And it notes that, in the lower 48, back in 2009 for the first time in 38 years, it says 26 states successfully reduced their prison populations, but Alaska was not one of those. Alaska was not one that is seeing the rates go down. In marked contrast, Alaska has the 11th fastest prison population growth in the entire country, the 11th fastest prison population growth in the country.

From 1982 to 2007, Alaska had a 152 percent increase in its prison population. In 2009, one in 36 Alaskans were under the jurisdiction of the Alaska Department of Corrections. One in 36 Alaskans under the jurisdiction of the Alaska Department of Corrections and this is up from one in 90 Alaskans back in 1982, so we are on a trajectory that is exactly going the wrong way.

And then of course, the disproportionate number of Alaska people that we see incarcerated, these are the statistics that we keep reading about that are deeply troubling. Alaska Native people make up 15 percent of our state's population, 15 to 17 percent, but they constitute about 36 percent of all prisoners in custody. Again, statistics that we should find alarming and that sense of alarm should motivate us to work aggressively to address it. And I think the good news for us is that those that we have asked to be here today are doing exactly that, working aggressively to identify the problems, to identify then the solutions that come and what more can we be doing.

We all have heard the concerns about those who have become part of this system, are imprisoned for whatever reason it may be and then they're released and they go back into their communities and we see a repeat. It might not be the same crime, but we see a repeat situation where they fall back into the same habits that may have initially led them to their involvement within the criminal system and it is this revolving door that we know all too well about. We have to do all that we can to ensure that whether it's a young man or young women, more and more young women and it's my understanding that what we're seeing in that population is more young African-American women are being involved in the bad end of the criminal system here in numbers that are generating a level of concern and interest and a focus that we have not seen yet. So what is happening, what is going on?

So I would like to be today's panel again by thanking you for what you have been doing around this state. We had hoped, greatly hoped that we would have a representative from the Department of Justice here with us this morning, someone who could be a witness to testify. They clearly have an incredibly important role in addressing these issues and I think a greater level of engagement from the department would be greatly appreciated and I know that, Natasha, in your testimony, you're going to be highlighting a little bit of that. It is important that, as we work towards solutions, it is not just the State of Alaska and the legislature, it's not just the Alaska Native Justice Commission that is doing it, it is not just the feds, it is everyone working together and so we need to ensure that just that is happening.

What we will do this morning is we will hear from each of the witnesses. I urge you to try to keep within about five minutes or

so, but we're not going to be cutting you off, this is important testimony to be delivered for the record. Know that your entire statement will be made part of the full Committee record. For those who are joining us in the audience, Senate hearings are a little bit different than what you might encounter in Juneau, there's not going to be an open mic, an opportunity for you to ask your questions, but I will advise that there will be an opportunity for testimony to be submitted for the record, we'll keep the record open for a couple weeks after this hearing is traditionally what we do.

But after each of you at the table have given your comments, then I will proceed with a series of questions, and hopefully, it will be good dialogue back and forth, not me asking you each one and then we move on. I'd like to have a good constructive discussion going back and forth.

So with that, we will start off, I'll introduce each of the witnesses and then we will proceed. We'll begin first with my friend and former colleague from the Alaska Legislature, State Senator John Coghill from Fairbanks in serving in the legislature now—I came in in 1998 and you came in the same year, didn't you?

Mr. COGHILL. Yes.

Senator MURKOWSKI. Okay, so it's been a few years. He has been an able leader representing the interior in both the House and now in the State Senate. Senator Coghill has been a leader in moving the conversation on these very important issues. I understand you actually had a hearing just a couple days ago on the issue of tribal courts, recidivism and how we deal with the reentry issues, so be looking forward to hearing some of not only what the legislature is considering, but what you may have learned from other states and how we can move forward with that.

After Senator Coghill, we'll hear from Natasha Singh. Natasha has been also a leader when it comes to moving our state forward and our tribal courts forward in an aggressive and strong manner. She is the General Council and Tribal Court Justice for Tanana Chiefs Conference, is often an invited witness back to Washington, D.C. because of your very able and strong voice on these issues, so thank you for being with us this morning.

Next to Natasha is Mr. Greg Razo. Greg and I also go back a few years. We were in law school together in Oregon at the same time and Greg has gone on to do many, many great things. His present role is as Vice President of Government Contracting for CIRI here in Anchorage, but you had been out on Kodiak for many years and truly a leader representing your people here back home. And again, your leadership within the Alaska Native Justice Commission and the very specific focus that you have given to these critical issues is greatly appreciated.

And next to Greg, we have Mr. Jeff Jessee, also a long time leader, not only in issues relating to what we're dealing with today with prisoner population and how to address some of our issues as they relate to recidivism and incarceration, but Jeff has been a leader for decades now as head of Mental Health Trust. He and I worked together years ago to increase the alcohol tax here in the State of Alaska because we saw that alcohol abuse and use, in so many ways, just killing Alaskans and how we could best deal with that, making sure that there's appropriate funding going towards

treatment and prevention. We both know that there is still more that can be done there, we both know that there continue to be horrible issues as they relate to substance abuse around our country and we see that translate here in Alaska in ways that deliver many of the issues and the problems that we are speaking to today, so thank you for your leadership, Jeff.

And rounding out the panel is Denise Morris and Denise has been an active and a visible leader regarding justice issues for so many years, is the head, the President and the CEO of the Alaska Native Justice Center. And when I think of those individuals that are leading in areas where we are making differences, Denise is always part of that conversation, so I welcome you to the panel this afternoon.

So with that, Senator Coghill, we will begin with you and look forward to the comments from each of you this morning.

**STATEMENT OF HON. JOHN COGHILL, STATE SENATOR,
ALASKA SENATE**

Mr. COGHILL. Thank you, Senator. Senator, I also will probably have to say I live in the shadow of another man that bears the same name as me as John Coghill, he goes by the name of Jack and that was actually what got me into the political arena, so it's great to walk in the shadow of Jack Coghill.

Senator MURKOWSKI. Great Alaskan.

Mr. COGHILL. I've enjoyed it. A couple years ago, I was the Chairman of the Judiciary Committee. At that point, many of the things that we had done in the legislature were meant to be tough on crime, but what became more and more clear, during my time as the Chairman, that a lot of what was happening was we were creating more felons and not changing anybody's behavior.

And so the tough on crime element was something that I began thinking long and hard about, what can we do, and it comes from probably a little bit of my background prior to being in the legislature as a pastoral worker and I began to see people in jail and some of the things that needed to happen for them to get their feet back under them, some of the things that just didn't happen and some of the things that we could do better.

So having that previous view and now looking at it from both an economic and law perspective, I began to think how do we hold people accountable, but actually turn those who can change their behavior and make a healthier society because that's really the aim. In the process of doing that, I collaborated with some people to pass what became known as Senate Bill 64. It was Johnny Ellis, who's a Democrat, I'd say probably a different philosophy than me, I'm a very conservative guy, and Hollis French, who was on the committee with me at the time and then a good friend of mine, an old salty named Dyson. I just turned mine off.

So Senator Dyson, Senator French, Senator Ellis and I sat down and asked could we take the commission that had been previously in Alaska in the early 90s and put it together looking at the sentencing structure in Alaska, and from that conversation, we began looking at what would we put a commission together. In fact, the Chairman, one of our retired justices is sitting right behind me, and they're doing a wonderful job. That actually came into law and

we're looking at the sentencing structures and the various different things that have to happen in Alaska.

From that conversation, we began to realize that we needed some technical support and the Pew Foundation had been doing wonderful work throughout the states because the first thing you do is you look at what other states have done and they have turned the corner on the prison population as you well stated. Our prison population is way higher than we would like and it's not changing anybody's behavior, so we've got to do something better.

So the Pew Foundation, together with the legislature, the Governor and the court system all agreed that we would ask them for technical support and they've been helping with this commission by just getting stats from other states, best practices, things that are working.

In that Senate Bill 64, we not only put the commission together, but we actually started looking at those immediate things that we could do for like the 24/7 program, and that is, for those who have been caught with DUI, could they do a breathalyser twice a day and still be at work, still be productive rather than sitting in a jail cell somewhere. And that started going forward and that's a work in progress as we speak. Some better work of ankle monitoring and some of the structure that we put together there.

So in the written testimony I gave you, I gave you the whole list of the Senate Bill 64 requirements. That generated another bill that, while this commission is in progress, we started looking at best practices from other states and we started assembling them in what is now called Senate Bill 91, which is in the legislative process as we speak.

So while the Pew Foundation is helping us and the Justice Commission is working together with the Native Justice Center, and generally having a broader conversation on what can we do better, you'll see recommendations coming out that will probably find their way into that Senate Bill 91. This is a work in progress, it's just like you said, Senator, we're at a place we don't want to be and we've got to move forward and move out of there.

During this conversation, one of the things that became clear to me is that, in the dynamic changing world that we live in, the State and the Tribal Courts have really not worked out—the best working relationship. There's some MOUs that are working fairly well on the civil issues and most of those came from work that was happening in the Child in Need of Aid area and the Indian Child Welfare Act, things that I've been involved with probably from the day I got in the legislature because of trying to protect families. In fact, early on in my legislative career, I tried to get the Indian Child Welfare standards and the state Child in Need of Aid standards closer together because they were quite disrupt [sic] and families were languishing because of our laws not helping grandparents, parents and communities be involved.

And so even though we can't align them perfectly, they're better aligned than probably they have been before, but we still went into court cases many, many times over how do we handle these things, and in the process of time, the Native groups and the tribal groups have begun what I'd call a pretty decent justice system that I would say is maturing and the State has had some struggles,

there's no doubt about it, how to work with them legally, technically.

And what I found out about this MOU working with them in civil areas, and so I drafted Senate Bill 117, which would create a way to have what we call a diversion program on some of the smaller criminal issues that would allow the courts to work with them in a little broader range. And the reason I think that's important, Senator, is they can use restorative justice ways that the state just has a hard time getting to and I think that's going to, at the front end, keep people from coming into prison while Senate Bill 91 will work with ways to reenter them into society in a better way. But it's true that disproportionate share of people in our incarcerated facilities are not only Native, but they have behavioral health issues and those things just have to be addressed and I think the tribal courts is one way and other accountability methods is a better way than say sitting in a jail cell.

One of the things the State has done well, and I'm hoping this Committee will take seriously, is we've had a good working relationship with the Village Police Safety Officers, VPSOs they call them. The State has put—I got a little sheet for your perusal. Over the last 20 years, we put about \$200 million into it where we've had good working relationship between the State and the Native Corporations for these Village Public Safety Officers. They're not just police, they're search and rescue, they're counselors, they're people who will be there when an EMS is needed and these people do work with the State and for that community that is unparalleled.

It's a work in progress, we've had good days and bad days with the VPSOs, but I can tell you having somebody in the community has slowed down domestic violence, sexual assault, it's demonstrable and we just haven't done enough probably, there's more that can be done. But that is one relationship that has worked good with our public safety officers and our Department of Corrections because they do a lot of the probation officer work right there in the community, right there where they know the people and see the people in the community.

So as you said, we had two conferences here just recently. The National Conference of Sentencing Commissions was just here in Girdwood meeting just this weekend, so I got to do one of the opening addresses and got to listen to the benefits, successes and some of the trials that other States had implementing what they call a justice reinvestment and that is, what can we do to turn the corner on prison population and reinvest that into programs that give people opportunities for success and whether it's a driving license or whatever it may be. So we learn from them and then we brought the Pew people to a joint judiciary committee meeting the very next day and had the Pew people show us what they've seen statistically from other states and how that's turned the prison population down and how actually crime rates go down and people actually become healthier and more productive in society. Many, many good things, some of them are incorporated in Senate Bill 91, some will come from the recommendations of the commission that we put together, the Justice Commission.

So I'd say even though I got to be the lead dog on some of these issues, it was a broad base support, it was bipartisan, we're looking at building another jail or sending people out of State and for why? For a healthier society. So everything from driver's licenses to keeping less victims being victimized is the things that we're talking about, it's a broad range of issues.

I appreciate you bringing this to light in your Committee and I gave as clear as what we're doing in those three Bills. It's not the only thing that's happening, some of the budgetary work that we're doing in our budget, even though it's austere as can be, our behavioral health world actually took a little extra this year because we know that is going to be part of the solution to turning the corner for many people.

So I appreciate the time to testify and I'll be here, available for questions on what the legislature's doing and how we see the State interacting.

[The prepared statement of Mr. Coghill follows:]

PREPARED STATEMENT OF HON. JOHN COGHILL, STATE SENATOR, ALASKA SENATE

Dear Honorable Committee Members:

Please be aware of the following efforts for positive change between the State of Alaska and Tribal entities:

1. 2015-2016 - Sponsor Substitute for Senate Bill 117 ("SS for SB 117")
 - a. SS for SB 117 creates a tribal court diversion program. The intent is to help smaller, rural communities provide effective solutions for certain criminal problems. A sectional overview of the bill is provided below.
 - b. Section 1 – Tribal Court Diversion Program
 - i. Upon recommendation of law enforcement agency
 - ii. The department and tribal court will confer
 1. State may elect to defer prosecution of tribal member in certain criminal cases
 2. Those cases include:
 - a. Attempts or solicitation of class B misdemeanors
 - i. Including: minor risk of physical injury to a person, minor offenses against property interests, minor offenses against public administration or order, or minor offenses against public health and decency; in other words: Small thefts, disorderly conduct, criminal mischief
 - b. Assault in the fourth degree
 - c. Class B misdemeanors
 - d. Possession of alcohol in dry village
 - e. Underage possession of alcohol
 - f. Minor Operating a Vehicle After Consuming Alcohol
 - iii. The department may not consent to referral unless the consequences have been explained to the victim.
 - iv. The department may not refer unless there is written consent from the tribal member, who:
 1. Agrees to be adjudicated before the tribal court.
 2. Agrees to the tribally imposed remedy. Failure to comply results in a department initiated prosecution in state court.

3. Will not have the right to legal counsel in tribal court at the expense of the state or tribe if legal counsel is permitted.
 4. Acknowledges that the tribal court is not bound by Alaska law or procedure.
- v. Once the department makes a referral, the tribal member consents to be adjudicated, and the trial court accepts jurisdiction, the department may withhold prosecution.
 - vi. The tribal court may incorporate culturally relevant procedures, including:
 1. Restorative justice hearings
 2. Circle sentencing
 3. Imposing fines
 4. Requiring forfeiture of property
 - vii. Tribal court can use the fines and fees on a case-by-case basis that best meets the needs of the victim, the community and tribes.
 - viii. State shall be notified if other criminal conduct involving felony or other crime "not listed."
 - ix. Mandatory arrest for DV still applies. State may elect to refer to state court arraignment.
 - x. If tribal member does not comply with tribally imposed remedy, the department may still prosecute.
 - xi. If the tribal member does comply with tribally imposed remedy, the department may not prosecute.
- c. Section 1 – Continued – Notice Requirements
- i. If the department elects to move the case to tribal court, the tribal court shall provide notice after a remedy is ordered that includes:
 1. Name
 2. Circumstances of offense
 3. Remedy ordered by the tribal court
 4. Timeframe for compliance.
 - ii. Notice shall be given, when compliance is complete along with date. Notice shall also be given if there is no compliance by the requisite timeframe.
 - iii. New forms for new offenses
 - iv. Forms should be provided on quarterly basis
- d. Section 1 – Continued – Jurisdiction
- i. Nothing limits, alters, or diminishes jurisdiction of tribal court.
- e. Section 1 – Continued – Definitions
- i. "Department" is the Department of Law
 - ii. "Law Enforcement Agency" includes State Troopers, Village Public Safety Officers, Village Police Officers, Tribal Police Officers, or a Municipal or Borough Law Enforcement Agency
 - iii. "Tribal Court" means the justice system established by the tribe
 - iv. "Tribe" means an Indian tribe or band or Alaska Native village recognized by federal law.
- f. Section 2 – Exemption of and Levy on PFDs
- i. Tribes can levy on PFDs for tribal court ordered restitution.

2. 2015-2016 - Senate Bill 91 ("SB 91") aims to use Alaska's limited criminal justice dollars in the most prudent way possible, using cost-effective, evidence based reforms. To accomplish that, the corrections system should emphasize public safety, personal responsibility, work, restitution, and treatment.
 - a. SB91 users a number of reforms to address the Department of Corrections' biggest cost drivers: an increased length of prison sentences, non-violent offenders, probation violators, and pre-trial offenders. This can be accomplished by expanding electronic monitoring, reforming probation, and providing incentives for individuals to be productive law-abiding citizens.
 - b. SB91 is an effort to be tough on crime and criminal justice spending while holding offenders accountable and giving them a shot at redemption, restitution, personal responsibility, and productivity – a vital step towards achieving a cost-effective system that protects citizens, restores victims, and reforms wrongdoers.
 - c. Here are some specifics for SB91:
 - i. Expands pre-trial electronic monitoring and eligibility for credit for time served.
 - ii. Reforms the Community Work Service statutes.
 - iii. Increases police training surcharges.
 - iv. Gives discretion to probation officers to administer intermediate sanctions.
 - v. Alters the maximum periods of probation.
 - vi. Establishes earned credit for probation.
 - vii. Establishes earned credit for inmates completing treatment, education, and other rehabilitative programs.
 - viii. Limits periods of incarceration for technical probation violations.
 - ix. Expands a mitigating factor for individuals who have successfully completed treatment.
 - x. Syncs up administrative license revocations with court license revocations.
 - xi. Creates a restrictive limited license for felony DUI offenders.
 - xii. Gives judges increased sentencing discretion.
 - xiii. Permits early discharge from mandatory parole upon completion of treatment and good behavior.
 - xiv. Implements a re-entry program within the Department of Corrections to be initiated 90 days before the date of the prisoner's discharge.
 - xv. Removes the prohibition of felony drug offenders from participating in the federal food stamp program.
3. 2013 – 2014 - Senate Bill 64 ("SB 64") implemented proven-practices to reduce recidivism and cut the cost of corrections while maintaining public safety.
 - a. 24/7 Sobriety Program is an evidence-based program that is proven to reduce recidivism and keep the public safe. 24/7 Sobriety is court-ordered for certain offenders during pre-trial or probation. Hallmarks of the program include twice-a-day alcohol testing and swift and certain sanctions if alcohol is consumed. 24/7 Sobriety is modeled after programs in South Dakota, North Dakota, and Montana that have proven to reduce domestic violence and drunk driving.
 - b. Probation and Parole Accountability with Certain Enforcement (P.A.C.E.) is an intensive form of probation/parole for felons who are at high risk of violating the conditions of their

probation/parole. The program relies on swift and certain sanctions to deter a probationer or parolee from using drugs or otherwise violating their probation requirements.

- i. Offenders on P.A.C.E. are 55% less likely to be arrested for a new crime, 72% less likely to use drugs, 61% less likely to skip appointments, and ultimately 53% less likely to have their probation revoked. P.A.C.E. leads to 48% fewer days in prison. SB 64 expands the program statewide.
- c. Recidivism Reduction Fund: ⅓ of offenders return to prison within 3 years. To address Alaska's high rate of recidivism, recently-released individuals must have access to a structured and sober environment, treatment, and employment opportunities. This section established funding for transitional re-entry programs (for those recently released from prison).
- d. The "Felony Theft Threshold" was established at \$500 in 1978. The threshold has never been adjusted for inflation, despite \$500 being equal to \$1800 today. SB 64 increased the threshold from \$500 to \$750.
- c. Custodial Interference: SB 64 created a criminal offense of custodial interference in the second degree when a non-relative attempted to take a child from a lawful custodian without permission. This section closes a statutory "loophole" and created a more serious criminal offense for impersonating a parent or attempted child abduction.
- f. Alaska Criminal Justice Commission was established to analyze and evaluate the effect of laws and practices within the state's criminal justice system. This would effectively restore the Alaska Sentencing Commission that existed in the early 1990s.
- g. "Credit for Time Served in Residential Treatment" - incentivizes people to seek and pay for their own treatment. A person receives credit against a sentence for time spent in a residential treatment facility (but must remain on the grounds of the facility unless given permission to leave for purposes directly related to their treatment).
- h. Assessments of Prisoners: This required the Department of Corrections to conduct a risk-needs assessment on all offenders incarcerated 30 days or longer. This helps the department better understand the offender population and link inmates to treatment within the facilities.
- i. PTSD Mitigating Factor: SB 64 created a new mitigating factor allowing a judge to take into consideration whether the offense was related to combat-related PTSD or traumatic brain injury. If a nexus is found between the mental disorder and the crime, it could result in a lesser sentence. The offender would have the burden of proving that he or she suffers from combat-related PTSD or combat-related traumatic brain injury. This mitigator is not available for crimes of serious injury such as assault or sexual crimes.
- j. Electronic Monitoring is an effective and inexpensive approach to offender supervision. This gave the Department of Corrections the ability to place first-time DUI offenders on electronic monitoring for the 72-hour mandatory minimum. E.M. costs \$21/day, compared to \$158/day for a hard prison bed.

Senator MURKOWSKI. Great, thank you, Senator Coghill, really appreciate your leadership on this. Natasha Singh, welcome.

**STATEMENT OF NATASHA SINGH, GENERAL COUNSEL AND
TRIBAL COURT JUDGE, TANANA CHIEFS CONFERENCE**

Ms. SINGH. Thank you.

Thank you for holding today's hearing focused on strengthening Alaska Native families. In the past, unfounded fears surrounding tribal authority have prohibited discussion on how tribal courts can work with the State to reduce recidivism and make reentry more successful.

Today, because of leaders like yourself, Senator Murkowski, Senator Coghill, Governor Walker, the discussion is able to move forward as tribes offer innovative ways in which tribal programs can work with State and Federal programs in order to improve the safety of our State and provide for strong Alaska Native families.

It is a privilege, an honor to testify on a topic, which has the potential to bring fundamental and desperately needed change across Alaska.

My name is Natasha Singh, my parents are Karm and Renee Singh, my grandmother is Valerie Matthew and my grandfather is the late Steven Matthew. I'm from Stevens Village, I'm a Stevens Village Tribal Judge and I'm General Counsel for Tanana Chiefs Conference.

This testimony will provide an overview of Alaska Native Tribal Court successes and how this Committee can improve those success stories and make for stronger communities and stronger families.

There are 229 Alaska Native tribes and approximately a third of those tribes have formal tribal courts. Tribal courts currently handle child protection, adoption, domestic and family violence, substance abuse issues and juvenile cases. Tribes know that over 95 percent of child neglect, sexual abuse violence and juvenile issues stem from substance abuse. Armed with this knowledge, tribal courts focus on addressing the underlying issues of substance abuse.

Unfortunately, these underlying issues are often childhood traumatic events including child rape, child molestation, child abuse and the issues are so deeply rooted that what we have found in the tribal court system is that it's an entire community that needs to focus on the healing and this is what you see tribal courts engaging in. Community or restorative justice, peace making, those are the terms that are often described on this tribal court approach.

Tribal courts are not replicas of western court systems. While they're required to follow the Indian Civil Rights Act, they also incorporate judicial practices from the tribal governments that existed before the federal and state judicial systems made an appearance on our land. Practices that seek to heal the individual, heal the family and address underlying issues have worked to restore tribal communities for centuries and they work today.

Now in my written testimony, I get more detailed into exactly why tribal courts are working in rural Alaska, but I'd like to paint a picture for the audience and for you, Senator, of a circle system and it's hard to do justice to and explain in words the circle system. But imagine a circle—a tribal court circle sentence in which we have two main individual participants to focus. A 30-year-old male who is a perpetrator of domestic violence and his father who's a 60-year-old male who is also the perpetrator of domestic violence. They sit in the community in a circle, the entire community is invited including VPSO, Troopers, religious leaders, elders, youth. Sometimes if school's in session, an entire high school will go to this circle to hear the lessons.

And really, what comes out of these circles is the truth and it's hard to get to the truth in other systems, but the way the circle works is everyone has an opportunity to talk about the impacts of what the individuals are doing to the community, to their families, to their children. Victims are able to address their assailants. Children are able to address their parents. In this instance that I'm thinking of, the 30-year-old who is also a father, was able to address his father who is the 60-year-old and tell him the impacts that he had from watching him beat up his mother his entire life.

And those lessons learned from those kind of the outskirts, in seeing the dynamic unfold, really provided accountability to all participants, but especially for the 30-year-old. The success there was that we haven't seen the 30-year-old repeat a domestic violence offense. Now the 60-year-old has repeated, but what's interesting is the 60-year-old's wife has chose to disengage in that relationship.

This is the practice that works for our people, these issues are deeply rooted. Oftentimes in the circle, we invite health aids, behavioral health aides, those experts who can get our people on track. Case plans are often suggested and individuals are asked to submit assessed behavioral health and mental health assessments and follow the recommendations.

Now the tribal court model works for the limited cases our tribes are able to handle with purely volunteer courts. There is very little funding or confirmed authority for what has been described, yet tribal leaders are dedicated to improving their communities, and so they continued the healing practices that have been done for centuries.

Tanana Chiefs Conference is one of the only entities that provides technical assistance for tribal code and ordinance drafting necessary to ensure tribal processes meet the standards of the Indian Civil Rights Act and traditional laws.

Tribal courts need more in the form of confirmed authority and funding to have an impact necessary to change our communities for the better. Sixteen months ago, this Committee held an oversight hearing on the Indian Law and Order Commission Report, a road map for making Native America safer. Now I'm pretty sure the staff and yourself have read the report many times. The statistics submitted by my colleagues go over what the report entails, and basically, the report kind of summarizes what I experienced this weekend when I was visiting a village and just hearing the youth talk about violence and suicide like it was normal, it's acceptable, there's no shock value anymore in our communities, it's accepted. The vision we have for rural Alaska is healthy communities or this is not acceptable.

I want to contribute in Tanana Chiefs and the tribes and now the State will contribute to communities in which youth talk about healthy lifestyles. The status quo in our villages is unacceptable in any civilized country, is unacceptable in America and in Alaska. The State Judicial and Law Enforcement System does not serve rural Alaska well due to reasons of funding size, remoteness, hubs centralization and deep cultural divides. The system will never serve rural Alaska well. What is needed is a new world order in rural Alaska, but one that is an old world order in Indian policy and one that is very familiar to this Committee, enhanced tribal self-determination at the local level.

Today we asked you add to the tools Alaska tribal governments need to strengthen our families to address the root causes of substance abuse. What is needed is federal legislation, which recognizes the authority of our tribal governments to deal in the first instance with issues of local domestic violence, sexual assault and substance abuse.

I applaud this Committee for taking action on specific recommendations from the Law and Order Commission's report. First,

thank you for the repeal of section 910 of VAWA. Next, thanks to you, Senator Murkowski, for including language in the consolidated and further continuing appropriations act of 2015, which mandates the BIA and the Department of Justice to report to the relevant committees on the budgetary needs of tribal courts PL280 states.

I hope this Committee will continue to hold the BIA and the DOJ accountable for the report, which is now 60 days late and that it will be complete in September, but before the end of the fiscal year.

In addition, the tribes of Alaska hope this Committee will continue on the progress made on the recommendations from the law and order report.

In conclusion, the tribal court model has proven to heal and strengthen families. This model has sustained on very little funding or confirmed authority. Federal legislation to confirm tribal court authority over domestic violence and substance abuse matters coupled with additional funding for tribal courts would go a long way to see that individuals and families heal. Thank you.

[The prepared statement of Ms. Singh follows:]

PREPARED STATEMENT OF NATASHA SINGH, GENERAL COUNSEL AND TRIBAL COURT JUDGE, TANANA CHIEFS CONFERENCE

Chairman Barrasso, Vice-Chairman Tester and distinguished Members of the Committee—including our very own Senator Murkowski—thank you for holding today's hearing focused on strengthening Alaska Native families. In the past, unfounded fears surrounding tribal authority have prohibited discussion of how tribal courts can work with the state to reduce recidivism and make reentry more successful. In 2014, the status quo in Alaska marginalized and ignored the potential of tribally based justice systems and tribal consortiums to provide more cost-effective and responsive alternatives to prevent crime and keep all Alaskans safe. Today, because of leaders like Senator Murkowski, the discussion is able to move forward as tribes offer innovative ways in which tribal programs can work with state and federal programs in order to improve the safety of our state and provide for strong Alaska Native families. It is a privilege and honor to testify on a topic which has the potential to bring fundamental, lasting, profound and, most importantly, desperately needed change across Alaska.

My name is Natasha Singh. I am a Stevens Village tribal member, a tribal court judge and serve as General Counsel for the Tanana Chiefs Conference. TCC is an intertribal health and social services consortium of 37 federally recognized Tribes located in the Interior of Alaska. We serve approximately 13,000 tribal members living in our villages or in Fairbanks. Our territory occupies a mostly roadless area that is nearly the size of Texas, stretching from Fairbanks clear up to the Brooks Range and over to the Canadian border.

This testimony will provide an overview of current Alaska Native tribal court successes and ways this committee is able to improve tribal courts for safer communities and stronger families.

There are 229 Alaska Native tribes in which approximately one-third have operating formal tribal courts. Tribal courts currently handle child protection, adoption, domestic and family violence, substance abuse issues, and juvenile cases. In the TCC region alone, we have over 150 on-going child protection cases.

Tribes know that over 95 percent of child neglect, sexual abuse, violence and juvenile issues stem from substance abuse. Armed with this knowledge, tribal courts focus on addressing the underlying issues of substance abuse. Community or restorative justice, or peacemaking are terms sometimes used to describe this approach used by tribal courts. Tribal courts are not simply replicas of western court systems. While they are required to follow the Indian Civil Rights Act they also incorporate judicial practices from the tribal governments that existed before the federal and state judicial systems made an appearance in our lands. Practices that seek to heal the individual, heal the family, and address underlying issues have worked to restore tribal communities for centuries and they work today. Alaska Native tribal court practices are successful because:

- The parties involved know the tribal court judges. In western courts this might be seen as possible judicial bias, but for tribal courts this is a proven strength.

First, the judges know the family history of an individual which provides insight to the underlying causes of the substance abuse. Second, parties to tribal courts often interact with the tribal court judges on a daily basis which provides for additional accountability.

- The community is invited and involved. Circle courts provide a forum in which the community is invited to sit and discuss an issue in a circle format. The community is able to participate to ensure individuals and judges see the full picture of the history and impact of an individual's unhealthy behavior. Finally, with the community involved, individuals are more accountable. Children may address their parents, victims may address their assailants, elders address the community, all in a safe, open and often religious circle in which the truth emerges and healing begins.
- The focus is to heal rather than to punish. Formal procedure is set-aside to ensure outcomes are achieved. If a juvenile is drinking, it is often because there are issues with the parents. If a mother is cited for domestic violence, there are likely child protection issues. State courts address cases by isolated incidents whereas tribal courts address cases by families. The circle's participants provide suggestions for an individual and a family. Sometimes, a case plan is worked out. Sometimes parents are paired with other parents that have successfully worked a case plan in the past. Individuals obtain the necessary mental health and behavioral health assessments and community support is identified.

The tribal court model works for the limited cases our tribes are able to handle with purely volunteer courts. There is very little funding or confirmed authority for what has been described, yet tribal leaders are dedicated to improving their communities and so they've continued the healing practices that have been done for centuries. Tanana Chiefs Conference is one of the only entities that provides technical assistance for the tribal code and ordinances drafting necessary to ensure tribal processes meet the standards of the Indian Civil Rights Act and traditional laws. The funding TCC receives is often grant based and not guaranteed. Tribal courts need more in the form of confirmed authority and funding to have the impact necessary to change our communities for the better.

Sixteen months ago this Committee held an oversight hearing on *The Indian Law and Order Commission Report: A Roadmap for Making Native America Safer*. That report was a mix of new research and a summary of many past studies, all of which have documented too well the severe crisis facing Alaska Native tribal communities. The interconnected scourges across rural Alaska of domestic violence, sexual assault and rape, child abuse and neglect, and substance abuse are undeniable, and the time for positive congressional reform is long overdue.

The status quo in our villages is unacceptable in any civilized country. It is unacceptable in America. And, it is unacceptable in Alaska. The Law and Order Commission's report repeats what has been amply documented for decades: that (1) the state judicial and law enforcement system does not serve rural Alaska well, and (2) due to reasons of funding, size, remoteness, hub centralization, and deep cultural divides, that system will never serve rural Alaska well. What is needed is a new world order in rural Alaska, but one that is an old world order in Indian policy, and one that is very familiar to this committee: enhanced tribal self-determination at the local level.

Forty-four years ago President Nixon proclaimed an enlightened new federal policy of tribal self-determination, and Congress responded with scores of new initiatives designed to make self-determination a reality and a success for the Nation's Indian tribes. In time, one small volume of the federal code grew to four, and in due course many tribes across the country made enormous strides toward greater self-determination. Yet some of the most important of these initiatives have missed Alaska villages.

But fortunately, these legal errors can be corrected, and new legal rules established that will support and add to the tools Alaska tribal governments need to strengthen our families, and to address the root causes of substance abuse. What is needed is federal legislation which recognizes the authority of our tribal governments to deal in the first instance with issues of local domestic violence, sexual assault, and substance abuse. That is what is needed, that is what Commission after Commission has called for, and that is what Congress, alone, can accomplish.

Such measures, taken on this limited and regulated basis, is an important—indeed vital—first step in securing Alaska tribes the tools necessary to realize greater local self-determination and to deal specifically with issues of domestic violence and substance abuse. Local control in these areas will assure that (1) actions are taken by the authorities having the greatest local knowledge; (2) actions can be taken locally to intervene in unstable conditions which, if unchecked, would otherwise lead

to criminal acts, assaults or worse; (3) actions can be taken by those who are in the best position to swiftly respond to developing situations.

I applaud this Committee for taking action on specific recommendations from the Law and Order Commission's report. First, thank you for the repeal of Section 910 of Title IX of the Violence Against Women Reauthorization Act of 2013. Next, thanks to Senator Lisa Murkowski for including language in the Consolidated and Further Continuing Appropriations Act of 2015 which mandates that "within 180 days of enactment of this Act, the Bureau [of Indian Affairs], in coordination with the Department of Justice, is directed to report to the House and Senate committees of jurisdiction on the budgetary needs of tribal courts in [Public Law 280] States." See 160 Cong. Rec. H9764-5 (Dec. 11, 2014). The Law and Order commission has identified funding for tribal courts as an issue and our Senator has taken this recommendation seriously.

We thank Senator Lisa Murkowski for her leadership in requiring this report under the Act because the report is absolutely fundamental to understanding the scope of the public safety epidemic facing tribal in Alaska. The report will allow Congress to identify the true need facing our tribal nations and quantify the amount of funds it will take to address this need. Obtaining this budgetary data is an obvious first step to addressing the public safety situation in our communities.

Unfortunately, the joint BIA and DOJ report was due to Congress in June, but it has not yet been completed. The Tanana Chiefs Conference met with the BIA in February and July, and sent a letter in April, advocating for the completion of this report while also offering our technical assistance and expertise. The BIA and DOJ declined TCC's offer and proceeded without our help, but they have yet to produce the report. It is now 60 days overdue. We appreciate that the BIA attended the Alaska Tribal Court Development Conference earlier this month but what we really need from the BIA at this point is the report. I hope that this Committee will continue to hold the BIA and DOJ accountable for the report and that it will be complete in September before the end of this fiscal year.

In conclusion, the tribal court model has proven to heal and strengthen families. This model has sustained on very little funding or confirmed authority. Federal legislation to confirm tribal court authority of domestic violence and substance abuse matters would go a long way to see that individuals and families heal.

Senator MURKOWSKI. Thank you, Natasha, I appreciate it a great deal and know that I too, am really irritated at BIA, DOJ for thus far ignoring us on that letter, so we're going to get some action there. Welcome to the Committee, Greg.

**STATEMENT OF GREGORY RAZO, VICE PRESIDENT,
GOVERNMENT CONTRACTING, COOK INLET REGION, INC.**

Mr. RAZO. Thank you, Senator. For the record, my name is Gregory Peter Razo, I live here in Anchorage, Alaska, I work for Cook Inlet Region Incorporated and I welcome the Senator and the Committee to our region.

I've been involved in justice since we finished law school together and that was back in—for me, it was in 1984. I come from Mountain View, Alaska. I'm an urban Alaska Native and that's really a perspective that I bring to things because urban Alaska Natives comprise the largest sector of Alaska Native population in Alaska because people live here in the Mat-Su, the Kenai Peninsula and in Anchorage.

My Yupik side of the family is from the lower Yukon, my grandmother was Matriona Kozevnikoff, she lived in Old Hamilton. My family moved to Anchorage in the 1940s. My father is Pete Razo and he was a first generation Mexican American from Colorado.

I went to law school and then moved like you intended to move back home as fast as we could and get to work. And my first job was in Kodiak, Alaska and it was a job that changed my life and my perspective because I worked for Roy H. Madsen, the first and only Alaska Native judge in the Alaska Court System and Judge

Madsen, even though it was only for a year, stayed in my life to this day. He taught me a lot, and from there, I went on to become a prosecutor for 3½ years for the State of Alaska and then I was in private practice, which in a small town, is really working on the entire communities of various problems from time to time because when you live in a small town in Alaska, you have to be involved, you—if you're going to be successful and be happy, then you are involved and that's just the way it is and I was very involved in Kodiak on numerous boards and commissions.

But in the practice of law, it was going to court every day and that's really what serves to inform the testimony that I provide to the Committee today. I was actually in court representing folks, prosecuting or doing arraignments every single day for almost 21 years and then I went to work at CIRI and CIRI allows me to continue on trying to meet the needs of Alaska Natives.

So these days, I was recently appointed to the Alaska Criminal Justice Commission along with Commissioner Jessee and Commissioner Coghill and it has been a fascinating experience for me because it has allowed me to focus on what these days we're calling smart justice, that a driven justice and the ability to access the tremendous and research from Pew has been fascinating to me because I learned about the idea of justice reinvestment, the idea that we can no longer afford to just build prisons. We are not correcting people in our corrections system, so what do we do, what's the answer, how do we avoid building prisons?

Well, it takes a comprehensive examination of your criminal justice system and we're presented with the shocking data that you read. Fifteen percent of the State's population are Alaska Natives, 36 percent of the prison population are Alaska Natives. In order to get into prison, more Alaska Natives per capita are being arrested and sentenced than any other segment of the population, so there's a crime problem.

And how do we deal with those? Those are really difficult questions. I will inform the Committee about some of my observations and conclusions after that practice, so we know what the data is and I'm glad you had a chance to look at my written testimony because I think it's important that you bring that back to the Committee. The Pew research and especially the innovative approach that the Department of Corrections is beginning to take in Alaska to come up with a true plan and a plan from the street level all the way to the Commissioner's Office about intervening in the lives of prisoners, allowing them a reentry plan and focusing them one-on-one as if they were human beings because they are.

So I believe, Senator, that the best justice is community based justice, and whether that's tribal communities or small communities in Alaska, a community based justice is going to be far more successful than a unified approach that Alaska uses. We have seen where a centralized justice system is simply unable to meet the needs of the widespread Alaskan populations and unable to understand the cultures and the history and the spirit of the people that live in rural Alaska.

Sending people in by a plane to deal with problems that arise on a case-by-case basis, that doesn't work, you don't understand how those problems began in the first place when you do it that way.

So community based justice just makes sense to me. I can tell you, on an island, when you live on an island, it really tends to develop community based justice apart from what the formal rules say because having practiced in Kodiak, I can tell you there may have been an official ban on plea bargaining, but deals were made right and left every day and that's the only way the justice system worked. You had a chance to make innovative sorts of plea bargains that would send a first-time offender, for example. Rather than have a conviction, you could talk to the District Attorney and go in and say hey, you know, my client is willing to go over and spend, you know, 30 hours at the alcohol treatment agency, and if he or she does that, you know, will that satisfy you, do you think that's going to be sufficient? Oh, and we might need to throw in some community work service.

But at the end of the day, you could come up with reasonable answers to people's problems without throwing them in jail and that really—I think it still happens throughout Alaska in rural communities to some extent. But we need to realize that that can be a norm, that can be how we do business in Alaska.

So what we've been working on in the commission is the idea of justice reinvestment, putting the money that we spend on prisons into the systems that will help educate and help all Alaska people, not just Alaska Natives, but particularly for Alaska Natives and particularly for people in rural Alaska, those needs are the greatest.

So I think why not use the systems that we have in place throughout Alaska already? Over the years, since the passage of the Indian Self-Determination Act and the ability for tribal and nonprofit associations to perform healthcare, self determinative healthcare on their own, we've established amazing institutions that really work hard towards meeting the needs of our people. Here in Anchorage, the South Central Foundation has been one of the leaders in that area and they work with Tanana Chiefs and they work with SEARHC and they work with Yukon Kuskokwim and we work together in a consortium with health based companies.

But the other thing I learned, I guess, when I practiced was that I never had a client who came to me with just a legal need, never did. They always brought other things, you know, and I got to the point where I would explain that I'm their legal counselor, but we're going to need this counselor and this counselor and this counselor to get through this because we need to talk about some other issues I'm hearing from you. And at the end of the day, it always took this team of folks to really—if you're going to make some meaningful change, it takes a team. And so that was an education and that's what happens in the tribal court setting, it takes a team of people, it takes the elders, it takes the spiritual advisor, it takes the victims, it takes the whole people involved in what happened with this person to try and help them so that they won't do it again. That's recidivism, you won't do it again.

I think that works, I think historically, it has worked for Alaska people. I think it happens today and I think we need to formalize to that and invest in it. Justice reinvestment is about changing the laws so that they will allow for those sorts of treatment in jails and

for services once a person comes out of jail in funding those. But it's not just changing the law that's actually agreeing to spend the money that you're going to save to help fund the systems that you're building. I think—in the area of tribal courts, we've done an amazing job. I think Alaska has reawakened to the fact—and Alaska Natives, throughout the State, have reawakened to the fact that we can be self determinative people and develop justice systems that have existed for thousands of years and really use those, use those within parameters that make sense for our people.

But what I worry about, I guess, is that in this time of declining oil revenue where the State has far less money than it's used to spending, that as we cut the budgets of the agencies that are used to funding services for people, that we forget that we need to feed this other system if it's going to be successful. It's not just a Federal responsibility, it's not just a State responsibility, but I do believe it's the responsibility of government to foster community based systems of justice no matter what they are, whether they're tribal or they're cities or unincorporated areas. You know, I just think that's the responsibility of government and I think it makes sense because it saves money at the end of the day because you don't have to build more prisons, right?

So partnership, we're used to partnering with all kinds of folks here in Alaska. We do best when we partner. At CIRI, we don't do deals unless we have a partner in with us. The partnership that can exist between the tribes and the State and the Federal government, I think, is a long way towards the answer to this problem of recidivism and reentry.

So I appreciate the fact that the Committee has chosen to focus on strengthening Alaska Native families because it's not just about justice, it's not just about tribal courts, it really is a system.

In the written testimony that I provided, I sent in some examples of the CIRI nonprofits that are involved in reentry services, that's the Alaska Native Justice Center, which you'll hear about from Denise Morris. The South Central Foundation, which is doing really innovative work, building Alaska Native Warriors to combat the issues of domestic violence and sexual assault, making sure that there's accountability but treatment as well in a culturally appropriate way that people that are Alaska Natives will understand and use. I got frustrated when I was a daytime lawyer and it was because I would go to court over and over and over again with many of the same people over and over again and we'd do the same sentence over and over again and it just didn't work. I mean, sure, we're going to send them to treatment again and then they're going to do this again, and a year later, I'm doing that case again, it's just *deja vu*. There's got to be a better way to do it. I think community based justice is a better way.

I really appreciate the fact that you've taken the leadership role of directing some money to Alaska to form Tribal Justice systems. Our State is a public law 280 State, so we don't have the benefit of all of the funding that is currently available, which isn't a lot, but there is currently funding available for lower 48 tribes. But here in Alaska, you're kind of on your own. California shares the same situation, but here in Alaska, our tribes don't have land bases, they don't have a way to earn income. They have access to

government contracting, but I will tell you that government contracting isn't a great way to make quick money with high margins, it's just not that easy for a tribe to enter into federal contracting. And they don't have Indian gaming, which really is supportive of many, many tribal systems in the lower 48, so we're truly at a disadvantage when it comes to tribal justice systems and the funding of tribal courts and I appreciate the difficulty that folks like Natasha and TCC who are leaders in tribal court development are taking.

I guess the other thing, the other partnership I wanted to highlight was a partnership that the idea has just come forward here in Anchorage and it's just this summer and it's through Alaska Legal Services Corporation where I've worked for many years on their board. But the idea is medical/legal partnership and it's more of the same thing, it's the idea that when a customer/owner comes into a medical treatment facility that they come not just with a medical problem, but they also come with other issues that could immediately make them more well, that if we can deal with their housing issue, which is a legal problem, then we can make them more well and this idea of medical/legal partnership is something that is being explored with Alaska Legal Services and the Tribal Health Consortium and South Central Foundation.

So I'm happy to be able to discuss a little bit with you today about all of this, and please, if you have any questions when we're done, ask them.

PREPARED STATEMENT OF GREGORY RAZO, VICE PRESIDENT, GOVERNMENT CONTRACTING, COOK INLET REGION, INC.

Introduction

My name is Gregory Peter Razo and I live at 2939 Dartmouth Drive, Anchorage, Alaska. My e-mail address is: *grazo@ciri.com*. I work as a Vice President at Cook Inlet Region Inc. (CIRI), CIRI is the Alaska Native regional corporation created under the Alaska Native Settlement Claims Act of 1971 as the Regional Alaska Native Corporation for the geographic region of South-central Alaska. I am a descendant of my Yupik (Eskimo) mother and my Hispanic father. My Yupik grandmother who helped raise me in our home was Matrona Kozevnikoff. I grew up and was educated in the public school system here in Anchorage, Alaska. I graduated from Gonzaga University in Spokane, Washington in 1980, and I received my law degree in 1984 from the Willamette University—College of Law. I was admitted to the Alaska Bar in 1984 and the Washington State Bar in 1985. I have remained an Active attorney with the Alaska Bar for 30 years. My first job was as the law clerk to the Honorable Roy H. Madsen (the only Alaska Native to have ever served on the Alaska bench.) I was then an Assistant District Attorney in Kodiak, Alaska for 3½ years and then started a general private practice of law in 1989 until I left to join CIRI in 2005. I have represented juvenile and adults in almost every conceivable situation.

Currently, I serve on the Alaska Criminal Justice Commission, which began in 2014. I am President of the Alaska Legal Services Corporation and Vice Chair of the Alaska Native Justice Center. I also serve on the Board of Directors of the Alaska Federation of Natives (AFN) and Chair the AFN Executive Governance Committee and the Resolutions Committee as well as serving on the AFN Legislative and Litigation Committees. AFN is a state-wide membership organization founded in 1966 and active in promoting the interests of all Alaska Natives. Finally, (for these purposes) I am a member of the Alaska Department of Corrections (ADOC), Alaska Prisoner Reentry Statewide Council, co-chaired by the Governor and Lieutenant Governor charged with steering the Department of Correction's new "Alaska Prisoner Reentry Initiative." (Please see Attachment Two, of my written testimony which is an ADOC summary of the The Alaska Department of Corrections, Recidi-

vism Reduction Plan, January 15, 2015 (Revised May 1, 2015) containing the ADOC Alaska Prisoner Reentry Initiative.)*

Over the past two years, my employer CIRI has allowed me to focus on issues concerning justice for Alaska Natives. I began by working on the Board of the Alaska Native Justice Center (ANJC.) ANJC was established in 1993 by CIRI as a tribal non-profit to address Alaska Natives' unmet needs regarding the Alaska civil and criminal justice system in response to the increasing disproportionate rates of victimization, incarceration and other justice-related issues impacting Alaska Natives throughout Alaska.

Under the Alaska Statute creating the Alaska Criminal Justice Commission (ACJC or the Commission), ANJC was asked to appoint one commissioner which I lobbied my fellow ANJC Board members to be me. I began my service with the Commission by meeting first with its Chair (former Alaska Supreme Court Justice Alex Bryner) who wished to impress upon me and receive a commitment that I would understand, utilize, and maximize my role as the only Alaska Native member of the Commission whose recommendations might effect a population of Alaska Natives disproportionately represented in Alaska's prisons and substantially challenged by the Alaska Criminal Justice system, as a minority population. Since October of last year, the Commission has inundated each commissioner with information facts and figures to enable us to do our important work.

I appreciate the opportunity to represent my Alaska Native people, in my own, way by sharing my thoughts before the Honorable members of the Committee, their staff and the public on the important issue of "Strengthening Alaska Native Families." I hope to share some of what I know and have learned concerning "Recidivism, Reentry and Tribal Courts in our home of Alaska. I will also supplement my testimony with relevant attachments for the Committee concerning actions currently underway here in Alaska.

Recidivism and Reentry

In 2013, Alaska Native people comprise 15 percent of the total population of the entire State. Disproportionately, Alaska Native people comprise 36 percent of the Alaska prison population. Overall, racial minorities are disproportionately incarcerated in Alaska prisons. Consequently, in terms of the overall prison population, Alaska Native men and women reentering society from prison are a significant and disproportional population. We have great need.

Alaska Native people may come from a community in remote rural Alaska, or their communities may be the urban communities of Alaska such as Anchorage, Fairbanks and Juneau. No matter, returning Alaska Native people coming out of prison are in need of "community and family support" if they hope to succeed and not reoffend. Likewise, the families and communities (the homes) of Alaska Native prisoners need support while their family members are in custody in order to be ready to receive this population and assist them in their reintegration into productive society. To achieve support towards these goals sufficient funding dollars must be budgeted for these purposes, however, the prospect of Alaska's potential "Justice Reinvestment Initiative" gives hope for improvement.

According to the Criminal Justice Institute (CJI) , "Over the past decade, Alaska's unified jail and prison population has grown by 27%—nearly three times faster than the state's resident population. Alaska currently spends more than \$330 million annually on corrections, up 50 percent since 2005. Despite these expenditures, nearly two out of every three inmates who leave Alaska's prisons return within three years."

To deal with this reality, in June 2015, Alaska's state leaders, Governor Bill Walker, Speaker of the House of Representatives Mike Chenault, Senate President Kevin Meyer and Chief Justice of the Supreme Court Dana Fabe, launched the Justice Reinvestment Initiative and enlisted the assistance of the Pew Charitable Trusts and the Crime and Justice Institute in an effort to develop fiscally sound, data-driven and evidence-based sentencing and corrections policies. Alaska with the help of the PEW-CJI team, is beginning a "comprehensive review of the Alaska criminal justice system, helping the state to develop a set of data-driven reforms to better protect public safety while controlling corrections costs. The team will work with Alaska criminal justice administrators and political leaders and leaders from various organizations over the next eight months as they examine the drivers of the state's prison population, the policies and practices that are affecting the population and criminal justice outcomes and develop policy reforms to reduce unnecessary prison growth and improve public safety." (Attachment One, of my written testi-

*The information referred to has been retained in the Committee files and can be found at <http://www.correct.state.ak.us/doc/Recidivism%20Reduction%20Plan.pdf>.

mony for the Committee's review is a presentation given to the Alaska Criminal Justice Commission on "Prison Drivers" in Alaska.)*

At this time in Alaska, due to the declining price of oil, our State is faced with a substantial fiscal problem based upon a lack of accustomed oil revenue. This resulting "budget crisis" for the State of Alaska is forcing all Alaskans to reevaluate how state government provides services. I believe that while it is the tendency of government to suffer from inertia when faced with the prospect of change, at this particular time in Alaska, the inertia is being overcome by many new efforts underway to change the way services are provided in both rural and urban Alaska to make them effective and affordable.

The State of Alaska is coming to the realization that we imprison too many people in Alaska and we cannot afford to build new prisons to deal with the consequences of our criminal justice system and racial, social and economic challenges. In my opinion, what needs to occur and what seems to be happening is a focus on "community based justice." Community based justice allows for the use of community organizations and structures to supplement or replace the current justice system centralized organization management of the State of Alaska.

Community based healthcare and social service has been shown to work in Alaska. Alaska Natives have successfully used their ability to achieve self-determination supported by the Indian Self-Determination and Education Assistance Act of 1975, Public Law 638, to develop highly successful and functional systems of support and advancement for Alaska Native people around the State. Since the passage of PL-638, Alaska Native Tribes and Tribal Non-Profit Associations have shown that they can build, operate and maintain facilities to help meet the substantial health and social needs of Alaska Natives. The use of Federal Compacting and contracting, along with Federal grant opportunities have allowed development of competent systems across Alaska in both urban and rural communities. Why can't this system be augmented to address the legal/justice needs of Alaska Natives? The answer is that it can.

For thousands of years, Alaska Tribal nations and communities have recognized that there are no lines that exist between health/wellness, social, legal and spiritual needs. All of these needs comprise the whole person's needs and they all intersect in a myriad of ways. In July of this year, a conference on "Medical-Legal Partnerships" was held by Alaska Legal Services Corporation. The presentation made the case that legal intervention early on in the case of a person seeking medical treatment can serve to resolve many of the problems affecting their wellness. Early legal intervention can help resolve homelessness and unfair eviction, denial of social security benefits and food assistance, employment discrimination, and the list goes on.

Law/Justice, Health/Wellness and Social Services exist in a continuum of care for Alaska Native people and everyone.

Examples of existing Alaska Native organizations partnering with Federal and State government on Reentry and Recidivism issues affecting Alaska Natives:

Southcentral Foundation (SCF)

SCF is an Alaska Native-owned, nonprofit health care organization, founded by CIRI, serving 65,000 Alaska Native and American Indian customer/owners in Anchorage, the Matanuska-Susitna Borough, and the 55 rural villages that make up the Anchorage Service Unit. SCF's mission is: *Working together with the Native Community to achieve wellness through health and related services.*

Southcentral Foundation surveyed its community and identified three top needs; domestic violence, child abuse, and child neglect. SCF created the following corporate objective to reduce the rate of domestic violence, child abuse and neglect. This objective has been incorporated in work initiatives throughout SCF's 80 programs.

SCF's Family Wellness Warriors Initiative (FWWI) is one of the programs developed as a response to these serious threats to the health and wellness:

- the increasing prevalence of family violence threatening the essential core of Alaska Native cultures, and
- the usual way of responding by increasing law enforcement and child protection efforts ex post facto was aggravating, not helping, the problem by further disrupting families when parents were sent to prison and children to foster care—often with non-Native families.

*The information referred to has been retained in the Committee files and can be found at <http://www.ajc.state.ak.us/acjc/doc/part1.pdf>.

The FWWI is addressing the statewide challenges of domestic violence, sexual violence, child maltreatment and trauma faced by Alaska Native people in communities throughout the state. It is founded on evidence-based and promising culturally appropriate practices and incorporates many aspects of cutting-edge, trauma-focused therapeutic practices. The approach used includes intensive education and training, leadership development, parent education, offender rehabilitation, and family and community support.

A Case for Reentry Support

According to the Alaska Prisoner Reentry Task Force's *The Five-year Prisoner Reentry Strategic Plan*, 2011–2016, Alaska experienced considerable growth in its prison populations during the last decade. In 2009, for the first time in 38 years, 26 states successfully reduced their prison populations. Alaska was not among them. In marked contrast, Alaska has the 11th fastest prison population growth rate in the United States. From 1982–2007, Alaska experienced a 152 percent increase in its prison population. In 2009, 1 in 36 Alaskans were under the jurisdiction of the Alaska Department of Corrections, up from 1 in 90 Alaskans in 1982.

The disproportionate number of Alaska Native people incarcerated in Alaska's prisons is deeply disturbing. While Alaska Native people make up about 15 percent of the state's population, they constitute about 36 percent of all prisoners in custody. Moreover, Alaska Native people comprise 50.8 percent of all prisoners in custody for sex offenses.

In a 2007 Alaska Judicial Council Study, *Criminal Recidivism in Alaska* reported that 66 percent of released prisoners are back in custody within three years of release. Most of them, according to the study, return in the first six months. The fact that the recidivism rate is as high as it is clearly demonstrates that additional efforts and approaches must be made to cause a reduction in this rate.

Given the disparate number of Alaska Native individuals in custody, it seems clear that a culturally appropriate model of reentry care using Alaska Native strengths and focusing on the family and community is needed. Data supports both the need for an increase in culturally appropriate interventions and the adoption of more effective reentry services. The Alaska Natives Commission 1992 Annual Report found, "There is a prevalent misunderstanding or misconception on the part of many non-Natives that only by administering "western justice" can there be justice, and this perspective is ultimately harmful to the pursuit of alternative dispute resolution strategies at the village level." One need only remember that Alaska Native people had systems in place for millennia before introduction of the western system.

Challenges. Alaska has a unified prison system in which all facilities are funded by the Alaska Department of Corrections (ADOC). Its Anchorage facility, the Anchorage Correctional Complex (ACC), combines a jail and pre-trial facility for the Municipality of Anchorage (MOA)—a combined city—county government. Thus, there are three major constituencies with significant stakes in this project—the State of Alaska, MOA, and the Alaska Native community. Each has a unique perception and stake in this issue.

The State of Alaska is concerned about the budget aspects because it bears the costs of all people in the corrections system including those incarcerated for any reason. It also pays for the court system and the cost of prosecuting felonies in Anchorage. Since most of the state's revenues come from oil, the precipitous plunge in oil prices has created one of the worst budget deficits in the nation and the legislature is desperate to save any money it can. Since the ADOC budget and number of people incarcerated has been increasing faster than major crime and the population, the legislature created a commissioner level task force to examine the issues and make recommendations. The fact that the number of people incarcerated was predicted to continue growing by 3%/year and, in spite of just opening a new \$250 million correctional center, ADOC was at 101 percent of its capacity. Among the findings and recommendations of that group were

- Finding—recidivism at 63.54 percent was highest among youthful offenders, Alaska Natives, and misdemeanants
- Finding—unsentenced individuals account for 40 percent of ADOC's population at any time
- Finding—felony convictions for non-violent crimes and parole violations were among the top 4 factors driving prison population growth
- Recommendation—partner with Alaska Native entities
- Recommendation—improve and expand collaborations among stakeholders

For its part, MOA's motivation is focused on public safety. A slew of headline making news about recent violence and homicides has created public perception that

the city is not safe. This has become a major issue in the upcoming election and a public forum was held recently. As a result, every candidate pledged to address it. While perception does not equate to fact, the widespread perception and revelations that the Anchorage Police Department had a huge number of vacancies has made the topic one the public is demanding be addressed. In a tight budget as well, MOA is motivated because it pays for prosecution of all non-felony crimes within the jurisdiction including DUI and domestic violence.

Finally, SCF is motivated because it, as a major Native organization, wants to eliminate the disparate impact crime and incarceration is having on wellness in the Native community. It recognizes that the high proportion of Alaska Natives at ACC is 2.43 times higher compared to the general population—a disparity even worse than the 1.89 times higher for all ADOC prisons. Given that incarceration appears to have no positive and lots of negative impacts the Native community, SCF is willing to assume a leadership role, as it did against family violence, to find better ways to address these issues.

A Model for Reentry

Through FWWI, a more culturally resonant reentry support is being provided to the inmates of the Transformational Living Community (TLC) at both the Palmer Correctional Facility and the Hiland Mountain Correctional Facility. Although FWWI's target population is Alaska Native/American Indian inmates, all TLC program participants are encouraged to take part, regardless of ethnicity.

This model was developed over decades of working through Alaska Native people. The primary focus of this approach is to provide a safe place for offenders, regardless of their crime, to heal from their own past trauma and enable them to explore strategies in order to change their thinking patterns and future behavior. Its aim is to reduce recidivism rates among participants in the reentry program, thus making our communities safer.

The reentry component of FWWI addresses the mental, emotional and spiritual health needs of high-risk offenders in the process of reentry with the goal to provide them with tools for developing safe, healthy relationships and reducing recidivism. Reentry support services are designed for those who are exhibiting mental health problems, most associated with trauma, that include depression or other mood disorders, relationship problems, PTSD, anxiety disorders and substance-use disorders.

Components of the model include:

- An SCF employee working full time in the prison with TLC inmates, providing monthly reports.
- SCF employees attending TLC graduations and tracking TLC graduates whereabouts and contact activity.
- Pre-release meetings (and a flyer) to go over post-release support options and to prepare for reentry orientation.
- Same-day release orientation providing information and resource opportunities including services and support materials. During the orientation, TLC graduates meet with FWWI's clinical team to discuss learning circle support services (more than 65 weekly groups available) as part of their relapse prevention plan. Graduates who attend the orientation within two weeks post-release receive a generous care package.

Key Concepts of the Reentry Model

Key concepts of this Reentry Model focus on connecting Alaska Native people to their culture and using methods they can relate to through the following trainings:

- 1) Providing a five-day Arrigah House (AH), pre-release, intensive rehabilitation experience to address the effects of trauma both in harm caused and harm received;
- 2) Providing transitional services that will follow inmates pre-release and post-release;
- 3) Providing a five-day intensive Beauty for Ashes (BFA) training for reentry participants and family, as appropriate;
- 4) Providing advanced leadership opportunities through a five-day intensive Advanced Leader Education and Training (ALET) for reentry participants who desire to continue their positive growth pattern through opportunities to give back to their community and become part of the solution; and
- 5) Providing follow-up learning circles skill building groups to reentry participants and their families.

Arrigah House (AH): This 40-hour training has been offered at the Palmer Correctional TLC program since 2004 and the Hiland Mountain's TLC program since 2012.

This five-day intensive cultural model of care addresses cross generational trauma due to domestic violence, sexual abuse and child neglect. AH will offer training and healing opportunities to TLC inmates, ideally within six months prior to their release. Providing this training addresses environmental issues that may have been instrumental in the development of maladaptive behaviors. In essence, this will aim to improve the level of support and ultimately minimize the chance of relapse or a return to unhealthy coping techniques.

Beauty for Ashes (BFA): This five-day, 50-hour intensive cultural model of care addresses cross generational trauma stemming from family violence, sexual abuse and child maltreatment. BFA will offer post-release training for TLC graduates who have been identified as being at-risk for reoffending. The goal of this training is to reduce the rate of recurring incidents, to equip participants with the skills and tools they need to successfully address and reverse unhealthy coping, thinking and behavior, restore their families, reunite with their children, and to end the cycle of harm. This training opportunity will be open to family members of program participants who qualify through the screening process.

Advanced Leader Education and Training (ALET): FWWI adheres to a service versus responsibility model in its reentry efforts. There is an expectation that those who have successfully completed the reentry process must be part of helping others who may have similar struggles or may be at-risk for causing harm. This effort is vital and encourages both accountability and sustainability. ALET is a five-day, 40-hour workshop for those who wish to become a group facilitator and presenter. This workshop provides the necessary tools and techniques to facilitate small groups in alignment with FWWI's established practices. It also provides an introduction to public speaking strategies designed to break the silence of violence and abuse through teaching topics and sharing personal stories.

Additional SCF resources and provisions

Other support from SCF includes a full range of behavioral and primary care services to include Health Education classes. Key highlights of those services include:

Learning circle follow-ups: Learning circles offer a variety of weekly educational and supportive small groups through the SCF Behavioral Services Division, Medical Services Health Education Department as well as FWWI that address a range of issues including anger, anxiety, healthy boundaries, marital dynamics in healthy relationships, parenting issues, conflict resolution, role playing, modeling, reentry support, veteran support, family wellness principles and other identified and relatable needs.

The *Four Directions* outpatient program provides substance abuse and dual diagnosis assessments, substance abuse and mental health counseling, group counseling for men, women and children. The program addresses a range of topics including: parenting, domestic violence, anger, relationships, symptom management, anxiety and depression, relapse prevention, community recovery skills, life skills and health and wellness. Additional services offered at Four Directions include: early recovery skills, relapse prevention, family education, seeking safety, healthy relationships, social support/aftercare, urinalysis testing and 12-step traditional values.

Quyana Clubhouse is a safe, welcoming place for Alaska Native adults with severe and persistent mental illness. The day program blends medical services with Alaska Native tradition and structure in a nurturing environment. The Quyana Clubhouse program offers case management, medication management, primary care services, tobacco cessation programs and more.

Outcome measures and program evaluation

SCF conducts regular extensive evaluations of all inmates at the Palmer Correctional and Hiland Mountain Transitional Living Community (TLC) program who attend an Arrigah House while in the prison system as well as any former inmate who attends one of FWWI's trainings. TLC has a 28 percent recidivism rate. Without TLC inmates show 63.5 percent recidivism.

To obtain quantitative data, a multi-dimensional evaluation survey is utilized which aligns with identified program goals and objectives. The instrument incorporates standardized scales and subscales which specifically evaluate identified domains of personal effect, protective factors and participant skills development. Statistically significant positive change has been evidenced among participants with reductions in substance abuse, difficulty controlling anger and the risk of purposeful harm or threat to harm. Men report a stronger degree of positive change in depression, substance abuse, anger control and self-esteem, maintained over time. Of program participants, 74.98 percent report positive change in trauma symptomology.

Gender comparisons indicate that positive change is significant among both men and women ($p < 0.01$ and $p = 0.01$, respectively).

Summary

Alaska's statistics continue to reflect the extent to which additional culturally appropriate reentry services are needed. A supportive and cooperative network that offers rehabilitation and reentry services pre-, mid- and post-release is critical to the success of each program participant and ultimately the reduction of recidivism rates for those who participate. Southcentral Foundation's 80 programs are part of the solution.

Contact Information
Southcentral Foundation
Katherine Gottlieb, MBA, DPS
President/CEO

Cook Inlet Tribal Council (CITC)

Cook Inlet Tribal Council (CITC) stands for people, partnership and potential. CITC is a tribal nonprofit organization established by CIRI in 1983 designed for helping Alaska Native and American Indian people residing in the Cook Inlet Region of south-central Alaska reach their full potential. CITC believes that when we work together, we can help each other develop our strengths and talents, and become successful and self-sufficient individuals, families and communities.

Since its inception in 1983, CITC has grown from a fledgling, grass-roots operation with only three employees, to one of the nation's preeminent culturally responsive social-service organizations serving more than 12,000 people annually, and employing nearly 250 passionate and caring individuals.

CITC offers its Participants an array of support services includes education, employment and training services, workforce development, family preservation, and support for individuals recovering from addiction and substance abuse.

Chanlyut

Administered by Cook Inlet Tribal Council, Chanlyut is a two-year residential rehabilitation program that offers a new beginning for men who want to become productive members of society and turn around self-destructive patterns in their lives. Chanlyut provides a structured, yet self-governed path for participants to overcome addiction, homelessness, and/or reentering society after incarceration.

Chanlyut residents pay no fees to enter the program, and receive food, clothing, education and all other services at no cost. Chanlyut operates several resident-run small businesses that serve as vocational training schools and provide participants with marketable skills upon graduation from the program. Chanlyut residents receive no pay for their work, and all revenues go directly back into Chanlyut's programs and services, with more than 43 percent of Chanlyut operating costs generated through Chanlyut enterprises.

Chanlyut was founded in Anchorage in 2007, and is replication of the successful Delancey Street Foundation in San Francisco. Chanlyut is the only program of its kind in the State of Alaska, and provides an important alternative to more conventional services that have not been successful for a certain segment of the population.

In a community with insufficient options for men returning from incarceration, substance abuse treatment, or the streets, Chanlyut fills a critical gap in job-skills development that lead to self-sufficiency.

Chanlyut's Core Values

Chanlyut, is a program of Cook Inlet Tribal Council, Inc. (CITC) , it is a two-year residential rehabilitation program where the residents live, work and learn together with the ultimate goal of returning to society as productive citizens. CITC offers its services to Chanlyut participants at no cost to them, their families or the state. All revenue generated through the program's business-training ventures is used to support the program and help keep its doors open to serve others in the future.

Chanlyut is a replica of the Delancey Street Foundation, and has no professional staff of psychologists, psychiatrists or counselors, as therapy depends upon a rigorous peer-to-peer mentoring structure. Chanlyut has an "each one, teach one" philosophy similar to what happens in families, where the members are dependent upon one another as they grow to develop an identity and independence. In turn, this allows participants to ease into society on their own, while still maintaining a sense of continuity and connection with the family.

Chanlyut's self-empowerment process of growth, change and interdependence teaches residents to rely on their own strengths, and help one another develop. The program stresses that: Individuals must take responsibility for their own actions to

create viable options for their future. Chanlyut prepares its residents to live and work effectively as leaders, while having a positive influence in the community.

Chanlyut focuses on traditional values, including:

1. integrity, self-esteem, and a purpose and direction in life
2. work ethic, the importance of self-reliance, and the dignity of earning one's own
3. helping others as a central means to improve self-esteem

Participants gain vocational, educational and social skills through a consistent training and education, which begins as soon as a participant enters the program. Chanlyut's current vocational/training-enterprises include a neighborhood diner, wholesale foods and janitorial services.

Participants who faced previous challenges of gaining or keeping steady employment, are now individuals who have successfully launched and managed these business ventures that have become an important source of working revenue for the program.

Chanlyut's educational training begins on a participant's first day as they become involved in a variety of daily workgroups that are designed to improve their work habits, reading skills, vocabulary, comprehension and public speaking abilities. During these sessions, each resident speaks for a few minutes on a specific subject being discussed by the group. This way, participants are exposed to the subject matter being discussed, as well as the experience of group speaking, and connecting an idea or theory to a personal experience.

If not already a high school graduate, each resident is expected to have earned a GED before graduating from the program.

Chanlyut Program Phases

Chanlyut's vocational training is accomplished in three phases:

The first is in-house training, where residents are assigned duties within the residential facility, with the focus being learning basic skills, developing good work habits and establishing self-discipline. When residents have mastered this first level, they begin testing these skills in a variety of jobs with Chanlyut businesses.

Depending on program progress, residents are eligible for Academy at 14 months, during which they may engage in vocational training outside of Chanlyut social enterprises. After a participant has achieved a desired level of competence, and has at least 20 months in the program, they are eligible to move on to the third vocational phase of getting a job with a commercial business in the community, where they must work successfully during the last four months prior to graduation. Learning how to manage one's own personal finances is a key component of this phase, as residents begin to earn their first pay since entering the program.

Chanlyut residents are taught to work for everything they get, so they appreciate what they have even more. Every incentive—from moving from a crowded bunk-bed style dorm into a semi-private room; or earning a promotion in one's job; or accepting responsibility one's decisions—must be earned through self-discipline, hard work and caring for others as well as one's self. Experience shows the more privileges residents earn, the more responsibilities they are willing to receive, and the harder they work.

The final area of education in Chanlyut is social training where residents are taught to give something back through community service. Chanlyut residents volunteer for Boys & Girls Club, shoveling snow, setting up for events, caring for a city park they have adopted, helping with fundraisers and helping with neighborhood cleanup.

Participants are encouraged to vote if they are so eligible.

One of the central areas of education in program is interpersonal relationships, as the majority of residents have a very difficult time interacting with others. This learning happens constantly through communal living and formal program structure. Because residents live and work together, they must learn diplomacy skills, and how to accept authority and dispense it to others.

Through a group dynamic called "Groups and Games," emphasis is not on an individual's problems, but on his style of relating to others. During these group sessions, residents explore their feelings for one another, and their actions and behaviors toward one another in two-hour sessions twice a week. They learn how the impact of what they say can be brought into greater harmony with what they hope to communicate to others.

These groups also allow residents the opportunity to vent their tensions productively and in a supportive environment. The games also help to instill a sense of humor about one's self, one's life, and one's problems.

While Chanlyut residents make a minimum two-year commitment to the program, Chanlyut does encourage some residents to stay longer to serve as role models for other participants, thereby strengthening each resident's resolve to succeed.

Residents are taught to demand of themselves that they make restitution to society. As a result, society may offer them another chance to be productive citizens in the community, enabling them to foster their own self-sufficiency, while living the values Chanlyut teaches and that hold our society together.

Alaska Native Justice Center (ANJC)

ANJC's Mission is to promote justice through culturally based advocacy, prevention and intervention initiatives to restore dignity, respect and humanity to all Alaska Natives. ANJC work to integrate Alaskan Native culturally based advocacy programs and intervention initiatives necessary to assist in the resolution of legal circumstances such as divorce, child custody, domestic violence/sexual assault, minor in consuming violations and adult prisoner reentry.

The Adult Reentry Program involves the use of services targeted at promoting the effective reintegration of offenders back to communities upon release. Reentry programming, which involves a comprehensive case management approach, is intended to assist offenders in acquiring positive life skills necessary to succeed in the community. The Alaska Native Justice Center offers both pre- and post-release services for participants enrolled in six-month program.

Pre-Release Services Include: Participant Orientation, Individualized Case Management, Individualized Transition Planning, Employment and Workforce Assistance, Housing Assistance, and Transportation Vouchers.

The Adult Re-entry Program currently works in the Palmer Correctional Center & Hiland Mountain Correctional Center providing pre-release services.

Post-Release Services Include: Participant Orientation, Individualized Case Management, Moral Recognition Therapy, Transitional Mentor & Peer-to-Peer Support Group(s), Resources for alcohol and other drug rehabilitation, Vocational Training and Work Program Assistance, Housing Assistance, Transportation & Bus Vouchers, and Community Service Participation.

The Adult Reentry Program assists participants in developing greater self-esteem, responsible attitudes, positive new habits and conditioning to successfully transition into the community and reduce the rate of re-offending. This program is intended for individuals who are 180 days pre- and post-release in the Municipality of Anchorage service area.

The ANJC's Adult Reentry Program funded by the U.S. Department of Justice, Second Chance Act (SCA) grant works in collaboration with the State of Alaska Department of Corrections (SOA DOC) to guide participants in proactively addressing the barriers they may face during the transition from prison back into the community.

Partners for Progress (PFP)

PFP operates a Walk In Reentry Center in downtown Anchorage. PFP sees 40-60 people per day and provides Employment and Job Readiness assistance, housing and other support services PFP also refers to ANJC and other providers for more specialized treatment and support services. PFP sees a high number of Alaska Natives who are stuck in Anchorage because they cannot go home due to probation/parole treatment requirements. Many of these Alaska Natives are from rural Alaska and they have never lived in an urban setting or held an urban job. They are used to fishing and subsisting, but due to legal requirements, they are now forced to 'Re-enter', in Anchorage. PFP has responded to some of these needs by developing a Native Men's Group that meets weekly at the Reentry Center. A successful Native Elder leads this group. His job is to help other Native men get around Anchorage, apply for social security and other assistance and use our computer lab.

PFP wants to see Telemedicine used to provide Treatment for those on Parole and Probation so people can go home to their villages. The infrastructure is in place for Telemedicine/telehealth, why not use it for Mental Health and treatment services such as support meetings and sex offender treatment? Let's utilize currently existing services and structures to meet the complementary needs of the justice system.

Partners For Progress continues to collaborate with many other organizations in Anchorage and around the state to improve reentry services, reduce recidivism and increase restorative justice programs for our most disadvantaged.

For more information about Partners For Progress Adult Reentry Program, please contact:

Doreen Schenkenberger
Executive Director
Partners For Progress

Conclusion

Investment and Justice reinvestment in community based justice will result in a more successful outcome for Alaska Natives and their communities as incarcerated Alaska Natives reenter their communities, be they urban and commercial, or rural and traditional communities. The use of partnership with Alaska Native Tribes and Tribal non-profit associations can achieve self-determination and success in meeting Alaska Native Justice need. Justice needs are part of a continuum that also includes health/wellness and social services.

After a career of 21 years of practicing law in Kodiak, Alaska, both prosecuting and defending every manner of human difficulty, I testify that each person the justice system brought to court had more than just a “legal” need. A team of services was always necessary to address any given situation and the problem presented to the Alaska Justice system was never addressed solely by incarceration.

Alaska Natives have used Federal statutory authority to increase their self-determination, improve the provision of health and wellness services and begun to address the social needs of our people. Reentry and recidivism programs, Justice programs and Tribal courts require sustainable funding and they work best when compacted or contracted for by government to allow self determination by the Alaska Native People.

Community based justice in Alaska can succeed.

Senator MURKOWSKI. Thank you. Jeff, welcome.

STATEMENT OF JEFF JESSEE, CEO, ALASKA MENTAL HEALTH TRUST AUTHORITY

Mr. JESSEE. Well, thank you, Senator, and thank you for this opportunity. While I’m not sure it was necessary to emphasize the decades that I’ve been working in this area—

Senator MURKOWSKI. I’m with you.

Mr. JESSEE.—I happen to have had this for a while. I came to Alaska in 1980 as a Vista volunteer out of law school working for legal services and what now is Disability Law Center for 15 years and then went on to work at the Mental Health Trust for the last 20. In addition to being a member of the Criminal Justice Commission, which was set up under the leadership of Senator Coghill, I’m also the co-chair of the Recidivism Reduction Plan Workgroup. Now my co-chair in that endeavor is Commissioner Ron Taylor from the State Department of Corrections and I want to really briefly talk about Commissioner Taylor.

You can’t underestimate how important it is to have, in this effort, the support of a Commissioner of the Department of Corrections with vision about how to solve these problems, not only a vision about what needs to be done within the Department, but a vision about what other partners in the community have to do for his agency to be successful at returning people into the community as productive citizens.

This Reduction Plan Workgroup came as a result of some legislative intent language two years ago. Now this legislative intent language was really important because historically, when people talk about recidivism, they talk about the usual suspects, the Department of Public Safety, the Department of Corrections, the Court System, the Department of Law and the conversation started to get developed where it’s like you know what, those are the guys that catch them and put them in prison and keep them in there.

You know who are the agencies that really have a huge impact on keeping them out when they leave, it’s Alaska Housing Finance Corporation, it’s the Department of Labor and Workforce Development, it’s the Department of Health and Social Services, it’s our

tribal partners because what we know is to keep people productive in the community, they need housing, employment and support for recovery.

I know you're very familiar with trust beneficiaries, they range from people with developmental disabilities to Alzheimer's disease, related dementia, traumatic brain injury, mental health and substance abuse. Sixty percent of Department of Corrections inmates are trust beneficiaries. They serve longer sentences and they recidivate at a higher rate.

" So these are critical issues to the mental health trust, which is why we've worked so hard with Senator Coghill, with Commissioner Taylor and others to address these issues.

I want to talk about a couple things. You know, yeah, we're doing great things, but I tend to see these hearings as well, what can you do for us and so there's a couple things I think that you might be able to do for us and some of them aren't immediately intuitively obvious. Well, why would the Committee on Indian Affairs in dealing with strengthening families, Native families want to deal with some of these things. Well, one, which is absolutely critical is housing. If we don't have housing for people when they come out of Corrections, supported housing for those people with behavioral health needs, sober housing for those people that are trying to maintain sobriety, then their chances of being successful in the community are very, very low. So when you look at your congressional agenda and you see things like the NAHASDA funding for Native Housing Authorities, the Home Program, the Housing Trust, those may not immediately jump out, except maybe NAHASDA, as things that would relate directly to this issue, but they do. And even small amounts of money in the Housing Trust and Alaska being a minimum allotment State, that money can be put to very productive use.

Housing first, which I think you're a little familiar with, taking people with chronic substance abuse conditions and saying, you know what, we're no long going to wait until you get sober to offer you housing, that wasn't working. So let's house you first and then see if we can deal with some of these other issues.

We've opened successful housing first projects here in Anchorage, Tanana Chiefs Conference has a very successful housing first project in Fairbanks and Juneau is about to follow along. So housing is absolutely incredible and incredibly important.

And support for recovery. Particularly in rural Alaska, there's a lot of really good things happening. I know you're familiar with the Denali Commission and their efforts to put clinics into many villages across the State. While the Trust worked with the Denali Commission, and you know, those first few years, you couldn't even really talk about behavioral health being part of those clinics, but we kept working with them and eventually now behavioral health space is a part of each of those clinic designs and the Mental Health Trust continues to provide the local cost share match for behavioral health space, so it's a no cost addition in those rural community clinics, which is huge.

But space isn't very valuable if you don't have somebody in those spaces to do the work and that's where the Behavioral Health Aide Program is absolutely critical to getting help in these communities

for people not only coming out of Corrections, but people are struggling in the community with sobriety, with mental health issues and heading off many of these issues before they end up getting caught up in the criminal justice system.

And here's a little bit of a rabbit trail, so okay, so we want to provide these services in villages. We have some behavioral health aides, but they need support, they need clinical support. And so what we did is, a few years ago, the State did a broadband plan and I looked at the State's plan and it had one or two tribal people on it and surprise, surprise, the State plan for broadband in rural Alaska was to create a new broadband system at a cost of millions of dollars to enable us to use broadband to reach out and deliver services in rural Alaska. And I sat there and I went, I thought we did this, I thought we had the AFHCAN project and we had broadband in clinics and I thought we put broadband in the schools and I thought we put broadband in the libraries. Why in the heck would we create another broadband system?

So I started talking to Stuart Ferguson at the ANTHC and talked to the CIOs of the health corporations and well guess what? The Federal government, which subsidizes many of those systems puts a lot of restrictions on what you can use those systems for. Now that doesn't mean we can't be creative. An Anchorage agency, Alaska Child and Family wanted to do some support for children and family in rural Alaska. They went out, developed relationships in Upper and Lower Kalskag. Well, how are they going to get access to broadband? Well, what they did is they worked with the schools and they put these services in the child's individualized educational program, and once it was in the IEP, they could get access to broadband in the school.

I tell you, if you want to help us, see if we can't get some flexibility, especially in frontier and rural areas, around access to these broadband capacities. We could do a lot more to support families and communities if we could just use the tools that we have. And maybe one of the silver linings about the fiscal problems in the State of Alaska is we can't afford to build another stupid system that we don't need, so we're going to have to find a better way to do this and I think you could help us to accomplish that as well.

Looking at tribal courts, I'll tell you how we look at tribal courts. We have a lot of experience with therapeutic courts and it's been a long slog. Mental health courts, wellness courts and when we first started with those courts, it was interesting to hear the court systems as a systems response to it. For a while, they call them the boutique courts and it was not a term of endearment. They didn't see how spending more time in hearings, spending more time with these repeat low level offenders that were there because of mental health and substance abuse problems could possibly be worth their while when they need more judges here and more judges there. But you know, the more results we got, the more they saw how less frequently people were coming back into the system, and yes, they might have to spend four, five more hearings for this particular case, but gee, half the cases weren't coming back.

Now the court system is a big supporter of therapeutic courts and I'll tell you one of the similarities I see with tribal courts and I'll just give you an example. I went to a mental health court hear-

ing and one of the aspects of it is the judge talks right to the person, not through the lawyers. And the judge is talking to this woman and talking to her about her treatment and staying on her meds and she's got a job and she's doing great in her apartment and they get all done and this woman's all excited about it. And the judge says, you know, you've been coming here every month and you're doing so well, I don't think you need to come back for three months and this woman's face fell. She was crestfallen and she said well, Your Honor, are you sure I can't come back again next month? That's how you turn the justice system around, from being an adversary of the people to a helper of the people, and to me, that's what the tribal courts are, they're taking that approach of how do we help, how do we be partners with these people and help them get healthy and back into the community.

And so I understand why there's resistance to the tribal courts. We get into all these jurisdictional issues and tribal sovereignty and all of that sort of rhetoric. But to me, what it comes down to is needing people where they are and rallying their communities around them. And so I think, with some base funding and framing for us at least, the tribal courts as therapeutic courts, that they can also expand and take an extremely valuable role in rural Alaska.

And again, I'm appreciative that Greg mentioned the medical/legal partnership, that's one of the things the trust is doing now. We're actually going to fund some of those social workers and so we're going to collect data and be able to establish that by meeting the holistic needs of many of these defendants, that we can keep them out of prison and productive members in the community. Thank you.

The supplementary information titled *2015 Recidivism Reduction Plan: Cost-Effective Solutions to Slow Prison Population Growth and Reduce Recidivism* has been retained in the Committee files and can be found at <http://www.ajc.state.ak.us/acjc/recidivism/HB266-2015.pdf>

Senator MURKOWSKI. Thank you, Jeff, greatly appreciate it. Denise, welcome.

**STATEMENT OF DENISE MORRIS, PRESIDENT/CEO, ALASKA
NATIVE JUSTICE CENTER**

Ms. MORRIS. Thank you. I've got some written statements here that I'm going to try to stay to a little bit so I don't forget everything that I want to say. So I'm Denise Morris and I'm Aleut and my mom's family hails from the Pribilof Islands in St. George and St. Paul. We have a tribal court at home and my father's family hails from Nebraska.

I appreciate the opportunity to represent, on behalf of my fellow Alaska Native people, by sharing my thoughts before the Committee, staff and the public on the important issues of strengthening Alaska Native families. I hope to share some of what I know and have learned concerning recidivism, reentry and tribal courts and also really supporting what truly matters most, which is our families, our relationships, our culture and meeting people where they are and truly listening respectfully to their story.

As I indicated, I currently have the privilege of serving as the President and CEO of the Alaska Native Justice Center. I've been at the Alaska Native Justice Center approximately now 17 years. I can't believe when we're sitting here aging ourselves, it's gone 17 years, and not only that, me and Greg went to Mountain View Elementary together, we were in the fourth grade. So as I'm listening to people talk, I'm going we have a lot of history together.

So at any rate, as it relates to the Alaska Native Justice Center, the Alaska Native Justice Center was created or established in 1993 to address the unmet needs of the Alaska Native community and Alaska's criminal and civil justice system. And in 1993 when the Alaska Native Justice Center was formed, Alaska Natives represented between 42 and 47 percent of the State's incarcerated population, so that was one of the founding reasons that the Alaska Native Justice Center was created. When those statistics were actually reported, I mean, everybody was just astounded that the number of Alaska Natives that were incarcerated, it was probably one in 25, at that time, that were incarcerated within the Department of Corrections.

And the Alaska Native Justice Center truly wanted to be a solution. What can we do to address this particular issue? And that basically is where our mission came from is that the Alaska Native Justice Center promotes justice through culturally based advocacy prevention and intervention initiatives to restore dignity, respect and humanity to all Alaska Natives.

And as I indicated, the statistics then, and unfortunately now, show a disproportionate representation of Alaska Native men in our prison population, and unfortunately, Alaska Native women as victims of violent crime, most particularly domestic violence and sexual assault and Alaska Native children in out of home placement with the State of Alaska, Department of Health and Social Services and that number changes. But right now, I would say between 40 and 45 percent of the children that are in the custody of the State of Alaska are Alaska Native children.

Since 2009, the Alaska Native Justice Center has worked closely with the Department of Corrections to improve the quality, access and transitional support services to individuals pre and post lease—post release. And I do want to echo what was said about Commissioner Ron Taylor. He has been very, very supportive, I think that he has the ability and really wants to change these statistics and is working really hard. And I do want to add that the Division of Juvenile Justice has reduced the number of Alaska Natives that are detained, so there's another model to look at.

However, as I indicated, in 2009, ANJC was actually awarded a grant from the U.S. Department of Justice, Bureau of Justice Assistance through the Second Chance Act. We were an advocate for the passage of the Second Chance Act, which was specifically funds to support programs for individuals that were transitioning from incarceration and I think that's the first federal legislation that actually had funding associated with it.

In 2010, ANJC's Board of Directors developed a five-year reentry strategic plan, and as a key component of that, we established the first Alaska Native Advisory Committee, which was dedicated to implementing successful reentry services.

Statistically, since 2010 and 2014, ANJC has provided reentry services to some 2,500 people and there's a lot more people seeking support, we just can't help everybody and there's other partners now that are also doing this work. In 2014 alone, we had 1,175 individuals that we helped or assisted who were transitioning from incarceration, so ANJC's program participant recidivism rate averaged 19 percent. That's low for recidivism rate in the State of Alaska, 19 percent.

I believe now, as compared to the State of Alaska, Department of Corrections, statewide recidivism rate, which is 63 percent, so our programs are culturally based programs, we work one-on-one with the individuals, we develop individual intensive case management plans pre-release, when the individual is post release, we work with them and actually implementing the case management plan that was designed with them to meet their specific needs.

We have the support of the Department of Corrections. Everybody that is participating in our reentry program is assigned to one probation officer. So if we have a particular issue that arises, we're able to meet with and talk with that particular probation officer. Individuals that are in our programs meet weekly and more often if they need to. And when we're developing their case management plan, we're looking at the gamut of everything that we're talking about, housing, you know, if there's a condition of probation that they need to be enrolled in an alcohol substance abuse treatment program, how are we going to do that; if they're currently on meds as a result of mental health issue, how are we going to continue that, employment is a biggie.

And I just want to also barrier crimes, I know that the Commission is looking at barrier crimes, but I can't tell you the number of doors that are closed as a result of the restriction of barrier crimes. Housing, employment. Another key component that we do at the Alaska Native Justice Center in partnership with a lot of people, we don't do this alone, is educating the public of the value of giving people a second chance.

Senator MURKOWSKI. Yes.

Ms. MORRIS. These individuals have a lot of skills that they bring to the table, we educate employers about the opportunities of hiring these individuals, we educate landlord/tenants about renting to individuals to really try to dispel the myth associated with being incarcerated.

Some of the other issues that I want to talk about as well is tribal courts and I can say that the Alaska Native Justice Center has been an advocate of tribal courts for a long time. And as Natasha had indicated, there's 229 tribes in Alaska and a third of them actually have tribal courts, but there's also elders panels, there's community panels, there's diversion programs, there's a lot of other ways that we can utilize our resources to address alternatives to incarceration.

And I also want to talk a little bit about prevention. We know if an individual graduates from high school, the likelihood of that individual being incarcerated is reduced by 50 percent. And we know if children have their parents in the home, and you know, when we're talking about the number of individuals that are incarcerated in the Alaska Native community, we have children of Alas-

ka Native heritage that are being raised by their grandparents or their aunts or their uncles because sometimes both of their parents are incarcerated. So I mean, the factor that this has on our families is tremendous, so I really think that there's a lot of things that we can do and I have to say that right now, that even though the numbers of the individuals that are incarcerated is devastating, I'm encouraged now that because I think that people are coming together with open minds to truly look at what it is that we can do to reduce these numbers. And we don't want to be number one in the nation for the number of people that we have incarcerated, we do not want to be number one in the nation for domestic violence and sexual assault and I know there was a report that was done by the Alaska Judicial Council and they were talking about recidivism. Other than being Alaska Native, the only other mitigating factor is being indigent, so when we're thinking about factors, about how people end up in the justice system, I think that we need to look at all of the resources, utilize all of the tools that are available to us to really address this issue. And I think addressing it at the local level by utilizing tribal courts, utilizing elders panels, whatever tools are available to us, I think really will go a long ways.

And we do know through the Indian Self Determination Act that culturally relevant programs based on the cultural needs of the individuals utilizing those programs make a significant difference. We've done it with the healthcare model, so there's a tribal set aside so that culturally relevant programs can be developed. We've done it with NAHASDA, so there's all kinds of opportunities and there's proven evidence that demonstrates that culturally relevant programs do make a difference.

So in closing, I would just like to say that I really appreciate you being here, appreciate your support over the years. Thank you.

[The prepared statement of Mr. Adkins follows:]

PREPARED STATEMENT OF CHET ADKINS, PARTICIPANT OF ALASKA NATIVE JUSTICE CENTER'S REENTRY PROGRAM, SOUTHCENTRAL FOUNDATION'S MEN'S WELLNESS PROGRAM, AND THE SOUTHCENTRAL FOUNDATION'S FAMILY WELLNESS WARRIORS INITIATIVE

I am 55 year old, Yupik, Aleut, and white. I spent my first five years in the village of Oscarville with my maternal grandparents. My first language was Yupik and I identify myself as Yupik because that is the culture I know and love. At five I moved to Fairbanks with my parents to go to school.

The education that stuck was the one I got at home; how to be a criminal. My father was a steel contractor and when I was not in school I was on job sites with dad. My favorite times were lunch and coffee breaks, listening to the stories and believing them; which gave me a very skewed and unrealistic view of relationships and a man's role in life. I learned that a man's only duty was to provide, not to nurture and that woman should subservient and take care of her children and her husband's home. I also learned that a man had to fight when challenged or when his word was questioned and that he had the right to do as he pleased when away from his family.

From age 14 to 17 I worked on the pipeline making an iron-worker's apprentice wage. I worked most of the camps from Sheep Creek to Franklin Buff. This period validated everything I learned during lunch and coffee breaks; I received an up close education on how to get things done. Where the crew went after work, is where I went. This exposed me to the application of many of the values I had assimilated on the job. The most damaging subconscious value I developed was how I categorized women. There were family members and friends who were to be protected under any circumstance. There were the nice girls who you could date and marry,

and there was the misguided belief that women could be taken advantage of because of the situations they found themselves in.

By the time I was 10, I had split myself in 3 completely different people with different values and behaviors to match my different environments. When I visited the village I became the Eskimo boy who reflected the traditional, cultural, and community values I was taught as a child. In school I was a student and an athlete. When I was at work, I was a good iron worker and a criminal. These persons coexisted and allowed me to function until I was 17. At 17 I quit school and my family moved from Fairbanks back to Bethel. I no longer needed the student in me, and I no longer had the geographic space that had protected the Native me from the criminal me. Within a short period my criminal values won out I became a bootlegger, making me toxic to the culture I claim to love.

By the time I was 20, everything I did, from commercial fishing to driving cab to operating a village store, had some element of criminal activity. When I was 25 my father committed suicide and left an insolvent estate bleeding money. My solution was to graduate from selling whisky to selling cocaine. I made my first trip to Florida in early March of 1986. Things went as planned for about 6 months, then one day I woke-up, and if I had cocaine, I used, and I always had it. By December, when I got down to a pound of uncut, I quit selling so I wouldn't run out. On March 23rd 1987, I committed the murder of a woman behind cocaine.

When I got to prison, I became a bigger criminal than I ever was on the street. I created drama and chaos to give my life purpose. It took me 12 to 14 years of my sentence to begin to take responsibility for the things I had done in my life. It took me another 8 years or so to completely accept responsibility for what I had done and realize that my actions from 30 years ago and longer continue to have consequences to others. I believe the most significant part of this process was a spiritual awakening; strengthened and facilitated by the Kairos Prison Ministry and the Transitional Living Community Program in Arizona. My spiritual awakening gave me the tools to accept responsibility for what I had done without condemning myself.

Early in my sentence, with the support of Orutsaramiut Native Council in Bethel, I began to educate myself. I began primarily because it mitigated the consequences of my behavior in prison. Within a short time I began to build a sense of accomplishment from my studies. I now have over 200 quarter credits and I earned an AA in liberal arts from Ohio University. At the same time I shifted my focus from the yard to ivory carving and jewelry making in the hobby shop. The hobby shop provided me with a way to help support my children and through making wood toys, a means to begin making amends to the community; the hobby shop also gave me a cultural connection I hadn't experienced since childhood.

The last part of my incarceration was spent in Colorado in the Residential Substance Abuse Treatment program. I completed the program in September of 2010 and then worked as an office assistant and group facilitator until September of 2013. I had the privilege of working for a lady, who through both word and deed showed me that her primary interest and goal was to help people. She taught me that goal of treatment was not to stop using; it was to understand how we became who we are so that we can become who we are meant to be. Losing the desire to use or act out was an ancillary benefit of that growth process. It was at this point that I was able to let go of the last of my criminal values and ties. As stupid as it may seem, I had been subconsciously hanging on to them as a backup plan. At this point I was comfortable putting the program before my old values and earnestly began to confront behaviors and challenge beliefs within the Residential Substance Abuse Treatment program. As a result I developed a reputation of rat or snitch and I was ostracized by my old cohorts, both of which I am OK with if not proud of.

In the last 3 years of my incarceration I experienced pain, cramping, weakness, and loss of function in my legs. It wasn't until just before I was released on parole that the Department of Correction acknowledged that my spinal nerve bundle was compressed to 20 percent of its normal area, that I had probable motor nerve damage, possible sensory nerve damage, and impaired function in my legs. At first I was told that I wouldn't be released until I had back surgery because the half-way house wouldn't accept me. I was later told that medical had cleared me to go to the half-way house. I was transferred to the half-way house on October 10, 2014.

It was clear to me from the beginning that I had been set up to fail. I couldn't get a job because of the impaired function of my legs and the liability that the condition created; the half-way house refused to give me permission to get the surgery because of the medication given with surgery and wound care required after surgery, my parole officer refused to press the issue stating he had no control over the half-way house, and the Department of Corrections refused to give me a path to resolution. At 3 months into my stay at the half-way house after I had written a letter

to the parole board, I was given a perceived path to getting my surgery. However, alternate housing was not approved until I had completed all but 10 days of my 6 month stay at the halfway house. Up to that point, I had been mentally preparing myself to have surgery at the Alaska Native Medical Center and then turning myself in to recover in prison, hoping that my parole would be reinstated when I had recuperated from surgery.

While in the halfway house I found myself caught between a rock and a hard place. One consisting of the halfway house, my parole officer, Job Service, and even Cook Inlet Tribal Council, all of whom told me what they couldn't do for me or what I couldn't do for myself until I had my back surgery, while not giving me the option of having the surgery; and my parole requirement to have employment.

I owe the success I have had and my continued freedom to the Alaska Native Justice Center, the Southcentral Foundation's Men's Wellness Program, and the Southcentral Foundation's Family Wellness Warriors Initiative. By networking at the Alaska Native Justice Center (ANJC) weekly support meetings I learned about the Men's Wellness Program Internships. The Men's Wellness Programs was willing to meet me where I was and help me from there, rather than expect me to change or improve things outside of my control before helping me. Men's Wellness gave me a 6 month paid internship and placed me with the Family Wellness Warriors Initiative. Family Wellness Warriors Initiative gave me a job with both meaning and purpose. Together these 3 organizations gave the one thing I had been asking for—a chance to prove myself. Three and a half months into my 6 month internship I was hired as a permanent full time employee at Family Wellness Warriors Initiative.

I firmly believe that if these organizations and the people in them hadn't seen me rather than a convict, if they hadn't given me the acceptance and support that they have, I would have been just another failure who went back to prison; not because I did anything wrong, but because I would have been unable to get and keep a job without them, which was a requirement of my parole. I know that I owe my current and future success to the women and men in ANJC, the Southcentral Foundation's Men's Wellness, and the Southcentral Foundation's Family Wellness Warriors Initiative (FWWI).

While I know that I don't have all the answers, based on having spent over 29 years incarcerated, I do have some suggestions. First, reentry begins in prison. In my experience and observation, most prison programs are for show, they tend to lack the depth, value, and duration to develop and maintain real jobs skills, and this must change. As part of that change, those with experience and skill, who are incarcerated, must be better utilized to teach and mentor the young and unskilled.

The value of hobby craft programs, which are being eliminated by the Department of Corrections, cannot be over stated. Hobby craft is a means to create cultural connectivity for Native prisoners. Hobby craft is the only activity beside visitation that fosters family ties, family interaction, and positive communication between prisoners and their families. Hobby crafters must interact with vendors to purchase supplies and sell their crafts. Crafters must learn how to prioritize their needs and activities as well as saving and budgeting to buy their tools and supplies. Hobby craft provides a unique opportunity for prisoners to give back to society through community service. Hobby craft teaches marketable skills, a work ethic and responsibility. Hobby craft also stimulates change in values. With a 2 to 3 year waiting list to get into the shops and a significant investment in tools and materials, participants are rarely involved in physical conflicts or willing to risk a dirty urinalysis, both of which are grounds for immediate expulsion from the shops. In short, hobby craft is the most complete rehabilitative program the Department of Corrections provides, but fails to recognize it as such.

In my experience faith based programs offer hope through the promise of forgiveness and salvation; which can be achieved only through repentance and right living. Faith has given me and many others the only real hope for the future we have ever known. My observations, even before my own spiritual awakening, showed me that few who did not find and build some sort of spiritual foundation, rarely had lasting success. Therefore, all spiritual journeys, even those different than our own, must be supported.

The largest problem that I see confronting all released felons, is that Alaska is number 1 for state-created legislative and regulatory barriers to successful reentry. There are no less than 533 state statutes and regulations obstructing reentry in one way or another. I would make a great substance abuse counselor; but I am barred by state statute from ever being one. How does that serve the greater good? If you want to reduce recidivism, you have to give us the same opportunity to prove ourselves that ANJC, Men's Wellness, and FWWI gave me.

Senator MURKOWSKI. Thank you, Denise. Thank you to each of you for, I think, very insightful comments and we've spent a lot more time hearing from you than what we typically might in a regular hearing. I felt that what you were providing us was way too important to cut it off at five minutes, so we won't have as much time for the back and forth, but I think what you have put before the Committee through this public record has been exceptionally important and I thank you for that.

I'm struck that we have a conflict, an approach almost because of our geography, because of where our people are situated around an enormous state that is challenged by distance and cost.

And as we talk about how we deal with the issues of recidivism, of reentry, of rehabilitation, what I've heard from all of you, whether it's the state approach or tribal or here in Anchorage, it's this community based justice, making sure that you've got programs that are culturally relevant, making sure that when an individual comes out of that system, that there's a better alternative than just going back to what got you into this in the first place.

And as I review the very strong benefits that we see from the tribal courts structure and out in our villages and the different approaches to sentencing, to healing, to rehabilitation, the description that you had, Natasha, about the circles and the fact that you have an entire community literally that is weighing in, in discussion, and in a way that not only helps the victim, helps the perpetrator. But also the whole community and I'm struck at how that can work, but I also recognize that when you're coming from Mountain View, when you're coming from Anchorage, which is our state's largest population base for our Native peoples, we don't necessarily think about it that way, but we have more Alaska Natives here, how can you take that true community based justice system that would be effective in Stevens Village or effective even out in Kodiak, which is a bigger city and might work in Old Harbor, but a little bit more difficult to translate to Kodiak, but you can make it work because there's a closeness and people know one another.

But you come to Anchorage and we're a big city here, this is—there's a level of anonymity, you can get lost in Mountain View, you can get lost in the system here. How can we do a better job of this community based justice to provide for the needs of so many here who are falling through those cracks. And Denis, you mentioned some of the programs, but it's almost like it's case by case. Is it translatable what we're doing with our smaller villages and through our tribal courts, is it translatable into the urban centers, and if so, how do we do it? Go ahead, Greg.

Mr. RAZO. Sure. I think it's absolutely translatable into an urban setting and first, I'll talk about the courts that Jeff talked about, the wellness courts and the drug courts and supporting that system that has the time and takes the time to deal with individual needs because it is individual needs, but we shouldn't mistake the fact that there's more than one tribe here in Anchorage, Alaska. There are many tribes here in Anchorage, Alaska.

Senator MURKOWSKI. Well, we have all of them right here, so—

Mr. RAZO. All of them, yes.

Senator MURKOWSKI. Yes.

Mr. RAZO. So I think you recognize that you don't have to be in a village to form a partnership and we know that there's community coalitions like AFACT, and you know, faith based coalitions, there's folks that are hungry for partnership and want to become part of the system that they find themselves living in. Whether they're from a Polynesian background or a Laotian background, you begin to reach out, include those sorts of cultures into a system and then you're able to form justice systems that are relevant to those people because they must find themselves in even a more foreign situation than an Alaska Native does here in Anchorage.

Senator MURKOWSKI. Senator Coghill?

Mr. COGHILL. Sure. Thank you, Senator, and I think that's a good question for the whole population. For example, cultural issues, we have so much military in Alaska, that's a different culture than many things we have to deal with. We have the Polynesian, in Barrow, we have a population of Filipinos, it's significant and it does need to be culturally relevant.

One of the things that we're encouraging the State to do is to look at our pretrial population and look at diversion programs, things that we can do that are relevant to that situation. So that would be able to get them into treatment programs if they will agree to it. It's going to have to be permissive because when you're in pretrial and you don't want to assume guilt necessarily, but there are things that we're looking at that can help that circumstance, especially for people who have been incarcerated before, things that we might be able to get them into, maybe ankle monitoring with the requirement of a program, things like that.

I think it's going to be important. It can't be understated that prevention issue is a big deal. I think it's not just education though, you have to have everything from working partnerships, I think some of the things that we do in interns is significant in high school, but it is true though that the things that kick the feet up [sic] from under us are drug and alcohol issues.

Senator MURKOWSKI. Yes.

Mr. COGHILL. Those people who are involved in that are going to be awful hard to get into internship programs. You have to go looking for them and that is unfortunate, so as soon as they engage in the system, whether they get charged for an offense, what we can do on risk assessment issues and needs assessment issues is going to be very important, so I'd say that that has become more apparent to us than ever before that, on the front end, we can do things as well as the recidivism reentry, there's many things we can do on the front end. And this justice commission that we're all working on is looking at some of those things and there are practices that other states are doing that I think we can benefit from, so I think it will be cross cultural, but beneficial and it brings kind of a community approach to it.

Unfortunately, it's not going to be as good as a small community, but it'll be those affected in that community will be a part of it.

Senator MURKOWSKI. Other comments to that? Natasha?

Ms. SINGH. Thank you, Senator, for that question. Greg Bringham and I are also urban Southside Natives from Fairbanks, Hunter Hornets. So I think this question is very interesting. Currently, Alaska Native tribes have sovereign authority over the do-

mestic relations of their tribal members and that authority extends outside of the village communities, extends to the urban centers.

I see the tribal court system can work for urban residents, urban tribal members. I think it would take some agreements between tribes—but we could replicate it and I could see getting the community involved in those circles for the Native people of Fairbanks and Anchorage. I think we do have that authority, I think with additional confirmed authority and funding, it could be replicated definitely.

Senator MURKOWSKI. Let me ask about the preventive piece because when you talk about justice reinvestment, the best way to invest is to not have to have this level of system, an expensive system that sometimes works, but unfortunately, we see the model repeat itself too often that it's not working and it's extraordinarily costly.

One of the things that we've been discussing within the Indian Affairs Committee really the past six months or so has been the impact of trauma. The impact of historical trauma, trauma in an individual's life that leads to this lifetime, quite often, of just a pattern of behavior that is not healthy, not healthy for the individual, not healthy for the others around it and very, very destructive.

And I've been working with Senator Heitkamp from North Dakota, we have co-sponsored this legislation that moved through the Senate regarding the Native Children's Commission and a part of what we are looking at is the trauma that comes to children, whether it is through observing acts of violence within the home or being the victim of assault or violence or sexual assault and then the impact then on the individual.

The statistic that we have here in Alaska, 40 to 45 percent of the children that are in custody in our State's juvenile system are Alaska Native children, is really a staggering figure. And so you think about that population and what they have been exposed to as young children and then how that will play out as they grow older and the impacts that will be on them and their health and those around them.

What, if anything, and I'm probably looking to you, Mr. Jessee, for this one, what are we doing to try to better understand the impacts of early childhood trauma or it doesn't have to be early childhood, the impacts of trauma and then what that leads to as part of the involvement in a system, most notably the Corrections system, the Juvenile Justice system. What are we doing to examine this?

Mr. JESSEE. Well, the good news is that we do have a lot of data now through the adverse childhood experience research that's been done. We know exactly what you're saying, the higher the incidents of adverse childhood experiences, the worse outcomes that we have. And not just the ones you normally expect, which is criminal behavior or addiction, those sorts of things, but increased heart disease, increased hypertension, increased depression. So we now know that there's that link, so what are we doing, what can we do to change that trajectory? Well, a lot of it's going towards a trauma informed system of care at every single level.

A good example is the Anchorage School District still expels and suspends kids over and over and over for behavior that can be

traced back to trauma experiences. Now in other places like Washington, for example, in Walla Walla, an alternative high school sort of got the message and went well, wait a minute, if this ASIS (ph) stuff is true, then when a kid acts out and all we do is suspend them or expel them, we're just re-traumatizing them, we're just adding another ace onto the list.

And so they've gone to a trauma informed system in this alternative high school where when Greg comes in in the morning and sits down and his teacher says open your book and Greg says hey, F you, well, we're not going to suspend him, what we're going to do is sit down and say Greg, what's going on, you know, you sure came in this morning with an attitude, is there something going on? And what they found out is kids would say well, yeah, my mom got drunk last night and beat the crap out of my brother. And so they start to work with these kids. That school went from graduating six to seven kids a year to graduating 50 kids a year just by changing the approach that they used.

Even in Division of Juvenile Justice in Anchorage at McLaughlin Youth Center, which I know you're familiar with, they went to trauma informed care on their detention and security units and even long-time juvenile officers, the most jaded if you will, having spent years with these kids that were very negative about oh, we're just going to cottle these kids, you know, what they need is a firm hand. After watching their incidents of restraint and seclusion and physical violence go through the floor, even they, when you take a tour there, will tell you boy, this works.

So we're learning, we're learning that we need to approach these kids and it's not just kids. Adults are just kids with trauma that grew up and got older, and you know, they're still going through all of those post-traumatic stress systems, so if we start treating people like they're victims of violence and victims of trauma and using trauma informed strategies, we can turn the curve, we can make a difference. And the tribal courts are doing it, therapeutic courts are doing it, the Juvenile Justice System's doing it, we can turn the curve.

Senator MURKOWSKI. Okay, that's encouraging. Let me ask about some of the reentry programs. I've had an opportunity to see some of what we're doing here and see some of the successes. Are we—recognizing that you've got, again, the geographic diversity, you have some places that have more programs that are more adept, more capable, perhaps a little bit more mature in terms of what they have been able to do, are we seeing some examples outside of the Anchorage area, say for instance, in Fairbanks, Barrow, Kotz, Nome, are bigger communities maybe down in Southeast where we're seeing some real successes with making a difference with the reentry, the support that is there. You mentioned—and I appreciate the very specific areas that you've given us from the federal perspective that we can look to. Let's help with housing, let's help with some of the—there's support for recovery programs, let's help with the tribal courts. But are we seeing some areas that are just doing much, much better than others and so we've got some models that we should be looking to as we're trying to build this out?

Ms. MORRIS. I'll speak to that—

Senator MURKOWSKI. Yes.

Ms. MORRIS.—I do know that Bristol Bay also has a reentry program they're developing and I also want to add that, when we're talking about reentry services where we're talking about tribal courts and we're talking about elders panels and we're talking about community diversion programs. In small, rural communities, they are the ones that have and are acting as the reentry programs, they're the ones that are the parties providing the supportive services to the individuals when they're returning to the communities.

And I would give an example with our reentry program, a lot of times when the individual is able to go back to their home community or their home village, we, a lot of times, work with either the healthcare organization, the tribal court, the tribal council to make sure that there are those support services.

Senator MURKOWSKI. So you will contact them?

Ms. MORRIS. Yes, we'll reach out to, yes. We'll reach out to the individuals in the community to make sure that there is a support system and an individual, as part of that, has to be able to reenter their community in a good way. You know, how are they going to go before their tribal court or their tribal elders and apologize for their deeds, hold themselves accountable and ask for permission to be a member of that community. That's very important within our culture that that takes place, so I would say that they do act as in support those reentry services.

Senator MURKOWSKI. So then as part of, again, community based justice, in order to successfully reenter, so you've got to have a place to live, you have to have some value there and that typically comes through a job, but now you've come back and you got a felony record and nobody wants to hire you and the comment was made, but you know, you can't get your driver's license, if you will, you've got all of these limitations. What are we doing to bring the community in to say it is okay to rent a home to this individual, it is okay to take a chance, give this individual a second chance by hiring him and at a time when, you know, I don't want to take the risk. This guy has a record, I don't want to do that. What are we doing to bring the community in to allow for this second chance? Because you may have an individual that's got really great intentions and he's going to turn his life around and he gets into a place where everyone is afraid. I'm afraid to have you as a tenant, I'm afraid to have you as an employee, I'm afraid to have you as a neighbor because now you're on the sexual offender registry. How do we do that part of our community based restorative justice, are we working on that?

Ms. MORRIS. I would like to respond to that and say one of the models that we're looking at and have been utilizing is reentry coalition, so we have a statewide reentry coalition, we have an Anchorage reentry, Fairbanks, Mat-Su, Juneau. I'm not going to list them all, but there is reentry coalitions that are pretty active across the State of Alaska and those members that serve on those reentry coalitions are doing just exactly what you're talking about.

In addition, at the State level, we do partner with the Department of Labor, Alaska Housing Finance Corporation, Alaska Mental Health Trust, et cetera, et cetera, in trying to make sure that

they're aware of the barriers and to partner with them in creating opportunities.

And then the other thing is walking the walk and I would say, by way of example, at the Alaska Native Justice Center, we have two individual employees that graduated from a reentry program and now lead and manage our reentry program, so there's that peer to peer continuity and support there.

Senator MURKOWSKI. Good. Mr. Jessee?

Mr. JESSEE. Well, there's also Cook Inlet Tribal Council, has the ChanLyut program—

Senator MURKOWSKI. Right.

Mr. JESSEE.—which works with local businessmen. We've, in our Bridge Home Program, we've looked at indemnifying landlords so that, if they bring somebody into one of their apartments and there's damages, we say hey, we'll cover the damages so you don't have to take that risk.

There's a movement in the Commission around Ban the Box—
Senator MURKOWSKI. Yes.

Mr. JESSEE.—so that when you first make your application for employment, the first thing they see is a box that says yes, I'm a felon. Well, let's get you a little farther into the process, so they get to talk to you, know you a little bit. Yes, at some point, you're probably going to have to own up to what you've done, but at least you've got your foot in the door and they've got some relationship with you and now maybe they'll take a chance on you instead of just washing you out at the front end.

So there are things that are happening that they need to be institutionalized and become more prevalent and well and widely distributed.

Senator MURKOWSKI. I was on an airplane yesterday and a gentleman came up and introduced himself to me and he says I'm so excited, I'm going down, I'm opening up a restaurant, it's part of a franchise and I said well, congratulations. He says yes, I'm the first person to be able to buy into this franchise in decades and he says I started literally washing dishes and that's the American Dream, and he said—he says yeah, I am also a convicted felon, had a drug offense some years back and he got a job washing dishes. And he worked his way up through the company and it was just one of those really strong reminders that there are these very good success stories out there. We wish that there could be more of them because I looked at that guy thinking to myself, he's going to be a leader in the community because he's been given that opportunity. You wanted to weigh in, John?

Mr. COGHILL. One of the reasons why Commissioner Taylor gets so many good remarks is because he's begun working with people weeks, months before they get out and had brought to us in the—I think the Commission's going to deal with it, but as something that I put into the Senate Bill 91, which was with job training, which the Department of Labor's working with us—

Senator MURKOWSKI. Yes.

Mr. COGHILL.—schooling, things like that. You can actually earn good time to show initiative that is preparatory for you getting out, looking at housing, looking at opportunities.

The other thing that we have to look at though is the driver's license, the ability to get a limited driver's license is going to be a big deal in Alaska. Anywhere where there's a road system, the ability in Fairbanks, you can take a bus, but you're talking about a 16-hour day minimum, right?

Senator MURKOWSKI. Yes.

Mr. COGHILL. It's just slow and it's tedious. So ways we can do that under degrees of accountability is going to be important. And then the barrier crimes, we will be looking at in very earnest in ways that people can be given some relief from that and some of the ways that we can get the community to help us understand what their barrier is, if for some reason, they can get a sanction that covers that barrier, how would they see that? The vulnerable—those areas are probably the trickiest, but there's so many areas. I think we found over 400 areas where we have barriers to entry of work that are just probably not appropriate and they were all done for probably some good reason, but they just stacked up in ways that now we've made it very difficult for people to work, so those are some of the things we'll be looking at, trying to bust through some of these real roadblocks to let people be productive.

Probably the other thing is restoration of families is a big deal, whether it's a Native or non-Native families, ways that we can get them into some focus group, family counseling, some restorative methods there because they're going to be related and they're going to be interacting and I think those are ways that we have to help them.

And so I think there are some people that are stepping forward on that, we'll look forward to see if we can institutionalize that somehow.

Senator MURKOWSKI. Well, I'm really glad that you brought up that piece of it because, again, you know, the hearing today is strengthening our Alaska Native families, but you made the comment earlier, when we were talking about culturally appropriate and recognizing that we've got a military population that has its own culture. One of the things that I have had an opportunity to look at are some of the programs that are out there for our military families when the spouse has been deployed for a year and everybody thinks okay, we're happy he or she is home and comes back in and families are—can be in a very rocky situation for a period of time because of the stress and everyone just thinks that well, now you're all home and you're unified, the world is good. And the same is true, you're home from prison, we're all together now, we're all one big happy family, not so much, so what level of support is there for the families, I think, is hugely important and I know that that's an area that we don't think about that part of them. Natasha?

Ms. SINGH. For many of our rural communities, the Alaska Native Health Consortia are the biggest employers, yet we are subject to the Indian Child Protection Act, which includes a list of other barriers and we have seen—we haven't been able to, let's say, hire a construction worker out in one of our communities because of a barrier crime. The person might be sober, is likely building a house, isn't willing to be in control over Indian children or vulnerable adults, but because of the implementing regulations and the

statute itself, it creates issues for us. I really look forward to Senator Coghill's work at looking at those State barrier crimes because, as you know, the Alaska Native Health Consortiums are subject to the State barrier crimes as well for employment because we accept Medicaid reimbursement.

And as the largest employers in rural Alaska, we understand those barrier laws are intended to keep the creeps out and we want to keep the creeps out, but we want to employ those who have been restored.

Senator MURKOWSKI. Yes. Thank you. We have gone over the allotted time, but again, very, very interesting and constructive discussion. What you have provided for the Committee, I think, is very, very helpful.

I think it's also important and instructive that we're talking about the different partnerships and the different ways to collaborate because Senator Coghill and I don't need to let you know that, from the State's perspective, budget dollars are skinny and they're going to get skinnier and it's hard at the Federal level too.

Where I think we're making a little bit of incremental progress, I do think that the funding, the \$10 million, it's not a lot, but it's a start and encouraging funding to help our tribal courts with our PL280 states, that's going to help Alaska, it will help other states, but I kind of view it as getting our foot in the door to provide for that level of support and training.

And again, Natasha, what you have been doing at TCC and so many of those providing this technical support is so huge, but we have funding challenges that face us and so how we make wise use of the available dollars that are out there is going to be key and it's going to require a level of, again, coordination and a partnership using best practices, really trying to find those economies that will benefit the individuals that have been through the system, the individuals that we want to keep through the system, but ultimately, trying to ensure that Alaska's families and Alaska's Native families particularly are strong and healthy.

So thank you for what you have contributed to the conversation today. Again, I'll remind you that we will keep the Committee record open for probably a couple weeks now, and if you would like to supplement your comments, more than happy to receive that. And to those of you who have joined us for the hearing, know that you too are welcome to weigh in.

And with that, again, we thank the staffs that have been working on these issues and that we know will work forward beyond just this hearing. Thank you and the Committee stands adjourned.

[Whereupon, the Committee was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF THE U.S. DEPARTMENT OF JUSTICE

Chairman Barrasso, Vice-Chairman Tester and distinguished Members of the Committee, thank you for the opportunity to submit a statement for the record on behalf of the U.S. Department of Justice regarding “Strengthening Alaska Native Families: Examining Recidivism, Reentry, and Tribal Courts in Alaska.”

The Department of Justice (“the Department”) is committed to working with our state, local, and tribal partners to remove barriers to successful reentry and reduce the collateral consequences of incarceration. In 2011, the Attorney General established an interagency council to coordinate reentry efforts across the executive branch. The Attorney General continues to chair the Reentry Council, which involves cabinet-level leaders and heads of more than 20 federal agencies.

The Council was formed to remove federal obstacles to reentry and promote approaches designed to improve reintegration. The mission of the Council is threefold: make communities safer by reducing recidivism and victimization, assist those who return from prison and jail in becoming productive citizens, and save taxpayer dollars by lowering the direct and collateral costs of incarceration. Due to the broad authorities of Council members, the group is able to take on the full range of reentry challenges, from employment and healthcare to substance abuse treatment, education, and housing.

The Department views reentry as a public safety issue. Accordingly, the Department has also prioritized this issue as part of a Department-wide initiative, launched in 2009, to enhance public safety in Indian Country. The Department’s reentry efforts support work at the State and tribal level to provide better services and opportunities to Alaska Natives returning to their Villages post-detention.

Under the Department’s Office of Justice Programs (OJP) Second Chance Act grant programs, there have also been investments in state and local reentry programs. Since 2009, OJP’s Bureau of Justice Assistance (BJA) and Office of Juvenile Justice and Delinquency Prevention (OJJDP) have made nearly 700 awards under the Second Chance Act, totaling more than \$350 million. These resources are being used to address a wide range of reentry-related issues, including substance abuse treatment, job training, obtaining driver’s licenses, modifying child support orders, and expunging criminal and juvenile records. Tribes can use both Second Chance Act funds and funding available under the Department’s Coordinated Tribal Assistance Solicitation (CTAS) to establish or enhance reentry programming.

The Department’s Office of Justice Programs also provides reentry training and technical assistance. With OJP funding, the American Probation and Parole Association (APPA) delivered on-site assistance to the Bristol Bay Native Association’s Prisoner Reentry Coalition. The APPA provided information on effective reentry strategies and worked with the Coalition on modifying those strategies to best fit the Alaska Native population. In addition, the APPA delivered motivational interviewing training to Village Public Safety Officers.

This year the APPA hosted a webinar, also through OJP funding, on “Reentry in Alaska: A Grassroots Approach to Reducing Recidivism through Community-Based, Collaborative Reentry Programs.” The webinar educated Alaska Native tribes and other participants about the reentry process and key components to successful reentry programming, including:

- The creation, organization and sustainability of a grassroots, community-based re-entry program that serves native and non-native reentrants;
- The importance of collaboration among the courts, the Department of Corrections, state agencies, non-profits, and community organizations with community-based re-entry programs;
- The unique challenges a community-based reentry program faces when serving Native Alaskans, especially those who must live in an urban setting for post-release treatment; and

- How to measure success.

Another OJP grantee, the Council of State Governments, provides online resources (<http://csgjusticecenter.org/reentry/issue-areas/tribal-affairs>) and other resources to tribal communities on reentry issues.

The Department understands that, in order to achieve positive outcomes for tribal youth and adults who come into contact with the justice system, there must be strong tribal justice systems, which often means a good tribal court system. Funding for tribal courts has always been an important part of the Department's Consolidated Tribal Assistance Solicitation, and we have supported a number of tribal court projects for Alaska Natives.

For example, the Tanana Chiefs Conference is using CTAS funds to support the development of new tribal codes, enhance communication among tribal courts in their region, and implement Circle peacemaking and tribal-state court sentencing collaboration. The Kenaitze Indian Tribe is using CTAS funds to build the capacity of their Court Appointed Special Advocate program and enable native foster homes to serve families referred by tribal and State Courts. OJP has also provided technical assistance to help the tribe and the City of Kenai set up a joint jurisdiction court to address non-violent substance abusing adult offenders in the Kenai area. Through OJP's Tribal Civil and Criminal Legal Assistance Program, the Alaska Legal Services Corporation, partnering with the Association of Village Presidents, assists tribes in the Yukon-Kuskokwim Delta through a tribal court support group with code development or enhancements, training on various topic areas and tribal court capacity development.

Currently, OJP is also working with the Bureau of Indian Affairs to update the Model Indian Juvenile Code, which assists federally recognized tribes in creating individual codes focused on juvenile matters. The Code specifically addresses issues affecting tribal youth arrested for alcohol and/or drug-related offenses in Indian Country. It will also provide guidance for tribes interested in developing specialized court dockets such as juvenile wellness courts, peacemaking courts, and teen courts. The model Code and related guidance will be available to any interested tribe or Alaska Native Village.

Thank you again for the opportunity to discuss some of the efforts of the Department of Justice to address these important public safety issues. We will continue to look for ways to provide meaningful support to Alaska Natives and Alaska Native Villages and to collaborate on these issues with the State.

PREPARED STATEMENT OF THE ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS

Thank you Honorable Senator and Chair, Lisa Murkowski, and distinguished members of the United States Senate Commission on Indian Affairs for the opportunity to present this testimony on behalf of the 56 tribes and villages served by the Association for Village Council Presidents in Bethel, Alaska.

Tribal Court development for Alaska Native Tribes is necessary now more than ever. Alaska Natives are more likely to have high recidivism and reentry rates than any other race because the data shows us this. According to the Alaska Judicial Council, Alaska Natives make up about 37 percent of felony offenders in comparison to making up 14.7 percent of the entire Alaskan population and 1.2 percent of the U.S. population. More alarming is the fact that Alaska Natives represent 48 percent of reoffenders within two years of their first offense and 37 percent of those convictions are upheld. Alaska Native males are the highest in the state to reoffend and to be reconvicted.

Tribal Courts in Alaska make up very small numbers in comparison to the 229 tribes. The Yukon-Kuskokwim Delta Region tribes has 56 tribes and villages in its region and, according to a recent survey of those tribes, only 8 tribes responded that they have tribal courts. Data involving tribal courts is difficult to obtain because most tribal courts are developed with one-time grant funding and many judges serve as volunteers in some villages. For some tribes, the Tribal Council serves as the tribal court in matters concerning child custody and protective orders in order to retain their judicial authority in ICWA and VAWA cases. Once the funding for tribal courts is gone, however, it appears that the tribal court becomes defunct due to sporadic funding.

While alcohol and substance abuse remain overbearing issues in our communities, we realize that we have the tools to combat these social ills that often lead to instances of criminal activity and neglect or abuse of children. The trickle-down effect costs the Federal Government dollars through COPs grants that are awarded to states and tribes as well as emptying the state funding sources. The average cost of flying an alleged perpetrator into Bethel Alaska from any village in its area is

\$400.00. This is on top of paying for the Alaska State Trooper's time to escort the individual to Bethel, house the alleged perpetrator, use of state or municipal judge's time, court staff time, as well as the cost of returning the person back to the village is insurmountable.

Eradication of alcohol abuse is another issue that we have researched at AVCP and have found that, without use of the culture and the help of the villages themselves, it is nearly impossible to address the real issues for self-medication by use of alcohol or other substance abuse. AVCP's Healthy Families initiative has created a treatment program incorporating healing methods for various social issues. Alcohol abuse and suicide rates are deeply rooted to the cultural and historical trauma experienced by today's Yup'ik people. This is why circle sentencing, restorative justice or peacemaking circles are a solution to this issue. Somehow tribes in Alaska need to be empowered to use their own resources, which are the people, the culture, the way of life, to address the abuse of substances and, without funding for those court related programs, it is going to continue to be an issue that is dealt with inappropriately by state agencies. Criminal misdemeanors that take place within Alaska Native Villages are local issues that need to be treated on a local level by people, families and community resources.

How do we empower tribes, given the bureaucratic procedures of intertwining the Office of Self-Governance, the Bureau of Indian Affairs, Department of Interior, Department of Justice and other federal and state agencies to begin funding tribal courts in Alaska?

The Indian Law and Order Commission (ILOC) has an answer to the dilemma. The Roadmap for Alaska includes these suggestions from ILOC:

1. Amending ANCSA to Overturn *Alaska v. Native Village of Venetie Tribal Government*, 522 U.S. 520 (1998), whereby the Supreme Court decided that the Native Village of Venetie was unable to collect taxes because the tribe was unable to own its own land.
2. Clarifying that Native Allotments and Townsites in Alaska are Indian Country, which is a long-standing argument and basically would fix the ANCSA problems that occurred after Alaska was purchased.
3. Allow ANCSA Corporation Lands to be Transferred to Tribal Government and put into Trust.
4. Revising VAWA to Eliminate the Alaska Exclusion, which was done in December 2014.
5. Congressional Affirmation of Inherent Criminal Jurisdiction of Alaska Tribes.

Reaffirmation of the sovereignty of Alaska Native tribes is a huge issue for the advancement and empowerment of these tribes. Even though remote villages range in size from small numbers to large populations, the right to be self-governed is a right shared by all Native Americans. This right has unraveled throughout legislative and historically intrusive law throughout the history of Alaska and its Native tribes. Alaska Native tribes have the right to be self-governed. The only way that the 56 tribes and villages in the Yukon-Kuskokwim Delta Region are able to continue is through their strength in their culture, the subsistence traditions and the will of the people. Little has been done throughout history to preserve the strong culture of Alaska Native people on the part of the state and Federal Governments. Now is the time to make changes that empower the tribes of Alaska Natives. Now is the time to make history right. AVCP is in support of enacting all five of the Indian Law and Order Act Commission's recommendations to move toward self-sufficiency for Alaska Native tribes.

Lastly, to ignore the needs of Alaska Native tribes is to ignore our own citizens who are also constitutionally and congressionally protected people. The continued support of the U.S. Commission on Indian Affairs of allowing Alaska Native tribes to fully exercise their sovereign immunity, jurisdictional empowerment, and assisting these tribes in creating tribal restorative justice programs to address recidivism, reentry and especially tribal courts is a step in that very direction. We realize that we often compete with other Public Law 83-280 states for funding, but Alaska, now more than ever, needs to be recognized as a state of emergency when it comes to judicial equality. We have no market for Indian gaming in Alaska, as is the case for other tribes and many of our remote villages has little to no businesses to leverage economic opportunities. For the tribes of Alaska to develop tribal courts where there are none and to enhance those court systems in existence, we urge Congress to look to allocate funding for the Alaska Native Tribes in order to create more opportunities to exercise sovereign immunity for tribal courts and supportive programs that will address recidivism and reentry.

Again, AVCP thanks Senator Murkowski for supporting H.B. 2822 and we urge this commission to recommend that the Alaska Native Tribes receive a majority of the proposed funding through that bill. In the most conservative and centralized way of developing tribal courts in Alaska, AVCP estimates that \$7 million would create up to 30 tribal courts for our 56 tribes and villages. Without this option, we are concerned that state legislation will continue to set aside tribes as viable options for solving the disparate numbers of Alaska Natives entering the state court system and infringing upon the rights of Alaska Native tribes to be self-governed.

Thank you, Quyana, Honorable U.S. Senate Commission on Indian Affairs members for taking the time to visit with the stakeholders of the Alaska Native Tribes and Villages and to hear our testimony on this very important issue.¹

PREPARED STATEMENT OF AUDREY M.L. HUDSON, MAYOR/CITY MANAGER,
METLAKATLA INDIAN COMMUNITY

Chairman Barrasso, Vice-Chairman Tester, and distinguished Members of the Committee, including our friend from Alaska, Senator Murkowski, I submit this written testimony to supplement the testimony you received in person during your August 20, 2015 field hearing in Alaska, which I was not able to attend.

First, we thank you for holding this important field hearing focused on strengthening Alaska Native families through tribal court systems. The central unit, and foundation of all communities, whether Alaska Native or not, is the family. Without strong and healthy families, no community can develop in a way that improves social, economic, and environmental conditions simultaneously. Resilient families create resilient communities.

We also thank you and want you to know of our support for the following pending legislation:

- Thank you to Senator Murkowski for her hard work and leadership in including \$10 million in the Senate version of the FY 2016 Interior Appropriations bill for training and technical assistance for tribal courts (including those in Public Law 280 states). We sincerely hope that the final FY 2016 appropriations legislation includes this increase. We support your Committee's efforts to work with the House and Administration to get that done.
- We thank you, Senators Barrasso and Tester, for your work in developing S. 1704 last month, which would allow tribes to finally directly access the Crime Victims Fund, which would, if enacted, be an important source of financial support for families and children exposed to violence and crime.

Our statement also urges the Committee to play a lead role in the following efforts that we believe will contribute significantly to Alaska Native systems of justice and thereby strengthen Alaska Native families:

- Recurring and base funding for tribal law enforcement, public safety and tribal court systems;
- Improved coordination between the Departments of Interior and Justice for necessary training and funding of tribal justice systems;
- Provide funding for the recently announced Departments of Justice and Interior plans to increase tribal access to federal criminal databases.
- Increased funding for the broad array of services and training needs that impact foster youth who come through our court systems, including therapeutic foster homes, training for magistrates, and the Court Appointed Special Advocates program. We would like to pilot an Alaska-specific CASA program.

The Metlakatla Indian Community (Tribe) is a strong and resilient community, notwithstanding our difficult history overcoming adversity and multiple challenges, even to this day. I am Audrey Hudson, Mayor of the Metlakatla Indian Community located on the Annette Island Reserve in far southeast Alaska. I have been Mayor since 2013 and am the first woman elected to this position. I am proud to serve in that capacity, and as Mayor, I oversee the affairs, programs, services, and staff of a wide range of tribal governmental, natural resource, health, and tribal justice professionals.

The Tribe is located on the Annette Island Reserve in southeast Alaska, a land base of 87,000 acres, plus adjacent marine waters. The Tribe has the only reserva-

¹Written and prepared by Monique Vondall-Rieke, J.D., Director of Tribal Justice Center and Liz Pederson, General Counsel for the Association of Village Council Presidents. AVCP, P.O. Box 219, Bethel, AK.

tion in Alaska as we opted out of the Alaska Native Claims Settlement Act (ANCSA), thus preserving our trust land and waters.

Our written testimony comes from the experience of having tribal trust lands in Alaska, tribal jurisdiction over those trust lands, and our long history of implementing tribal justice systems over those lands, our membership, and the people who live on the Island. What is unfortunate, and all too common, in the conversation about tribal justice systems in Alaska, is the framework that non-Alaska Natives use when discussing the situation, in which they decry the absence of tribal justice systems.

It is important, at the outset of these comments, to make clear: Alaska Natives across the entire State have implemented local, tribal specific justices systems since time immemorial. Notwithstanding settlement, Public Law 280, Alaska Native Claims Settlement Act (ANCSA), and the lack of federal funding for tribal justice systems, Alaska Native cultures are intact, and have a continuous connection to customs, traditions, and tribal- and village-specific justice systems that have worked in the past, and continue to work. Metlakatla is one of these cultures, and I want to acknowledge all of the other cultures in our State and region who are administering traditions, customs, and other forms of justice systems.

Metlakatla is, admittedly, a unique example. With our reservation, we have governed through the development and implementation of a wide range of civil and criminal codes. As our reservation extends into the marine water 3,000 feet from our shorelines, we regulate our natural resources from everything to land use and fisheries. We have developed, and adapt and revise as needed: juvenile justice systems, domestic violence prevention programs, Indian Child Welfare Act (ICWA) programs, and family law codes that reflect our tribal history and customs. We have long experience in protecting our families, and we are prepared to meet the new challenges and opportunities ahead, such as those afforded by the reauthorization of the Violence Against Women Act (VAWA) 2013.

However, our successes at Metlakatla are more attributable to our internal tribal stability and the visionary nature of our tribal leaders, past and present, than those successes are attributable to the support of the Federal Government. If the purpose of the field hearing is to take in information from Alaska tribes on how to support local, tribal efforts to further develop tribal courts and justice systems, then our experience is important for the Committee members to appreciate.

Funding: The federal approach to tribal justice systems and courts is a system that lacks accountability, steady funding, and inter-departmental cooperation. Given the size of our reservation and the complex issues we regulate, the public safety, justice, and courts, the funding we receive through the Bureau of Indian Affairs (BIA) self-governance is dangerously low. Last year, we reprogrammed \$150,000 from other self-governance funds into our tribal courts systems to supplement the mere \$20,000 we received in that line item. On that \$170,000 of BIA self-governance funds (\$150,000 of which is reprogrammed from other needs) we maintain the court administration, three magistrates, and two appeals court judges. I challenge the Committee members to find even one local government, be it municipal, regional, or county, that maintains a trial court, appeals court, judges, administration, and court-related staff on such a shoe-string budget.

The Tribe regulates and provides public safety and community justice programs over its 87,000 acres, plus marine waters, for under \$800,000 total in BIA self-governance funding, inclusive of courts. Again, I challenge this Committee to find another government with that land base and jurisdictional reach to provide public safety and courts for that amount of funding. That government does not exist in the United States, other than at Metlakatla.

The BIA is not in the business of running tribal courts and does its best to advocate on behalf of tribal justice systems, but the BIA has never been able to move tribal court systems and needs to anywhere but the bottom of the funding ladder. At the same time, the Department of Justice (DOJ) has taken on some increasing role in coordinating and supporting tribal justice systems and courts, but there is no base funding for tribes within DOJ. In 2010, the DOJ developed the Coordinated Tribal Assistance Solicitation following input from tribes with the goal of streamlining how tribes and Alaska Native communities apply for funding opportunities such as: the Community Oriented Policing Services; the Office of Justice Programs; and, the Office on Violence Against Women. However, funding is highly competitive and resources to develop proposals necessary to compete for those funds are scarce.

BIA and DOJ programs come and go, and competitive grant and funding programs are not a match for already over-burdened tribal planners and grant writers. Even the recent joint effort of DOJ and DOI to provide tribal access to federal criminal databases—which is an important opportunity and positive collaboration—came with the proviso by the DOJ that Congressional appropriations will be necessary in

order for tribes to make full use of the opportunity. Until DOI and DOJ funding is fully coordinated, provides stable recurring base funding, and until both Departments fully understand the challenges facing tribal courts and justice systems, the Federal Government will continue to lack accountability for Alaska Native families. These families pay the price for the lack of tribal justice systems. The State of Alaska has one Alaska State Trooper for approximately every 1 million acres, so again—no accountability, no funding, and no service delivery for Alaska Native families.

The Committee needs to understand that, even with our trust land at Metlakatla, there is no tax base to pay for law enforcement, public safety, and tribal court systems. Economic development opportunities and capital investment in the reservation economy already substantially lags the surrounding region. The Committee should understand that there is no silver bullet or immediate way for Alaska's tribes to create a tax base to meet program and service needs, including the social and justice programs necessary for safe families. The Committee must explore how to create a recurring federal funding base for tribal courts and justice systems, and not just by creating a budget category in the DOI Green Book and then underfunding that program or that Department. Funding is needed across all Departments, but particularly with coordination between DOI and DOJ for juvenile justice systems, funding to meet the historic gap in domestic violence intervention strategies, funding for tribal code development and tribal court trainings, such as the addition that Senator Murkowski has included in the Senate 2016 Interior Appropriations bill. That is a starting place. This Committee has the capacity to create opportunities for the interDepartmental cooperation and coordination that is necessary, and again, do so with an eye towards a recurring funding base that tribes can count on to staff up tribal courts and justice systems.

Family and Juvenile Justice Issues: With respect to Metlakatla families and jurisdiction, we see the gaps that exist for the children who come through our court system. The confusion over State and tribal jurisdiction too often creates gaps in funding for foster care, particularly children in need of therapeutic foster care. The question arises as to who will seek and administer those funds, and funding for that type of care is already too low. We need funding to train and support additional therapeutic foster families so that when children come through our courts in need of help, our magistrates know that support and help is there. More funding is needed for wrap-around care for vulnerable and special needs foster children, who are the most likely to come through our court system. Our magistrates need training on what services are available as well, since the landscape is constantly changing.

We see the benefit of the Court Appointed Special Advocates (CASA) program with special advocates for our children, but again, funding is lacking to roll that program out in the Metlakatla Tribal Court at the level needed to meet needs. We encourage the Committee to examine ways to fund CASA programs, and Metlakatla offers its assistance in participating in a Pilot Program to create a model for tribe-specific CASA advocates in Alaska, should Congress support such an effort.

We encourage the Committee to come, with all members present, back to Alaska and visit Metlakatla. We have built systems and tribal programs that can provide examples for the rest of Alaska. At the same time, when you visit you will see the challenges we face, with uncertain funding, little federal coordination, and substantial unmet needs in the face of families struggling in a weak local and tribal economy.

We appreciate the opportunity to provide this written testimony, and encourage you to think of yourself as a part of the larger family, the extended family, of Alaska Natives. Like all families, in times of need, the rest of the family is there for support. We need your support, now more than ever.