

President’s Commission on Law Enforcement and the Administration of Justice

Testimony of Vivian Korthuis, Chief Executive Officer, Association of Village Council Presidents

Thank you for the opportunity to provide testimony on the important topic of **public safety challenges within American Indian and Alaska Native communities**. I was born and raised in the Yukon-Kuskokwim Delta (“YK-Delta”), a vast and remote area of southwest Alaska covering over 55,000 square miles— approximately the size of the State of New York. The YK-Delta is an entirely roadless area occupied by 56 federally recognized tribes. State law enforcement is minimal and federal law enforcement is non-existent. Our greatest challenge is the absence of clear governmental authority for our Tribes—which have inhabited this region for millennia—to promote public safety, including through law enforcement and measures to contain the coronavirus pandemic. To address this problem head-on, this Commission should call upon Congress to provide our tribal governments with permanent, non-competitive and direct funding to support law enforcement salaries, equipment, and detention facilities. Further, the Commission should call upon Congress promptly to enact S. 2616, which will clarify the authority of all our tribal governments to fill the void and take action to protect our communities and our elders, our women and our children. Finally, the Commission should call upon Congress to support our law enforcement training needs.

I have served as the CEO of the [Association of Village Council Presidents](#) (AVCP) for the past four years and have over 30 years of experience in tribal organizations administering social and health care services in rural Alaska. The need for public safety has always been a priority in our region, but that need has increased dramatically in the last decade. In 2016, our tribes voted public safety as the number one priority in our region. Since that time, AVCP has strategically focused on identifying the necessary components of public safety service delivery in rural Alaska. I am happy to share those findings and recommendations with you today, and I hope that the end result of this Commission’s work is that the federal government finally makes a permanent investment in protecting communities in rural Alaska.

There are 229 federally recognized tribes in Alaska. Virtually all tribes belong to one of the 12 regional non-profit tribal consortia. AVCP is the largest non-profit tribal consortium in the United States with 56 federally recognized tribes as members. Our headquarters are located in Bethel, Alaska in the heart of the Yukon-Kuskokwim Delta (YK-Delta). Our member tribes are located along the Yukon River, the Kuskokwim River, and the Bering Sea Coast. The AVCP region spans approximately 55,000 square miles – roughly the size of the State of New York or Washington. The YK-Delta, like much of rural Alaska, is located “off the road system” meaning the only means of transportation into our region are by plane or (in summer months) by barge. The primary mode of intraregional transportation is small aircraft. In summer, residents also rely on boat travel and in winter they travel on ice roads and snow machine trails.

Public Safety Crisis in Rural Alaska

There is a well-documented public safety crisis in rural Alaska – just last summer Attorney General Barr declared a law enforcement emergency in rural Alaska (this means there is a public safety crisis on America’s northernmost border!). You may already know the statistics, but I will share a few of them with you here:

- 59% of adult women in Alaska have experienced intimate partner violence, sexual violence, or both.
- Alaska Natives comprise just 19% of the state population, but 47% of reported rape victims. Alaska Native women are over-represented by 250% among domestic violence victims.
- In Rural Alaska's tribal communities, and for Alaska Native women living in urban areas, women reported rates of domestic violence up to 10 times higher than in the rest of the United States and physical assault victimization rates up to 12 times higher.

Every meeting with tribal leaders that I attend – whether an individual meeting with a tribal council, our annual convention, or statewide convenings of all Alaska native tribes – I hear the same stories and the same question, “what are you doing about the public safety crisis in our community?” My answer is “we are sharing with everyone, the State, the Federal Government, what we need right now to make rural Alaska safer.” That’s why I’m happy to share with you today the challenges facing our tribes and what the federal government can do to give us the tools we need to protect the women, children, and families living in our communities.

Public Safety Challenges

I like to call rural Alaska *extreme* rural America. There’s an idea of what rural is in the Lower 48 that gives an incomplete picture of what life in rural Alaska is really like. The remoteness is more pronounced because of the inability to travel without airplanes or boats. The cost of living markedly higher instead of lower – the cost of groceries for households in Bethel is more than twice the average cost of groceries in the United States (for a family of four the average is \$149/week; in Bethel it is \$396/week). The weather is unpredictable and harsh. These factors compound the public safety challenges our tribal communities face.

Limited or Non-existent Transportation Infrastructure

With no roads connecting our villages to each other or our region to the rest of the State, the most reliable source of transportation is by small plane. The alternative modes of boat in the summer and ice road or snow machine trails in the winter are only available for a few months each season. The rest of the year the river is too solid for boating, but not frozen sufficiently to drive safely – climate change has also affected the amount of snowfall each winter. If law enforcement is primarily based in regional or sub-regional hubs, such as Bethel, response times will range anywhere from several hours to several days. This is why it is most effective to have officers in (or located in closer proximity to) the communities they serve.

Shortage of Law Enforcement Officers

It is most effective to have local law enforcement present in communities. Unfortunately, we are faced with a severe lack of law enforcement officers (LEOs). The reasons for this include:

- The majority of Alaska State Troopers (the state’s primary law enforcement agency) are stationed on the road system. The ones who are stationed in rural Alaska are based only in hub villages. This means Troopers cannot engage in community policing – they can

only respond to incidents and crimes. Due to the amount of demand and limited number of Troopers, in-person response in rural Alaska is often limited to felonies.

- The number of Village Public Safety Officers (VPSOs), LEOs hired by tribal consortiums (like AVCP) who are granted funds by the State of Alaska, has steadily declined for years. There has been a steady decrease in state funding for the program, it is challenging to recruit and retain officers, the pay disparity between VPSOs and Troopers and overall attitude of the Alaska Department of Public Safety officials toward the program lowers moral. These officers are highly sought after by tribal communities because they often live full-time in a community and are local to the community or region. However, as the only LEO (or full-time LEO) present in a community it is very hard to disengage during non-working hours (resulting in a 24/7 on call mentality). Currently, no VPSOs in the State are armed.
- Tribal Police Officers (TPOs) and Village Police Officers (VPOs) are LEOs hired directly by tribal and municipal governments respectively. The two governments often work together under memorandums of agreement to fund the salaries, equipment, and public safety buildings for the officers. These governments generally have no reliable source of revenue (i.e. tax base) and fund these positions through cyclical grant awards, corporation donations, and fundraising through raffles and bingo. The positions are mostly part-time without benefits and there is rarely funding for training (see below).

Training

The average length of a police training academy in the U.S., e.g. the Alaska Law Enforcement Training Academy or the U.S. Indian Police Academy, is 16 weeks. TPOs/VPOs are often sworn in and on the job with no training at all. This past March, a 10-year-old girl was abducted and murdered in Quinhagak, a village in our region. The first responder was a Tribal Police Officer. This is one of example of on-the-job situations our TPOs/VPOs find themselves in.

Tribal consortia leverage education, employment, and training funds to help fund training for TPOs/VPOs. There is currently one training provider offering VPO/TPO law enforcement training, which is the [Yuut Elitnaurviat](#) People's Learning Center (Yuut) located in Bethel, Alaska. Yuut holds a two-week basic public safety course. I'm sure none of you who are law enforcement professionals would consider two weeks an adequate amount of training, but our tribal officers consider themselves fortunate to have this opportunity. We have discussed with Yuut the possibility of expanding the current training, but have not secured funding to do so.

Tribal Government Authority

In our villages, the tribal government is the only governmental authority – it is the government that is responsible for keeping community members safe. The burden of funding LEOs falls on the tribal council; and when hiring a public safety officer isn't a possibility it becomes the responsibility of individual tribal council members. At each annual tribal gathering, I listen to the stories of our tribal leaders – often women, sometimes elders – telling me what they have to do to keep their communities safe, how afraid they are, and how they do it anyway.

Our unique legal history has clouded the authority of our tribal governments to take robust action today to protect our communities. As you know, tribal law enforcement typically happens in “Indian country” as defined in 18 U.S.C. 1151. But the 1971 Alaska Native Claims Settlement Act (ANCSA) abolished most “Indian country” in village Alaska, leaving our villages in a legal

no-man's land. Worse yet, with the enactment of Public Law 83-280 the federal government pulled out of law enforcement across rural Alaska and transferred that authority to the State, even though (with the exception of the most extreme felonies) state law enforcement is largely absent in our villages. To make matters worse, the Bureau of Indian Affairs (BIA) provides very little law enforcement support to Indian tribes located in states covered by Public Law 280. These elements have combined to leave Alaska tribes in the most vulnerable position possible, both from criminals and abusers in the village and from outside threats like the coronavirus.

The inability to access BIA funding, combined with the compromised ability of our villages to prosecute crimes and exercise territorial sovereignty, has crippled tribal law enforcement.

Three Recommendations for Delivering Public Safety Services in Rural Alaska

Please keep in mind that tribes and tribal consortia in Alaska have decades of experience delivering high quality social services and healthcare services in *extreme* rural America. We know what works for the tribal communities in rural Alaska. The recommendations I share are echoed by my fellow tribal consortia presidents/CEOs as well as the Alaska Federation of Natives (the largest statewide Native organization in Alaska).

Permanent, direct, noncompetitive base funding

The number one need of our tribal communities is a public safety presence in each community. To do this, we must be able to hire officers and pay them a livable wage and benefits commensurate with their duties and experience. Our officers will also need the equipment necessary for them to do their jobs safely and effectively. They need appropriate public safety buildings with holding cells in their communities (two years ago AVCP surveyed all the public safety facilities in our region – of 48 physical villages in our region, 37 either needed a facility constructed or some level of renovation). This requires funding.

Currently, the only source of federal funding available to our tribes for hiring LEOs is Community Oriented Policing Services (COPS) funding through the Department of Justice. While this is a very important source for tribes, it is not sustainable or efficient to base your village's entire public safety infrastructure on competitive, cyclical grant funding.

To make real improvement and form a solid foundation for public safety in rural Alaska, we need access to direct, noncompetitive base funding for public safety. This funding must come to tribes and tribal consortia directly – not be funneled through the State of Alaska. Under the Indian Self-Determination and Education Assistance Act, tribal consortia have successfully provided social services such as Indian child welfare services, tribal government administration and support, trust services (lands and resources, realty transactions, forest management), and many others directly to tribes. Under the Alaska Tribal Health Compact, tribal health organizations provide top notch health care to tribal members across the State, including rural Alaska. We could truly transform public safety for the tribal communities in rural Alaska if we directly receive the funding to do so.

Support S.2616, Alaska Tribal Public Safety Empowerment Act

The Alaska Tribal Public Safety Empowerment Act (S. 2616) was introduced by U.S. Senator Lisa Murkowski (R-AK) on October 17, 2019. The bill recognizes that regardless of land title, Indian Tribes in Alaska must be secure in their inherent civil and criminal jurisdiction over all

Alaska Natives present in their villages, and civil jurisdiction over all other individuals who threaten or commit domestic violence in our villages. These minimum topic areas must be expanded to include protecting our communities from contagious diseases, and the proposed legislation needs to be enacted at once.

The bill also creates a new pilot program in Alaska in which the Attorney General would select up to five tribes or inter-tribal organizations per year to exercise general civil jurisdiction over all persons within the village, plus criminal jurisdiction over all persons concerning the crimes of domestic violence, dating violence, violation of a protective order, sexual violence, stalking, sex trafficking, obstruction of justice, assault of a law enforcement or correctional officer, any crime against a child; and any crime involving the illegal possession, transportation, or sale of alcohol or drugs. As Congressman Don Young mentioned in connection with a precursor to S. 2616, what is needed today is a custom-made Alaska answer to a unique set of Alaska problems borne of our unique legal history and facts on the ground. We ask the Commission to aggressively support the prompt enactment of S. 2616.

Fully Fund Comprehensive Training for Tribal Law Enforcement Officers

Our tribal LEOs must receive the training that they need in a way designed to help them be successful. The current model of no training (or very minimal training) is not working. It also might not work to require these officers to leave their homes and attend training hundreds of miles away. Each region needs the flexibility to determine a training model that works.

In our region, we know a successful model is breaking up the training into several “chunks.” Officers can complete the first part of their training, return to their village and work, and later go to complete the next part of their training. This repeats until the officer has completed the entire training academy. This is a model used by two nationally recognized programs that are active in our region – the Health Aide Program and Dental Health Aide Therapy program. Through partnership with our region’s current training provider, Yuut, we can easily design a complete law enforcement training program in three-to-four-week segments.

Conclusion

In closing, I encourage you to review the supplemental materials that I am attaching to my testimony – “Public Safety in Rural Alaska: Recommendations for Successful Public Safety Service Delivery” provides additional information on rural Alaska and more details on my recommendations, including citations and links to further reading, and the AVCP Public Safety White Paper will provide a timeline of AVCP’s public safety advocacy in the last few years.

I look forward to reading this Commission’s final report. I feel confident that it will not just sit on a desk collecting dust – that you remain focused on your mission despite the fact we are in an unprecedented pandemic lets me know that you understand how crucial this issue is. I want to leave you with the reminder that tribal communities in rural Alaska are not asking for anything more or anything less than any other community in Alaska or the United States.

Thank you.