

Ending Abuse, Securing Justice for Alaskans

By Sen. Lisa Murkowski

Alaska is known for its natural beauty, geographic vastness, and tremendous energy potential. Behind the beauty is a difficult reality that many of us, even in Alaska, fail to recognize. Our State has among the highest rates of domestic violence and sexual assault in the Nation. This is a horrific reality that threatens thousands of vulnerable Alaskans – both rural and urban – and also could have a shameful legacy and impact for our future generations.

Since the enactment of the Violence Against Women Act (VAWA) reauthorization on March 7, tribes as well as tribal advocacy groups in Alaska have been upset by what they have heard about my amendment to VAWA clarifying the jurisdiction of Alaska tribes. I hear your voices loud and clear, but there has been some confusion about the interpretation of law and intention of my amendment which has led to this emotion.

I will get the key question answered right away: VAWA never was designed or intended to expand the powers of Alaska tribes over non-members of a tribe. While the bill was written vaguely – and that broad language contributed to Alaskans' concerns – the reports from the Senate Committees that wrote the bill spell out what their plan was. If you look at the Senate Committee on Indian Affairs or the Senate Committee on the Judiciary reports, they zoom in on Lower 48 Indian tribes and restrictive court decisions that prevented those

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reservation tribes from asserting jurisdiction over non-members. The law of the land in Alaska would have never been changed through this VAWA bill.

We all know that the expansion of tribal jurisdiction over non-members of a tribe is a controversial issue in our state. My firm commitment to addressing our public safety crisis in rural Alaska by working with tribes has not changed since I was elected to the Senate ten years ago.

We all agree the status quo is not keeping our rural families safe. With nearly one in two women in rural Alaska experiencing physical or sexual violence in their life time, we face a public safety crisis in our State that elected leaders cannot ignore. But we must all find the common ground that enables us to pull in the same direction towards a better future, rather than get mired in jurisdictional battles.

We need to solve this public safety crisis together. That is the spirit of the Rural Public Safety Initiative that I proposed recently for Alaska tribes' consideration. I sent every single Tribal Leader a letter outlining my concept to allow for an integrated rural justice system, bringing together the efforts of Tribes, as well as the State of Alaska.

My proposal calls for the cross-deputization of tribal or village law enforcement officers as "Special Officers" that will assist in the enforcement of criminal laws in the State of Alaska. The law enforcement officer may offer civil tribal diversion remedies to offenders in drug and

alcohol related state misdemeanors in the village as a possible alternative to misdemeanor criminal prosecution by the State.

Tribal courts may impose sanctions for drug and alcohol related state misdemeanor offenses as it determines to be appropriate and consistent with the Indian Civil Rights Act and tribal law – including measures such as: restorative justice, community service, fines, forfeitures, commitments for treatment, restraining orders, emergency detentions, and banishment from the village.

I remain deeply committed to addressing the public safety crisis in rural Alaska, from all angles – whether it's policy proposals or working with government agencies. Just last summer, when I learned that the Emmonak Women's Shelter was at risk of closing its doors because of funding issues – basically, I reached out to the Bureau of Indian Affairs and came to an agreement for the needed funds to be directed to that clinic.

Keeping the Emmonak Women's Shelter open was a small victory, but the piecemeal approach to the issue is only a Band-Aid. Something bigger must be done. Remoteness and need should be no barriers for justice. I will not lose my focus on public safety over a jurisdictional battle that others may choose to fight. I look forward to hearing from our tribal leaders in Alaska, as well as tribal health organizations and public safety officials in our rural communities on my draft concepts.

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