



CENTRAL COUNCIL
Tlingit and Haida Indian Tribes of Alaska

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**TESTIMONY OF PATRICIA ALEXANDER, CO-CHAIR OF THE
CENTRAL COUNCIL OF TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA
VIOLENCE AGAINST WOMEN TASK FORCE**

**SENATE COMMITTEE ON INDIAN AFFAIRS
OVERSIGHT HEARING ON
MISSING AND MURDERED: CONFRONTING THE SILENCE IN INDIAN COUNTRY**

DECEMBER 12, 2018

GREETINGS FROM ALASKA! My name is Patricia Alexander. I am the Co-Chair of the Violence Against Women Task Force (“VAWTF”) of the Central Council of Tlingit and Haida Indian Tribes of Alaska (“Tlingit & Haida” or “Tribe”). Thank you for inviting me to testify on behalf of my Tribe. Our President, the Honorable Richard J. Peterson, sends you his greetings and gratitude for the attention this Committee has placed on this topic of such vital importance to the future wellbeing of our Tribe.

Tlingit & Haida is a federally-recognized tribal government with over 30,000 citizens worldwide, and has an active, government to government relationship with the United States. The Tribe serves 18 villages and communities spread over 43,000 square miles within Southeast Alaska. More than 7,000 tribal citizens reside in Juneau, with several thousand more located in Anchorage. Beyond that, the vast majority of tribal citizens reside in Washington State, and smaller numbers stretch into Oregon and the rest of the world. Tlingit & Haida tribal citizens are among the largest, most isolated, and most geographically dispersed tribal populations nationwide. In Southeast Alaska, where the Tribe provides the majority of its services, most communities have no roads in or out, and must rely on planes and boats for both day-to-day needs and emergencies.

I have dedicated much of my professional work life to providing much-needed health and social services to our tribal citizens. I have worked in tribal social service programs for Tlingit & Haida as well as for the Sitka Tribe. I have also served in a tribal treatment center in Arizona, and have engaged in hospital administration for the Southeast Alaska Regional Health Consortium.

Tlingit & Haida wishes to commend our own Senator Lisa Murkowski, along with Chairman John Hoeven, Vice Chairman Tom Udall and other members of this Committee for continuing to work in partnership with Tlingit & Haida and others in Indian Country to identify meaningful solutions that promote the well-being of Native women and children. I would also like to thank Senator Heidi Heitkamp for her leadership on S. 1942, Savanna’s Act, and to all those on this Committee for working so hard to pass this measure in the Senate last week. This bill is an important first step in assisting federal, state, local, and tribal law enforcement to apply the appropriate justice protocols needed to address missing and murdered Native Americans and Alaska Natives throughout Indian Country

Tlingit & Haida Efforts to Prevent Missing and Murdered Women in Alaska

While violence against Native American women occurs at higher rates than in any other ethnic group in the United States, it is even worse in Alaska. According to the Alaska Native Tribal Health Consortium, 50% of Alaska Native women experience physical or sexual violence in their lifetime. The Violence

Policy Center reports that the homicide rate against Alaska Native women and children is three times the national average, identifying that in twelve murders, eight will be American Indian or Alaska Native. Even more troubling, the Violence Policy Center reports that Alaska is ranked first among states with the highest homicide rates of women by men and is the most violent state, with Anchorage as the most violent city within the Union. The Seattle-based Urban Indian Health Institute reports that Alaska is among the top ten states with the highest number of missing and murdered Native Americans and Alaska Natives with 52 active cases.

Tlingit & Haida is all too familiar with the corrosive effect that this violence against our women and children has had on our communities. It has been more than a year since the unsolved death of 19-year-old Jade Williams of Kake and nearly a year since the unsolved death of 37-year-old Francile Turpin of Klawock. The alleged murder of Judylee Guthrie, 28 of Klawock, Alaska, has yet to be prosecuted nearly two and a half years later. Earlier this year, Tlingit & Haida held a memorial in solidarity with our northern relatives after ten year old Ashley Johnson Barr of Kotzebue was found dead, sexually assaulted and strangled, after being missing for days. Fortunately, the perpetrator is being held accountable for this heinous crime.

Because we believe the future of Indian Country rests in the secure status of women living in environments that are free of violence, Tlingit & Haida has committed its resources and staff to working towards bringing an end to these threats to our women and children. At our 2018 annual Tribal Assembly, Tlingit & Haida passed resolution TA18-27 calling for the increased investigation of Missing and Murdered Indigenous Women and asking the Department of Justice to report on their steps to reduce the disproportionate numbers of victims who are Native women.¹

In addition, Tlingit & Haida adopted Resolution TA 18-37 establishing a Violence Against Women Task Force (“Task Force”) to fight against violence destroying the lives of our women. The work of the Task Force, in fact, is what brought me in front of you all today.

The Task Force is a community-driven response to end domestic violence and to address cases of missing Alaska Native women. It is charged with studying, analyzing, reporting, and providing recommendations on how to:

- Improve criminal justice system to better serve and protect Alaska Native women;
- Increase criminal justice protective and investigative resources for reporting and identifying murdered and missing Alaska Native women;
- Identify rates of violence against women and reduce incidences through continuing efforts to connect state, tribal and federal resources;
- Address issues relating to public safety and law enforcement that create barriers for responding timely to violent crimes against Indigenous women in rural Alaska communities;
- Identify effective tribal justice methods used to reduce violence against Alaska Native women; and
- Create partnerships with local, state and national organizations for resource development (i.e. Alaska Native Women's Resource Center, National Indigenous Women's Resource Center and NCAI's VAW Task Force).

¹ “BE IT FINALLY RESOLVED, that the Tlingit & Haida petition the US Department of Justice to evaluation and report on progress by federal and state law enforcement agencies in investigating and reducing the incidence of missing and murdered indigenous women no later than December 31, 2019 from the states of Alaska and Washington, and US Department of Justice.”

The Task Force is a continuation of Tribe's increasing attention to violence against women. In 2012, Tlingit & Haida advocated for fully including Alaska Native Tribes within the purview of the Violence Against Women Act.² Since then, we have repeatedly met with the U.S. Department of Justice ("DOJ") to advocate for resources that meets the needs of Alaska Native women and children. We have also supported National Congress of American Indians ("NCAI") resolutions which advocate for the safety of Alaska Native women residing in tribal and village communities.

In 2014, when the unduly-limiting Section 910 of the Violence Against Women Act was repealed, Tlingit & Haida took active steps as a tribal government to increase protections for Alaska Native women. The Tlingit & Haida Tribal Court, began issuing civil protection orders for domestic violence committed by intimate partners and family members.³ Our orders addressed a range of domestic violence offenses, including threats, assault, and sexual assault. We issue emergency protection orders, ex parte, for up to 20-day periods upon a showing of probable cause. Permanent protection orders are issued from one to five years after a hearing is held.

The protection orders are served on the Respondent by the Juneau Police Department or Alaska State Troopers or Village Public Safety Officers based on the location of the Respondent. Service of process is more challenging in our remote villages without law enforcement. For violations of the Tribal Court Protection Order that occur in Juneau, the City Prosecutor files criminal charges for violation of the tribally-issued protection order. The Tribe is exploring how to encourage the state of Alaska to better prosecute violations that occur outside of Juneau. In an effort to maximize protection and increase safety for Native Women, the Tribal Court makes every effort to collaborate with state and local law enforcement and prosecutors in serving and enforcing protection orders. However, many of our communities lack any first responders to enforce a protection order, which leaves those in such villages more vulnerable.

Since the Task Force's establishment, we have participated with the Alaska Native Women's Resource Center's annual Unity meeting held prior to the Alaska Federation of Native's Annual meeting, the Office of Violence Against Women's 2018 Annual Consultation, and most recently the Office of Victims of Crime ("OVC") Listening Session in Palm Springs. We further plan to evaluate whether to establish a DOJ Office of Violence Against Women-funded Southeast Alaska Native Women's Coalition. We successfully applied for Phase I of the Victims of Crime Act ("VOCA") 2018 Tribal Set-aside program, although our application's budget was cut ¼ by OVC, who may not understand the logistical challenges we face in Alaska including the lack of available housing and actual costs of resources and services in our remote village communities.

To continue improving services and protection for our women, Tlingit & Haida's Chief Justice Michelle Demmert also participated in the Third Meeting of the North American Trilateral Working Group on Violence Against Indigenous Women and Girls in Mexico City held this year to explore how to better improve collaboration, information sharing, and leverage resources to respond to violent crimes against

² Tlingit Haida Resolution TA/12-58, Opposition to Any Language Excluding Alaska Native Tribes from the Violence Against Women Act (April 18-21, 2012), <http://www.ccthita.org/info/press/releases/2012releases/Resolution%20TA%2012-58%20Opposition%20to%20Any%20Language%20Excluding%20AK%20Native%20Tribes%20from%20the%20VAWA.pdf>; Tlingit Haida Press Release, Tribe Strongly Opposes Exclusion from Violence Against Women Act (April 23, 2012), <http://www.ccthita.org/info/press/releases/2012releases/NR%2004232012%20TribeStronglyOpposesExclusionFromVAWA.pdf>

³ Tlingit Haida, Tribal Update (December 18, 2018), http://www.ccthita.org/government/president/updates/TribalUpdate_Dec2014.pdf

Alaska Native women.⁴ Indigenous representatives from the United States, Canada and Mexico discussed common themes including, high rates of suicide among their youth and the housing crisis that their communities face and the impact this crisis has on women attempting to leave the violence. Canadian participants discussed the high rate of missing and murdered indigenous women and girls, and how their government is attempting to address these issues including a national inquiry and apology, as well improved protocols among law enforcement. We can learn much from our northern neighbors as we look for ways to improve the protocols for American Indian and Alaska Native women and girls.

This past year, more than 200 tribal, state, regional, and national organizations, including Tlingit & Haida, joined the National Indigenous Women’s Resource Center in support of the Senate resolution recognizing a 2nd National Day of Awareness for Missing and Murdered Native Women and Girls.⁵ The first national day of awareness in 2017 reached millions of people across the United States and the world through social media platforms. The social media networking and mobilization this year surpassed the 2017 efforts. Tlingit & Haida held a Rally, March and Awareness event in Juneau that had over 200 citizens in attendance. The response to the public call for increased awareness is indicative of the extent of the reality that Native women go missing daily often without any response by law enforcement.

Challenges Facing Alaska Native Communities

There are many barriers that make it difficult for Tlingit & Haida to adequately protect our Alaska Native women residing in what are often remote communities. These include extreme weather, limited police and public safety protection, lack of access to necessary resources and limited counseling and support services. This situation is compounded by insufficient federal funding opportunities that do not even begin to meet the needs of Alaska Natives. We suffer from inadequate data reporting that makes it difficult to tailor programs to the needs of our women. We face a challenging lack of coordination between state and tribal officials, and a lack of training and resources in villages where neighbors are often the first, and only, responders who lack training beyond their compassionate hearts. In the rest of my testimony, I will provide greater detail on each of these barriers.

A. Remote Location, Extreme Weather, Lack of Transportation

The geographical remoteness, extreme weather, and the lack of adequate transportation present serious challenges in responding to crime in Alaska Native villages and in accessing state judicial systems in a timely matter. Tlingit & Haida serves 20 villages and communities spread over 43,000 square miles within Southeast Alaska. Our service population is among the largest, most isolated, and most geographically dispersed tribal population in Indian Country. While we are proud to maintain our lives in our original homeland, our struggle to protect our women and children is made more challenging by our geophysical realities. Most of our Southeast Alaska communities are connected only by ferry boats or small planes. There are very few road connections. With only three secure women’s shelters in Juneau, Ketchikan, and Sitka in our region, if female victims in other communities seek to leave for safety purposes, doing so requires very public and often delayed travel by plane or ferry. Additionally, if a domestic violence incident occurs in any of the other outlying communities or villages, the victim’s safety is at great risk because our limited police and Village Public Safety Officers (“VPSO”) cover huge territories and often are not present for days and weeks in some communities. Consequently, victims often have trouble getting help in time to collect evidence and in some instances, to save their lives.

⁴ Tlingit & Haida Chief Justice to Attend Trilateral Work Group Meeting on Violence Against Indigenous Women and Girls (September 7, 2018), <https://myemail.constantcontact.com/FOR-IMMEDIATE-RELEASE--Chief-Justice-to-Attend-Trilateral-Meeting-on-Violence-Against-Indigenous-Women-and-Girls.html?oid=1124597381696&aid=nmPvEYNC6-A>

⁵ See TA18-34 attached

B. Village Public Safety Officers are the First Responders

Village Public Safety Officers (VPSOs) are crucial resources for Alaskan villages. Women and children also go missing and are murdered in these communities too. VPSOs are often the first, and in some cases, the only official responders to incidents of domestic violence and sexual assault in remote areas of Alaska. While VPSOs do their best, they are hampered by more limited training than other law enforcement officers receive, more limited resources and authority and lower compensation.

These challenges contribute to turnover in the VPSO program. Turnover, which can be the result of burnout, from being on call, for all practical purposes, 24 hours a day, leaves communities with gaps in their law enforcement coverage, as a new officer is sent to training for months and there is no current officer. It is also not infrequent that the VPSO program trains officers, who too quickly depart for higher paying law enforcement positions, serving for a municipal force or moving down south.

The VPSO program needs additional resources and authority for training and responses because the officers, in spite of all the challenges, do amazing work to keep our families and communities safe. Our communities have learned that the presence of a VPSO increases reporting of crime and violence. So while statistics rise when a VPSO is present, it is only because there is finally someone to report to, a local person, with whom the community has a relationship and where there is trust. For those communities with no law enforcement, VPSO or otherwise, crime is underreported. It is yet another area where statistical evidence for our Alaskan communities is lacking or misleading.

C. Funding Barriers

While U.S. DOJ has attempted to direct funding towards domestic violence and sexual assault, many federal grant programs do not allow us to spend money on prevention, enforcement, or policing and few programs are available to help us provide counseling services to victims of domestic violence and child witnesses. While Tlingit & Haida is encouraged by the 2018 VOCA Tribal Set –Aside, it is clear from our reduced application award in the Phase I process, that OVC does not understand the true costs of crimes in Alaska and the Resources needed. We need a permanent set aside for VOCA, and grant awards that truly build capacity and program sustainability.

In 2015 DOJ announced the Tribal Access Program (“TAP”) for the National Crime Information Center (“NCIC”), which provides eligible tribes with access to the Criminal Justice Information Services systems. There are now 30 tribes participating in TAP, which will greatly facilitate their ability to enter protection orders and criminal history into the federal databases. Because DOJ is using existing funding for the TAP program, eligibility is currently limited to tribes with a sex offender registry or with a full-time tribal law enforcement agency. Tlingit & Haida is one of many tribes, particularly in Public Law 83-280 jurisdictions like California and Alaska, who cannot meet this DOJ criteria but who do have tribal courts that issue protection orders. For our protection orders to be effective and protect victims, an issuing tribe like Tlingit & Haida needs to be able to enter them into the protection order file of NCIC. A dedicated funding stream should be created for expanding the TAP program and making it available to all interested tribes who meet the requirement. All tribes should have the ability to access federal databases not only for obtaining criminal history information for criminal or civil law purposes, but also for entering protection orders, missing person’s reports, and other relevant information, including National Instant Criminal Background Check System disqualifying events, into the databases.

D. Inadequate Data Collection

Perhaps even more challenging is the lack of enough data on domestic violence, sexual assault, sex trafficking, and violence against children, which is needed to build sound legal infrastructure and

provide appropriate services to ensure our women and children are not living in danger. Tlingit & Haida commends this Committee for persuading the Senate to pass Savanna's Act to address this exact problem.

Following my appointment, I initiated research, at the local level, to find out how missing and murdered indigenous women are identified and their cases tracked. To my surprise, I learned that tracking the racial background of victims is not done by the Sitka Police, nor by the State of Alaska. I further learned that there is no communication between a tribe and law enforcement when a victim is a tribal citizen. Moreover, despite domestic violence shelters compiling data and sharing it with the state of Alaska, the state finds it difficult to interpret and successfully use this data to focus on the unique needs of Native women and children.

Additionally police have informed us that they are only collecting data if there is an arrest. But, how can there be an arrest without law enforcement within 75 of Alaska communities?⁶ This means that many, if not most, instances of domestic violence, sexual assault, sex trafficking, and missing women are *not* being documented or accounted for. This is shocking. Just because a perpetrator cannot be identified and arrested does not mean a victim cannot be identified and served. The rights of victims can no longer be denied just because law enforcement fails to apprehend perpetrators.

When data is not kept, there is no ability to track our women. Our voices, our stories, the realities that we live, continue to be marginalized because they remain anecdotal evidence. The failure of data collection is not only making it difficult to tailor our programs and services and partner with local and state law enforcement to protect Alaska Native women, but more importantly, it is preventing our Tribe from being able to proactively provide Alaska Native women with resources that could save their lives and the lives of their children. Law enforcement must track this information. Not only do I believe adequate data will lead to valuable information, but that information can then be a basis for advocating for increased resources. I also believe there is inherent value in validating the reality that Alaska Native women face.

Recommendations for Protecting Alaska Native Women and Children

In response to our experience with these barriers, Tlingit & Haida provides the following recommendations to the Committee to consider as it continues to advance measures to protect our women and children.

1. DOJ funding should be dramatically increased and should be focused on violence prevention, enforcement, and policing.
2. DOJ VOCA grant funding should be dramatically increased and made permanent or it will remain ineffective. The SURVIVE Act S. 1870 would address this issue and should include victim compensation and services as defined by the tribal government.
3. Data reporting models in Alaska should be required to include data collected from VPSOs and tribal governments without tribal law enforcement or VPSO's . Funding should be provided to meet this requirement.
4. VPSO programs should be provided with dramatically increased funding –
 - a. Especially for training VPSOs in data collection in cases involving violence against women and children;
 - b. For training VPSOs in responding to domestic violence, sexual assault, sex trafficking, and trauma;

⁶ See TLOC Report, *supra* 39.

- c. To ensure that there is a VPSO officer in every Alaska Native community, including the most remote of villages.
5. Provide dramatically increased funding resources for broader community training on domestic violence, sexual assault, sex trafficking, and trauma and best practices for prevention.
6. Provide increased support for dramatically increased funding resources for tribal courts and tribal law enforcement in Alaska.
7. Provide increased victim services to the families and community members of the disappeared or murdered Native women, such as counseling for the children of the disappeared, burial assistance, and community walks, healing and other tribal-specific ceremonies. Passage of the SURVIVE Act S. 1870 would address this issue
8. Fully implement the VAWA 2005 program of research and specifically provide Indian tribes information regarding the disappearance and murder of Native women. We need a baseline study for Alaska as our situation may be different than what the National Institute of Justice reported in their Violence Against American Indians and Alaska Native Women and Men.
9. Upon enactment of Savanna's Act, provide targeted funding for tribal governments like Tlingit & Haida, perhaps on a pilot program basis, to ensure full participation in and coordination of efforts across federal departments to conduct research and collect data to better improve tribal government responses to the disappearance or murder of Native women and girls.

I, along with all of us at Tlingit & Haida, look forward to working further with Senator Murkowski and the rest of this Committee on ways we can heal this life and death filled trauma for many women and children in our Native communities. Together, we must ensure the safety of our tribal citizens. Thank you for this opportunity to join the Committee in sounding a call to arms.

Gunalchéesh! Háw'aa! Thank You!