



— Alaska Native —
JUSTICE CENTER
Find your voice. Find your way.

DEVELOPING DIVERSION PANELS

Using Diversion Panels to strengthen rural communities

Presentation Outline

- Introduction to ANJC
- Presentation Goals and Objective
- Brief history of Public Law 280 Barriers to Success
- CDP and Third Judicial District Court in Anchorage
- MCA State Statute, CDP flow chart, CDP Graphs
- Impact of Indian Child Welfare Act (ICWA) workers
- Tribal Courts/Social Norms
- ANJC and Tribal Courts
- Questions

ANJC Overview

- Alaska Native Justice Center (ANJC) was established in 1993, in response to Alaska Native's unmet needs regarding civil and criminal justice system.
- ANJC's mission is to promote justice through culturally- based advocacy, prevention and intervention initiatives that promote dignity, respect and humanity to all Alaska Natives.

Presentation Goals & objective

- To help Alaska Native communities make a long term and fundamental impact on the social norms of their community regarding alcohol consumption and substance abuse among youth
- To help local communities re-establish, promote and celebrate positive community social norms

What is Public Law 280?

- Enacted by the 83rd Congress in 1953 Public Law 83-280 (commonly referred to as Public Law 280 or PL 280) was a transfer of legal authority (jurisdiction) from the federal government to state governments. Congress gave six states (five states initially - California, Minnesota, Nebraska, Oregon, and Wisconsin; and then Alaska upon statehood) extensive criminal and civil jurisdiction over tribal lands
- <http://aidainc.net/Publications/pl280.htm>

What are the effects of PL280?

- Shootout at the OK Corral analogy
- Johnny stop huffing dilemma
- Weakening of local social norms

Barriers to success

- ❑ Establishing Tribal Courts
- ❑ Lack of local law enforcement
- ❑ Barriers to partnerships with State institutions
- ❑ Lack of recognition/legitimacy of Tribal Courts by State institutions

ANJC and the Third Judicial District Court in Anchorage

- ANJC was recognized by the Third Judicial District Court in Anchorage in 2008
- ANJC was designated as a CDP by the Third Judicial District Court at Anchorage in 2009
- ANJC has worked with 894 clients referred from the Third Judicial District Court in Anchorage
- 70% of all the clients referred to our agency are Alaska Native

IN THE MATTER OF

ANJC - Morris
VOA - Dahlgren
ASAP - Piper
District Court Judges
Acting Presiding Judge
Deputy Presiding Judge
Criminal Division
ACA
Al. k's office

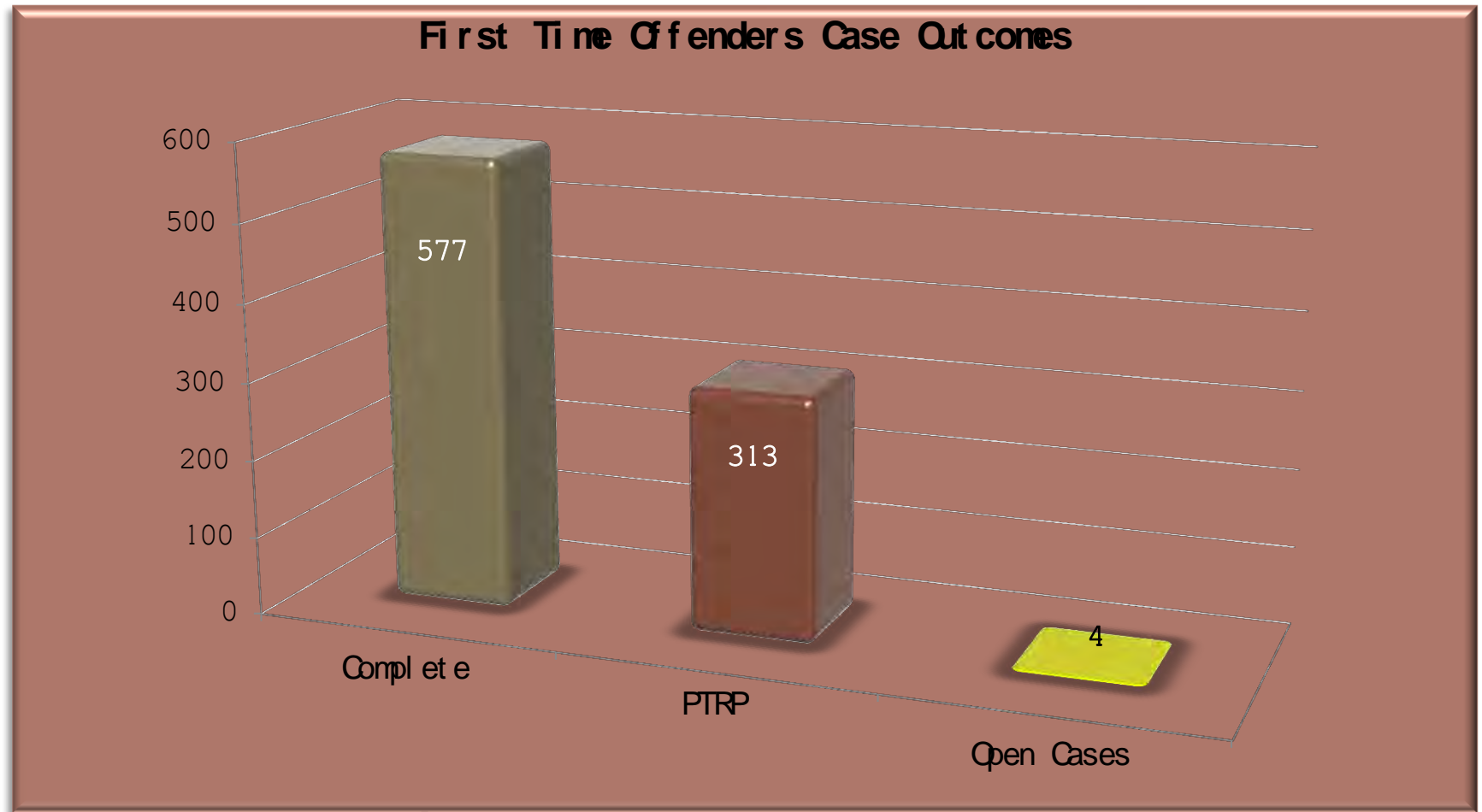
State of Alaska Minor Consuming Statutes

- A Community Diversion Panel (CDP) is the court appointed monitoring agent identified by the Legislature to monitor 1st time offender MCA cases AS 04.16.050. (*Also known as a Youth Court under Alaska State Statutes*), a CDP is limited to working with first time offenders who receive a Suspended Imposition of Sentence (SIS) or a first time offender who receives a Conviction of Record (COR).
- The guidelines for a CDP as set by AS 04.16.050(b)(1)(2): (*see link below*)

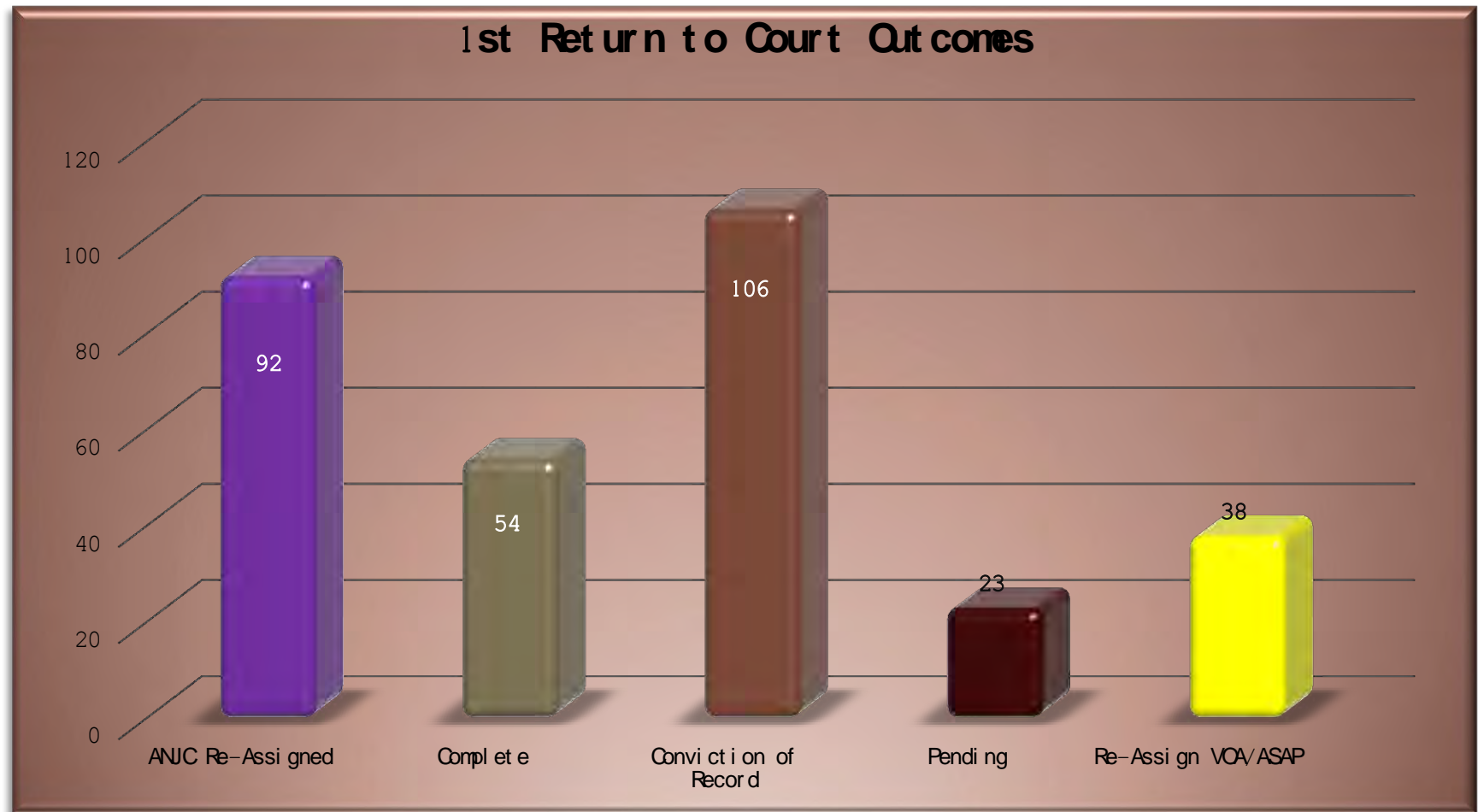
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Outcomes of the 894 Court referrals



Outcomes of the 313 PTRP cases

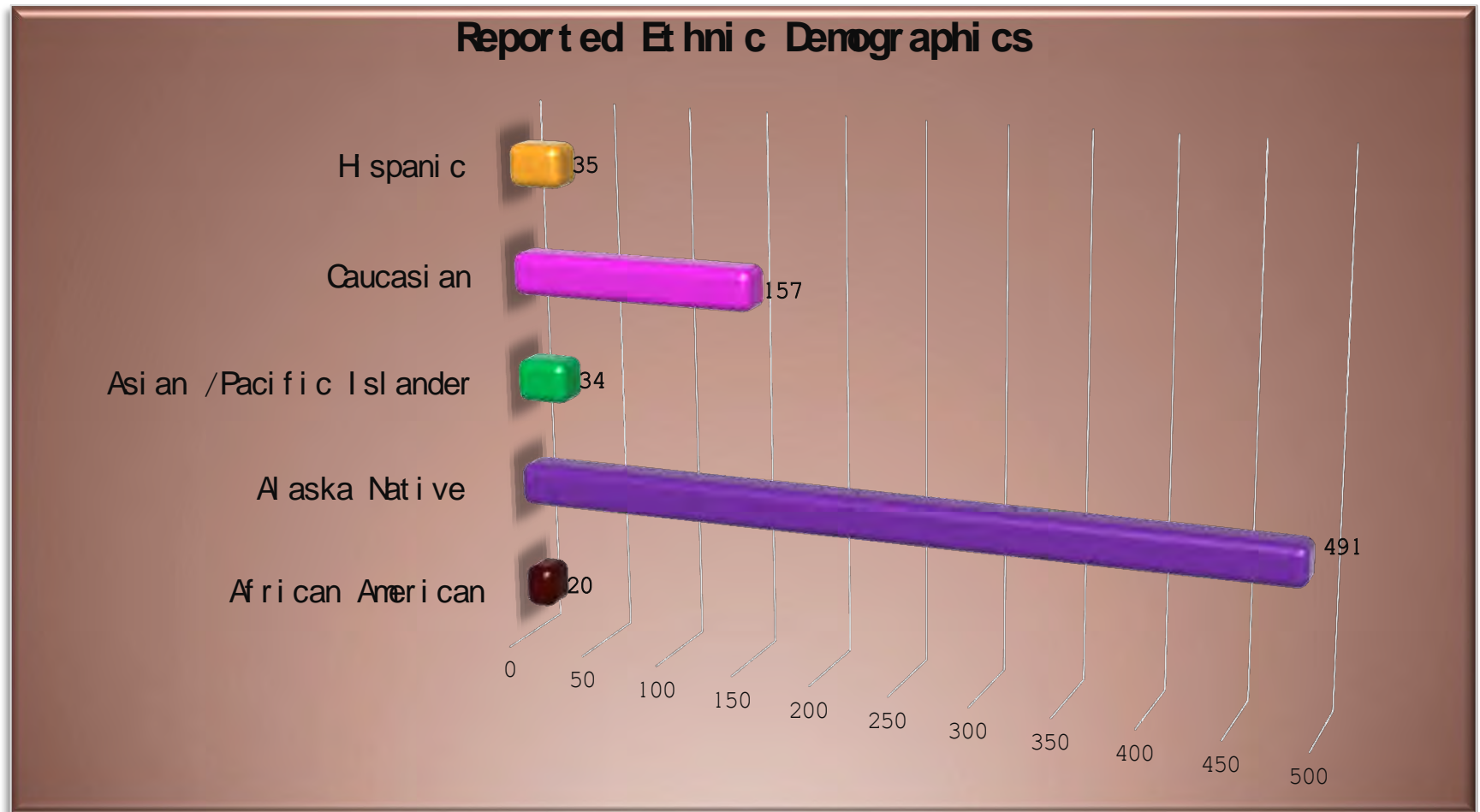


Local and Rural Caseload

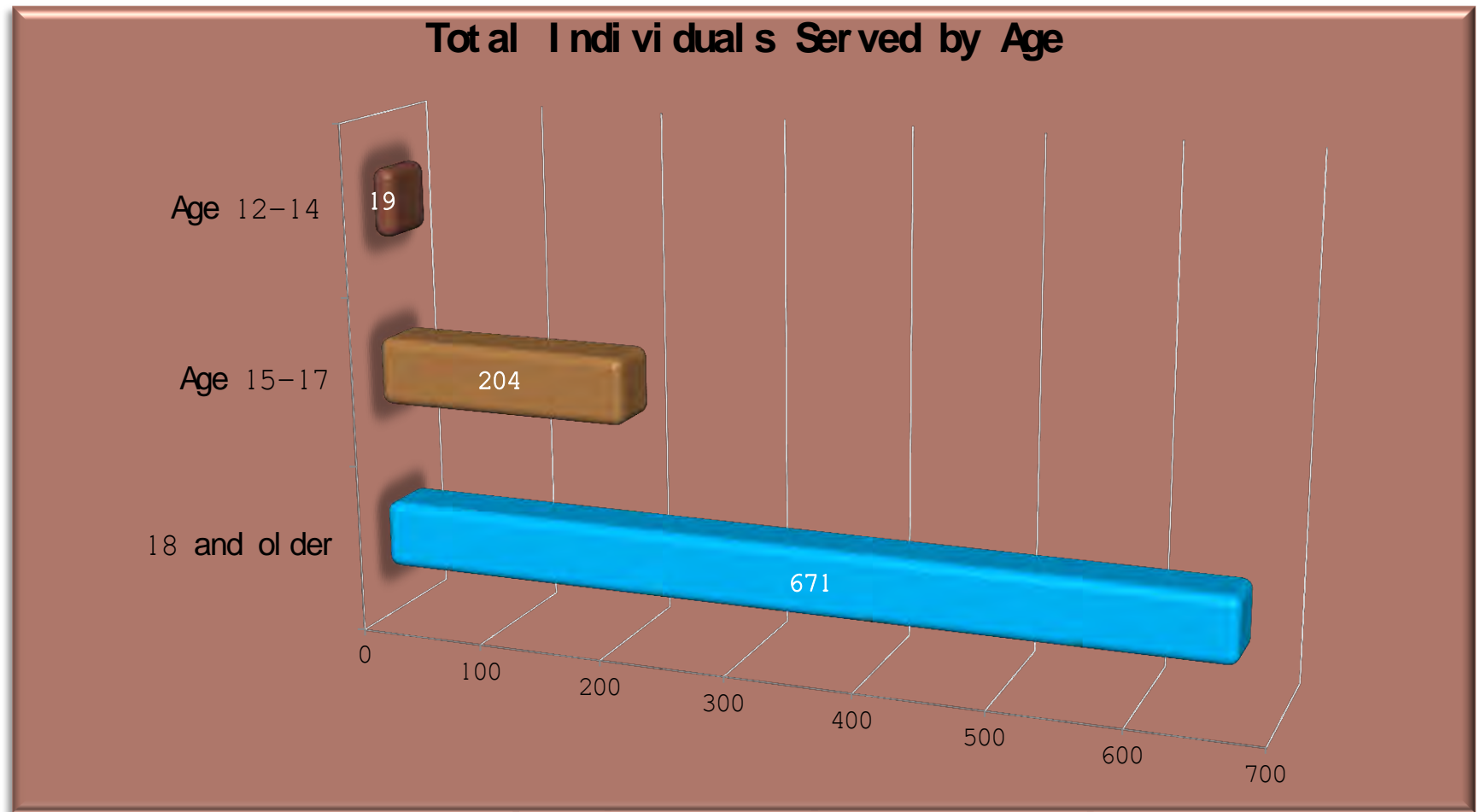


All Cases by Location for 2008 – 2013

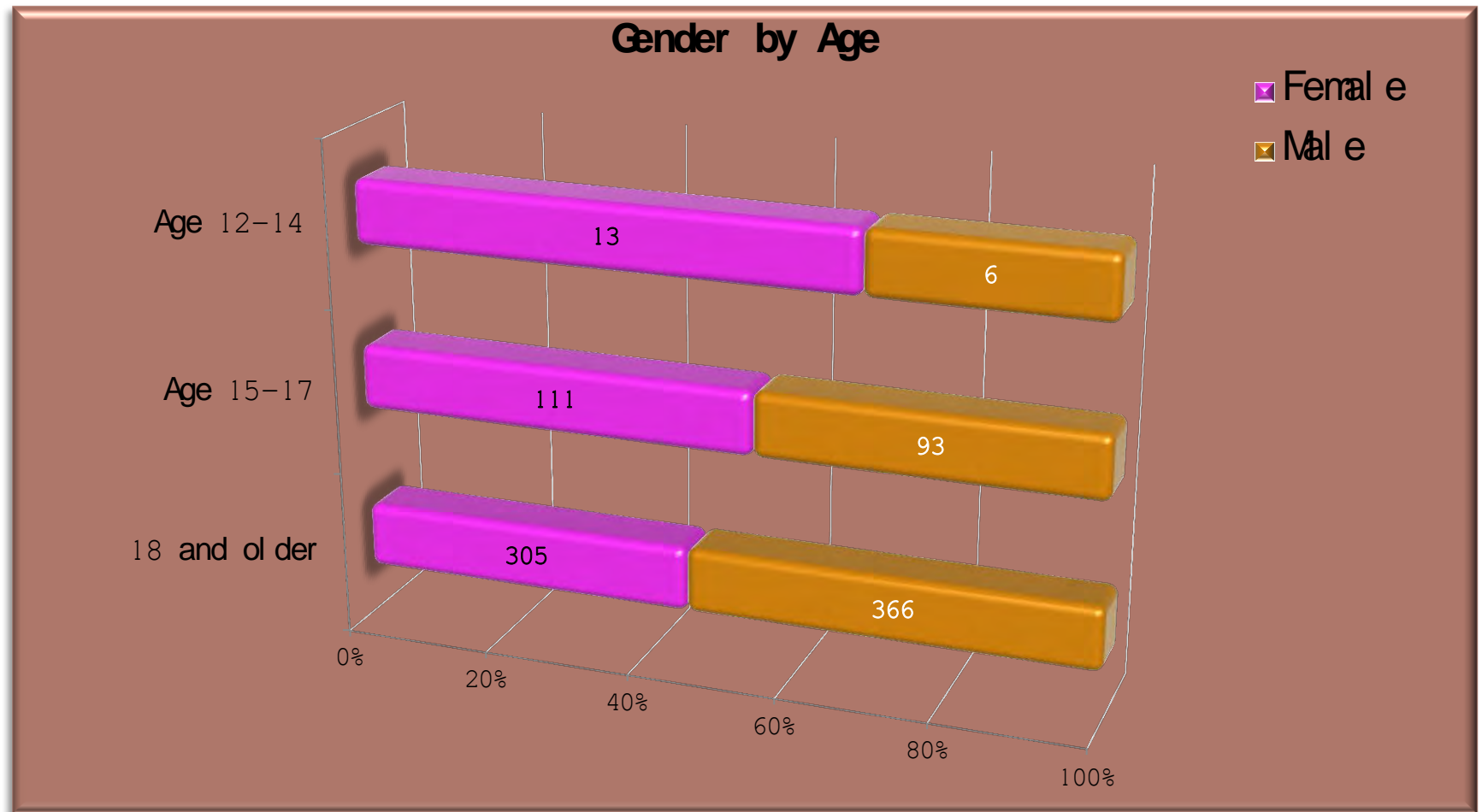
Demographics of Caseload



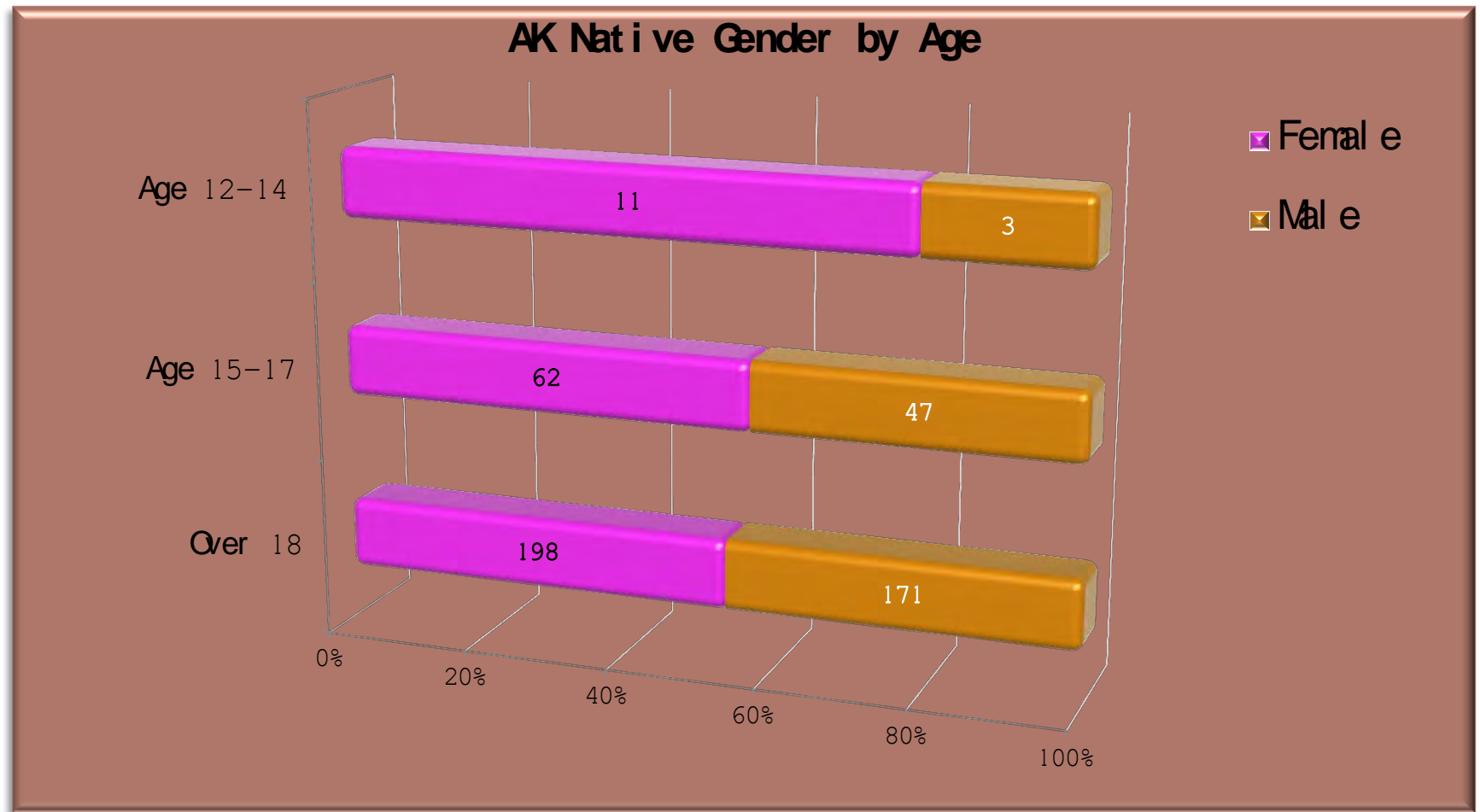
Age Demographic



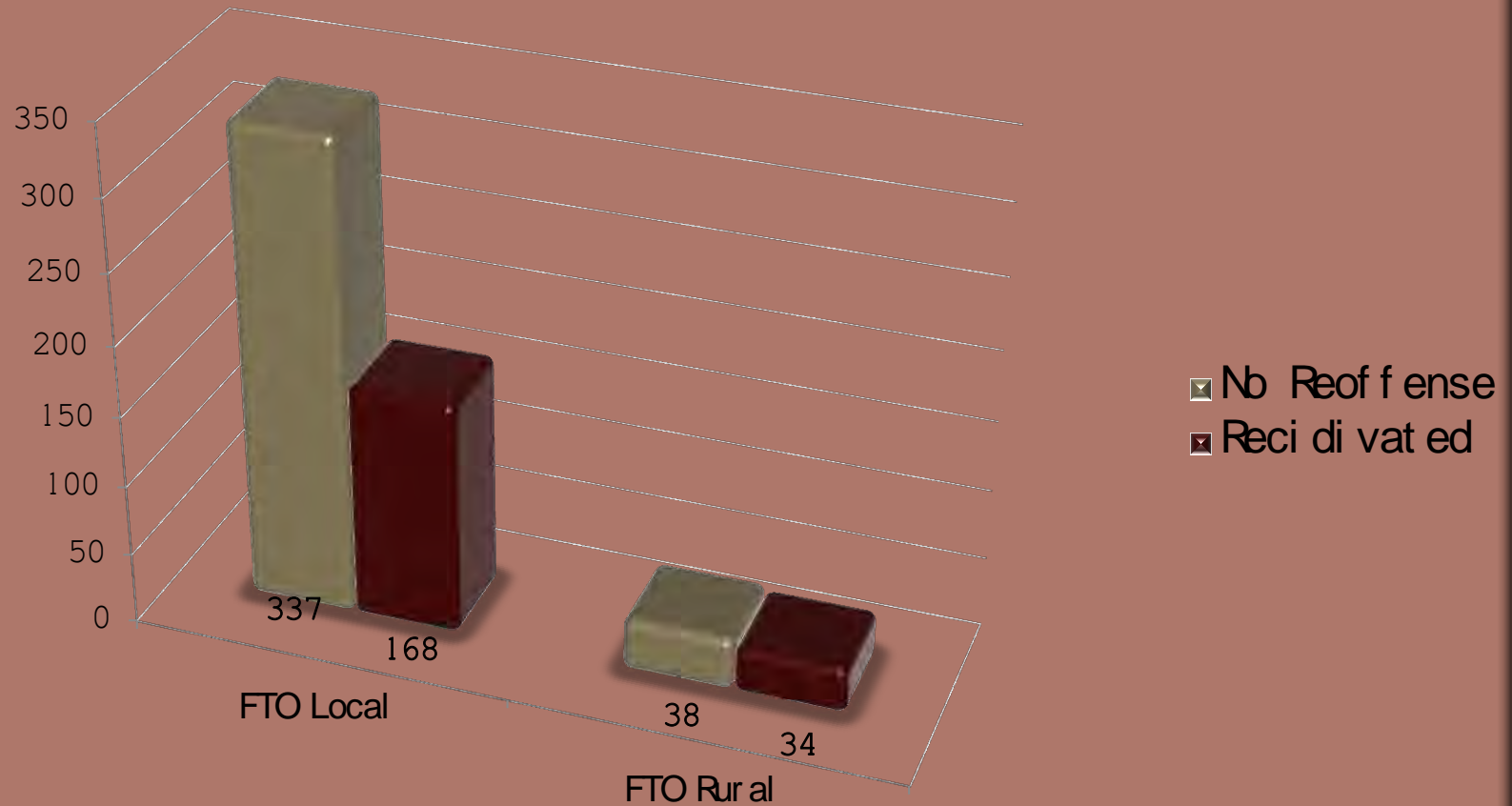
Gender Age Demographic



Alaska Native Gender Age Demographic

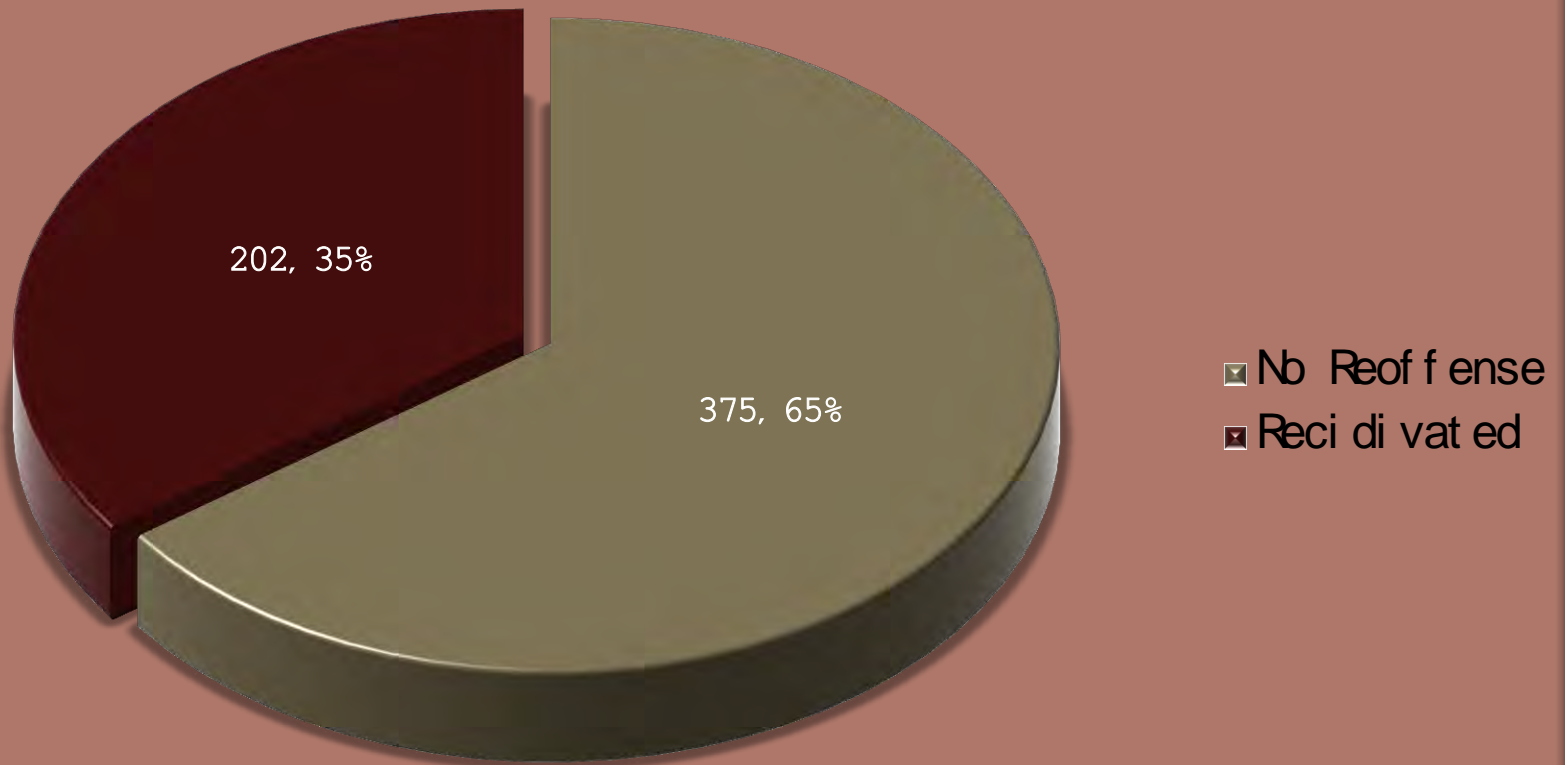


Recidivism Rate First Time Offender



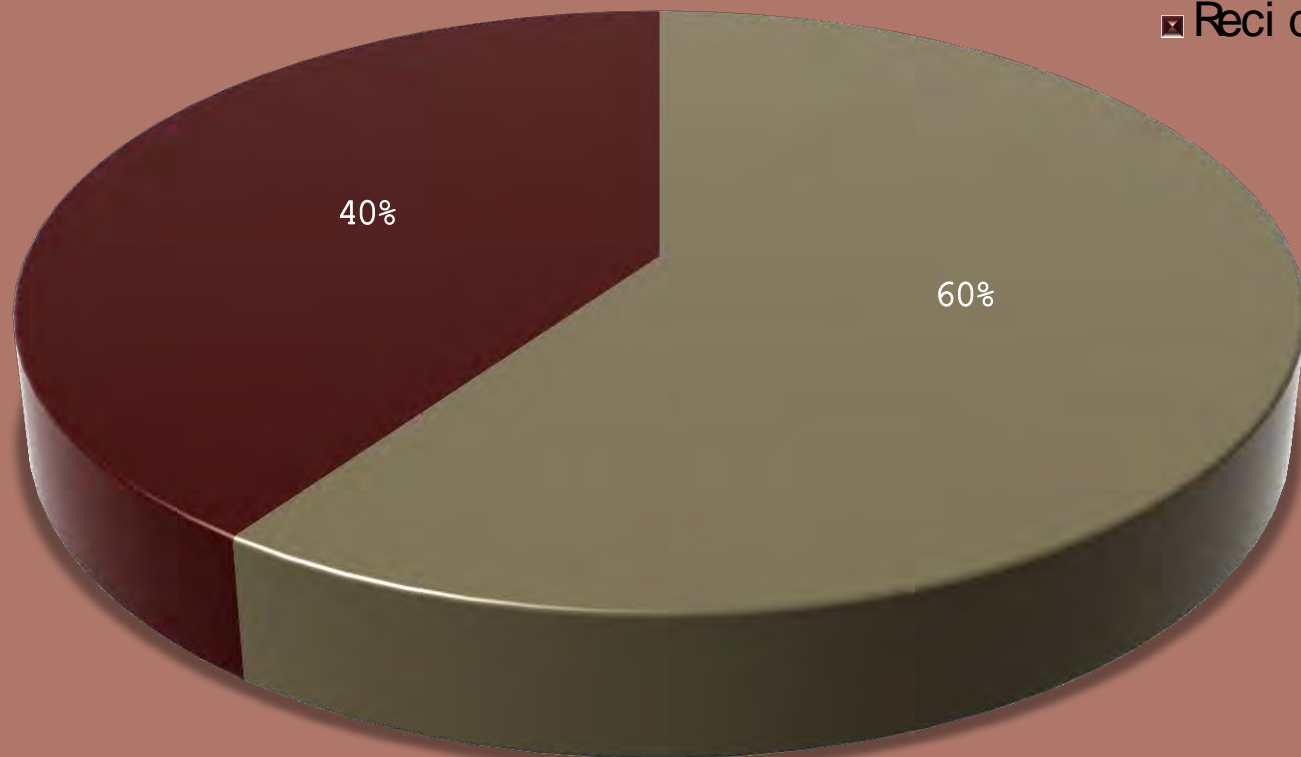
Combined Recidivism Rate

First Time Offender Completed Recidivism Rate



Alaska Native Recidivism %

AK Native Recidivism Rate

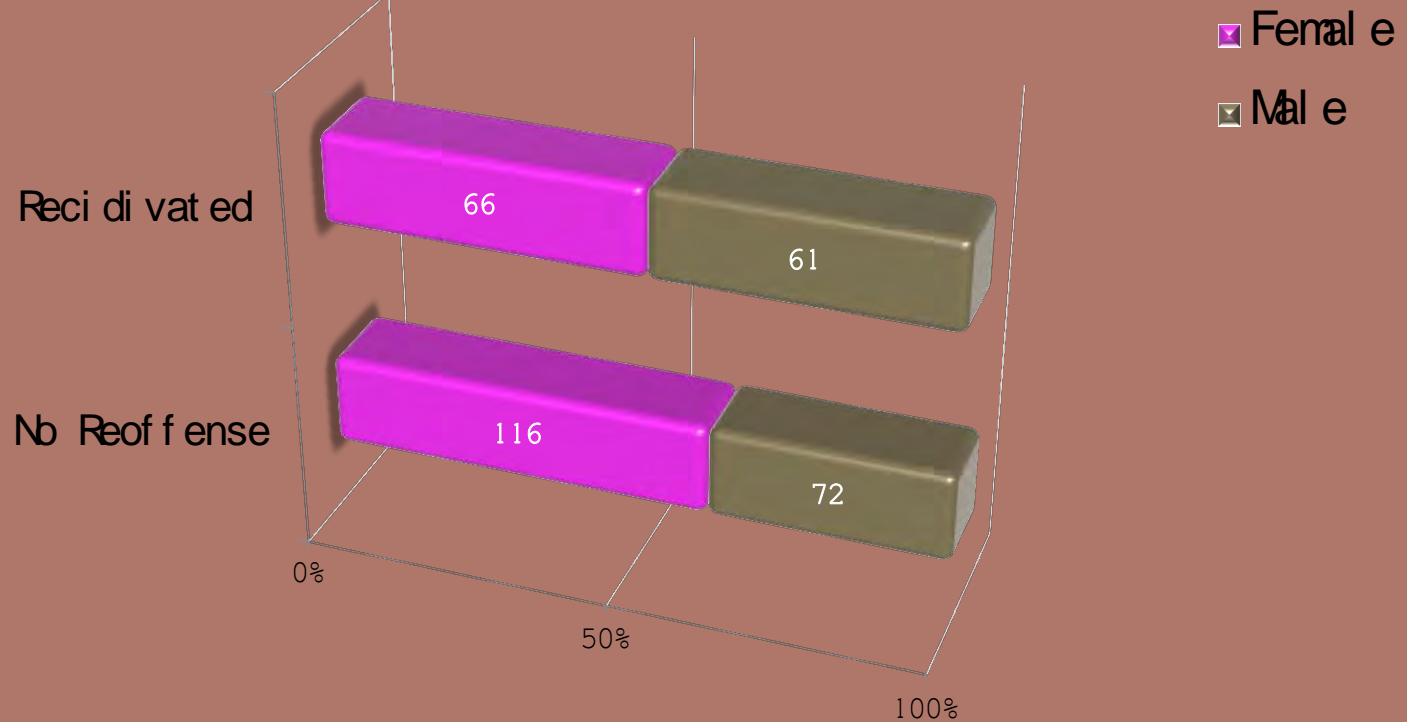


■ No Reoffense

■ Recidivated

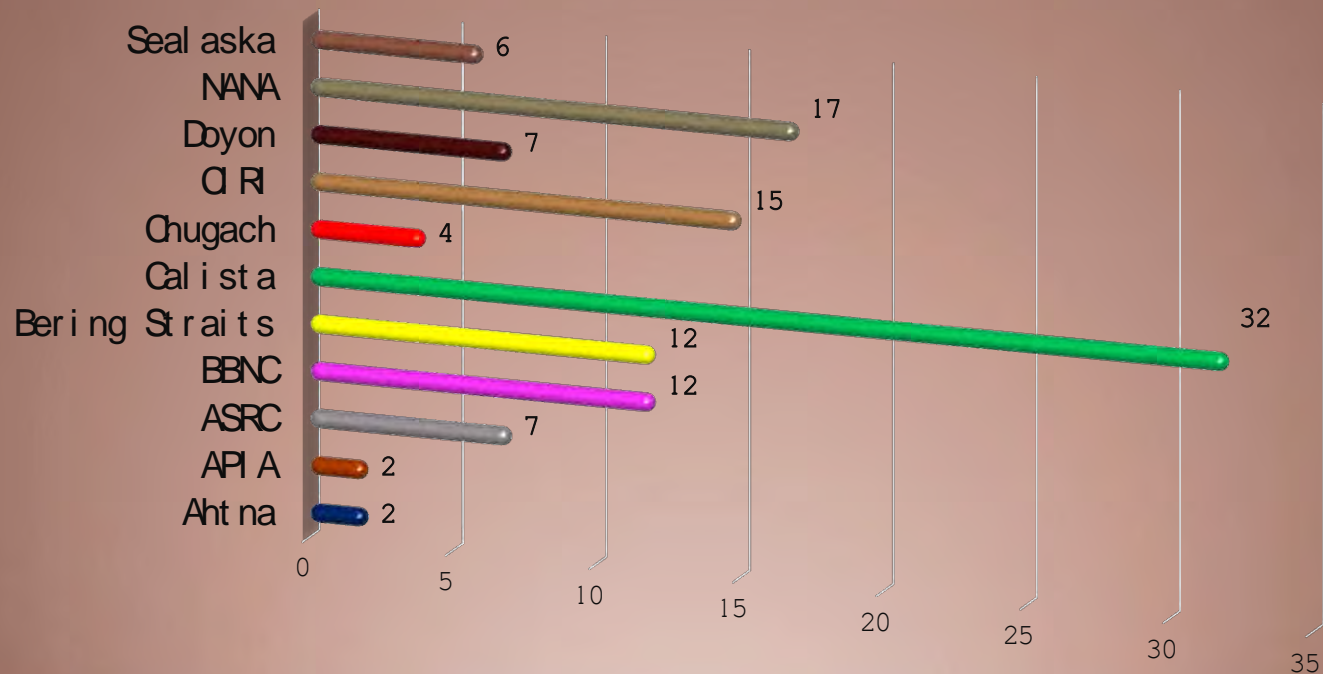
Alaska Native Gender Recidivism %

AK Native Recidivism Comparison



Alaska Native clients served by region

Reported Corporation Affiliation in 2013



Alaskan Impact of ICWA Workers

- ❑ On October 4, 2010, the Supreme Court ruled in favor of Tribal legitimacy in Alaska.
- ❑ The rule now is that Tribes have inherent jurisdiction to adjudicate the adoptions of their own members even outside of Indian Country
- ❑ Tribal Courts may if they so choose begin hearing misdemeanor cases in its community

<http://www.narf.org/cases/kaltag.html>

A CDP and Tribal Courts

- A *monitoring agent* or as we call it a Community Diversion Panel (CDP) can act as a monitoring agent for Tribal Courts for various misdemeanor cases, such as insuring that protective orders are carried out or that individuals convicted of assault follow through with treatment requirements as well as monitoring Tribal Court orders for minor consuming offenders.

Strengthening Tribal Courts/Social Norms

A Tribal Court can strengthen its status by

- ❑ Partnering with the State law enforcement
- ❑ Adopting best practices that reflects its cultural values
- ❑ Establishing a monitoring agent/Tribal Diversion Panel that would receive referrals from the Tribal Court.
- ❑ Training the Tribal DP on data collection and reporting.
- ❑ Develop an MOU to share the tracking of data with the local Law Enforcement , treatment providers, and the State/Tribal Court.

How can ANJC work with Tribal?

- Advocating for regional State institutions to help the local community by
- By respecting their legitimacy and motivation for change on a local level
- Helping them to develop a Diversion Panel(DP) or monitoring program.
- Avoiding the “white knight syndrome”
- Training the Tribal DP on data collection and reporting.

QUESTIONS?

