

## **The Future of Peacemaking in Light of the Tribal Law and Order Act**

**Dave Raasch**  
Tribal Project Specialist  
Fox Valley Technical College  
Criminal Justice Center for  
Innovation

**Lisa Jaeger**  
Tribal Government Specialist  
Tanana Chiefs Conference  
Fairbanks 1-800-478-6822  
lisa.jaeger@tananachiefs.org



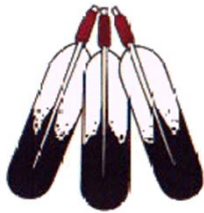
**We envision Native American and Alaskan  
Native communities where suffering from the  
past is the bridge of wisdom to free us from  
the afflictions of alcohol, drugs, violence,  
conflict, and take us to a place of hope. We  
see a place where our people can enjoy quiet  
hearts, where we are at peace and can  
resolve our conflicts from within our spirit.**



Dave Raasch 2010

***“Historically, whether it was the social fabric that was torn or an individual life that was frayed, it was mended using techniques we today generically call Peacemaking.”***

**James Botsford 2010**



### **Tribal Law and Order Act**

**Sec. 103. Prosecution of crimes in Indian country.  
Sec. 201. State criminal jurisdiction and resources.  
Sec. 202. State, tribal, and local law enforcement cooperation.**

#### **TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS**

**Sec. 301. Tribal police officers.  
Sec. 302. Drug enforcement in Indian country.  
Sec. 303. Access to national criminal information databases.  
Sec. 304. Tribal court sentencing authority.  
Sec. 305. Indian Law and Order Commission.**

**TITLE IV—TRIBAL JUSTICE SYSTEMS**

- Sec. 401. Indian alcohol and substance abuse.**
- Sec. 402. Indian tribal justice; technical and legal assistance.**
- Sec. 403. Tribal resources grant program.**
- Sec. 404. Tribal jails program.**
- Sec. 405. Tribal probation office liaison program.**
- Sec. 406. Tribal youth program.**
- Sec. 407. Improving public safety presence in rural Alaska.**

**TITLE V—INDIAN COUNTRY CRIME DATA COLLECTION AND INFORMATION SHARING**

- Sec. 501. Tracking of crimes committed in Indian country.**
- Sec. 502. Criminal history record improvement program.**

**TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT**

**PROSECUTION AND PREVENTION**

- Sec. 601. Prisoner release and reentry.**
- Sec. 602. Domestic and sexual violence offense training.**
- Sec. 603. Testimony by Federal employees.**
- Sec. 604. Coordination of Federal agencies.**
- Sec. 605. Sexual assault protocol.**
- Sec. 606. Study of IHS sexual assault and domestic violence response capabilities.**

**Tanana Chiefs Region**  
37 federally recognized tribes

229 federally recognized tribes in the state

Photo: Ken Savelle, and the Aurora Borealis in Alaska, as seen from the U.S. Coast Guard cutter, USCGC

### Tribal Law and Order Act 2010 : Alaska

- ◆ Gives tribes more authority to combat crimes on reservations
- ◆ Sets up an Office of Tribal Justice in DOJ
- ◆ Reauthorizes DOJ programs (TCAP, IASA, TYP, COPS)
- ◆ Increases entities in Alaska that can apply for COPS money)
- ◆ Calls for a study of IHS sexual assault and domestic violence response capabilities in remote parts of the country

**SEC. 5. JURISDICTION OF THE STATE OF ALASKA.**

*Nothing in this Act limits, alters, expands, or diminishes the civil or criminal jurisdiction of the State of Alaska, any subdivision of the State of Alaska, or any Indian tribe in that State.*





**Social order was maintained for hundreds of generations through traditional customs, self and family discipline, and strong spiritual beliefs and values such as the Yupik Yuuyaraq (the way of the human being), and Athabaskan Animal Songs, (laws by which Athabascans lived by). The people had close daily interaction with the natural universe which had a profound influence on cultural ways of being and keeping order. Spirituality entered into nearly every aspect of daily life.**



*".....Same thing with the tribal court. That came in long before white people. The court brought everything out in the open, before the people. They talked to the person making trouble right in front of him. They just talk. As peaceful as they can. The Indian way is to have respect for one another."*



Traditional Chief Peter John  
Minto 1900 - 2003

**"We had to live the true and the honest way, with each other."**

**"By living the white man way I don't rule that out. I think that we should adopt the two of them together and make it work, so that we can live by it."**

**"We gotta have that tribal court. It's not there to throw anybody in jail or anything like that, but to make each other understand that there's a good way out if we look at it."**



## Traditional Alaska Native Values

- ◆ Respect for Elders, others, self, nature, other's property
- ◆ Ties to the land, subsistence lifestyle, respectful and sustained, stewards of the air, land, and waters
- ◆ Knowledge of family tree, care and provision for the family
- ◆ Practice traditions, arts, skills, knowledge of language,
- ◆ Faith and a spiritual life from ancestral beliefs to the diverse faiths of today
- ◆ Sharing, caring, listening, speak with care, helpfulness, cooperation
- ◆ Humility, truthfulness, humor, happiness, compassion
- ◆ Self sufficiency, hard work, domestic skills, responsibility to village
- ◆ Learning, remember wisdom and advise of elders, wisdom from life experiences
- ◆ Be proud of Native way of life
- ◆ Maintain a balance, good behavior, never give up



**“What would happen if each of our tribes created a well-thought-out, well-planned system for enforcing law and order? Could any outside force really stop us, 231 tribes, from maintaining peace and harmony within our villages?”**

Elizabeth Hensley  
AFN 2009





**“Circle peacemaking is probably the most powerful process that I’ve ever gone through for healing, for my own healing.....Circle peacemaking has come to our village as an answer to our prayers.”**

**Mike Jackson, State Magistrate and Tribal Court Judge  
Kake, Alaska**

Spoken at a National Judicial Training March 2003