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The ACLU is suing Nome, alleging a pattern of civil rights violations against Native women

By Zachariah Hughes, Alaska Public Media -
February 20, 2020



ACLU of Alaska Executive Director Joshua Decker speaking during a press conference in Anchorage announcing a federal lawsuit against the City of Nome (Zachariah Hughes/Alaska Public Media)

The City of Nome has systematically failed to protect Alaska Native women from sexual assault, according to a federal lawsuit filed Thursday morning by the American Civil Liberties Union of Alaska.

The case is built around the experience of a former dispatcher with the Nome Police Department, who says her report of a sexual assault was ignored by colleagues for more than a year.

Clarice “Bun” Hardy says she was sexually assaulted in March of 2017, and shortly afterward told a co-worker at the police department about it, asking him to investigate.

“I considered my colleagues family, and I trusted them,” Hardy said during a press conference at the ACLU’s offices in Anchorage Thursday. “So that’s who I turned to after I was raped. They told me that they’d help me. They didn’t. Instead they lied to me over, and over, and over again.” Even though she’d worked at the department for two years and told a police lieutenant where he could find witnesses and evidence, Hardy said nothing came of it. Superiors at NPD, including the chief at the time, took no action. More than a year after the alleged assault, still waiting to hear about progress on her case, Hardy learned there had been no investigation at all. The distress contributed to her leaving her job, and eventually leaving Nome. In the winter of 2019, she moved back to her hometown of Shaktoolik on the eastern edge of Norton Sound.

“I miss playing basketball. I miss leaving my curtains open to let the sunlight in. I miss restful nights sleeps,” Hardy said.

Last year, the **ACLU threatened to sue** the City of Nome over its handling of Hardy’s case, and asked for a \$500,000 settlement on her behalf. That effort didn’t go anywhere.

Now, the organization's lawsuit alleges a pattern of civil rights violations against Alaska Native women. The ACLU is asking for the federal court to order Nome to end what the group says are discriminatory practices in enforcement of sexual assault protections, better training for police, and unspecified financial compensation to Hardy for damages.

"I can't undo the harm done to the hundreds of women the Nome Police Department failed to help," Hardy said. "But maybe I can stop this from happening again. Maybe that's my purpose."

The lawyer representing Nome in the litigation, former district attorney Clint Champion, said he had not yet seen a copy of the complaint, so was not able to comment on it.

The lawsuit has the potential to draw a more scrutiny to how Nome's leaders have responded to high levels of sexual violence. According to the ACLU's filing, the town has a reported rate of sexual assault that is six times higher than the national average, but a substantially lower arrest rate for such crimes. That, the organization contends, is a direct result of policy decisions.

"Most troubling is that the city leaders were aware of these failures on a systemic basis, and did nothing," said Stephen Koteff, legal affairs director for the ACLU of Alaska.

"Unfortunately, these failures are continuing today."

The ACLU is taking the unusual step of asking for a jury trial in Nome to handle the federal case. And they anticipate that the discovery process will bring to light even more evidence of mishandled reports of assaults.

For its part, the City of Nome has long maintained the shortcomings in investigations are from a **lack of resources**,

not malice or discrimination. NPD has suffered from understaffing and a large call volume, hampering investigators' ability to build cases.