The Overrepresentation of Alaska Natives in the Criminal Justice System: Some Causes and Concerns

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1993: The Alaska Native Commissioned Report found that Alaska Natives represent 36% of the prison and jail population, yet represent only 16% of the general population.
Comparison of State and Offender Population

- Caucasian
- Black
- Alaska Native
- Asian or Pacific Islander
- Hispanic or Latino

Percent of State Population vs. Percent of Offender Population
## 2017 Offender Profile

### Counts and Percentages of Offenders in Institutions by Race/Ethnicity:
**July 1, 2017**

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>Female Count</th>
<th>Percent Females</th>
<th>Male Count</th>
<th>Percent Males</th>
<th>Total Count</th>
<th>Percent Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALASKA NATIVE</td>
<td>131</td>
<td>8.44%</td>
<td>1,421</td>
<td>91.56%</td>
<td>1,552</td>
<td><strong>36.63%</strong></td>
</tr>
<tr>
<td>ASIAN/PACIFIC ISLAND</td>
<td>13</td>
<td>7.10%</td>
<td>170</td>
<td>92.90%</td>
<td>183</td>
<td>4.32%</td>
</tr>
<tr>
<td>BLACK</td>
<td>24</td>
<td>5.49%</td>
<td>413</td>
<td>94.51%</td>
<td>437</td>
<td>10.31%</td>
</tr>
<tr>
<td>CAUCASIAN</td>
<td>216</td>
<td>11.35%</td>
<td>1,687</td>
<td>88.65%</td>
<td>1,903</td>
<td>44.91%</td>
</tr>
<tr>
<td>HISPANIC/LATINO</td>
<td>13</td>
<td>9.92%</td>
<td>118</td>
<td>90.08%</td>
<td>131</td>
<td>3.09%</td>
</tr>
<tr>
<td>OTHER/UNKNOWN</td>
<td>0</td>
<td>0.00%</td>
<td>31</td>
<td>100.00%</td>
<td>31</td>
<td>0.73%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>397</strong></td>
<td><strong>9.37%</strong></td>
<td><strong>3,840</strong></td>
<td><strong>90.63%</strong></td>
<td><strong>4,237</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>
Some Causes and Concerns

1. The Bail System
2. Jury Selection

3. Problems with probation and parole
4. Ethics of “Truth telling” and “non-interference”
The Cash Bail System
55% of whites are released before trial and only 8% plead guilty at arraignment. Only 26% of Alaska Natives are released, and 24% plead out at arraignment (Alaska Judicial Council, 2003).
Under Senate Bill 91, the state no longer operates on a full cash bail system, and has developed a bail system that is not based solely on the defendant's ability to pay, but on a risk assessment tool.

(UAA, 2016).
Jury Selection: The geographic distribution of Alaskan communities creates hurdles for the state to overcome in providing access to a fair trial for all criminal defendants.
“To remote villagers in Bush Alaska who’s customs, culture, and way of life are vastly different than in larger cities within the state, the opportunity to be judged by those sharing similarities is of utmost importance” (May, 2011).
Criminal Rule 18 does not ensure that the defendant is ever informed of their right and responsibility to request a venue change. (May, 2011)
Excluding segmented communities from jury participation blocks their participation in fact finding and guilt determination.
Probation and Parole
There are currently only 13 parole and probation offices in the state.

Upon release, former defendants are expected to find employment, care for themselves, and not violate their parole conditions all while navigating an unfamiliar environment.
Alaska Natives are more likely to recidivate than any other racial group in the state.

(Alaska Judicial Council, 2007)
Alaska Natives Released from prison often get stuck in Anchorage.

Cross Cultural Communication and Traditional Ethics
“Among all Native groups with whom I have worked there appears to be nothing akin to our “right to silence”, our right to refuse to incriminate ourselves. On the contrary, there appears to be an opposite commandment, one that requires full disclosure, full acknowledgement of wrongs. It is apparently seen as an essential first step towards rehabilitation and the reintegration into the community. It may be that this ethic contributes substantially to the high frequency of guilty pleas by Native accused.”

(Ross, 1992)
“It is a common occurrence upon being apprehended by the police that a person of Anglo culture can be expected to insist that he had only two beers, while an Alaska Native person in the same situation will often give a precise accounting of the amount of alcohol consumed” (Angle, 1984)
Darrel S. Woods: Examining the validity of the hypothesis that Alaska Natives tell the truth at higher rates.
The Study
Methods:

- Online public survey that gathers qualitative information on the opinions about Alaska Native defendants interactions with law enforcement.

- Followed up by interviews of survey participants to gather more details about their experiences.
Demographics:

- Female: 74.2%
- Male: 25.8%
Criminal Justice System Workers:
Alaska Natives are more likely to confess to a crime when questioned or interviewed by a law enforcement officer.
“You could easily approach somebody and say ‘Hey look, I already know that you were the one that broke into the post office and stole all the money orders in everybody’s mail. I’m just trying to find the stuff now so I can return it because it’s the right thing to do. Where is it?’ (Response) ‘It’s in my shed’. And they would just confess. And a lot of Troopers go out west and they end up feeling like they are these smoking hot investigators because when they interview people they would just confess to things. But I would also add that in the general population of Fairbanks, we do not have that experience at all.”
“All of my juvenile Alaska Native defendants admitted to their crimes almost across the board- that category of folks who are brand new to the system, who are in the group of 18, 19, 20, and 21, living in rural Alaska, all of them admitted to their crimes, and I cannot think of one instance where one of my clients did not confess.”
“Now that depends, now my interpretation of that is that in villages where a Native criminal who isn't 'westernized', if that makes sense, someone who hasn't been in the system a lot, then yes, they are very truthful, almost to a fault. But guys who have been through the system, who have been arrested several times, then no...and I think its because its in their culture to be truthful. Just truthful to a fault”
“I actually wouldn’t make it so specific to Native and non-Native. I would say that in my experience, that Yupik Eskimo people are definitely...it's definitely more probable that a Yup'ik Eskimo person would confess than a non-Native or Athabaskan person. The Athabaskan Indians do not confess like Yupik Eskimos confess...So it's not really like a difference between Native and Non-Native, but more specific to the culture...In my experience out there in Bethel, I would honestly say that the Yupik Eskimo people are very honest people and what I mean by that is not that they don’t try to lie, it's just that they are so inherently honest that when they do try to lie they are just absolutely terrible at it.”
Most justice system workers believe Alaska Natives are more likely to confess to a crime compared to non-Natives

21 responses
“I have to say that when I was new to Alaska and new to the culture when I started, my supervisor sort of primed me on that, and suggested to me that they would confess more. Maybe my views on that are sort of colored by what I was told to expect when I first started working here and not having any experience working in the community...When I started one of the things that he just kind of warned me for was that his sense was that there was in the Native community a lot of value placed on respecting authority and that manifested itself into a willingness to talk. In theory every defendant who is arrested is reminded of their right to remain silent, but my supervisor suggested that if I had Native clients they would be more willing, on average, to waive those rights.”
Former Defendants:

- 80% Misdemeanor
- 20% I am not sure
If you confessed, do you feel it was your free and voluntary choice to do so?

9 responses

- Yes: 33.3%
- No: 44.4%
- Maybe: 11.1%
- I was not interviewed or questioned: 11.1%
Concerns From The General Public:
Alaska Natives are more honest than non-Alaska Natives when questioned about involvement in crime.

30 responses
Alaska Natives are more likely to confess to a crime when questioned by police than are non-Natives.

30 responses
“the sad thing about our criminal justice system is that we penalize the honest. I wish there was a way around that. I thought about that so much as a trooper. I wish that we could penalize dishonesty somehow. But when people admit and confess to things, it turns into a pretty solid case...In part, there probably is a greater representation of an honest culture in prisons I would say.”
Thank you.

http://www.alaskool.org/resources/anc/anc_toc.htm

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