



March 15, 1979

Crime and the Justice System in Rural Alaskan Villages

John E. Angell

Suggested citation

Angell, John E. (1979). "Crime and the Justice System in Rural Alaskan Villages." Paper presented at the annual meeting of the Academy of Criminal Justice Sciences, Cincinnati, 15 Mar 1979.

Summary

Approximately 20 percent of Alaska's population live in small remote Native villages. Very little factual data regarding contemporary criminal justice operations has been compiled. For example, comprehensive data concerning present crime rates, policing methods, and local deviancy control mechanisms in rural Alaska simply do not exist. The research underlying this paper was an exploratory effort to begin the collection of crime and justice information which can be used in criminal justice policy development in rural areas of the state by the State of Alaska.

Additional information

This paper is in essence an abstract of portions of a more detailed report, *Alaskan Village Justice: An Exploratory Study* (1979).

CRIME AND THE JUSTICE SYSTEM
IN RURAL ALASKAN VILLAGES

by
John E. Angell
Associate Professor
Criminal Justice Center
University of Alaska
Anchorage, Alaska 99504

Presented at
The Academy of Criminal Justice Sciences
1979 Annual Meeting
Cincinnati, Ohio

JC 7909.02

March 15, 1979

Prepared under contract number 76-A-044 for the Criminal Justice Planning Agency of the Governor's Commission on the Administration of Justice, State of Alaska, with funds provided by the Law Enforcement Assistance Administration, U.S. Department of Justice. Points of view or opinions stated in this document are those of the author and do not necessarily represent the official position or policies of the Criminal Justice Planning Agency or the U.S. Department of Justice.

ACKNOWLEDGEMENTS

This research was made possible by contract number 76-A-044 of the Alaska Criminal Justice Planning Agency of the Governor's Commission on the Administration of Justice, State of Alaska, with funds provided by the Law Enforcement Assistance Administration, U. S. Department of Justice. The data collection was a voluntary effort by non-profit Native corporations, Alaska State Troopers, Criminal Justice Planning Agency staff, and village representatives. The people most responsible for ensuring that the interviews were completed were Col. Tom Anderson, Director, Alaska State Troopers; and Jackie Daily and Mark Crewson, Alaska Criminal Justice Planning Agency. Lt. Jim Lansberry, First Sergeant Fred Angleton, and First Sergeant Glen Godfrey, all with the Alaska State Troopers, were responsible for getting Trooper aircraft with interviewers into the appropriate communities. Interviewers were members of the non-profit Native corporations, Criminal Justice Planning Agency, and Alaska State Troopers. Without the cooperation of the following people the data could not have been collected:

John Angaiak	William McMillon
William Angaiak	Neil Murphy
Crystal Brand	George Neck
Richard DeRemer	Bob Sanders
Tom Ellana	Roy Seagrave
Dave Gosselin	John Sharp
Dorothy Isabelle	Debbie Sparks
Leonard McCarr	Yako Tinker
Blair McCune	William Manumik

Among those who contributed to the data processing were Donald May, Lisa Shelia Corey, Paul Edscorn, Dwight Hunter, and Cecilia Molesworth. Clerical responsibilities were shared by Darline Green, Sara Watts, and Gayle Shoemaker.

This paper is in essence an abstract of portions of a more detailed report, Alaskan Village Justice, published by the Criminal Justice Center, University of Alaska, Anchorage, 1979. The paper's shortcomings are in spite of the efforts of the people involved, and are no doubt the consequence of failure to accept their advise. The points of view and opinions expressed in this document are those of the author and do not necessarily represent the official position or policies of the Alaska Criminal Justice Planning Agency nor the United States Department of Justice.

INTRODUCTION

Alaska with an area larger than Texas, California and Montana combined (see Chart 1), has fewer inhabitants than any other state. Its area spans four time zones -- there would be a fifth but the International Dateline is bent westward to keep part of the state from being a day ahead of the rest of the United States. The extreme western part of the state extends as far as the Marshall Islands and within sight of Russia. The distance between the state capital, Juneau, and the northern most part of the state is approximately equal to the distance from Dallas to Seattle.

Over three-fourths of Alaska's population reside in commercial cities such as Anchorage, Fairbanks, Bethel, Nome, and Barrow. The majority of the remainder (approximately 20%) are Eskimos, Indians and Aleuts who reside in small remote Native villages of the state.

Although these people do not -- and never have -- exist as the igloo dwellers of American mythology, they do reside at a subsistence level in some of the most remote regions and poverty conditions in the United States. They often survive by hunting, fishing and collecting wild foods. The environment is such that food growing is not in many instances a realistic possibility. Few Americans have any understanding of the lifestyles and problems of these traditionally peaceful and deferant people.

Although the situation of these Native people is better understood in Alaska than it is elsewhere, very little factual data has been compiled -- particularly in regard to contemporary criminal justice operations. For example, comprehensive data concerning present crime rates, policing methods, and local deviancy control mechanisms in the rural Alaska simply does not exist. The research underlying this paper was an exploratory effort to begin the collection of crime and justice information which can be used in policy development by the Governor's Commission on the Administration of Justice and the State of Alaska.

METHODOLOGY

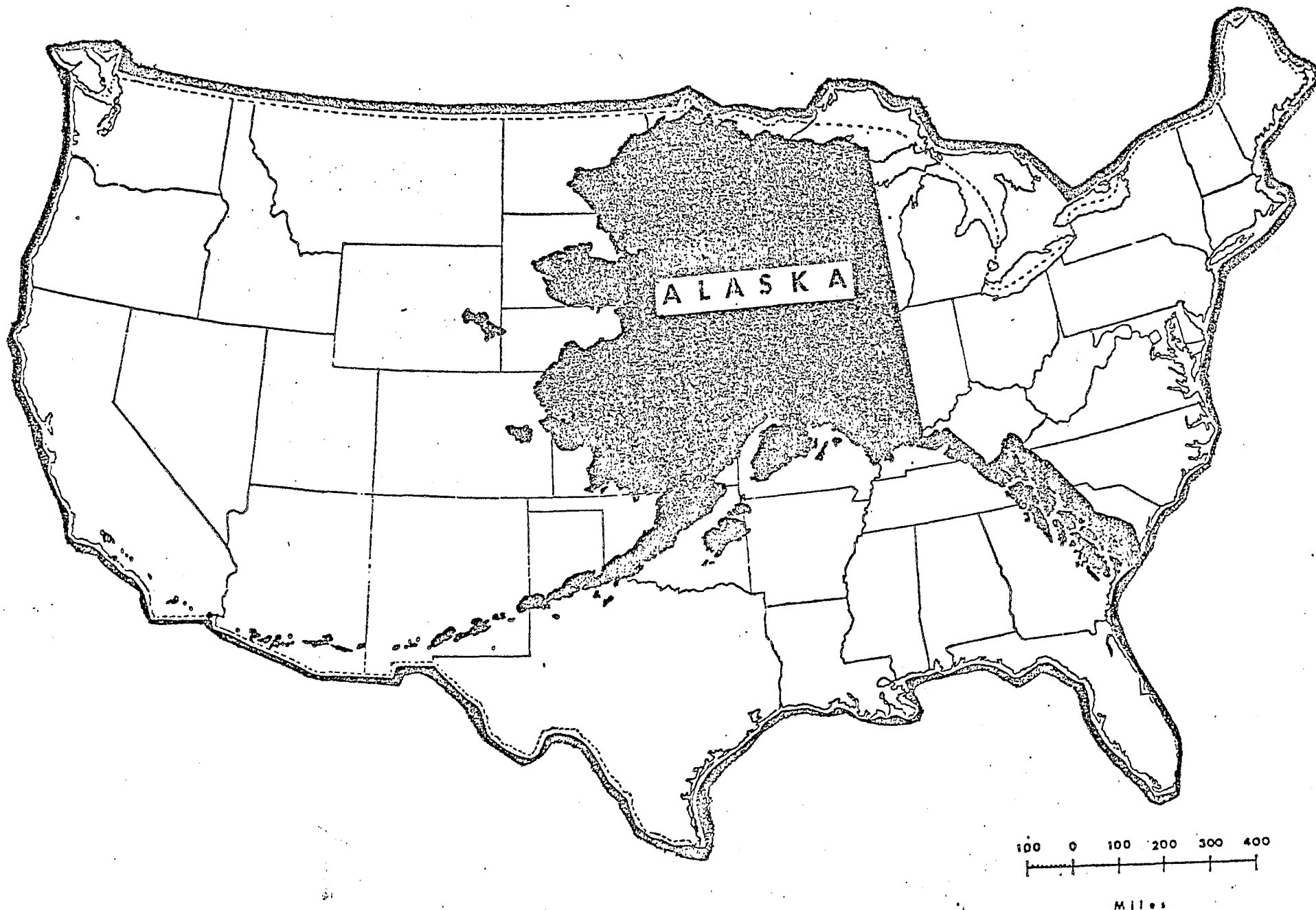
This project was based on a recognition that much of the information concerning the public safety and justice situations in the remote communities of Alaska has not been committed to writing. The most appropriate method of obtaining a comprehensive understanding of the situations was through an exploratory research project.

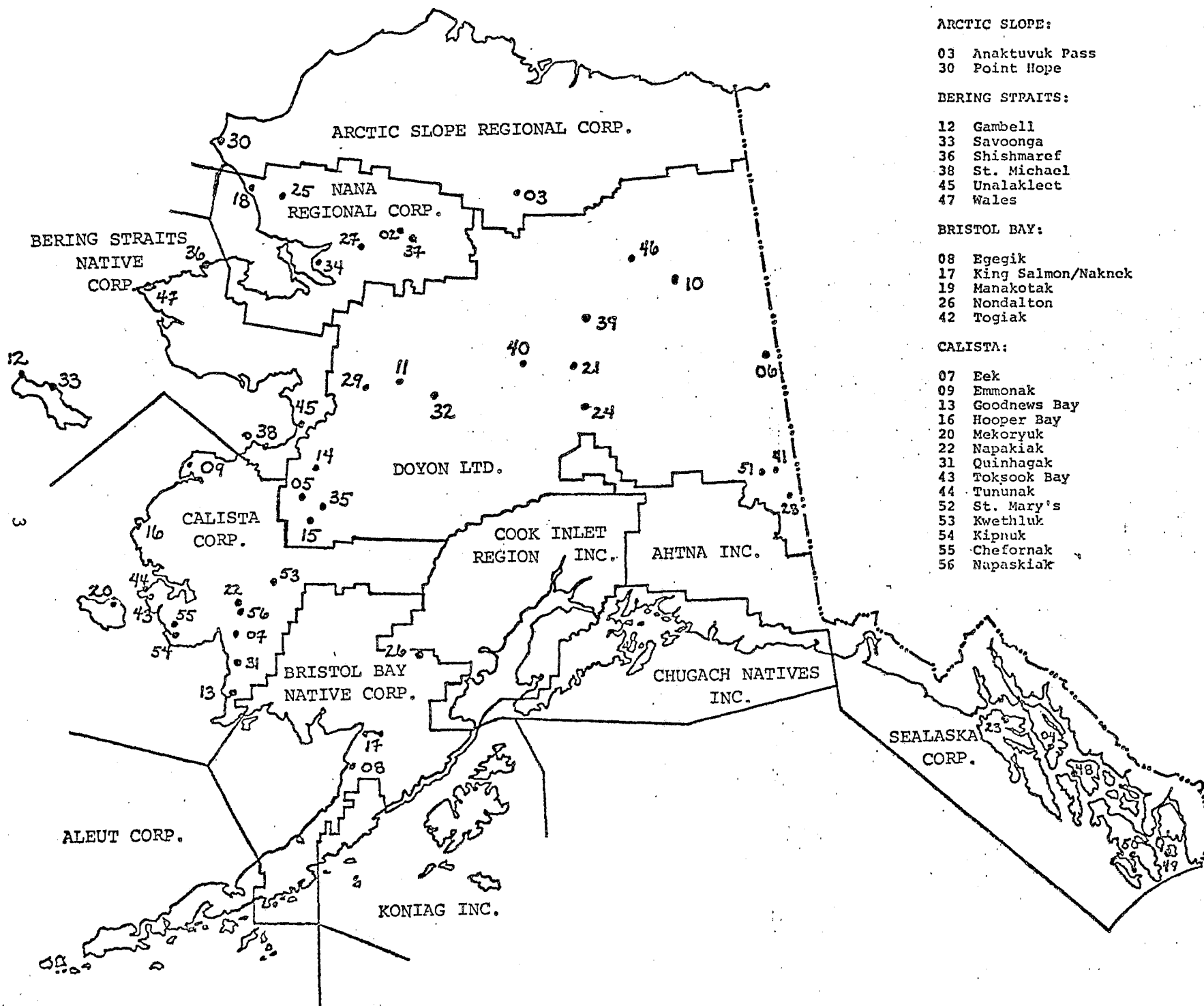
The descriptive information for the study was to be collected from approximately 50 to 60 rural Native villages (ultimately 56 were visited. See Chart 2). The communities that received attention were identified by a cooperative effort of the Alaska Criminal Justice Planning Agency, criminal justice officials and Native groups. They were chosen for study because it was felt they are representative of the variety of Native village situations existing in rural Alaska.

Three data collection methods were used: (1) a review of available documents and materials related to the communities surveyed, (2) observations of the situations and justice operations in communities surveyed, and (3) interviews with people in the communities selected.

GEOGRAPHIC SIZE COMPARISON

Alaska vs. "Lower 48"





ARCTIC SLOPE:

03 Anaktuvuk Pass
30 Point Hope

BERING STRAITS:

12 Gambell
33 Savoonga
36 Shishmaref
38 St. Michael
45 Unalakleet
47 Wales

BRISTOL BAY:

08 Egegik
17 King Salmon/Naknek
19 Manakotak
26 Nondalton
42 Togiak

CALISTA:

07 Eek
09 Emmonak
13 Goodnews Bay
16 Hooper Bay
20 Mekoryuk
22 Napakiak
31 Quinhagak
43 Toksook Bay
44 Tununak
52 St. Mary's
53 Kwethluk
54 Kipnuk
55 Cheforak
56 Napaskiak

DOYAN:

05 Anvik
06 Eagle Village
10 Fort Yukon
11 Galena
14 Grayling
15 Holy Cross
21 Minto
24 Nenana
28 Northway
29 Nulato
32 Ruby
35 Shageluk
39 Stevens Village
40 Tenana
41 Tetlin
46 Venetie
51 Tok

NANA:

02 Ambler
18 Kivalina
25 Noatak
27 Noorvik
34 Selawik
37 Shungnak

SEALASKA:

04 Angoon
23 Hoonah
48 Kake
49 Metlakatla
50 Hydaburg

Material Review

This ^{review} involved documents such as census reports, revenue sharing reports, cost of living reports, case studies, agency records, and justice reports which dealt with culture, history, and various characteristics of the communities studied or similar communities.

Observations

The researchers who went to the communities recorded observations concerning the geography, facilities, living conditions, and justice facilities in each of the communities visited. They used structured instruments and photography.

Interviews

Structured questionnaires were used to record information solicited from a stratified sample of people in each community studied. Interviewees were chosen by the interviewers. They were selected as knowledgeable people who were capable of articulating community opinions and concerns. The people most frequently interviewed in each community were: (1) community officials (Mayor, Chief, Council Members), (2) village police officers, (3) health aides, and (4) magistrates. A total of approximately 175 interviews were conducted. The interviewees were asked both subjective and objective questions.

The interview instrument was originally designed by SRI International. It ultimately was organized into five parts: (1) general community, (2) village life and government, (3) justice system, police and crime, (4) legal system, and (5) injury and medical sections.

The questionnaire was administered through the combined efforts of the Alaska State Troopers (who provided transportation into most of the communities); representatives of Sealaska, Doyon, Calista, Nana and Bering Straits non-profit Native corporations; and staff members from the Criminal Justice Planning Agency and the University of Alaska Criminal Justice Center.

RESEARCH IMPLEMENTATION

The implementation of the research design encountered, at least, the normal problems associated with projects conducted in rural Alaska. The interview process was dependent on personnel provided by a variety of organizations. Pressing business forced some of the interviewers to return to their normal duties prior to the completed. Further, the interview process was not commenced until late spring and Trooper pilots found some runways and rivers breaking-up. Therefore, a few villages that had been scheduled for visits could not be reached. Commercial airlines were to be used to travel into some villages, and on two occasions interviewers spent several days attempting to get into and out of communities because of prolonged periods of bad weather.

One area which created unusual data collection problems was the legal system operation. Interviewers were frequently unable to locate anyone in the communities who could provide the information sought for this section. Consequently, such information was obtained in only about one-half of the communities.

Considering all of the problems faced, the interviewers did a remarkable job, however, missing data in some areas was disappointing.

Administration of the project was somewhat complicated by the number and locations of the people and agencies involved. Communications were often time consuming and difficult. However, without such arrangements¹ and extensive cooperation by many agencies transportation and personnel costs have been so high that the study would not have been possible.

COMMUNITY CHARACTERISTICS

The average village included in this survey is small with an average of 363 residents (range is 70 to 1300 people) and isolated over a hundred miles from a commercial center. It has no roads outside the community and is accessible only by aircraft or wilderness travel (see Chart 2). Eighty-five percent do not have roads to even one other community. The average village is without the conveniences which would be considered essential if judged by the standards of people in even the poorest areas of the other 49 states.

Not only is the average community without any type of sewer system or running water; in all likelihood it does not even have a fire extinguisher, or an organized method for fighting fires¹. It will have a Health Aide -- a person who usually has received training in the rudimentary knowledge of medical problems -- and a white teacher primary school children².

It will have one or more "stores" which stock basic dry and canned goods and sells at high prices³. It has one "community" telephone which suffers from frequent periods of down-time⁴. When the telephone is not working, emergency calls can usually be made on a radio provided by either the school or health system. But, obtaining a response is frequently difficult.

The formal governmental structure of the community is a second class city under Alaska law. There will be an elected city council and a mayor who is the chief administrator. Everyone serves without pay.

There is about a seventy-five percent chance it will have at least a part-time person who is considered the police department⁵. There will be no other representative of the "justice" system in the community except in an emergency or for handling of special problems. There is about a fifty-fifty chance that the community will have a makeshift cell which can be used for the temporary detention of dangerous, disorderly, suicidal, or drunk prisoners. Otherwise such people are handcuffed or taped to secure objects such as beds or posts until they calm down or assistance is obtained. The governmental revenues are almost entirely from state and federal grants in aid. Government expenditures average less than \$100 per capita.

Aircraft usually fly into the village about once a week, and mechanical transportation (usually all-terrain vehicles or snow machines) is used within the immediate area of the community.

The community has a higher proportion of young dependants than the state as a whole (see Chart 3). Such an age distribution plus the practice of removing high school age children from the communities for education in Anchorage and other places seems to be responsible for an increasing amount of conflict and delinquency in the communities.

The primary languages spoken are nearly equally divided between English and Athabascan or one of the Eskimo dialects. English is a second language in every community where it was not the primary language.

CHART 3 : ALASKA POPULATION DISTRIBUTION BY AGE

Age	Reported Village Distribution	1970 Alaska Distribution
65 and above	5%	2%
50 - 64	8%	9%
30 - 49	16%	25%
20 - 29	18%	21%
0 - 19	53%	34%

Interviewees indicated that approximately fifty percent of the residents of their communities are primarily dependent on subsistence (i.e., hunting, fishing and food collecting) for their livelihoods. Estimates concerning subsistence show that the reliance on this method of livelihood for survival has been diminishing very slowly in recent years. It was estimated that ten years ago sixty-five percent (fifteen percent more than today) of the people depended on subsistence methods. The lack of opportunities for stable employment is no doubt a major reason for continuation of so many on subsistence. The average family income is reported to be less than \$10,000 per year. Eighteen percent of the adult residents have paying jobs as a primary source of livelihood, and sixteen percent are working in government positions. All of the regions of the state contain villages where more than ninety percent of their inhabitants survive solely by hunting, fishing and wild food gathering.

Family Life

Family life within the villages studied seems to have been changing. The community officials were asked about the changes in family life that have occurred during the past ten years. Although some interviewees indicated that no changes of consequence, or only changes for the better, have occurred (i.e., better educated young people have become active in village government and as a result people have been living better), the majority of the comments were critical of the changes which have taken place.

Among the specific statements recorded were the following:

- Moving away from traditions. More drinking in an average day. Young have less respect for older people. Younger generation getting into white man's world. More outside drugs coming in.
- Youth don't listen to their parents. The older people do not have the same position of respect they used to have.
- Youth using alcohol and drugs. Youth receiving all of the attention - elderly being overlooked.
- Young children haven't learned anything (in school). Old people still have to teach them everything. Youth has changed their behavior today for the worst.
- Children don't understand or speak Eskimo. Subsistence was easy ten years ago. Today money is needed for everything.

- ° Young people act like they are boss today towards older people. Older people don't have much control over young anymore.
- ° There is a feeling youth are getting too modernized. There is a growing communication gap and lack of recognition of elderly.
- ° Women's lib has occurred in most families. Young people are not looking forward to future for living - there are few that are getting their education. Young kids returning from school like to play around and do not have a way of getting along with their elders. They act as spoiled kids, with high manners.
- ° Youth have adopted more of white man's ways. Youth don't know how to work (can't make sleds, mend nets, etc.)
- ° Each age group seems to be drifting further apart. Family outings are frequent, but community outings are less frequent. No youth facilities when boarding school students return home.

There were many expressions of concern about the increasing use of drugs by young people.

The life in such communities is preferred, however, by those who were reared there despite the communities' short-comings and problems. The villages are home and provide a sense of security which accompanies close social relationships. However, the life is normally not simple nor easy. The consequences of the difficulties encountered may be seen in (1) a high suicide rate, (2) high accident and injury rates, and (3) a lower than usual proportion of the people in the community in the thirty to fifty age category.

If the impressions of interviewees are accurate and the trends toward a disproportionately young village population continues conflict between the young and old may increase. Older people will have increasingly heavy burdens supporting the youngsters by subsistence methods. Juvenile delinquency is likely to be an increasing problem in the villages. It is also possible that the life of elderly villagers may be more difficult as the young become less concerned about their well-being and less deferent to their authority. All of these consequences may have implications for government and criminal justice.

VILLAGE ALASKA CRIME PICTURE

The term "Bush Justice" as it is used in Alaska roughly defines conceptual area that includes the nature and methods of social control and public safety in the predominately Native communities such as those described in the preceeding section. A person with even the most superficial familiarity with the history, customs or lifestyles of Alaska's Native people would suspect that the Bush Justice situation is markedly different than the criminal justice or public safety situation existing in other American communities of similar sizes.

Among the fundamental issues concerning Bush Justice are the relationships among Native customs, formal laws, and the crime and deviancy situations in Native communities. The section will explore -- albeit superficially -- some aspects of these relationships.

Social Control Traditions

The anthropological and historical literature about Alaska Natives provides numerous examples of differences not only between Native and non-Native values and customs, but also among the various Native groups indigenous to Alaska⁶.

The Tlingit Indians in the Southeastern part of the state were organized into heredity clans, and the only punishable offenses within each clan were incest and witchcraft⁷. Many inter-clan offenses pertaining to life, property or honor were settled by payment of goods from one clan to another:

"Murder was generally punished by death - a man of equal rank being selected from the murderer's clan. In case the murderer was of much higher rank than the man murdered, his clan would offer restitution by a payment of goods. This would also be true if there were slight differences of rank between the murdered man and the man selected to pay for his loss. Equality was demanded and differences were always made up by payment of goods."⁸

Hippler and Conn have presented many examples of conflict-avoidance, subtle oblique sanctions against transgressors (i.e., laughing in wrongdoer's presence), and other attitudes of ostracism and fear of stigma prevalent in Northern Eskimo communities. Only rarely such as in cases of multiple killings would kinsmen or villagers -- selected by group consensus -- conduct the execution of the murderer⁹. Northern Eskimos, reportedly, would not give an order to another, therefore no formal, legal or judicial authority was exercised¹⁰. One author observed:

They built a society without formal laws or punishments, without courts and prisons. If a man committed a serious criminal act, the people did not strike him down - they ignored him, until finally, finding his life unbearable, he would convict himself and walk alone out of the village to his death on the frozen tundra. The greatest cause of death among adults on the Arctic Slope is still classified in public health statistics as 'accidental'.¹¹

Inland (Nunamiut) Eskimos traditionally formed hunting bands consisting of kin groups with a recognized leader called an "Umealik". The "Umealik" was usually a successful hunter who lead the migrant band in its pursuit of caribou herds. In these communities the practice of extended family control where the household head relied on verbal admonishment or mild advice was used for social control, and only in extreme cases did he resort to ostracism or eviction¹². The hunting band leader might have several household groups under his informal control:

An "Umealik" relied almost exclusively on non-physical, i.e., verbal and psychological sanctions. Public reprimand, admonishment, giving the culprit a derogatory name by which he would be called for the rest of his life, or, in the more serious cases, ostracism and eviction were adjudicated especially in convictions for murder. Only in cases of criminal recidivism did the "Umealik" invoke the penalty of execution.¹³

The interior Athabascan Indians were martilineal groupings, but with patri-lineal inheritance of leadership roles. Conflict resolutions were based upon three primary assumptions:

1. The authority of the leader was viewed as absolute.

2. An individual called before the village authority was deemed to be guilty of conduct at variance with recognized village norms.
3. The appearance before the authority was to make amends.

Sanctions involved remuneration of goods to victims, as well as loss of public reputation for the transgressor, and occasional execution or banishment used -- particularly for repeat offenders -- as a "punishment" decision¹⁴.

Cultural influences are not easily nor quickly neutralized, and despite intensive pressures for change placed on Alaska Natives during the past eighty years, traces of the traditional social control practices or "law ways" can still be found in their community operations and personal behavior. The traditional practices are reflected in the social control methods of the communities studied, and it seems certain they will continue to influence both the level of acceptance and the operation of Anglo-American justice operations in Native communities throughout the foreseeable future.

One illustration of the subtle yet powerful influence of an element of the culture of some Natives can be found in their reported abhorrence of the practice of lying¹⁵. Some Native groups have historically viewed even the most minor deviation from fact as a form of unacceptable behavior of such a serious nature as to merit banishment or death.

Such severe retaliation probably has not been imposed for at least two generations. However, based on the information obtained during this study, the abhorrence of untruthfulness seems to continue to have consequences that affect justice system operations. According to law enforcement officers who have worked both in the state's larger cities and in remote Native communities, rural Natives tend to practice a higher degree of accuracy and precision in statements made to the officers than do non-Natives in urban areas. Members of the study group observed that Natives respond with straight-forward, truthful, and incriminating answers to questions by police officers who suspected them of deviant actions.

Officers reported that these people often seem perplexed when advised by defense counsel that they should enter "not guilty" pleas at judicial proceedings. The subtle difference in social attitudes toward behavior therefore, can have implications far beyond the salient profile. For example, how does a person understand the logic or rationalize the exercise of constitutional rights when he is morally committed to precision of language and opposed to any behavior that is not completely straight-forward? Could such a person maintain respect for a legal system viewed as encouraging deplorable behavior? If Natives view lying as being more seriously wrong behavior than disorderly conduct, how does it influence their perspective about appropriate laws and justice procedures?

If the customary perspectives concerning right and wrong influences behavior, then it is also reasonable to expect that traditional practices for dealing with deviants also may have some influence on the way Native communities deal with present day deviancy. Although it is impossible to generalize and equally impossible to catalogue all the methods used by indigenous Native groups for dealing with people who misbehave, it is possible to present some typical methods for illustration purposes.

In some Native groups prior to the influences of outsiders -- a victim, or the victim's family and friends, were free to assume responsibility for initiating recourse. This meant that victims were in some cases compelled to absorb minor

damages inflicted by aggressors because they were physically unable to institute appropriate recourse. The broader community became involved only after the behavior of an aggressor was perceived as a threat to the entire community. Initial acts of community-damaging misbehavior were reportedly handled by serious discussions between elders of the community and the wayward person. Several such discussions -- or warnings -- usually preceded any overt action against a wayward person. People who engaged in unacceptable behavior were tolerated until their cumulative behavior became a basis for direct action. When the day of reckoning was reached, action was taken. In such cases the person might be banished from the community.

The influence of this traditional way of handling unacceptable behavior may be responsible for the procedures for handling deviancy in some communities. Nearly all of the communities dispose of cases of minor deviancy themselves. The most frequent pattern involves the council accepting referrals from the village police and rendering decisions about the disposition of the accused. For first offenses, the offender is almost inevitably issued a warning.

Officials interviewed indicated that where the case is a serious matter, the council may call a meeting of all village people and a decision on the appropriate course of action is agreed upon. Minor misbehavior frequently is handled by requiring the offender to perform work such as cutting wood, shoveling snow, or carrying water for the village. Repeated misbehavior or misbehavior that is considered unusually offensive are referred to the Alaska State Troopers.

Troopers related that on occasion they have been called into villages and presented with someone the villagers wish removed for committing crimes. Upon checking the facts, it has become apparent that the crimes of which the person is accused have occurred over a period of ten to fifteen years, and little evidence of them still exists. The troopers are placed in a difficult position of explaining why it is not possible for them to remove the person from the village.

It seems quite likely -- based on the data collected -- that the troopers are the last in a line of government officials, starting with the Revenue Cutter Service and Federal Marshals, who have been adopted by the Natives as agents of banishment. They serve the villages by removing people whose behavior is so unacceptable the village no longer wants them in the village. Rather than send the wayward person off into the wilderness, the Troopers provide an alternative that most communities find more palatable. The Native ways and the Anglo-American justice system have been mutually accomodating.

Invisible Communities

The existence of two social control systems in Alaska is recognized in the vocabulary of the State. "Villages" are rural Native cities; "towns" or "cities" are non-Native cities. "Bush Justice" is the social control operations in the rural areas occupied primarily by Natives; "Criminal Justice" is the system in the urban areas of the state. "Village police" work in Native communities; "police officers" are in the urban commercial centers. The existence of two systems is not in-and-of-itself a problem; in fact, such a dichotomy may, if properly used, serve a worthwhile purpose.

The problem stems from the fact that the two systems are not equally viewed nor viewed as equal. The information concerning the "Alaska criminal justice system" is extensive; however, there is probably more information available about the "Bush justice system" of early territorial days than there is about present day

operations. If such is the case it may indicate that the urban criminal justice system has received a disproportionate amount of attention and resources from the state.

Based on the information available in official reports and records it is impractical, if not impossible, to compare the justice situations in rural Native communities with those in non-Native commercial centers of the state. Information about the Native communities is either not reported or is obscured by its submergence within data from other areas. As a consequence the information about contemporary crime and social control in rural Native communities is not discernible and, from the standpoint of justice operations, Native communities are invisible entities.

The Alaska criminal justice plans from 1969 through 1977 devote only passing mention of the rural Native villages of the state¹⁶. The only references made of Alaska Natives in the 1969 state plan relates to the possibilities for civil disorder¹⁷, the need for recruiting more Natives into the Alaska State Troopers¹⁸, and the arrest rate of Natives¹⁹.

Although the state plans reflect gradual increases in the amount of attention paid to Natives and Native communities, the 1978 Criminal Justice Plan is the first to devote any substantial amount to the Native communities and their criminal justice problems²⁰. The shortcomings concerning information about the rural communities remains apparent even in this document. For example, the crime statistics available apparently could not be arranged to reflect the crime rates in Native villages. Crime statistics for predominately white communities are reported by the community; however, the crimes that occurred in the Native communities often the same size as white towns are reported as "the rest of the State." Therefore, crime rates of Native communities are not considered in rural justice planning. A second example, in a description of local policing, nearly all of the state's predominately white communities with police are listed -- including such communities as Whittier with 186 residents and North Pole with 265. The list does not, however, include substantially larger Native communities such as Hoonah, Hooper Bay, Selawik, and Togiak -- all of which have several police officers.

Other justice system related documents which contain information about rural areas are based on data obtained in the larger isolated commercial centers with substantial Native resident population (i.e., Barrow, Bethel, Kotzebue, and Nome) as opposed to the more traditionalistic and remote villages²¹. The smaller and more isolated Native communities may be as different from Nome or Barrow as they are from Juneau or Fairbanks.

The problems of rural Native communities cannot be recognized, much less solved, until systematic approaches for the collecting and processing of information are instituted. If the crime and justice situations in Native communities are to be sufficiently illuminated for problem identification, planning and policy development, continuous data reporting and processing arrangements will have to be established.

Bush Justice and Law

Community leaders and village police officers were questioned about the methods used for dealing with people who have engaged in deviant behavior. In the case of both groups, the indication was that laws -- either village ordinances or state statutes -- were utilized. Most of the communities have enacted ordinances for handling the most common types of behavior that the villagers wish to control. These ordinances usually deal with curfews for people under eighteen, stray dogs, trash

and garbage, the operation of snow machines, consumption of alcohol, and use of citizen band radios. In some cases they also deal with the protection of fish and wildlife resources. In most cases these city ordinances have many constitutionally questionable provisions. In regard to the use of such ordinances, one magistrate noted, "Nearly all villages are second class cities. (Many became second class cities to get federal funded programs.) One problem of the city councils is failure to understand they are now a legal entity and can be sued."

Chart 4 contains responses of community leaders about the methods most frequently used for dealing with various categories of offenders. None of the communities were reported to rely on village ordinances for handling serious crimes; however nearly all of them use village ordinances for misdemeanors.

CHART 4

HOW ARE CRIMINAL OFFENSES HANDLED?

STRATEGY	TYPES OF CRIMES									
	ONLY SERIOUS		ONLY MISDEMEANOR		ONLY DELINQ.		ALL		N.R.	
	#	%	#	%	#	%	#	%	#	%
State Laws	28	55	2	4			14	28	7	14
Village Ordinances			24	47	1	2	11	22	15	29
Ignores			1	2	2	4	1	2	47	92

Few of the communities had access within the village to the Alaska statutes, and many of the people interviewed expressed concern that most people are not familiar with the laws of the state. One magistrate indicated, "A lot of people just don't know what the laws are. No one has ever come here and explained the laws to them."

Local police officers were asked about the techniques they and the Alaska State Troopers used in handling criminal acts that occur in the community. Chart 5 contains a summary of their responses. According to the local police, Alaska State Troopers rely almost exclusively on Alaska statutes, whereas village police rely predominately on village ordinances and personal persuasion in dealing with offenders.

The local police officers seem to believe that most of the people living in their communities agree with the laws being enforced. Chart 6 contains a summary of their reported impressions of the extent to which community residents agree or disagree with the laws used for enforcement.

More than one-half of the elected officials interviewed indicated that new village laws were needed to handle crime and delinquency problems in the community. (See Chart 7.) This conclusion seems to be valid given the ordinances which were obtained during this survey. State justice officials in the rural areas do not appear to have provided adequate assistance to rural communities in the preparation

CHART 5

METHODS USED TO HANDLE VILLAGE CRIME

METHOD	VILLAGE POLICE		ALASKA TROOPERS	
	#	%	#	%
State Laws	15	31.9	38	80.9
Village Codes	17	36.5		
Personal/warnings	8	17.0		
Other	1	2.1	1	2.1
No response	6	12.7	8	16.9

CHART 6

DO VILLAGE RESIDENTS AGREE WITH THE LAWS ENFORCED?

	VILLAGE POLICE		ALASKA TROOPERS	
	#	%	#	%
Strongly Agree	16	34.0	16	34.0
Agree	18	38.3	16	34.0
Not Sure	4	8.5	6	12.8
Disagree	2	4.3	1	2.1
Strongly Disagree	1	2.1	1	2.1
No Reply	6	12.6	7	14.9

CHART 7

ARE NEW VILLAGE LAWS NEEDED?

ANSWER	#	%
Yes	28	54.9
No	22	43.1
No Response	1	2.0

of city ordinances.

The survey did not produce any information which can be interpreted as indicating a movement or desire to completely reject the concept of written law. The customary ways for dealing with deviancy seem to have an important but inconspicuous influence on the way misbehavior in the communities is handled. There is substantial evidence that Native people do not understand the substance nor the processes of some law and legal operations. The one area where considerable conflict exists over the enforcement of laws and regulations is fish and wildlife. Reported attitudes in this area merit special attention.

Fish and Game

The area of fish and wildlife generated more reactions from interviewees than any other aspect of the survey. Given the dependency of people in the rural areas on subsistence hunting, fishing, and food collecting for livelihood, extreme interest was not surprising. As previously mentioned, thirty-three percent of the community leaders who were interviewed indicated that there are conflicts between Native culture and Alaska legal operations. These people were practically unanimous in identifying the conflict as being related to state and federal fish and game laws. Fish and game laws and regulations came in for the most criticism of any law related area in the survey.

One interviewee said, "People have a lot harder time now that there are fish and game laws. They look at food stamps, public assistance and other sources for food and so forth. A lot of this has hurt the Native pride of living and how it is depended on."

Another observed, "Families sometimes run short on food toward the end of winter. Fish and game laws do not permit people in dire need to hunt waterfowl."

A third said, "Emphasis is on trophy hunting and thrill sports instead of subsistence fishing and hunting. Fish and wildlife should not sacrifice subsistence hunting for benefit of trophy hunting."

A summary of the comments from one villager indicated, "State doesn't understand subsistence way of life. Need to get more input from villages. State has never tried to understand laws from community point of view. No follow up when input is obtained. Enforcement of fish and game is weak and irregular. Outsiders can break law without fear. Fish and game too political; lack of understanding of villagers and cultural background."

In most instances the interviewees seemed to be making a plea as much as a

demand. Across the state the message was similar. A North Slope village official said, "Most of the older people have no taste for white folk's meats. The prices are too high on meats. Large families have small chance to get wild meat. Give local people at least some permits to hunt."

Another in a Southwestern village indicated, "Some laws are needed to prevent the abuse of fish and game; on the other hand there are families starving who need the food these laws prevent them from receiving. Should let local people draft laws to protect fish and game."

Others said, "It would be better if the Fish and Game would enforce on the people that are wasting food, especially the head hunters; Must have subsistence hunting and fishing." "Allow subsistence hunting and fishing limited to game that is used for food -- not wasted. Local council (should) enforce game laws."

The interviewees had mixed suggestions concerning the appropriate courses of action. Most indicated that local villagers should be involved in both the establishment and enforcement of hunting and fishing regulations and laws. In some cases the suggestions involved only consultation by the Fish and Game Board with Native groups before and during enactment of laws and regulations. Others suggested local control of game laws and regulations by village councils or Native corporations. Some interviewees recognized problems with completely local control of fish and wildlife regulations.

For example, one interviewee said that quotas on fish are not respected downstream and people take all the fish. He said there should be a lower quota at the Yukon mouth so more fish would be available for the subsistence of people upstream.

Several people expressed their appreciation of the need for some type of fish and wildlife regulations to ensure maintenance of the supply and prevent abuses by thoughtless or greedy people. However, most stressed the fact that regulations should ensure that the livelihood needs of people who have relied on wildlife for survival throughout history have few other options for survival, are given first priority. Wildlife for religious needs was also felt by some to be important. Natives interviewed did not believe that their need for wild meat and fish could be adequately assessed nor prioritized by policy officials who are not familiar with their lifestyles, values, and needs; and as one said, "(People)...who have never lived a subsistence life nor been in a Native village overnight."

The present movement within the state to provide regional fish and game advisory boards, and the attention being given to subsistence issues by the State Administration seems to indicate that some of the concerns in this area are beginning to receive the type of policy level attention which the interviewees advocated. The information accumulated during the survey quite clearly documents the grave concerns and strong feelings of urgency concerning this issue that exist in the communities surveyed. The current situation -- from the perspective of the Natives who are living in the places visited -- is critical and they emphatically insist that policy officials must address the situation without delay.

Crime and Public Safety

Several approaches were used in obtaining information which could be used in an assessment of the nature and extent of the crime situation in the communities surveyed. At the outset of the interview, village officials were asked to state the most serious problems facing their communities. This information was to be used to place crime problems in perspective. Chart 8 contains a summary of the responses received, prioritized by the frequency with which they were mentioned.

CHART 8

MOST SERIOUS COMMUNITY PROBLEMS

PROBLEM MENTIONED	FREQUENCY OF MENTIONS	
	#	%
Economic/Unemployment	21	41
Alcohol/Drugs	18	35
Crime/Delinquency	4	8
Lack of Community Services	3	6
Social, Health, Population	3	6
Miscellaneous	2	4

Unemployment and economic problems received the top ranking. Forty-one percent of the interviewees mentioned this problem most frequently. This situation is apparently closely linked with the subsistence situation discussed in the previous section.

Following economic problems were those situations related to alcohol and drugs. These problems seemed to be viewed as social problems which are inseparably linked with the deviant behavior situations in the communities. The alcohol situation has been a source of constant concern since before territorial days; however, the subjective data collected in the questionnaire would lead one to believe that the sale and use of drugs -- mainly by the younger people -- is perceived by village authorities as a rapidly growing one. Alcohol use is perceived as the fundamental underlying contributor to the wayward and criminal behavior in the communities surveyed.

Chart 8 also reflects the fact that crime and delinquency were viewed as the major problems facing the communities much less frequently than were economic and stimulant use problems. Crime and delinquency ranks slightly higher than the categories of inadequate community services such as fire, police and youth centers, and social, health, and population growth problems. All of these problems are closely interrelated. Regardless of the seriousness of crime, people are likely to consider issues which they perceive as more directly related to their existence as being a high priority. It is also reasonable to assume that they view the solution of the alcohol related problems as contributing to the solution of crime problems. The responses to a question concerning the reasons for crime and deviancy in the community reflect such a perception. The most frequent reason for the existence of crime was seen as alcohol and drugs.

Another possible reason for the relatively low ranking given crime problems may be the perceptions of people that crime is an urban problem. Most of the officials interviewed said the crime problems in their communities are less serious than in urban areas such as Anchorage, Fairbanks, and Juneau (see Chart 9). Only about four percent expressed the opinion that crime in their community is more serious as compared to ninety percent who said it was about the same or less serious than in Anchorage, Fairbanks, and Juneau. Perceptions and identification of problems are often the result of feelings of relative deprivation, and if people believe they are

CHART 9

PERCEPTIONS OF CRIME IN VILLAGES VIS-A-VIS ANCHORAGE, FAIRBANKS, JUNEAU

SERIOUSNESS	OFFICIALS' PERCEPTIONS	
	#	%
Much More Serious	2	4
More Serious	0	0
About The Same	10	20
Less Serious	19	37
Much Less Serious	17	33
No Reply	3	6

in no worse shape than others, they are not as likely to state something as a problem.

The comparison of crime statistics in urban areas with those in the rural villages surveyed is extremely difficult. First, as previously discussed, the crime statistics for Alaska are reported and tabulated in a way that makes it difficult if not impossible to identify either rural regions or individual Native communities.

The municipalities of the state which have the economic base to provide the normal public services produce crime reports and statistics and provide these statistics to the state. The rural villages, however, do not engage in such reporting, and crime statistics from all areas outside the cash economy municipalities are accumulated and reported by the Alaska State Troopers. These statistics are compiled under the encompassing category "Alaska State Troopers" or "Rest of the State". As a result, it is not practical to distinguish between the crime in suburban areas of Anchorage and the Native communities.

Second, the crime patterns in the rural communities are undoubtedly different than those of the urban areas of the state. For example, the difference in physical possessions such automobiles and jewelry between villages and urban areas no doubt influence the theft rates. The overall crime rates in urban areas are substantially inflated by these differences. Therefore, even if useable official crime statistics were available, their appearance is likely to be skewed.

An attempt was made to collect sufficient crime statistics from local police officers for a gross assessment of the crime situations in villages. The evidence produced supports the conclusion that the impressions of the officials about a lower crime rate in villages is in some respects erroneous (see Chart 10). If the village police reports of the crimes of homicide, rape, robbery, and aggravated assault are accurate (and they appear to be consistent with other available information), the ratio of these crimes to population is greater in the villages studied than they are in Anchorage. It appears that in regard to crimes of violence, the villages are much more hazardous places than are the large municipalities of the state. Further, they are considerably more hazardous than other places in the United States.

CHART 10

COMPARISON OF ALASKA VILLAGES, ALASKA STATEWIDE,
AND UNITED STATES CRIME RATES

RATES*

CRIME	ALASKA VILLAGES	ALASKA STATEWIDE	UNITED STATES
Homicide	28.4	10.8	8.8
Rape	99.2	51.6	26.4
Robbery	127.6	96.8	195.8
Aggravated Assault	326.0	284.0	228.6
Burglary	936.8	1331.7	1439.4
Vehicle Theft	446.5	3369.8	2921.3
Simple Assault	354.3	753.3	446.1

*Per 100,000 population

Property crimes seem to occur less frequently -- perhaps a consequence of less property and more personal relationships in the Native communities.

The raw statistics concerning incidents of crime in the individual villages themselves do not adequately illustrate a frightening situation that exists in some villages of the state. Consider for example, the fact that police or legal assistance can be obtained in a matter of minutes in most urban centers of the state. Compare this to the situations in most villages where, we were told by interviewees, it is not uncommon to spend hours and one occasion, days attempting to get a message to a law enforcement official. Once communication is established, the response may also be delayed. In some cases, rural troopers who are faced with personnel shortages, simply are not able to respond to every village request.

The consequences of this emergency response situation exceed the imagination of people who have spent their lives in populated areas of the United States. A dangerous incident which would be handled expeditiously in an urban area may keep an entire village community in terror for hours and days. For example, one situation reported as occurring with some frequency in these communities involves a member of a village becoming intoxicated and roaming around the village firing a high powered rifle almost randomly into the air and at objects. When one police officer was asked how one such situation was handled last year, he explained the entire village population ran to the elementary school in the community. They barred the doors, turned out the lights and hid quietly -- some under desks -- until the rampaging drunk stopped shooting and went to sleep. Although this incident lasted many hours, it was never officially reported outside the community.

A similar case was reported in another community. It involved several armed young men -- apparently from another community -- taking over the village hotel and occupying it for an extensive period of time. Inside the building, they drank, ate,

and vandalized the building. Periodically they reportedly fired out through the windows into the village. The village population felt helpless and simply waited until the crisis was over and the young men left.

Such situations obviously do not happen every week or even every year in each rural community in the state; however, it is deplorable that they occur at all without receiving attention from the broader criminal justice system and the general public. Similar incidents in most places in the United States or the urban communities of Alaska would not only receive considerable media attention; and there would likely be a public outcry. Their occurrence -- without receiving general public attention -- in the rural Native communities of the state is simply another example of the invisible nature of crime problems in these communities.

Given the frequency with which reckless shooting incidents were reported, the probability of a disastrous situation occurring in some communities exists.

Service Assessments

As previously mentioned, the communities studied often were not able to receive emergency assistance for incidents such as the preceeding within a reasonable amount of time. Most American police departments would view an average response time of thirty minutes, from the time a person in need begins to contact the police until an officer is on the scene, as a slow response. No doubt the average response time for eighty percent of the police jurisdictions in urban areas of Alaska would be less than half an hour. The National Advisory Commission on Criminal Justice Standards and Goals spoke favorably of an objective of less than one minute for the receipt of emergency calls and less than ten minutes for emergency response by police officers.

The communities without local police officers that were surveyed probably enjoy the slowest police response to emergency calls in the United States (see Chart 11).

CHART 11

AVERAGE CALL COMPLETION AND RESPONSE TIME REQUIRED TO OBTAIN POLICE FROM OUTSIDE THE COMMUNITY

TIME REQUIRED	ESTIMATED CALLS COMPLETED	ESTIMATED POLICE RESPONSE
Less than $\frac{1}{2}$ hour	67%	7%
$\frac{1}{2}$ to 1 hour	20%	10%
1 to 5- $\frac{1}{2}$ hours	7%	19%
5- $\frac{1}{2}$ to 10 hours	2%	7%
1 to 3 days	0%	47%
Over one week	5%	10%

Local officials estimated fourteen percent of the requests for police services from outside the community (primarily to the Alaska State Troopers) require more than an hour to complete. Although these calls are most frequently made by telephone or radio, messages were reportedly sent by aircraft and even on occasion by the mail plane. Seventeen percent of the requests for police services from outside the community resulted in an officer being on-site within one hour. Approximately fifty-seven percent reportedly did not result in an officer on the scene for over twenty four hours. Slow response time affects citizen attitudes about the quality of services they receive from the state police, in all likelihood it ultimately results in residents feeling it is futile to report crimes except in an emergency. Such a situation contributes to the under-reporting of crimes in rural and Native communities.

Similarly, approximately twenty seven percent have no readily available magistrate (Chart 12). Most have few contacts with prosecution and defense officials, except as related to current criminal case filings. The average community official reported seeing a prosecution or defense person in the village approximately one time in 1977. The fact that the average community reported over six felonies during that period indicated opportunities for state legal officers to visit Native communities.

As one might anticipate, the Alaska State Troopers visited the villages most frequently -- on the average of slightly over once a month. Fish and Wildlife officers visited villages quarterly on the average. These officers reportedly went to the villages periodically without being contacted by the people in the villages²³.

Those people who were interviewed supported more frequent visits by representatives of the state judicial system²⁴. Village police officers were interested in justice officials visiting the villages to oversee their efforts and to provide advice on police operations. One is quoted, "They could visit me more often and see how I'm doing."

Village officials were more interested in the educational value of such visits for the village councils and the public. Several people mentioned that most people in the villages do not understand the law nor the operation of the criminal justice system; and they felt that district attorneys, public defenders, judges and state troopers should travel to the villages and discuss the law with village people. In addition, many of the interviewees expressed concern that most of the people in the state criminal justice agencies do not understand the problems of the villages nor the village methods for handling crime and deviancy problems. They felt that more frequent visits to their communities might improve the understanding of these people and temper their exercise of discretion.

The Rowan Group Public Opinion survey conducted in 1975-76 provided evidence of more negative attitudes toward criminal justice operations in rural areas of the state than in the population centers. Interviewers for our present study tried to get information from village officials and police concerning their perceptions of the criminal justice services in the villages surveyed. For comparison purposes, a ranking of mental health services, and welfare services were also obtained.

Chart 12 contains a summary of the ratings obtained from village officials in fifty one villages. As with most public opinion surveys, the officials had more definite opinions about those areas with which they had the most frequent and direct contact -- in this instance the local police, educational services, fire services, medical services, and the State Troopers.

PUBLIC OFFICIALS ASSESSMENTS OF
QUALITY OF JUSTICE AND SELECTED PUBLIC SERVICES

	Good		OK		Needs Improv.		Inade- quate		No Service		N.R./ Don't Know	
	#	%	#	%	#	%	#	#	#	%	#	%
Village Police	7	13.7	6	11.8	20	39.2	5	9.8	13	25.5		
AST	13	25.5	12	23.5	14	27.5	10	19.6	1	2.0	1	2.0
A F & W	7	13.7	6	11.8	17	33.3	13	25.5	4	7.8	4	7.8
Magistrates	14	27.5	7	13.7	8	15.7	3	5.9	14	27.5	5	9.8
Legal Services	8	15.7	10	19.6	7	13.7	7	13.7	14	27.5	5	9.8
Prosecutor	3	5.9	11	21.6	9	17.6	5	9.8	11	21.6	12	23.5
Defense Services	4	7.8	9	17.6	3	5.9	4	7.8	20	39.2	11	21.6
Probation/Parole	8	15.7	8	15.7	7	13.7	8	15.7	12	23.5	8	15.8
Local Jail	2	3.9	3	5.9	11	21.6	9	17.9	22	43.1	4	7.8
Mental Health	4	7.8	3	5.9	6	11.8	4	7.8	29	56.9	5	9.8
Medical Services	15	29.4	11	21.6	17	33.3	4	7.8	2	3.9	2	3.9
State Jail	6	11.8	13	25.5	2	3.9	2	3.9	16	31.4	12	23.5
Educational Services	22	43.1	9	17.6	18	35.3	2	3.9	0	0	0	0
Fire	0	0	3	5.9	19	37.3	9	17.6	19	37.3	1	2.0
Welfare, Unempl.	10	19.6	16	31.4	13	25.5	6	11.8	2	3.9	4	7.8
Youth Services	0	0	1	2.0	7	13.7	13	25.5	28	54.9	2	4.0

Educational services received the highest overall rating with forty three percent of the officials indicating them to be inadequate. Medical services, magistrates and state troopers received approximately the same proportion of people indicating the services received by the villages were good; however, less than one half of those who rated the Alaska State Trooper services as inadequate expressed similar impressions of the magistrate and medical services.

The lowest ratings were given to youth and fire services. In both instances none of the officials interviewed in fifty one villages felt the services could be characterized as good, and very few would even give them an adequate rating. Two interesting facts come to mind about these areas.

First, rural Alaska has one of the highest, if not the highest, per capita fire loss rate in the world.

Second, the need for recreational activities and youth centers, which would keep young people in the villages entertained and out of mischief, were frequently suggested as methods for improving the quality of life in villages. There is an obvious link here with economic problems, also.

Charts 13 and 14 provide additional contrasting information concerning reported public attitudes toward components of criminal justice which have been obtained in other places.

CHART 13

URBAN ALASKA PUBLIC OPINIONS ABOUT JUSTICE SYSTEM*

	GOOD	POOR	DON'T KNOW
Police	.59%	37%	.4%
Courts	18%	73%	9%
State Jails	10%	69%	21%
Probation and Parole	11%	61%	27%
District Attorneys	23%	41%	36%

*Rowan Public Opinion Survey. Juneau, CJPA, 1976.

Chart 14 reflects a national sample of public attitudes toward police, and Chart 13 reflects the information concerning the attitudes of urban residents of Alaska. The national attitudes toward the police are considerably better than the attitudes toward the police in Alaska; and those in urban Alaska are higher than those in the rural communities surveyed.

Perhaps the most significant factor revealed in the differences between the urban and rural opinions toward the Alaska justice system is the high proportion of village officials who indicated the various services do not exist for their communities. Such a rating can be interpreted as being less favorable than inadequate.

CHART 14

NATIONAL RATING OF POLICE

	HIGHLY FAVORABLE	FAVORABLE	UNFAVORABLE	HIGHLY UNFAVORABLE	N.R.
FBI*	52%	33%	7%	4%	4%
Local Police*	53%	31%	8%	5%	3%
Urban Police**	40%	41%	12%		7%

* Sourcebook of Criminal Statistics - 1976. Washington: USGPO, February 1977. Reflects results of a national sample.

** National Crime Survey reported in Myths and Realities about crime. Washington: LEAA-USGPO, 1978. Reflects survey in twenty-six central cities from throughout the United States.

With exception of the state enforcement agencies, over thirty percent of the village officials interviewed indicated either state level justice services are inadequate or not provided to their villages.

Village Police Operations

The number of people so employed in the 75% of the communities with police range from a high of twelve in Metlakatla to one part-time officer in St. Mary's. The average (mean) number of officers per department was 2.4 and the most frequent (mode) number was two. All together, 114 officers were reported to be employed by the communities surveyed. This total consisted of 104 Alaska natives and ten non-natives. Approximately seventy nine percent of the communities that have local police have full-time police employees; the remaining twenty-one percent have part-time or volunteer officers. Seventy five of the officers are full-time, thirty three are part-time and six are volunteer.

Although the financial information received from the communities was less than complete and accurate, it appears on an average the revenues for village police operations consist of (1) State revenue sharing which provides the largest proportion of the money, (2) CETA which provides only slightly less than the State revenue sharing (3) Native corporations, (4) Bureau of Indian Affairs, (5) LEAA, and (6) local revenues which are about the same level as the LEAA contributions. Nearly all of the revenue spent for police in 1977 was reportedly for salaries. For example, the financial information obtained revealed only ten percent of the communities spent more than \$1,000 for police supplies and equipment in 1977.

The salaries reportedly paid full-time police officers are summarized in Chart 15. Forty two percent of the communities paid police less than was paid for the average job in the community. Only five percent of the officers were reported to be paid over \$1,500 per month. The lowest salary was \$65 per month. The average was \$837 per month. Even these low salaries are frequently discontinued because of shortfalls in funds²⁵. If the CETA program were to be terminated, the number of people employed as police officers in rural communities will most likely be cut in half. This could result in one half to two thirds of the rural Native communities in Alaska being

unable to provide any local police services.

CHART 15

LOCAL POLICE SALARIES

AMOUNT PER MONTH	% OFFICERS EARNING
Less than \$400	10
\$ 401 to \$ 600	13
\$ 601 to \$ 800	18
\$ 800 to \$1000	45
\$1000 to \$1500	10
Over \$1500	5

Chart 16 is a comparison of the highest educational level completed by police officers in the Native communities and Alaska police officers as a whole. The difficulty of obtaining a high school education in villages that have no schools is reflected by the statistics.

CHART 16

POLICE EDUCATION LEVELS

HIGHEST EDUCATIONAL ACHIEVEMENT	PROPORTION OF OFFICERS COMPLETING	
	Alaska*	Rural Sample
Less than High School	--	45%
High School Graduate	29%	36%
College Courses	50%	8%
Associate Degree (2 year)	8%	6%
Bacc. Degree (4 year)	8%	2%
Other or Unknown	5%	3%

* Source: A report distributed by the Alaska Police Standards Council in January 1978.

It appears that the village officers fair even worse in regard to police training. Fifty eight percent of the officers reportedly have not received any police

training. Another fourteen percent attended one Village Police Basic Training Program of one week duration presented by the Alaska Department of Public Safety. Approximately twenty four percent have attended a police training program consisting of four or more weeks of training. In contrast, nearly all of the municipal officers and Alaska State Troopers with more than one year of police service have completed a basic police academy.

Another significant fact about village police education and training is that fifty one percent of the village police officers have had neither college courses or police training. Thirty one percent have not completed high school nor any police training.

One factor which has an influence on the education and training of local police officers is the personnel turnover and longevity rates. Most of the communities reported an extremely unstable police personnel situation. Overall the reported police officer turnover rate for 1977 was 120 percent. Almost twenty percent of the officers employed by the communities surveyed had been in the continuous employment of the community for more than one year. This situation may be in part due to the unstable revenue situation that exists in most of the communities. Those communities that seemed to have a relative stable source of revenue also seemed to have police officers with more longevity. It also appears that the same people tend to move into and out of the police responsibilities in these communities. Again this is a situation likely to be related to the revenue available for funding the positions.

The information concerning the expenditures for police equipment in 1977 provides a clue to the situation concerning police equipment and facilities which exists in the communities surveyed. About sixty eight percent of the villages with police were reported to provide some type of office space for the officers. Where office space is provided, in forty eight percent of the instances, it was reported to be in good shape. It was considered in fair condition in thirty two percent of the places, and in poor condition in fifteen percent.

Whether or not office space existed, village officers in over half the communities were expected on occasion to use their homes for business. Many officers indicated that it has been necessary for them to house drunk, disorderly and even dangerous prisoners in their own homes until assistance could be obtained from the Alaska State Troopers outside the community. Several references were made to the necessity of handcuffing prisoners to a bed in an officer's home. At least one officer expressed concern about the problems this practice created for his family.

The paucity surrounding policing in the communities surveyed is nowhere more apparent than in regard to supplies, materials and equipment. Some of the communities did not possess even such fundamental items as paper for making records. Although in over half of the communities there was an indication the police officers kept records, only twenty one of them said that police incident forms were available. And fifteen of these departments with police incident reports said they were supplied by the Alaska State Troopers.

One village official explained the fact that information on the community's crime situation was not available with, "The police do not keep records of their activities. They have no report forms to use."

The provision of emergency medical assistance was one of the more frequent types of activities which the village officers were expected to perform in 1977, none-the-less, the police reportedly had first aid supplies available in less than ten percent of the communities visited.

There also appears to be a shortage of fire extinguishers in the majority of communities. The police reportedly had access to a fire extinguisher in about seventeen of the fifty six communities. Interviewees in at least two of those villages indicated that though there were fire extinguishers in the community they were in need of recharging and one could not be certain they would work.

Other emergency service supplies and equipment also seems to be scarce. Although the data obtained from the communities were not complete, the total equipment reported by interviewers were two airplanes; five boats; eight snow machines; 81 uniforms; nine long guns; 51 handguns; 99 handcuffs; and 102 bullets. It is not clear from the questionnaire results if these items have been purchased by the community or are the personal property of the officer. However, it appears that in many instances they belong to the officer.

Legal and Judicial Operations

None of the communities surveyed reported having attorneys -- either government employees or private -- available as residents for legal advice. The community leaders interviewed indicated that legal advice from an attorney (excepting the occasional magistrate with a law degree) was usually obtained by calling or visiting a larger commercial center such as Kotzebue, Nome, Barrow, Bethel, or Sitka. The quality ratings of legal officials by the community leaders give a "good" or "okay" to legal services in approximately thirty five percent of the cases, prosecution in approximately twenty seven percent, and defense in approximately twenty five percent. These ratings are approximately middle range for public services; however, both the prosecution and defense received a lower than average proportion of "good" ratings -- perhaps another indication of the lack of understanding about these officials and their activities.

Thirty six percent of community officials interviewed apparently believe that the lack of lawyers is related to higher crime problems. The absence of attorneys was ranked above lack of police as a strong contributor to crime.

The village police indicated that District Attorneys seem to have a preference for working with Alaska State Troopers and a majority of all interviewees (including magistrates) indicated that neither defense nor prosecution officials visit the communities surveyed except to handle a trial. These facts may account for the lack of understanding of these officials by residents of local communities.

Chart 17 contains a summary of local judicial mechanisms which deal with deviancy in the twenty nine communities on which such information was obtained. Sixteen (or fifty five percent of the communities reportedly had resident magistrates, five (or seventeen percent) relied primarily on problem boards, and six (twenty one percent) relied on their city councils. These figures probably do not accurately reflect the proportional distribution of responsibility between these three groups throughout the rural areas of the state since the sample of interviewees tends to favor those communities with magistrates. It seems likely that city councils play a substantially greater role in social control than is reflected by these statistics.

The trials and hearings reported held in the communities followed the same pattern of (1) magistrates conducting the largest number, (2) then councils, (3) problem boards, and (4) other courts (see Chart 18).

Magistrates interviewed reported handling case loads of up to sixty five trails

CHART 17

COMMUNITY JUDICIAL MECHANISMS*

TYPE MECHANISM	NO. WITH	% WITH
Magistrates	16	55
Problem Board	5	17
City Councils	6	21
No Answer	2	7

* Based on information from the legal section of questionnaire which had only twenty nine respondents

CHART 18

REPORTED TRIALS AND HEARINGS IN TWENTY NINE COMMUNITIES DURING A SIX MONTH PERIOD

TYPE TRIAL OR HEARING	NO. HELD	% OF TOTAL
Magistrate	175	76
Problem Board	16	7
Council	33	14
Other Courts	5	2

or hearings during the past six months; however, the most frequent number of cases reported by six out of the sixteen magistrates was one case.

Despite this workload, information from the legal section of the questionnaire portrays magistrates as playing the largest role in village justice distribution; general comments obtained from officials and village police officers indicate that in most communities, city or village, councils play the primary role in handling the routine, less serious incidents of deviancy. The following are typical of the comments from officials in those communities where the legal services section of the questionnaire was not completed.

-city council is the one that makes most of the decisions (concerning the handling of deviancy). The major decisions are made by having a meeting with the people. The police turn a problem over to the council. If it is serious, it is turned over to the State Troopers.

-the council may make the decision to punish criminal by fines and have him work. Serious crimes, call Troopers.

-council acts as a judicial body for its community. The village council talks with young people with the help of village police.

-they work for village (as a result of conviction by the council) cutting wood, shoveling snow, etc., at standard rate per hour until value is paid back in full.

Council and problem boards commonly rely on village ordinances -- actually general rules of behavior which prohibit activities that concern most residents -- in handling incidents that come before them. In some communities both councils and problem boards may become involved in dealing with deviancy problems. Where both agencies are involved, it seems the council concentrates on crimes committed by an individual against the community and the problem board tends to mediate disputes. Officially, magistrates handle violations of state statutes, however, the information obtained shows that this is not always the case. Magistrates often perform a variety of mediation and general service responsibilities in addition to judicial services for the rural communities.

Most of the community officials interviewed could not recall having seen a state employed attorney in their communities except when working on a specific assignment or in response to a request. The average number of visits per community was approximately one in the year preceeding the interview; however, this figure is skewed by a larger number of visits which were reported in a few of the communities.

Further state attorneys, judges, and Troopers tend to associate and deal with each other rather than the residents of local communities. One interviewee expressed concern about the trial procedures of the Alaska justice system which give the appearance of unfairness. She is quoted as saying, "How do you suppose village residents feel when they see an airplane load of State Troopers, District Attorneys, a Public Defender and a judge arrive the night before a trial. Everyone departs the plane laughing and joking -- often about the village. They associate together all evening and in the morning the trial begins. At the end of the day the entire group goes back to the plane together, joking and laughing. They get into the plane and fly back to their homes in some other city."

Although many of the people interviewed indicated a lack of information about the role and operation of state legal officials and courts, they expressed a desire to have more contact with them and support from them. In particular they were interested in cooperating with these justice agencies in dealing with community problems. They want information about the laws of Alaska and how the laws and procedures might be used to improve the quality of life in villages.

Community Detention

The survey results reflect that approximately thirty eight said there were no detention cells available in their communities²⁶.

One of the first questions asked following a determination that a community had no detention facility was: "What is done with prisoners?" Chart 19 is a summary of the responses received. Basically prisoners are restrained by use of handcuffs or other devices until the Alaska State Troopers get to the community to remove the person.

CHART 19

WHAT IS DONE WITH PRISONERS IF NO JAIL EXISTS

METHOD	OFFICER RESPONSES	
	#	%
Handcuff	5	31
Call AST	4	25
Place with Family	1	6
Use Community Facility	1	6
Other	5	31
No Answer	2	13

Are all people who are threats to themselves or others handled in the same fashion? For example, mentally ill and drunk people. It seems from the responses they are. Two illustrations of the information recorded on the interview form in this area are:

"We just handcuff them to a bed and watch them."

"Cuff them to their bed. One time this year we had to tape one man from head to foot - he was violent and drunk."

The use of tape was mentioned several times as was the handcuffing to a bed. There was not sufficient information to determine why these techniques seem to be used so frequently; however, the use of tape as a restraining device seems to have been advocated in a Village Police Officer Training Program.

The police officers interviewed did not appreciate having to operate without detention facilities. One officer, for example, explained that he quite often obligated to keep disorderly prisoners in his own home. The village needs a jail, he said, because prisoners who are kept in his home at times threaten his life and yell obscenities in the presence of his family.

Where there was no place in or near the community for prisoner detention, officials were asked if one was necessary. The following are the "no" responses received from the communities identified as having no place for detention.

- No, not enough are arrested in a year.
- No, not enough violent crime.
- Not as long as there aren't any local police.

The "yes" responses came from all regions surveyed. The following is a sample of the statements recorded that reflect the range of comments from the villages:

- Yes, there is no safe way to detain disorderly individuals while waiting arrival of Troopers to remove them from the village. If

jail was available we could detain prisoners overnight for minor offenses.

- Yes, to deter the crime problem. Presently minor offenses are ignored for lack of cells.
- Yes, it would probably make a big impression on hell raisers if they knew they could be locked up.
- Yes, we have asked many times without results.
- Need new public safety building
- Yes, in the summer time especially because too many people get drunk. It would give us a place to hold someone until the troopers arrived.
- Yes, right now if there are people who are threats to themselves or others they are handcuffed to a sturdy structure.
- Yes, younger generations behavior appears to be getting worse so one will be needed in future.

The jails which were available are not viewed by the interviewees as being in good condition. A total of twenty eight out of forty seven police officers interviewed said their communities had a jail or holding cell. Chart 20 is summary of their opinions concerning the condition of these facilities. None of the police officers rated the facilities as being in excellent condition.

CHART 20

ASSESSMENT OF CONDITION OF COMMUNITY JAILS
(DETENTION CELLS)

CONDITION	DISTRIBUTION OF POLICE OPINIONS	
	#	%
Excellent	0	0
Good	8	29
Fair	3	11
Poor	16	57
No Response	1	3

Typical of the subjective comments about the condition of the available jails are: "Jail is poor, no heat in cell, no toilet facilities, no way to feed prisoners. Police officer must provide food or let prisoner eat at home."

The use to which detention facilities are put reflects the pattern of problems in the rural communities. Police officers indicated the most common reasons for placing people in jail were: (1) drunk and disruptive in public, (2) protective custody, (3) assault and battery, and (4) crime. The police officers characterized the use of the jail for protective custody and alcohol sleep-off as being "often" in over fifty percent of the communities. It was not used for protective custody and alcohol sleep-off in about twenty five percent of the communities with a jail.

Even though it is required by State law, the police in some of the communities reported that there was no method for keeping incarcerated juveniles separated from

adults, or women separated from male prisoners. Chart 21 summarizes the findings in this area.

CHART 21

ARE SEPARATE DETENTION AREAS AVAILABLE
FOR JUVENILES/WOMEN?

SEPARATE	WOMEN FROM MALES		JUVENILES FROM ADULTS	
	#	%	#	%
Yes	21	75	16	57
No	3	11	6	21
No Response	4	14	6	21

The supervision of prisoners in the communities is usually provided by the local police (see Chart 22). The police officers were asked about the provision of food for prisoners (Chart 23). A common practice seems to be used whatever arrangement for providing food that seems appropriate at the time it is needed -- as opposed to having an established practice for all prisoners. For example, an officer in one community explained that his prisoners had to be fed by his wife or a relative of the prisoner; otherwise prisoners must be "... released twice a day to go home for meals."

CHART 22

WHO SUPERVISES PRISONERS?

SUPERVISION BY	COMMUNITIES	
	#	%
Local Police	20	71
City Guard	3	11
State	1	4
Other	1	4
No Response	1	4

CHART 23

WHO PROVIDES PRISONERS FOOD?

PROVIDER	COMMUNITIES	
	#	%
No set practice	8	29
City/village/council	12	43
Prisoner's family	4	14
Police Officer	1	4
Other	3	11

Officers indicated that prisoner food was provided by the local government in approximately forty three percent of the communities. The practice of a prisoner's family being responsible for detainees was followed in four of the communities where responses to this question were received.

Justice Needs

If the fundamental instruments of criminal justice available in the larger towns of Alaska (i.e., police officer, detention facilities, restraint devices, copies of Alaska statutes, record forms, readily available legal advice, accessible judges, defensive weapons, etc.) are considered important to effective social control, the situation in Alaskan villages is critical.

Almost none of the villages were in possession of the criminal laws of Alaska -- in fact, several of the villages loaned our interviewers their only copy of their village ordinances. Almost half of the villages visited do not have facilities in which to detain disorderly persons.

Many do not have dependable telephones or radios for requesting emergency assistance from outside the village. One quarter of the villages visited have no local police services. Where the villages have people who provide police services, the officers have little or no training and frequently not even the most fundamental supplies, equipment or facilities.

The inadequacies and the consequences thereof are almost beyond the comprehension of someone accustomed to the standards of the urban centers of America.

For example, one village police officer, over a period of a year, had written several letters to a higher level of government elsewhere in the state requesting bullets, and claiming that without them he could do nothing about an increasingly dangerous dog situation in his village. The bullets were not sent, and shortly after his last letter, a five year old boy was attacked by a pack of roving dogs, dragged under a building, severely mauled and nearly scalped. Fortunately, the incident was spotted in time for adults to save the boy. But, the child was evacuated to a hospital in Anchorage where he underwent several weeks of treatment.

Bullets are so inexpensive and readily available in most communities that it is

difficult for someone who is not familiar with Native villages to appreciate why a police officer would be so concerned as to repeatedly write letters simply to obtain a few.

When village officials were asked about their most important criminal justice needs, their responses reflected the poverty of their situation. They mentioned a wide range of problems from technical assistance with planning, to youth activities, to more subsistence concerns in fish and wildlife regulations. Many of these responses were so diverse they could not be classified. One interviewee, for example, indicated the "state should recognize that the village is part of the state..." and provide assistance with public safety problems.

The need most frequently recorded was "harsher punishments". However, there is reason, based on their explanations, to suspect that the interviewees had something different than simply harsher punishments in mind. Their concern in this area seems to stem from the fact that a misbehaving village resident is referred to the Alaska criminal justice system only after the village has given the person several warnings and opportunities to change. Residents of the village have established the person's guilt to their own satisfaction and they have exhausted their patience with his inability to change while in the village. Therefore, they contact an Alaska State Trooper for the removal of the person from the village.

As previously mentioned, in bygone years, when an enforcement officer from outside the village removed a person from the village, the person would not return for a considerable period of time. Now when a person is taken from the village he is likely to be released on his own recognizance by the court and return to the village on the next flight back. The villagers who sent the offender in the first place do not understand why the criminal justice system, and specifically the judges, have not complied with their wishes and kept the person away from the village. Therefore, they indicated to the interviewers their need for the courts to impose "harsher sentences".

The second most frequently mentioned need was communications. One village police officer indicated he spent eleven hours attempting to contact Alaska State Troopers for assistance in removing a person who had attempted suicide and was in critical condition.

On occasion, we spent several days attempting to contact villages by radio and telephone in conjunction with this study. In one instance, after a week of consistent effort, we were told it was simply impossible to reach the village by any method short of flying. Approximately ten percent of the villages indicated that on occasion they relied on messages sent by mail or other type of non-electronic methods to obtain assistance from the Alaska State Troopers.

The need for communications was also at times intended to address the perception that most state level justice people do not deal with the communities surveyed. Not only is it difficult at times to contact justice officials, there is seldom any communication at all.

Public officials in these communities seem to have conceptualized their problems but do not feel they have the means to correct the situation. They view the state as their primary hope for the support and resources required for the level of services needed for their protection, particularly in emergencies. They do not view the state efforts to date as being adequate.

CONCLUSIONS

Alaska has two separate and unequal justice systems. The system which exists in the commercial population centers of the state is highly articulated, readily identified, staffed, funded, and extensively managed. Its problems are reasonably well documented, although not completely solved. The system in the rural Native communities of the state is invisible. Data concerning its operations are infrequently accumulated and it has not been the subject of the kind of scrutiny given the urban system.

Due to the dearth of information about the Bush justice system, its problems are difficult to identify and comparisons of its efficiency and effectiveness with other justice operations have not been previously done. All people of the state cannot be assured of even relatively equal protection and services unless this situation is changed.

A general assessment of the availability of justice services in the rural communities studied provides evidence of substantial differences between the level of services in those communities and other places in Alaska and the United States. Requests for state police services frequently are not answered within twenty-four hours. Law officials seldom confer with the officials and police of Native communities. Correctional officials confine their operations primarily to commercial centers.

The community officials' assessment of the quality of the justice operations indicated that there is room for substantial improvements in most of the state components of the justice system. Medical and educational services provided for the Native communities received considerably higher endorsements than any of the justice service areas. Magistrates and troopers received the highest ratings of the justice system components.

The public safety areas of fire operations and youth services received substantially lower ratings than the justice services. These areas are also important to the quality of life in the communities and merit attention.

The situation has been changing. Community officials' opinions concerning the changes which have occurred over the past five years reflect a belief that there has been more of a change in the direction of improvements than towards a deterioration of service. However, a substantial proportion of the interviewees reported that they could detect no change -- a fact that should cause concern among justice policy officials.

The communities surveyed did not always have "essentials" for a normal criminal justice operation. Copies of laws were not available; there were few adequate detention facilities; and even emergency communications were reported to fail with regularity. By conventional standards, the minimum support facilities, supplies and equipment often did not exist in the communities studied.

Among the justice system needs of the communities which were identified were:

1. Penalties which would keep repeat or serious offenders from immediately returning to the community without any apparent impositions on their behavior.
2. Improvements in methods and processes of communications between the communities and the public safety and justice agents outside the village.
3. Education and training both for the community members and local police.
4. Improved facilities especially for detention, court operations and youth activities.
5. Financial support primarily to maintain stable emergency service, police operations, and local justice operations.
6. Increased members of police, magistrates and local correctional personnel.

In spite of commonly held views to the contrary, the rate of interpersonal and violent crime is considerably higher in rural Native communities. Given the population makeup and inadequate reporting, there is every reason to estimate that it will continue to grow faster than other areas of the country.

Village officials indicated that without greater State and possibly federal assistance, they expect crime to increase and the criminal justice system to deteriorate. There is plenty of evidence to support this conclusion.

FOOTNOTES

1. In many communities in the winter ice has to be chopped from a pond or river near the community and melted on a wood or coal stove for water.
2. Health aids are given training in first aid and emergency medical services by State and Federal governments. They are usually local residents and they receive basic support from regional hospitals located in the commercial centers of each region and Anchorage. All critical cases are transported to Anchorage, Fairbanks or Juneau. Elementary teachers often reside in the village; other education is provided at regional dormitory style schools in commercial centers. Children return home in the summer.
3. Food and dry goods prices usually run four to six times as high as the average in the United States. As an example, a bottle of alcohol in many villages cost \$40 to \$60.
4. The addition of village telephones was made possible by, in recent years, by communications satellites. The State has made a concerted effort to ensure that every community has a means of emergency communication, although some surveyed did not have working telephones nor radios.
5. The Alaska State Troopers residing in commercial centers of the State have traditionally responded by aircraft to emergencies in villages. Since 1970 they have attempted to establish Anglo-American type laws and justice operations in the Native communities. Further they have trained local residents in law writing, policing and judicial operations. (See John Angell, Alaska Village Police Training: An Assessment and Recommendation. Anchorage: Criminal Justice Center, University of Alaska, 1978).
6. For examples see, Adamson Hoebel, "Social Controls," Societies Around the World, Vol. 1 (1953), p. 136 - 42; Catharine McClellan, "Culture Contacts in the Early Historic Period in Northwestern North America," Arctic Anthropology, Vol. 2 (1965), No. 2, p. 3 - 15; and Hippler and Conn, "Traditional Athabascan Law Ways and their Relationship to Contemporary Problems of 'Bush Justice,'" August, 1972.
7. Kalervo Oberg, The Social Economy of the Tlingit Indians Seattle: University of Washington Press, 1973, p. 130.
8. Ibid.
9. A. Hippler and S. Conn, "Northern Eskimo Law Ways and Their Relationships to Contemporary Problems of 'Bush Justice'," ISEGR Occasional Papers No. 10 (Fairbanks: University of Alaska, July, 1973), p. 68.
10. Adamson Hoebel, Op. Cit., p. 445.
11. H. G. Gallagher, ETOK -- A Story of Eskimo Power (New York; G. P. Pittman and Sons, 1974, p. 38.

FOOTNOTES

12. Leopold Pospisil, "Law and Social Structure Among the Nunamiut Eskimos," Explorations in Cultural Anthropology, Ward Goodenough, editor, (New York; McGraw-Hill Book Co., 1964), p. 397.
13. Ibid, p. 423.
14. A. Hippler and S. Conn, "Traditional Athabascan Law Ways and their Relationships to Contemporary Problems of 'Bush Justice'," ISEGR Occasional Paper No. 7, (Fairbanks: University of Alaska, August, 1972), p. ii.
15. E. Adamson Hoebel, "Law Ways of the Primitive Eskimos," Journal of the Institute of Criminal Law and Criminology, Vol, 31, p. 663 - 683.
16. See Initial One Year Criminal Justice Plan for State of Alaska by Peat, Marwick, Livingston and Company (May 1969) and Alaska Criminal Justice Plan - 1977 by the Criminal Justice Planning Agency for a comparison of the changes which have occurred.
17. Initial One Year Criminal Justice Plan, P. 5.
18. Ibid, p. 31.
19. Ibid, p. 11.
20. Criminal Justice Planning Agency, Juneau, 1978.
21. For example, the Rowan Group Public Opinion Poll (1976) separate opinions from urban and rural cities, but does not separate the opinions of residents of rural commercial centers such as Bethel and Nome from the more remote smaller communities.
22. See Criminal Justice Planning Agency, Crime in Alaska - 1977, for an illustration of the way Alaska crime statistics are reported.
23. It should be noted, however, that communities in Sealaska and Doyon Regions reported much more frequent visits than the other regions. In fact, villages in Calista, Bristol Bay, Bering Straits, and Arctic Slope Regions were seldom visited in 1977.
24. The single exception to this was the Doyon Region where State Troopers reportedly visited more frequently than village officials indicated was expected.
25. One police officer indicated to an interviewer, "We get \$75 a month when we get paid; however, the city hasn't paid us for three months."

FOOTNOTES

26. Village leaders opinions of the quality of local jails ~~are~~ more negative than those of the police. The police responses were used in this section because they were more comprehensive than those of the community leaders interviewed.