



Native Employment in the Alaska Justice System

Antonia Moras

Figures obtained by the Justice Center from Alaska state justice agencies, urban police departments and several federal agencies in Alaska reveal that the employment of Alaska Natives and American Indians in positions related to the justice system is still relatively low. In particular, few Natives hold senior administrative or professional positions. In general, the lack of Native employees appears related to the absence of sufficient numbers of qualified applicants for professional positions within the justice system.

The figures presented in Table 1 were collected from the individual agencies during summer 1998. In some cases the number cited for total employees also includes unfilled positions. The numbers present employment levels only in the main state justice agencies, the three major urban police departments and two federal agencies. They do not reflect justice-related employment in other state or federal agencies.

It is important to note that a certain haziness surrounds all reporting on race or ethnicity and employment. Applicants or employees in state and federal positions may identify themselves as members of one or another minority group but they are under no obligation to do so. The portion of the state employment application form which permits self-identifying is separate from the overall application and clearly states that the applicant is not obligated to provide information on race or ethnicity. The information that is obtained from such forms, however, becomes the basis for

Table 1. Alaska Native and American Indian Employment in Alaska Justice System Agencies, Summer 1998

	Total employees*	Alaska Native/American Indian employees		
Department of Law	458	17	3.7 %	(1 attorney; 1 paralegal; 15 support/administrative)
Department of Public Safety	689	55	8.0 %	(22 commissioned; 33 noncommissioned. This figure does not include Village Public Safety Officers, who are not employees of DPS.)
Department of Corrections	1200 (approx.)	103	8.6 %	(10 probation officers; 73 correctional officers; 4 administrative; 14 clerical/support; 2 other, including 1 correctional superintendent)
Office of Public Defender	110	6	5.5 %	(1 investigator; 5 support)
Office of Public Advocacy	43	1	2.3 %	(1 administrative/support)
Division of Family & Youth Services	578	42	7.2 %	(35 social workers, social services associates, youth counselors; 7 administrative/support)
Alaska Court System	489	48	9.8 %	(8 magistrates; 40 administrative support)
Anchorage Police Department	500	18	3.6 %	(9 sworn; 9 unsworn)
Fairbanks Police Department	56	3	5.3 %	(2 sworn; 1 unsworn)
Juneau Police Department	77	6	7.8 %	(3 sworn; 3 unsworn)
U.S. Attorney	43	1	2.3 %	(1 administrative/support)
U.S. District Court (including federal public defender)	56	3	5.3 %	(3 administrative/support)

* Some agencies count unfilled positions in total.
Source of data: Individual agencies, Summer 1998.

reports to state and federal Offices of Equal Employment Opportunity and for decisions on recruitment efforts and other personnel matters.

What these 1998 figures show is that Alaska Native and American Indian employment within the state justice system, the major urban police departments and the main federal justice branches in Alaska is much lower at all levels than the percentage of Natives and Indians in the general population. Alaska Native and American Indians are 16 per cent of the total state

population. In no agency does Native and Indian employment approach this level.

Further, the situation has changed only a little over the last decade. Precise figures from ten years ago are almost impossible to obtain, but very general comparisons can be made using information presented in a document prepared by the Alaska Office of Equal Opportunity in March 1989. This report, which is titled "Status of Alaska Native Employment in State Government," presents

Please see [Native Employment](#), page 5

HIGHLIGHTS INSIDE THIS ISSUE

- The Bureau of Justice Statistics examines correctional populations in state and federal prisons ([page 2](#)).
- Current Justice Center research projects ([page 7](#)).

A BJS Report

Prisoners in 1997: The State and Federal Picture

Since 1987, Alaska's prison population has grown by 45.5 per cent. In 1997 alone the growth rate was 13.6 per cent, one of the highest in the nation. According to the Bureau of Justice Statistics, Alaska had a sentenced prison population of 4,220 at the end of 1997.

The total number of prisoners under the jurisdiction of federal or state adult correctional authorities was 1,244,554 at year-end 1997. During the year the states and the District of Columbia added 53,757 prisoners, and the federal prison system added 7,429 prisoners. Overall, the nation's prison population grew 5.2 per cent, which was less than the average annual growth of 7.0 per cent since 1990. In absolute numbers, prison growth during 1997 was equivalent to 1,177 more inmates per week, up from 1,106 per week in 1996.

Nationally, the rate of incarceration in prisons at year-end 1997 was 445 sentenced inmates per 100,000 residents up from 292 in 1990. On December 31, 1997, 1 in every 117 men and 1 in every 1,852 women were sentenced prisoners under the jurisdiction of state or federal correctional authorities. The Alaska rate of incarceration was 420 per 100,000 population.

Rates of Increase

Hawaii experienced the largest increase for 1997 (up 23.4%), followed by West Virginia (15.4%), Alaska and Maine (13.6%), Vermont (13.5%), Kentucky (13.1%), and Wisconsin (13.0%). Three states and the District of Columbia experienced a decline in prison populations. Oregon had the largest decline (down 7.6%), followed by Montana (down 2.2%), New Mexico (down 0.8%), and the District of Columbia (down 0.2%).

In absolute numbers of inmates, 5 jurisdictions grew by at least 2,000. California (up 11,498 inmates) experienced the largest growth, followed by Texas (up 8,346), the federal system (up 7,429), Louisiana (up 2,486), and Michigan (up 2,422). These five jurisdictions, which incarcerated over 40 per cent of all prisoners, accounted for 53 per cent of the total growth during 1997.

Demographics of Incarceration

When incarceration rates are estimated separately for men and women, black males in their twenties and thirties are found to have very high rates relative to other groups (Table 1). Of black males age 25 to 29, 8.3

Table 1. Number of Sentenced Prisoners Under State or Federal Jurisdiction per 100,000 Residents, By Sex, Race, Hispanic Origin, and Age, 1996

Age	Male				Female			
	White	Black	Hispanic	Total	White	Black	Hispanic	Total
18-19	263	2,615	1,303	771	17	74	32	27
20-24	762	6,740	2,774	1,886	35	203	115	71
25-29	829	8,319	2,609	2,024	54	415	186	123
30-34	862	7,052	2,547	1,845	73	597	200	160
35-39	759	6,601	2,278	1,615	61	518	193	134
40-44	606	4,824	2,308	1,244	38	326	126	82
45-54	380	2,768	1,313	692	20	161	93	42
55 or older	96	505	413	151	3	18	9	5
Total	370	3,098	1,278	809	23	188	78	51

Source of data: Bureau of Justice Statistics

per cent were in prison in 1996, compared to 2.6 per cent of Hispanic males and about 0.8 per cent of white males in the same age group. Although incarceration rates drop with age, the percentage of black males age 45 to 54 in prison in 1996 was still nearly 2.8 per cent—equivalent to the highest rate

among Hispanic males (age 20 to 24) and more than 3 times larger than the highest rate (0.9%) among white males (age 30 to 34).

Female incarceration rates, though substantially lower than male incarceration rates at every age, reveal similar racial and

Table 2. Estimated Number of Sentenced Prisoners Under State Jurisdiction, By Offense and Sex, 1990 and 1996

Offenses	All prisoners		Male		Female	
	1990	1996	1990	1996	1990	1996
Violent offenses	315,900	495,400	304,800	477,900	11,100	17,500
Murder ^a	72,500	112,700	68,400	107,700	4,100	5,000
Manslaughter	13,300	16,900	12,000	15,400	1,300	1,600
Rape	24,700	39,200	24,600	38,800	100	300
Other sexual assault	39,400	63,200	39,000	62,600	400	600
Robbery	99,900	142,000	97,200	137,800	2,700	4,200
Assault	53,700	98,600	51,600	94,400	2,100	4,200
Other violent	12,500	22,700	11,900	21,400	600	1,400
Property offenses	175,000	240,000	163,300	222,600	11,700	17,500
Burglary	87,800	111,100	86,200	108,100	1,600	3,100
Larceny	35,100	49,800	31,000	43,700	4,100	6,200
Motor vehicle theft	14,500	21,600	14,300	20,800	200	800
Fraud	20,300	27,800	16,500	21,700	3,800	6,100
Other property	17,200	29,600	15,200	28,300	2,000	1,300
Drug offenses	149,700	237,600	137,900	213,900	11,800	23,700
Public-order offenses^b	45,800	71,300	43,900	67,000	1,900	4,400
Other/unspecified^c	3,100	3,700	2,900	3,400	200	300
Total	689,600	1,048,000	652,800	984,600	36,700	63,400

Note: Offense distributions for year-end 1990 and 1996 were estimated using stock-flow method procedures that combine data from the 1991 and 1997 surveys of state prison inmates with estimates of admissions and releases obtained in the National Corrections Reporting Program, 1990-96.

a. Includes nonnegligent manslaughter.

b. Includes weapons, drunk driving, court offenses, commercialized vice, morals and decency charges, liquor law violations and other public-order offenses.

c. Includes juvenile offenses and unspecified felonies.

Source of data: Bureau of Justice Statistics

Table 3. Partitioning the Total Growth of Sentenced Prisoners Under State Jurisdiction, By Offense, Race, and Hispanic Origin, 1990-96

	White		Black		Hispanic	
	Increase 1990-96	Per cent of total	Increase 1990-96	Per cent of total	Increase 1990-96	Per cent of total
Violent	49,600	46 %	88,300	50 %	32,400	54 %
Property	29,900	28	25,300	14	9,500	16
Drug	16,700	16	53,600	30	13,600	23
Public-order	11,700	11	8,100	5	4,300	7
Total	107,300	100 %	175,800	100 %	60,200	100 %

Source of data: Bureau of Justice Statistics

ethnic disparities. Black females (with an incarceration rate of 188 per 100,000) were more than twice as likely as Hispanic females (78 per 100,000) and 8 times more likely than white females (23 per 100,000) to be in prison in 1996. These differences among white, black, and Hispanic females were consistent across all age groups.

Between 1990 and 1996 the distribution of the four major offense categories—violent, property, drug, and public-order offenses—did not change among state prisoners.

	Percentage of sentenced state inmates	
	1990	1996
Violent	46 %	47 %
Property	25	23
Drug	22	23
Public order	7	7
Total	100 %	100 %

In absolute numbers, however, the largest growth in state inmates was among violent offenders. Between 1990 and 1996 the number of violent offenders grew 179,500 while the number of drug offenders grew 87,900 (Table 2). As a percentage of the total growth, violent offenders accounted for 50 per cent of the total growth; drug offenders, 25 per cent; property offenders, 18 per cent; and public-order offenders, 7 per cent.

Detailed estimates of the state inmates at the end of 1990 and 1996 reveal differences in the sources of growth among male and female inmates. During the period the number of female inmates serving time for drug offenses doubled, while the number of male inmates in for drug offenses rose 55 per cent. The number serving time for violent offenses, however, rose at about the same pace (up 57% for men and 58% for women).

Overall, the increasing number of drug offenses accounted for 30 per cent of the total growth among black inmates, 23 per cent of the total growth among Hispanic inmates, and 16 per cent of the growth among white inmates (Table 3). Violent offenders

accounted for the largest source of growth for all groups—among white inmates (46%), black inmates (50%), and Hispanic inmates (54%).

Prisoners sentenced for drug offenses constituted the largest group of federal inmates (60%) in 1996, up from 53 per cent in 1990 (Table 4). On September 30, 1996, the date of the latest available data, federal prisons held 55,194 sentenced drug offenders, compared to 31,300 at the end of 1990. Between 1990 and 1996 the percentage of violent federal inmates declined from 18 per cent to 12 per cent. As a percentage of all federal inmates, robbers showed the largest decline, from 12 per cent to 9 per cent.

During the same period, the number of federal inmates held for weapons and im-

migration offenses more than doubled. The number of weapons offenders rose from 3,234 in 1990 to 7,480 in 1996; immigration offenders rose from 1,645 to 4,476. By September 30, 1996, weapon offenders represented 8.1 per cent of federal inmates and immigration violators 4.8 per cent.

As a consequence of the dramatic growth in the number of drug offenders, an increasing percentage of federal prisoners are black or Hispanic. Between 1990 and 1996, the per cent black among federal inmates rose from 30 per cent to 38 per cent, while the per cent white declined from 38 per cent to 30 per cent and the per cent Hispanic remained unchanged (about 28%).

As a per cent of the total growth, drug offenses accounted for a greater share of the increases among black inmates (82%) than among Hispanic (67%) or white inmates (65%). Overall, black and Hispanic inmates accounted for three-quarters of the total increase in federal inmates.

Prison Capacity

Prisons generally require reserve capacity to operate efficiently. Dormitories and cells need to be maintained and repaired periodically, special housing is needed for protective custody and disciplinary cases, and space may be needed to cope with emergencies.

Please see *BJS*, page 4

Table 4. Number and Percentage of Sentenced Inmates in Federal Prisons, By Offense, 1990 and 1996

	Number		Per cent	
	1990	1996	1990	1996
Violent offenses	10,728	11,523	18 %	12.4 %
Homicide	1,316	1,084	2.2	1.2
Robbery	7,304	8,334	12.3	9
Assault	808	645	1.4	0.7
Other violent	1,300	1,460	2.2	1.6
Property offenses	8,307	7,781	14 %	8.4 %
Burglary	412	181	0.7	0.2
Fraud	5,386	5,807	9	6.3
Other property	2,509	1,793	4.2	1.9
Drug offenses	31,300	55,194	52.6 %	59.6 %
Public-order offense	8,826	17,227	14.8 %	18.6 %
Immigration	1,645	4,476	2.8	4.8
Weapons	3,234	7,480	5.4	8.1
Other public-order	3,947	5,271	6.6	5.7
Other/unknown	365	947	0.6 %	1 %
Total	59,526	92,672	100 %	100 %

Note: Data for December 31, 1990, and September 30, 1996, were obtained from the BIS Federal justice database.

Source of data: Bureau of Justice Statistics

BJS
(continued from page 3)

At the end of 1997, 16 states and the District of Columbia reported that they were operating at or below 99 per cent of their highest capacity. Thirty-six states and the federal prison system reported operating at 100 per cent or more of their lowest capacity. New Mexico, which was operating at 82 per cent of its lowest capacity, had the least crowded prison system. California, operating at over twice its highest reported capacity (206%), had the most crowded system.

By year-end 1997 the federal prison system was estimated to be operating at 19 per cent over capacity, decreasing since year-end 1996 (25%). Overall, state prisons were estimated to be operating at 15 per cent above their highest capacity, down slightly from the 16 per cent for last year. Based on the lowest capacity figures, state prisons were operating at 24 per cent over capacity at year-end 1997, continuing the steady decline from 31 per cent in 1991. Alaska was reported at 147 per cent of capacity at the end of 1997.



**Alaska
Justice
Forum**

Editor: Antonia Moras
 Editorial Board: Cassie Atwell, Allan Barnes,
 Robert Congdon, Richard Curtis, Robert
 Langworthy, Lisa Rieger, John Riley, Nancy
 Schafer, Lawrence Trostle, Darryl Wood
 Typesetting and Layout: Melissa Green
 Justice Center, Robert Langworthy, Director
 Alaska Justice Statistical Analysis Unit, Allan
 Barnes, Director

Published quarterly by the Justice Center and
 the Alaska Justice Statistical Analysis Unit at the
 University of Alaska Anchorage, 3211
 Providence Drive, Anchorage, AK 99508; (907)
 786-1810; fax 786-7777; Internet address
ajjust@uaa.alaska.edu; World Wide Web [http://
 /www.uaa.alaska.edu/just/](http://www.uaa.alaska.edu/just/)

© 1998 Justice Center,
 University of Alaska Anchorage
 ISSN 0893-8903

The opinions expressed are those of individual
 authors and may not be those of the Justice
 Center.

The University of Alaska provides equal
 education and employment opportunities for all,
 regardless of race, color, religion, national origin,
 sex, age, disability, or status as a Vietnam-era or
 disabled veteran.

**Table 5. Prisoners Under the Jurisdiction of State or Federal Correctional
 Authorities, by Region and Jurisdiction, Yearend 1996 and 1997**

Region and jurisdiction	Total			Sentenced to more than one year			Incarcera- tion rate, 1997 ^a
	Advance 1997	1996	% change, 1996-97	Advance 1997	1995	% change, 1996-97	
U.S. total	1,244,554	1,183,368	5.2 %	1,197,590	1,138,984	5.1 %	445
Federal	112,973	105,544	7.0 %	94,987	88,815	6.9 %	35
State	1,131,581	1,077,824	5.0 %	1,102,603	1,050,169	5.0 %	410
Northeast	172,244	169,261	1.8 %	163,836	161,324	1.6 %	317
Connecticut ^{b,c}	18,521	17,851	3.8	13,005	12,465	4.3	397
Maine	1,620	1,426	13.6	1,542	1,351	14.1	124
Massachusetts ^d	11,947	11,796	1.3	10,847	10,880	-0.3	278
New Hampshire	2,164	2,062	4.9	2,164	2,062	4.9	184
New Jersey ^e	28,361	27,490	3.2	28,361	27,490	3.2	351
New York	70,026	69,709	0.5	70,026	69,709	0.5	386
Pennsylvania	34,964	34,537	1.2	34,963	34,535	1.2	291
Rhode Island ^b	3,371	3,271	3.1	2,100	2,031	3.4	213
Vermont ^{b,f}	1,270	1,119	13.5	828	801	3.4	140
Midwest	216,757	204,657	5.9 %	216,391	203,701	6.2 %	346
Illinois ^{e,f}	40,788	38,852	5.0	40,788	38,852	5.0	342
Indiana	17,903	16,960	5.6	17,730	16,791	5.6	301
Iowa ^{e,f}	6,938	6,342	9.4	6,938	6,342	9.4	243
Kansas ^e	7,911	7,756	2.0	7,911	7,756	2.0	304
Michigan ^f	44,771	42,349	5.7	44,771	42,349	5.7	457
Minnesota	5,326	5,158	3.3	5,306	5,158	2.9	113
Missouri	23,998	22,003	9.1	23,980	22,003	9.0	442
Nebraska	3,402	3,287	3.5	3,329	3,223	3.3	200
North Dakota	797	722	10.4	715	650	10.0	112
Ohio ^e	48,002	46,174	4.0	48,002	46,174	4.0	429
South Dakota	2,239	2,063	8.5	2,239	2,063	8.5	303
Wisconsin	14,682	12,991	13.0	14,682	12,340	19.0	283
South	491,956	469,252	4.8 %	480,061	458,671	4.7 %	506
Alabama	22,290	21,760	2.4	21,680	21,108	2.7	500
Arkansas	10,021	9,407	6.5	9,936	8,992	10.5	392
Delaware ^b	5,435	5,110	6.4	3,264	3,119	4.6	443
District of Columbia ^b	9,353	9,376	-0.2	8,814	8,668	1.7	1,682
Florida ^f	64,565	63,763	1.3	64,540	63,746	1.2	437
Georgia ^f	36,450	35,139	3.7	35,722	34,328	4.1	472
Kentucky	14,600	12,910	13.1	14,600	12,910	13.1	372
Louisiana	29,265	26,779	9.3	29,265	26,779	9.3	672
Maryland	22,232	22,050	0.8	21,088	20,980	0.5	413
Mississippi	15,447	13,859	11.5	14,548	13,143	10.7	531
North Carolina	31,638	30,647	3.2	27,726	27,751	-0.1	370
Oklahoma ^e	20,542	19,593	4.8	20,542	19,593	4.8	617
South Carolina	21,173	20,446	3.6	20,264	19,758	2.6	536
Tennessee ^e	16,659	15,626	6.6	16,659	15,626	6.6	309
Texas ^e	140,729	132,383	6.3	140,729	132,383	6.3	717
Virginia	28,385	27,655	2.6	27,524	27,062	1.7	407
West Virginia	3,172	2,749	15.4	3,160	2,725	16.0	174
West	250,624	234,654	6.8 %	242,315	226,473	7.0 %	405
Alaska ^b	4,220	3,716	13.6	2,571	2,335	10.1	420
Arizona ^e	23,484	22,493	4.4	22,353	21,523	3.9	484
California	157,547	146,049	7.9	154,368	142,865	8.1	475
Colorado	13,461	12,438	8.2	13,461	12,438	8.2	342
Hawaii ^b	4,949	4,011	23.4	3,424	2,954	15.9	288
Idaho	3,946	3,832	3.0	3,946	3,832	3.0	323
Montana	2,242	2,293	-2.2	2,242	2,293	-2.2	255
Nevada	9,024	8,439	6.9	8,884	8,439	5.3	518
New Mexico	4,688	4,724	-0.8	4,450	4,506	-1.2	256
Oregon	7,999	8,661	-7.6	7,589	7,316	3.7	232
Utah	4,284	3,972	7.9	4,263	3,946	8.0	205
Washington	13,214	12,527	5.5	13,198	12,527	5.4	233
Wyoming	1,566	1,499	4.5	1,566	1,499	4.5	326

Note: The advance count of prisoners is conducted in January and may be revised.

- a. The number of prisoners with sentences of more than 1 year per 100,000 U.S. residents.
- b. Prisons and jails form one integrated system. NPS data include jail and prison populations.
- c. Jurisdiction data are reported for the first time. Comparisons to past counts are inapplicable.
- d. Includes an estimated 6,200 inmates sentenced to more than 1 year but held in county facilities.
- e. Sentenced inmates may include some inmates sentenced to a year or less.
- f. Population figures are based on custody counts.

Source of data: Bureau of Justice Statistics

Native Employment (continued from page 1)

percentages for Native employment in selected agencies in 1988. In addition, figures on Alaska Natives employed by the court system can be drawn from the 1988 annual report.

Department of Law	3.8%
Department of Public Safety	4.7%
Department of Corrections	7.6%
Court System	7.8%

1998 percentages derived from the figures in Table 1 reveal the following levels:

Department of Law	3.7%
Department of Public Safety	8.0%
Department of Corrections	8.6%
Court System	9.8%

A comparison of the figures reveals that in most agencies the Native justice employment situation has changed somewhat, but not dramatically, over the last ten years. One exception seems to be the Department of Public Safety. Native employment within the department as a whole—not just the Division of Alaska State Troopers—has grown by 70 per cent, according to these percentages.

The figures presented in Table 1 show a particular lack of Alaska Natives and American Indians employed in those jobs which are central to the particular mission of the individual agency (whether those positions are classified as professional or not), such as probation officers with the Department of Corrections (the number of correctional officers is noticeably higher); guardians ad litem with the Office of Public Advocacy; attorneys with the Department of Law or the Office of the Public Defender; or sworn officers with the police agencies.

The Division of Family and Youth Services differs slightly in this regard: more Natives are employed as social workers,

social services associates and youth counselors than are in administrative or support positions.

There are some other important exceptions also: the current head of Alaska State Troopers is Native, as is the superintendent at the Yukon-Kuskokwim Correctional Center.

EEO

Data from the Alaska Office of Equal Employment Opportunity provide another view of Native employment in state justice agencies. In preparing the 1998 Affirmative Action Plan for the state executive branch, EEO arranged for a utilization analysis focused on the employment of women and minorities. The study was conducted by Charles Mann Associates.

Over 100 job classifications across all executive branch agencies were examined to determine if designated groups were numerically underutilized in particular categories. The evaluation took into account the population of a given minority group, the availability of those with requisite skills within a geographic area reasonable for recruitment, the existence of training possibilities and the availability of promotable or transferrable employees. Results were presented for each job category for each minority group.

The study lists the following job classes as those in which Alaska Natives are underutilized (these job classifications span all executive branch agencies, with some obviously not relevant to the justice system): inspectors/compliance officers; administrative specialists; senior computer specialists; agricultural/fish scientists; health specialists; planners; probation officers; firefighters/rescue specialists; park rangers; senior correctional officers; office machine specialists; stock inventory clerks; construction trade

workers; food service workers; nursing aides; custodians; maintenance workers; equipment operators and deckhands.

The study considers American Indians as a separate group and lists this group as underutilized as: senior administrators and public officials; administrators and public officials; protective services administrators; health services managers; employment services specialists; statisticians; probation officers; senior social service workers/counselors; social workers/counselors; health technicians; law enforcement supervisors; firefighters/rescue specialists; law enforcement officers; records clerks/processors; secretaries; general clerical I, II, and III; stock/inventory clerks; construction trade workers; stewards/pursers; cooks; nursing aides; custodians; maintenance workers; and equipment operators.

The study did not find either Alaska Natives or American Indians underutilized in several categories which are primarily associated with justice agencies: criminalists; senior attorneys; attorneys; correctional officers. In addition, it did not find that Alaska Natives were underutilized in the categories of law enforcement supervisors or law enforcement officers.

At first, this analysis seems to contradict the low numbers reported by the agencies. However, these EEO findings do not mean that Alaska Natives or American Indians are *employed* in those categories in which they have not been cited as underutilized, but rather that—given the size of the subgroup, the requirements of the particular job classification and the availability of individuals *qualified* for the job category—the group is not under represented *from a statistical perspective*. Certain positions require certain degrees or particular kinds of experience; others can be filled only from

Please see Native Employment, page 6

1999–2000 Judicial Fellows Program

The Judicial Fellows Commission is seeking applications for the 1999–2000 Judicial Fellows Program. The Program, established in 1973 and patterned after the White House and Congressional Fellowships, seeks individuals from a variety of disciplinary backgrounds who are interested in the administration of justice and who show promise of making a contribution to the judiciary.

Up to four Fellows will be chosen to spend a year, beginning in late August or early September 1999, in Washington, D.C. at the Supreme Court of the United States, the Federal Judicial Center, the Administrative Office of the United States Courts, or the United States Sentencing Commission. Candidates must be familiar with the federal judicial system and have at least one postgraduate degree and two or more years of successful

professional experience. Fellowship stipends are based on salaries for comparable government work and on individual salary histories, but will not exceed the GS 15, Step 3 level, presently \$80,789.

Information about the program is available from:

Vanessa M. Yarnall
Administrative Director
Judicial Fellows Program
Supreme Court of the United States
Room 5
Washington, DC 20543
(202) 479-3415

The application deadline is November 6, 1998.

Native Employment (continued from page 5)

within the agency. What the analysis suggests is that the absence of Natives in various job classes is due not to qualified individuals being rejected for initial hire or passed over for promotion but rather to a lack of individuals with the education or experience required by the established job classification.

The underutilization analysis is important in any consideration of Native employment within the justice system not just because of the findings themselves but also because it is available to be used as an element in recruitment and promotion decisions. The Office of Equal Employment Opportunity updates the analysis quarterly and disseminates it to the individual agencies.

Recruitment and Hiring

Recruitment processes come to the foreground in any look at the Native justice employment picture. The state hiring process is lengthy and bureaucratic. It is referenced to established job classes for which precise qualifications have been established. A central registry spanning most job classes is maintained by the Division of Personnel within the Department of Administration. To be put on this registry individuals must complete an initial written application which specifies the job classification in which they are interested. The application is then evaluated in light of the established job class requirements for education and experience and an applicant accepted or rejected for the registry. The names of those on the registry are then sent to individual agencies when openings occur and the agency continues the selection process through interviews. The interview process is also closely regulated. For certain positions, with certain agencies, the hiring process is handled more directly by the particular agency, bypassing the registry. In general, this is the case for professional (and non-union) positions.

The Alaska Court System handles its own hiring for administrative and support positions. The initial application, however, is similar to that required for other state positions. The federal hiring process is equally complex.

The initial state application is crucial to success in the hiring process, and it requires knowledge of job requirements and the ability to present experience and educational background in ways that match the requirements of particular job classifications.

Many of these positions require degrees, although for some classes certain kinds of

experience can be substituted for the formal education requirement and, conversely, for some job classes certain types of academic credit will substitute for agency experience, permitting candidates to enter at higher levels.

As previously mentioned, DFYS employs more Natives in positions directly related to the mission of the agency (rather than in administrative support positions). A review of the requirements for particular job classes shows that the division requires less formal education for entry level positions as youth counselors or social services associates. For example, a Social Services Associate I does not require a specific educational level but rather a knowledge of community needs, problems and resources and literacy in English. (In some cases knowledge of the indigenous language in place of employment is also required.) A certain amount of experience at this job level then permits movement into higher levels, including those of Social Worker—which is classified as professional—with job experience substituting for formal education. This structuring of job classes creates larger pools of individuals eligible to move upward into progressively more responsible positions through experience. Entry level positions at most of the other agencies do not offer this kind of flexibility.

None of the state agencies has separate funds budgeted for minority recruitment nor positions specifically designated to handle minority recruitment. However, all the state executive branch justice agencies are covered by the Alaska Affirmative Action plan, and the Alaska Court System prepares its own plan.

Human resources administrators in the separate state departments report varied approaches to recruitment. DFYS, which has new positions allocated by the legislature, is currently involved in an intense recruitment effort, specifically involving rural areas, with recruitment trips to Fairbanks and Bethel scheduled.

The court system, which is now updating its affirmative action plan, utilizes extensive mailing lists, including fax and E-mail, to reach the Native community. The court system is also encouraging Native village participation in the magistrate hiring process.

Law Enforcement

Because the number of Alaska Natives and American Indians employed as sworn officers in law enforcement agencies is particularly low and because the hiring process for police officers is quite different than that for positions with other justice agencies, it

is worth looking at police recruitment processes separately. Despite the low numbers all four major police agencies report intense recruitment of minorities, including Alaska Natives. (It should be noted that the Alaska State Troopers report that there are eight Alaska Native candidates in the new officer class currently forming.)

The Department of Public Safety describes a strong effort in Native recruitment both for the Alaska State Troopers and for its other branches. A trooper at each post is designated as part of the recruitment unit. The effort has also included television and newspaper ads, extensive mailings, and personal visits and presentations. At least \$60,000 is spent on these efforts during each recruitment period. The troopers also recruit among the Village Public Safety Officers, whose work they supervise but who are not employees of DPS. Only a few VPSOs, however, have become troopers.

Like the hiring process in other state agencies, the process of hiring for sworn positions in the main police agencies is lengthy and complex. Although the sequence of steps in the process varies somewhat from agency to agency, the Alaska State Troopers and the police departments of Anchorage, Fairbanks and Juneau follow similar procedures. All the police agencies require applicants to pass a written test and a physical agility test and to complete an extensive personal history questionnaire, which has been designed by the Police Standards Council. This questionnaire requires the applicant to provide information on former jobs, financial affairs, driving record and criminal offenses. It is designed to elicit any background information which might disqualify the candidate under the established professional standards.

The standards prohibit the employment as an officer of anyone who has been convicted of a felony or any individual who has been convicted during the previous ten years of a misdemeanor crime of dishonesty or moral turpitude or one which resulted in serious physical injury to another person. An individual with two or more DWI convictions is also disqualified. The standards also prohibit departments from hiring those who have used a controlled substance other than marijuana during the previous ten years or who have used marijuana within one year before the date of hire unless the individual was under 21 at the time of the use of the substance. (Similar standards apply to correctional officers and adult probation officers.)

Each agency also requires a medical examination and conducts a personal interview with candidates who have reached a certain

point in the process. The format of the interview varies among the agencies. With the Alaska State Troopers the candidate meets with an oral board. At APD the interviews are conducted one on one.

Each agency completes its own background check of a candidate, its officers speaking with family, employers, relatives, friends and neighbors. A candidate who passes the background check then goes on to take the agency psychological test and the polygraph. A list of candidates who have passed to this point is then presented to the head of the particular agency for the final hiring decisions.

In general, Alaska law enforcement agencies do not maintain detailed data on candidates who drop out of the recruitment process or are disqualified. However, general figures provided by APD on its recruitment process reveal the main points of selectivity. (APD's recruitment process is notably more complex than those of the other agencies. The department also receives the most applications—approximately 6000 in 1997, compared to 300-400 annually with the Juneau department.) Approximately 50 to 60 per cent of those who complete the initial one-page application do not appear for the scheduled testing. In particular, members of minority of groups stop at this point. The test contains three components, each of which must be passed separately. Approximately 35 per cent fail the first section, a reading and vocabulary ex-

amination which requires skills at the thirteenth grade level. Another 35 per cent fail the second component—a video test which entails watching a series of scenarios dramatizing police work situations and selecting an appropriate response to the problem presented in each scenario. A further 10 per cent fail the final component—an observation and writing test which evaluates the ability to report facts. Only slightly more than one quarter of those remaining pass the personal history questionnaire and oral interview stages. The background check results in a loss of approximately one-half of the remaining candidates, and beyond that 50 per cent again are dropped through the psychological testing. While these figures are from only one agency and vary somewhat over different recruitment periods, they give some indication of the extreme selectivity of the process. (In addition, some newly hired officers do not complete the academy and others resign during the formative field training stage.)

Legal Positions

Not only are the overall levels of Alaska Native and American Indian employment low but there is an almost total lack of Natives in senior administrative positions which require a law degree. The Department of Law currently employs one Native attorney. Neither the Office of Public Advocacy nor the Alaska Office of the Public

Defender has Native attorneys on staff, nor do the U.S. Attorney's office or the U.S. District Court, including the Office of the Federal Public Defender. (In addition, Alaska Legal Services has no Native attorneys among its paid personnel.) Within the judicial branch, eight magistrate positions are held by Natives but no judgeships and there are no Native administrators within the court system above Range 14.

There are still relatively few Alaska Native and American Indian attorneys; hence, the pool of qualified applicants for these positions in state agencies is shallow.

While the Alaska Bar Association does not maintain precise figures on the race or ethnicity of its members, an unofficial count reveals that there are twenty to thirty Alaska Native attorneys who are active members of the Alaska Bar and reside in the state. There are several inactive Alaska Native members, a number who practice in other states and perhaps fifteen to twenty others who hold law degrees but have not yet been admitted to the bar. Despite their inexactitude these figures reveal the relative scarcity of individuals qualified for certain justice positions.

An Incomplete Picture

That the employment of Alaska Natives and American Indians in justice system

Please see [Native Employment](#), page 8

Justice Center Project Highlights

John Riley, Assistant Professor with the Justice Center, has undertaken a study on Alaska Native attitudes toward careers in corrections and other justice areas. The project will also explore possible avenues for increasing Native participation in justice system work. The study is being funded by a \$50,000 grant from CIRI. Riley will conduct focus groups in Anchorage, Juneau, Fairbanks, Bethel, Nome, Kenai-Soldotna, and Seward and will seek input from the Department of Corrections and Native organizations. The project will be completed by September 1999.

The following is a list of other current Justice Center research and public education projects. For further information about any of these please contact the Center.

Brady Statute Data: Establishing Noncriminal Classifications for DPS (JC 9615)—Lawrence C. Trostle, Allan R. Barnes

The Structure of Large Municipal Police Organizations During the Community Policing Era (JC 9805)—Robert H. Langworthy

Community Jails Data Base (JC 9810)—N.E. Schafer

Turnover Among Alaska Village Public Safety Officers (VPSO): An Examination of the Factors Associated with Attrition (JC 9901)—Darryl Wood

Review and Analysis of Childhood Abuse among Incarcerated Offenders (JC 9809)—Robert H. Langworthy, Allan R. Barnes, Richard W. Curtis

Patterns of Adjudication for DWI Arrestees (JC 9818)—Robert H. Langworthy, Bernard Segal, Peter Crum

Processing SHO-CAP Juveniles (JC 9903)—N.E. Schafer

Jails and Fire Safety (JC 9905)—N.E. Schafer, Sandy Belfield

Judicial Candidates Evaluation Surveys (JC 9819)—Richard W. Curtis

Juvenile Justice and Delinquency Prevention Jail Monitoring Project (JC 9802)—N.E. Schafer, Cassie Atwell

Impact of Untreated Sex Offenders on the Prison Population in Alaska: A Proposed Study of Risk Level and Amenability of Treatment (JC 9914)—Robert H. Langworthy

Child Welfare and Alaska Native Tribal Governance: A Pilot Project in Kake, Alaska (JC 9910)—Lisa Rieger

A Videotape for Working with Crime Victims from Other Cultures (proposal pending; JC 9906)—Antonia Moras

Correlates of Probation Revocation in Alaska (proposal pending; JC 9912)—Robert H. Langworthy

Native Employment
(continued from page 7)

positions continues to be low is clear. The employment figures from individual agencies, the EEO statistical analysis and the examination of state hiring practices combine to highlight the issue of qualifications—whether those of education,

professional experience, or particular agency experience. Certain positions require certain types of degrees, others can be filled only from within the individual agency. The length and bureaucratic nature of the hiring process for many positions, particularly in the initial stages, may work against attracting Native applicants, but this needs to be looked at in more depth. Other

aspects of the picture might also be examined; undoubtedly cultural and language differences, the geography of the state and the nature of justice system jobs themselves all interact in ways that keep employment levels low.

Antonia Moras is the editor of the Alaska Justice Forum.

Alaska Justice Forum
Justice Center
University of Alaska Anchorage
3211 Providence Drive
Anchorage, AK 99508

Non-Profit Organization
U.S. Postage
PAID
Anchorage, Alaska
Permit No. 107

Return service requested