



ALASKA JUSTICE FORUM

A Publication of the
Justice Center

Alaska Justice
Statistical Analysis Unit

Fall 1996

UNIVERSITY OF ALASKA ANCHORAGE

Vol. 13, No. 3

Criminal Justice in the Northwest Arctic Borough

Richard Erlich

During the past twenty years, substantial changes in community life have occurred in the Northwest Arctic Borough. This article will describe some of these major social and cultural shifts and will then examine the concurrent changes which have developed in the criminal justice process. The discussion combines historical and research data with personal knowledge; it is not intended to posit direct causal relationships between the social changes and the justice process, but rather to present some of the interrelated patterns.

The communities located within the Northwest Arctic Borough, which was formed in 1986, include Ambler, Buckland, Deering, Kiana, Kivalina, Kobuk, Kotzebue, Noatak, Noorvik, Selawik, and Shungnak (see Figure 1 and Table 1). The current population is approximately 6,700. In the past twenty years the employment structure has shifted from being based primarily on government jobs to being based on private employment. According to the August 1996 edition of *Alaska Economic Trends*, two lo-

cal employers—Maniilaq Association and Cominco Alaska, which operates the Red Dog Mine—were among Alaska's 100 largest private employers in 1995. NANA is another large employer in the region. However, despite this increase in employment opportunities, the Northwest Arctic Borough continues to have one of the highest unemployment rates in the state. Accordingly, subsistence activities continue to play a major role in the borough's life. The borough is part of the Kotzebue Superior Court venue, which also in-

cludes the North Slope Borough community of Point Hope.

Several major, clearly discernible, social

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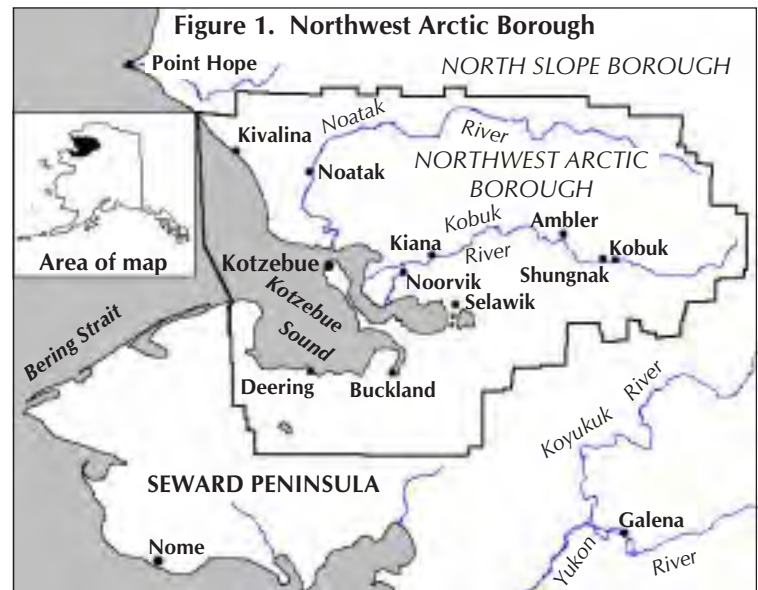


Table 1. Northwest Arctic Borough, Demographic Characteristics, 1990 and 1996

	Total population		Gender ^c		Race ^c							Income ^c					
	1996 ^a	1990 ^b	Male	Female	Native			Non-Native				Total non-Native	Per cent non-Native	Median family income	Per cent below poverty		
					American Indian	Eskimo	Aleut	Caucasian	African American	Asian/Pacific Islander	Other						
Ambler	298	311	169	142	0	276	3	279	89.7%	30	0	1	1	32	10.3%	\$20,417	31.1%
Buckland	416	318	176	142	2	300	0	302	95.0	12	0	4	0	16	5.0	\$19,688	32.8
Deering	141	157	86	71	1	145	2	148	94.3	9	0	0	0	9	5.7	\$16,042	21.6
Kiana	394	385	193	192	3	354	3	360	93.5	22	0	3	0	25	6.5	\$32,500	24.5
Kivalina	349	317	170	147	0	309	0	309	97.5	8	0	0	0	8	2.5	\$27,500	32.2
Kobuk	78	69	39	30	1	61	0	62	89.9	7	0	0	0	7	10.1	\$28,750	34.7
Kotzebue	2,821	2,751	1,399	1,352	44	2,017	6	2,067	75.1	635	8	39	2	684	24.9	\$44,632	12.7
Noatak	413	333	187	146	1	321	0	322	96.7	11	0	0	0	11	3.3	\$40,500	17.1
Noorvik	575	531	287	244	17	481	0	498	93.8	32	1	0	0	33	6.2	\$32,708	16.6
Selawik	665	596	328	268	8	560	1	569	95.5	25	2	0	0	27	4.5	\$21,833	23.1
Shungnak	249	223	109	114	1	210	0	211	94.6	12	0	0	0	12	5.4	\$27,917	5.7
Borough total	6,525	6,113	3,224	2,889	78	5,116	15	5,209	85.2%	841	12	48	3	904	14.8%	\$33,318	18.4%
Point Hope ^d	764	639	355	284	1	585	1	587	91.9%	45	3	3	1	52	8.1%	\$41,667	9.2%

a. 1996 population estimates for July 1, 1996 from *Alaska Population Overview: 1996 Estimates*, Alaska Department of Labor, Research and Analysis.

b. 1990 population from 1990 census, U.S. Census Bureau.

c. Population figures by race and gender and income information based on 1990 census.

d. Point Hope is in the North Slope Borough, but is presented in this table because it is discussed in the accompanying article.

Source of data: Alaska Department of Community and Regional Affairs, Alaska Department of Labor, U.S. Census Bureau

A BJS Report

Criminal Victimization in 1994

According to the National Crime Victimization Survey, in 1994 for every 1000 persons age 12 or older in the U.S., there occurred: two rapes or attempted rapes; three assaults with serious injury; and four robberies with property taken.

Almost two-thirds of victims of completed rapes did not report the crime to the police, and two-thirds of victims of rape or sexual assault knew their assailants.

Those demographic groups most vulnerable to violent crime include the young,

blacks and males. In addition, persons in households with incomes of less than \$15,000 were three times more likely to be raped or sexually assaulted; two times more likely to be robbed; and two and a half times more likely to experience an aggravated as-

Table 1. Criminal Victimations, Victimization Rates, and Victimations Reported to the Police, 1993-1994

Estimates from the redesigned National Crime Victimization Survey.

	Number of victimizations		Victimization rates (per 1,000 persons age 12 or older or per 1,000 households)		Per cent of victimizations reported to the police	
	1993	1994	1993	1994	1993	1994
PERSONAL CRIMES¹	11,365,000	11,349,000	53.7	53.1	40.9%	41.2%
Crimes of violence	10,848,000	10,860,000	51.3	50.8	41.6%	41.6%
Completed violence	3,213,000	3,205,000	15.2	15.0	53.6	54.7
Attempted/threatened violence	7,635,000	7,654,000	36.1	35.8	36.5	36.1
Rape/sexual assault	485,000	433,000	2.3	2.0	28.8%	31.7%
Rape/attempted rape	313,000	316,000	1.5	1.5	34.0	28.3
Rape	160,000	168,000	0.8	0.8	34.7	36.1
Attempted rape	152,000	149,000	0.7	0.7	33.4	19.6
Sexual assault	173,000	117,000 ^b	0.8	0.5 ^a	19.4	40.7
Robbery	1,291,000	1,299,000	6.1	6.1	56.1%	55.4%
Completed/property taken	815,000	795,000	3.9	3.7	67.6	64.4
With injury	274,000	288,000	1.3	1.3	69.0	66.7
Without injury	541,000	507,000	2.6	2.4	66.9	63.1
Attempted to take property	476,000	504,000	2.3	2.4	36.3	41.1
With injury	96,000	122,000	0.5	0.6	48.3	53.4
Without injury	381,000	382,000	1.8	1.8	33.3	37.2
Assault	9,072,000	9,128,000	42.9	42.7	40.2%	40.1%
Aggravated	2,563,000	2,478,000	12.1	11.6	53.2	51.6
With injury	713,000	679,000	3.4	3.2	58.1	60.6
Threatened with weapon	1,850,000	1,799,000	8.7	8.4	51.3	48.2
Simple	6,509,000	6,650,000	30.8	31.1	35.2	35.8
With minor injury	1,356,000	1,466,000	6.4	6.9	49.5	49.6
Without injury	5,153,000	5,184,000	24.4	24.3	31.4	31.9
Personal theft²	517,000	489,000	2.4	2.3	27.0%	32.6%
PROPERTY CRIMES	32,182,000	31,011,000^a	322.1	307.6^a	33.1%	33.9%
Household burglary	5,984,000	5,482,000^a	59.9	54.4^a	48.9%	50.5%
Completed	4,824,000	4,573,000	48.3	45.4	51.7	53.0
Forcible entry	1,856,000	1,725,000	18.6	17.1	75.0	75.8
Unlawful entry without force	2,968,000	2,847,000	29.7	28.2	37.1	39.2
Attempted forcible entry	1,160,000	910,000 ^a	11.6	9.0 ^a	37.3	37.9
Motor vehicle theft	1,961,000	1,764,000	19.6	17.5^b	77.7%	78.2%
Completed	1,291,000	1,172,000	12.9	11.6	93.4	92.4
Attempted	670,000	591,000	6.7	5.9	47.4	50.0
Theft	24,238,000	23,765,000	242.6	235.7^b	25.6%	26.8%
Completed ³	23,020,000	22,743,000	230.4	225.6	25.4	26.6
Less than \$50	9,653,000	9,377,000	96.6	93.0	11.9	13.0
\$50-\$249	7,682,000	7,874,000	76.9	78.1	25.9	26.6
\$250 or more	4,253,000	4,251,000	42.1	42.2	57.0	57.9
Attempted	1,218,000	1,022,000 ^a	14.3	10.1 ^a	28.6	29.8
ALL CRIMES	43,547,000	42,359,000	—	—	35.1%	35.9%

Note: Completed violent crimes include completed rape, sexual assault, completed robbery with and without injury, aggravated assault with injury, and simple assault with minor injury. The total population age 12 or older was 211,524,770 in 1993; in 1994 it was 213,747,400. The total number of households in 1993 was 99,926,400; in 1994 it was 100,808,030.

a. The difference is significant at the 95% confidence level.

b. The difference is significant at the 90% confidence level.

1. The victimization survey cannot measure murder because of the inability to question the victim.

2. Includes pocket picking, purse snatching, and attempted purse snatching.

3. Includes thefts in which the amount taken was not ascertained. In 1993 this category accounted for 1,433,000 victimizations and in 1994, 1,241,000.

Source of data: National Crime Victimization Survey, Bureau of Justice Statistics

sault than people in households with higher incomes.

According to survey results the violent crime rate has remained essentially unchanged since 1992, following a slight increase between 1985 and 1991. Property crime has declined for 15 years.

Survey Methodology

The National Crime Victimization Survey measures personal and household offenses, including crimes not reported to police, by interviewing all the occupants age 12 or older of housing units that have been selected as a representative sample. The sample also includes persons living in group quarters, such as dormitories, rooming

houses, and religious group dwellings. Excluded are crew members of merchant vessels, Armed Forces personnel living in military barracks or temporary housing, and institutionalized persons, such as correctional facility inmates and hospital or hospice patients.

A Bureau of the Census representative interviews each housing unit at 6-month intervals, spreading out the complete sample of household interviews over the entire year. In 1994, Bureau of the Census interviewed approximately 120,000 residents in 56,000 housing units about the crimes they had experienced in the previous 6 months. Response rates were 96 per cent of eligible housing units and 92 per cent of individuals in interviewed households.

The preceding article was derived from Bureau of Justice Statistics report "Criminal Victimization 1994," NCJ-158022. Copies of the entire report may be obtained from the Alaska Justice Statistical Analysis Unit or on the World Wide Web from the Bureau of Justice Statistics at <http://www.ojp.usdoj.gov/bjs/>.

Recent BJS Reports

In addition to the report summarized in the accompanying article, the following recent studies and reports from the Bureau of Justice Statistics are available from the Alaska Justice Statistical Analysis Unit or on the World Wide Web at <http://www.ojp.usdoj.gov/bjs/> or <http://www.ncjrs.org/>:

"Correctional Populations in the United States, 1994" (Executive Summary), summary of results of a national study of federal and state prisons and jails, parole populations and military confinement, NCJ-161559.

"Local Police Departments, 1993" (Executive Summary), summary statistics on local law enforcement agencies, drawn from BJS Law Enforcement Management and Administrative Statistics, 1993, NCJ-160802.

"Criminal Victimization in the United States, 1993," extended results from the National Crime Victimization Survey, NCJ-151657.

Also available through the Alaska Justice Statistical Analysis Unit are the following:

"Communities: Mobilizing Against Crime, Making Partnerships Work," a report from the National Institute of Justice on varied community policing and crime prevention programs throughout the country, National Institute of Justice Journal, August 1996.

"Office for Victims of Crime: Report to Congress, July 1996," report on the activities of OVC and its grantees with Crime Victims Fund revenues during fiscal years 1993-1994.

Table 2. Characteristics of the Violent Crime Incidents, 1994

Percentage of incidents.

	All violent crimes	Rape/sexual assault	Robbery	Assault		
				Total	Aggravated	Simple
Victim-offender relationship*						
Relatives	9%	11%	6%	9%	7%	10%
Well-known	23	35	13	24	21	25
Casual acquaintance	15	21	3	16	12	18
Stranger	53	33	77	51	60	48
Time of day						
6 a.m. to 6 p.m.	53%	31%	42%	62%	36%	62%
6 p.m. to midnight	35	37	43	37	33	33
Midnight to 6 a.m.	12	32	15	1	32	5
Location of crime						
At or near victim's home or lodging	26%	37%	24%	26%	25%	26%
Friend's/relative's/neighbor's home	7	21	4	7	9	7
Commercial places	13	7	8	14	11	15
Parking lots/garages	8	6	12	7	9	7
School	13	3	4	15	7	18
Streets other than near victim's home	20	8	37	18	26	15
Other ^a	13	17	10	13	12	13
Victim's activity						
At work or traveling to or from work	22%	8%	16%	23%	21%	24%
School	13	5	7	14	8	16
Activities at home	22	38	17	22	19	23
Shopping/errands	4	2	11	3	4	3
Leisure activities away from home	23	32	21	23	28	21
Traveling	10	6	20	9	12	7
Other	7	8	8	7	9	6
Distance from victim's home						
Inside home or lodging	5%	34%	14%	14%	12%	14%
Near victim's home	16	10	13	15	16	15
1 mile or less	24	12	29	21	22	21
5 miles or less	26	14	22	24	25	24
50 miles or less	24	23	19	22	20	22
More than 50 miles	5	6	4	4	5	4
Weapons^b						
No weapons present	71%	84%	45%	73%	5%	100%
Weapons present	29	16	55	27	95	0
Firearm	12	6	31	10	35	0
Other type of weapon ^c	17	10	25	17	60	0

* Excludes "don't know" relationships.

a. Includes areas on street other than near victim's home, on public transportation or inside station, in apartment, yard, park, field, playground, and other areas.

b. An aggravated assault is any assault in which an offender possesses or uses a weapon or inflicts serious injury.

c. Includes knives, other sharp objects, and other types of weapons.

Source: National Crime Victimization Survey, Bureau of Justice Statistics

Courts' Task Force Urges Education

Pamela Cravez

In nearly all aspects of Alaska's state and federal court systems women are more likely than men to experience and perceive gender bias. Men, too, however, perceive sex-related bias, particularly in domestic violence and domestic relations cases.

The Joint State-Federal Courts Gender Equality Task Force, co-chaired by Federal District Court Chief Judge James Singleton and Anchorage Superior Court Judge Karen Hunt, reported the findings of its three-year investigation of gender fairness in Alaska courts in autumn 1996. The task force recommended that courts emphasize education and asked that judges, state and federal court staff, and bar members receive materials about gender fairness.

The findings, based on statewide surveys and subcommittee evaluations, mirrored those of other task forces across the country: women, more than men, experience and perceive gender bias. Alaska's task force received reports of gender-biased differential treatment between attorneys and between attorneys or judges and other persons in the courtroom, including jurors, witnesses, security personnel and other court staff. Gender bias appeared obvious to some and nonexistent to others.

Comments from women on the surveys indicate that biased behavior took the form of sexist humor; the practice of informally addressing women by their first names and men by their surnames; actions based upon sex-related stereotypes; and the use of gender-biased language. Women also reported a lack of job opportunities based on merit, favoring of male attorneys both within and outside the courtroom, and economic and other disparities in the treatment of women in civil and domestic litigation.

Although the task force received reports of gender-biased behavior within Alaska's courtrooms, biased interactions between attorneys outside the courtroom were reported more frequently.

The task force defined gender bias as any unjustified differential treatment of a woman or a man based on the individual's gender, including but not limited to such areas as language, humor, manners or etiquette, conditions of employment, and sexual harassment.

The Alaska report comes in response to the Final Report of the Ninth Circuit Gender Bias Task Force, which was published in 1993. The Ninth Circuit—which includes Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon,

Washington, and Wyoming—relied on surveys, focus groups, and a combination of legal research methods. This investigation found that gender not only affected litigants, witnesses, lawyers, employees and judges with regard to process, but also, according to their studies, with regard to the substantive outcome of cases.

Although much of the gender bias documented in the Ninth Circuit occurred beyond formal proceedings of court, the report still found the role of the judiciary to be very important in addressing gender bias. The Ninth Circuit called upon its individual districts to work to change the behaviors and attitudes which allow gender to affect people within the circuit.

In January 1992, Chief Judge H. Russel Holland of the U.S. District Court for Alaska and Chief Justice Jay Rabinowitz of the Alaska Supreme Court established the Gender Bias Work Group in response to the Ninth Circuit's preliminary findings. In 1993, Chief Justice Daniel A. Moore, Jr. and Chief Judge Holland replaced this work group with the Joint State-Federal Courts Gender Equality Task Force, calling upon the task force to conduct an extensive investigation into the effects of gender in Alaska's legal system.

Although many states throughout the country have undertaken gender studies, Alaska is the only state to conduct a simultaneous inquiry into both its state and federal systems. The breadth of this study necessitated an unprecedented level of cooperation between state and federal agencies, demonstrating the importance state and federal courts place on eliminating gender bias in Alaska's legal system. In some cases, particularly among the wide assortment of federal organizations in Alaska, the study of gender issues provided the first cooperative exchange of ideas. For others, the process of examining gender issues permitted peers and co-workers to share ideas that, until now, they had not had an opportunity to voice. More than one hundred lawyers, judges and citizens throughout Alaska were involved with the inquiry. Across the board, participants in the investigation found that the process of inquiry in itself raised the level of awareness in Alaska's courts regarding gender issues.

The task force began by conducting statewide surveys of the legal profession. These findings were reported in an earlier *Alaska Justice Forum* article, "Gender Equality in the Courts: A Preliminary Look" (11(3), Fall 1994, available on the Justice Center's web site at <http://www.uaa.alaska.edu/just/>). The

task force then formed subcommittees to investigate gender fairness issues and propose recommendations in four separate areas: Anchorage state courts, federal courts, the legal profession and public users of the state and federal courts.

The Anchorage State Courts Subcommittee, Federal Courts Subcommittee and the Public User Subcommittee decided to conduct further surveys to help clarify issues. The Legal Profession Subcommittee relied upon the surveys already conducted and reports from other jurisdictions. All subcommittee members also relied upon their own experiences.

Subcommittee Findings and Recommendations

Anchorage State Court Subcommittee. The Anchorage State Court Subcommittee, after surveying attorneys, judges, guardians ad litem, court-appointed special advocates, legal assistants and in-court clerks, con-



Alaska Justice Forum

Editor: Antonia Moras
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 Typesetting and Layout: Melissa S. Green
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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/>

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 University of Alaska Anchorage
 ISSN 0893-8903

The Bureau of Justice Statistics, U.S. Department of Justice, provides approximately thirty-five per cent of the funding for this publication.

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

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cluded that some gender bias existed in Anchorage courtrooms. It recommended increased education and awareness for all participants in the court system from jurors to judges and promoting the use of gender neutral language. It also urged further study of how gender might affect civil litigation, domestic cases, and variations in criminal sentences.

Federal Courts Subcommittee. The Federal Courts Subcommittee sent out two surveys, one to attorneys and another to non-attorneys. It received responses from nearly three hundred attorneys and fewer than one hundred non-attorneys, including personnel in the military, public service agencies, law enforcement entities and the judiciary. Both surveys found women more than men reporting bias. The subcommittee concluded that gender bias existed throughout the legal profession and occurred occasionally in federal courts. It recommended local court rules promoting gender fairness; training in gender issues; on-going study; and policies and procedures supporting gender fairness in the federal system.

Legal Profession Subcommittee. The Legal Profession Subcommittee found Alaskans experienced many of the same problems that attorneys in other states report. These problems included excluding women or minimizing their role, unequal compensation, gender-biased language, and a lack of arenas for discussing gender issues and remedies. The subcommittee recommended conducting seminars for law firms; publicizing gender fairness issues and progress; promoting gender neutral language; and conducting yearly surveys to track progress.

Public User Subcommittee. More than three hundred people from throughout the state responded to the Public User Subcommittee survey. The subcommittee analyzed four areas regarding gender fairness: criminal cases, domestic violence, divorce and custody, and general dissatisfaction with the system. Although survey results showed little bias in criminal cases, the personal experience of subcommittee members indicated otherwise. The subcommittee found disparities in charging and sentencing. The subcommittee also found that both men and women perceived gender bias for the wide range of domestic relations cases, including domestic violence, divorce and custody. (While people dissatisfied with the outcome of their cases perceived the greatest amount of gender bias, the subcommittee did not give as much weight to this finding since people often blame legal losses on a number of factors, including gender.)

The subcommittee recommended collecting more data in criminal cases; reviewing domestic violence case procedures; encour-

Justice Center Web Site Develops

The Justice Center Web Site (<http://www.uaa.alaska.edu/just/>) continues to expand its own holdings and its links to other sites. The Justice Center site includes information about the Center's research and academic programs and its staff. Selections from research reports and the *Alaska Justice Forum* are added regularly.

The Center site includes links to other Alaska, national and international sources on the Internet for justice and legal information. Search functions for the Justice Center site as well as for Camai, the University of Alaska site, facilitate finding material.

In its year of operation, the Justice Center Web Site has received over 5000 visits and has been recognized as one of the "Top 5% of All Web Sites" by Lycos/POINTreviews.

aging gender neutral communication; encouraging alternate dispute resolution; involving parties in the divorce and custody decision-making process to a greater degree; and training in female/male communication.

Task Force Recommendations

The overall task force recognized two important aspects in the subcommittee process. First, just the gathering of people from diverse backgrounds to discuss gender issues and investigate how they might be addressed caused a shift in the understanding of gender in Alaska's legal system. Second, subcommittee recommendations, although encompassing a broad range of options, all tended to include the key components of education and monitoring of progress. Recognizing the positive subcommittee work, the task force began supporting statewide workshops and seminars on gender equality even before the issuance of its final report.

The task force adopted six general recommendations:

1. Provide gender equality education and materials to private law firms, state and federal court personnel, and the judiciary. The task force recommended the development of training seminars and materials on ethics and gender for people involved with the courts. Materials should include a pamphlet about gender issues which would complement the existing state court leaflet and could be used by those newly admitted to the bar, jurors, witnesses, litigants, and other participants in court proceedings.

2. Revise and update Women's Legal Rights Handbook. The former Alaska Women's Commission wrote the original version of this handbook, which was last revised in 1990.

3. Publicize information on gender issues and progress toward equality.

4. Adopt state and federal court rules and a state bar ethics rule that prohibit

gender discrimination.

5. Integrate gender bias education into all relevant substantive and procedural courses offered by the Alaska Bar Association and the state and federal court systems.

6. Maintain an on-going group that can systematically monitor gender bias and implement recommendations. The task force recommended that state and federal courts continue to support the work of this group, or if needed, create another group to continue the work. It further recommended that the state and local bar associations and state and federal courts continue to sponsor and implement specific programs to end gender bias.

On-Going Task Force Work

Following publication of its final report the task force received authorization from the Joint State-Federal Judicial Council to begin implementing its recommendations. The task force will continue to meet on a quarterly basis. Its initial projects include updating the women's Legal Rights Handbook, developing seminars for the legal profession, and publicizing gender fairness issues and progress.

Pamela Cravez is an attorney and served as the reporter for the task force.



HAPPY HOLIDAYS &

BEST WISHES FOR 1997

FROM THE JUSTICE CENTER.



Northwest Arctic (continued from page 1)

changes have altered life in the borough communities over the last twenty years: (1) the establishment of schools in all the villages of the region; (2) the abandonment of multi-generational residences and the introduction of television; and (3) the enactment of local option laws.

Establishment of Schools

Patterns of child-raising have been altered since the establishment of local high schools in the villages. Since the middle 1970s, all village children have been able to receive their K-12 education in their local communities. This means that they do not need to leave their homes during their adolescent years. Prior to that time, children had to leave their families to obtain a high school education.

However, the parents of these village children were educated at boarding schools and were absent from their homes during the long winter months of the school year, or are the first generation of children who experienced year-round schooling in the village. Hence, many of these parents were cut off from observation of continuous, year-round family life in the villages. In essence, the parents and communities have little knowledge regarding adolescent child-rearing practices, because their own experiences were so different. This is not to say that these parents are incapable of raising their children, but only that the presence of ALL children, of ALL ages, year-round, has changed village life.

In many borough villages between forty and fifty per cent of the population is under eighteen (Ambler, 51%; Buckland 52%; Deering, 44%; Kiana, 48%; Kivalina, 46%; Kobuk, 54%; Kotzebue, 39%; Noatak, 40%; Noorvik, 46%; Selawik, 48%; Shungnak, 43%. *Alaska Economic Trends*, October 1993). The under-eighteen population for the entire state is 31 percent. What this means is that significantly less adult supervision is available. With this large youthful population and a lack of experience in raising adolescents year-round, indicators reflect increased social disruption: high suicide and teenage pregnancy rates. These factors contribute to high rates of general depression. (For further discussion of mental health issues, see *American Indian and Alaska Native Mental Health Research 7* (1990). The authors, Minton and Soule, have identified the major categories contributing to sadness as: death (31.5%), alcohol (22.9%), other people (22.6%), and kids (20.3%).)

Housing and Television

Since the 1970s, the increased construction of single family residences in the villages has resulted in splitting apart the multi-generational family. Prior to this, it was common for three generations, with uncles and aunts, to live in the same residence. With the establishment of single family housing, fewer adults are present to supervise children.

Moreover, television has introduced the values of U.S. urban society into these small remote communities. The rural channel has been available in the villages since the 1970s, and by the late 1980s, almost all villages began to have access to cable programming. The changes which TV has introduced can be seen in the styles of adolescent dress—baggy pants, home boy attire—and perhaps more profoundly, in adolescent self-image. For a juvenile today to report that “I am poor” is a reflection of a great change. In the past, residents of these communities did not perceive themselves as poor. Most lived in the same economic circumstances, and “poor” was not defined in dollar terms. Moreover, less time was available to watch television because of the activities demanded by daily needs.

Television has also changed the patterns of socializing in the villages. Before its introduction, people visited each other, they conversed, they played games, they interacted with each other. Although people continue to visit each other, the level of the interaction has changed because of the presence of television. Cable has also contributed to separating the generations, with young people more likely to watch programs significantly different than those their parents watch. In addition, programming provides increased exposure to images of violence and a violent society. (For further discussion of the effects of television, see “Children and Violence,” *Kansas Journal of Law and Public Policy*, Spring 1995. The author, John P. Murray, discusses three effects of television: increased aggressive behavior; increased acceptance of violence; and a “mean world” syndrome.)

The Local Option Laws

The communities of the Northwest Arctic Borough have chosen to enact local option laws, which regulate or prohibit the sale of alcohol. In Kotzebue, the importation of alcohol is legal but its sale is prohibited; the other borough communities prohibit both its sale and importation. Point Hope prohibits sale, importation and possession of alcoholic beverages. While the range of effects of the local option laws is complex, requiring study

beyond the scope of this article, one significant consequence has been to transform a behavior which was previously a misdemeanor into a felony. Persons charged with selling alcohol without a license in a local option area are charged with a felony offense, while those performing the same action in a non-local option area are only charged with a misdemeanor.

The social and legal changes described above parallel changes in the criminal justice system over the same period. The rest of this article examines the criminal justice system, reviews the case filings over an eleven-year period, and discusses the court process in the Kotzebue Superior Court venue.

Criminal Justice System Resources

Because of significant differences between villages and urban areas, a person who commits a crime in a village community is more likely to be identified, arrested, and brought to court than one in an urban area. The first major difference is the comparatively large police infrastructure in the villages.

In 1994, 19 law enforcement personnel, including Village Public Safety Officers (VPSOs), worked in the Northwest Arctic Borough. (The VPSOs are residents of the village communities. Crimes are reported to them, and they are the first persons on the scene and are responsible for reporting the crime to the Alaska State Troopers.) This is a rate of 2.87 police officers per 1,000 residents. The statewide rate is 1.48 per 1,000 population. It is clear that a significantly greater police presence exists in the rural areas than in the state as a whole. With this increased police presence, the knowledge of the occurrence of criminal events is probably more inclusive than in urban areas. A VPSO present in a village is more likely to be aware of a criminal event and a police response is more probable.

Second, identification of the offender is

Table 2. Felony and Misdemeanor Cases Filed, FY83 and FY94

Court location	FY83	FY94	Per cent change
Felony cases			
Kotzebue Superior Court	43	109	253.5%
Misdemeanor cases			
Kotzebue	685	476	
Ambler/Kobuk	0	18	
Noorvik	1	32	
Point Hope	14	0	
Selawik/Kiana	141	76	
Shungnak	27	9	
Total	868	611	-29.6%

Table 3. Distribution of Felony Cases Filed, FY83 and FY94

Felony offense	FY83		FY94	
	Percentage of Kotzebue caseload	Percentage of statewide caseload	Percentage of Kotzebue caseload	Percentage of statewide caseload
Violent offenses	67%	37%	48%	35%
Property offenses	21	31	24	29
Fraud/forgery offenses	2	5	0	7
Drug offenses	2	21	22	20
Other offenses	7	6	6	9

Table 4. Distribution of Misdemeanor Cases Filed in Kotzebue, FY83 and FY94

Offense	FY83			FY94		
	Kotzebue caseload		Percentage of cases statewide	Kotzebue caseload		Percentage of cases statewide
	Number of cases	Percentage		Number of cases	Percentage of cases	
Violent	132	19.3%	12%	127	26.7%	19.1%
Theft/fraud	26	3.8	11	11	2.3	9.6
Environment	32	4.7	10	4	0.8	5.1
Nuisance	96	14.0	12	95	20.0	10.0
Drug/alcohol	171	25.0	10	96	20.2	8.4
Resist	9	1.3	1	7	1.5	1.4
Vice	0	0.0	1	0	0.0	0.5
Traffic	122	17.8	40	135	28.4	39.2
Other	97	14.2	3	1	0.2	5.6

usually not a problem. Everyone in the villages is acquainted. In contrast, in urban areas, a victim often does not know the perpetrator, making identification a major issue. Finally, compared to the problems involved in an urban setting, apprehension of a village suspect is easier. Village residents, from a cultural sense of cooperation, are often more likely to turn themselves in to the authorities. (It is not unusual for the troopers to send a radio message to a suspect stating that his airfare has been paid to Kotzebue and requesting him to get on the plane.) Moreover, means for leaving a village are limited, making it probable a suspect will remain in town.

In addition to the establishment of the VPSO program, since 1974 the state has expanded the presence of other elements of the justice system. In 1974 Kotzebue had no full-time resident judge, prosecutor, or public defender. In 1996 it has a Superior Court Judge, a magistrate, a prosecutor, and two full-time public defenders, all residing in the community. Prior to this centralization, part-time magistrates presided in several of the villages, with a full-time magistrate in Kotzebue. As a result, most crime at the misdemeanor level was resolved in the villages. With the expanded resources and the procedural rights afforded defendants, this is no longer true.

Case Filings and the Nature of Crime

As Table 2 indicates, a dramatic increase (253%) in the number of felony cases filed in Kotzebue Superior Court occurred be-

tween 1983 and 1994. (Between 1983 and 1994, the population for the Northwest Arctic Borough grew by slightly more than 20%. 1983 is used as the base year because the Superior Court in Kotzebue had then been in operation for two years. Also note that figures based on cases filed with the court are used. Both actual numbers and rates computed are probably lower than if the basis were all crimes reported to the police.) However, the extent of the variance between the actual number of criminal incidents and court cases filed cannot be estimated for this small a population. In contrast, the total number of misdemeanor cases filed over the same period decreased by almost 30 percent. Part of this decrease may be due to the enactment of the local option laws. In 1983, the communities of the North Slope Arctic Borough were "wet." Kotzebue had two package liquor stores and three bars. The local option had not yet been put into effect. Now the villages are "dry," and Kotzebue is "damp.")

A major factor in the reduction of the Kotzebue misdemeanor caseload is probably the local option selection. FY 83 Kotzebue filings were 685, while FY 94 filings were 476. In FY 83, the total misdemeanor cases filed outside of Kotzebue were 183. In FY 94, that number was 135. At present one magistrate serves Ambler, Kobuk, and Shungnak. A second magistrate serves Selawik, Kiana, and Noorvik. The Point Hope magistrate position has been vacant for the past three years. It is assumed that most of the FY 83 cases were handled by the village magistrate and not transferred to

Kotzebue. This does not hold true for the FY 94 cases. Most of the village cases were transferred to Kotzebue but were given a village case number.

However, the increase in the number of felonies may also be related to the enactment of the local option laws, since actions which were formerly classified as misdemeanors are now felonies. Moreover, it is possible that since drinking now takes place in the privacy of the home, violence may escalate in seriousness before outsiders intervene, whereas when bars existed and fights ensued, others could intervene before serious injury occurred.

Table 3 presents the distribution among types of felony cases filed. These data indicate that major felony crimes in the Northwest Arctic Borough are either crimes of violence or property crimes. Although the percentage of violent crime in the borough decreased from FY 83 to FY 94, in absolute numbers case filing increased. In FY 83, 29 cases of violent crime were filed, while in FY 94, 52 cases were filed. In FY 83, 9 cases of property offenses were filed, with 26 cases in FY 94. As a percentage of the total caseload these two categories are significantly higher than in the statewide distribution. In addition, a large increase in Northwest Arctic Borough drug cases has occurred, probably reflecting the inclusion of felony alcohol cases.

The increase in violent offenses may be related to several things. First, as already mentioned, people drinking in the privacy of their homes are less likely to be stopped before serious violence ensues. Also, the figures may reflect an increase in the identification and prosecution of sexual offenses.

Table 4 displays the distribution of misdemeanor offenses. The four categories of significance are: violent, nuisance, drug/alcohol and traffic. The percentage distribution for misdemeanor acts of violence is above the state average, with no significant reduction in the number of actual filings between FY 83 and FY 94, again suggesting that the local option laws have not reduced violent crime. The nuisance

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Table 5. Felony Crime Rate by Cases Filed per 100,000 Population, FY94

Offense	Northwest Arctic Borough	Second Judicial District	Statewide
Violent offenses	784.2	673.1	156.4
Property offenses	392.1	334.3	130.3
Drug offenses	361.9	212.3	92.6

Note: These rates are presented with caution because the number of incidents on which they are based is very low.

Northwest Arctic (continued from page 7)

offenses, disorderly conduct and criminal trespass, have remained stable in absolute numbers but are higher than the statewide percentages. A significant decrease in the absolute numbers of drug/alcohol cases has occurred, probably because most alcohol cases are now handled as felonies. Finally, despite the vast increase in vehicles in Kotzebue, traffic offenses have not increased markedly.

Table 5 presents figures on the rates of felony crimes per 100,000 population for the Northwest Arctic Borough, the Second Judicial District and the state as a whole. (The rates were calculated by dividing the number of cases filed by the population of the court area and then multiplying by 100,000. The rates are much higher for the borough and the Second Judicial District than for the state as a whole, but should be looked at with caution because the absolute numbers are so small and changes from year to year can cause great fluctuations.)

Table 6 presents a similar comparison for misdemeanor offenses. Again, the rates are higher than the statewide rates but, as with the rates for felony crimes, caution should

**Table 6. Misdemeanor Crime Rate
by Cases Filed per 100,000
Population, FY94**

Offense	Northwest Arctic Borough	Second Judicial District	Statewide
Violent offenses	1,915.3	2,082.5	894.5
Drug/alcohol offenses	1,447.8	1,730.1	394.0
Nuisance offenses	1,432.7	1,554.0	570.3

Note: These rates are presented with caution because the number of incidents on which they are based is very low.

be used in interpreting them. It is also important to note that several categories have not been reported because either the rural rate was significantly less than the statewide average or it was zero. For example, the statewide vice rate was 23.53 per 100,000 population, while for the entire Second Judicial District it was zero. (For other discussions of rural crime reporting, see earlier *Alaska Justice Forum* articles: "The Non-enforcement Role of the VPSO," Winter 1992; "Patterns of Reported Crime in Alaska Villages," Summer 1991; and "Offenses Reported in the Bethel Region, 1983-1987," Winter 1991.)

The Court Process

Once a defendant has been charged with a crime, he or she is involved with the criminal justice system, with the right to an attorney and a right to bail. In the past, before the presence of prosecutors and public defenders was established, defendants usually entered a plea with a village magistrate and received a maximum thirty-day sentence. This pattern reflected several factors. A level of community trust resided with the village magistrate as the main representative of the law. In addition, the community tolerated a certain level of deviant behavior because the offender was one of their own members and would return to the village. (There is a qualitative, if not quantitative, difference in sentencing when one knows a defendant. In most urban areas offenders being sentenced are anonymous.) Now, however, based on personal observation, the author suggests that community tolerance of deviant behavior is lower.

With the increased possibility of severe penalties, the availability of resources and defense attorneys, and the knowledge of due process requirements, defendants have be-

come more likely to request the help of an attorney at arraignment rather than enter a plea. Hence, procedures have become more formalized.

Defendants have learned that with the appointment of a lawyer several things happen: they do not necessarily go to jail; they may be released on bail; there are delays in the process; they may be offered a deal; charges may be reduced; or the case may be dismissed. Moreover, as a judge, the author has perceived that now, with an attorney, it is more likely for a case to go to trial.

Another change in the process which can be noted involves bail. Usually one condition for bail is abstention from alcohol, with the defendant subject to immediate, warrantless arrest for violation of this condition. Defendants who violate the condition while on release under their own recognizance are required to post a cash bail subject to forfeiture upon future violation. In the past, the court used to accept families or third party custodians in lieu of cash bail, but with the weakening of generational and community ties, as discussed earlier, requiring cash bail has become more necessary to ensure awareness of the seriousness of the situation.

Conclusion

This article documents the changing nature of village life and its impact on crime. It discusses several social patterns which have changed over the past fifteen to twenty years and identifies changes in the allocation of criminal justice resources which have paralleled the social changes. It is hoped this discussion suggests avenues for future research.

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