Tribal Courts and Minor Consuming Alcohol Cases: Researching Recidivism and Responsiveness

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Why Do Research on Tribal Courts?

• Research studies can convince policy makers to expand alternative sentencing programs
  – Lots of experiential evidence
  – Few existing studies on tribal court effectiveness
    • Alaska
    • National
• Research studies can help refine new or existing alternative sentencing programs
  – Gauge participant attitudes and responses
  – Measure recidivism rates for effectiveness of treatment
Challenges to Alaska Tribal Court Research

• Jurisdiction
  – State courts
    • Alaska court procedures
    • Tribal court sentencing procedures
  – Referral from state to tribal courts
  – Tribal court jurisdiction
    • Initial jurisdiction
    • Informal diversionary programs
• Geography
  – Travel expenses
  – Data collection
    • Existing sources
    • Collection of new data

• Statistical reliability
  – Sample size
  – Nonuniformity of sentences
Why Study Minor Consuming Alcohol Cases?

• Pervasive problem throughout Alaska
  – Problem in both urban and rural communities
  – Can lead to more serious offenses

• MCA cases provide a natural experiment
  – Same offense across different courts
  – Large sample size yields generalizable results
  – Multiple sentencing options, but common measures of effectiveness
  – Relatively easy to track repeat offenders
  – Can build in research mechanics as programs expand
How Do You Measure Effectiveness?

• Recidivism
  – Does the youth commit another MCA?
  – Does the youth subsequently commit more serious offenses?
  – Does the type of court/sentence effect these variables?

• Attitudinal measures
  – How does the youth feel about participating in different courts?
  – Does the youth gain awareness of impact of MCA?
  – How does community feel about healing process?
How Do You Study Recidivism?

• Identify offenders in a way that can be traced but which also maintains confidentiality
• Identify measures of recidivism
  – Failure to meet conditions of sentence
  – Subsequent MCA or other offense
    • Charge
    • Conviction/sentence
  – Set triggers for when measures are met
• Determine how long study will last
How Do You Study Attitudinal Measures?

• Survey contents
  – Basic demographic information
  – Levels of satisfaction with process
  – Changes in attitude toward alcohol use

• Survey participants
  – Youth offenders
  – Parents?
  – Alternative sentencing panel and court personnel?

• Survey mechanics
  – Post-sentencing
  – One-page; numerical measures