



**NATIVE NATIONS
INSTITUTE**

Founded by the Udall Foundation
& the University of Arizona

Strengthening Indigenous Governance



UDALL CENTER

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Data, Measuring Success, & Understanding Racial Inequalities

Reducing Inequalities in Criminal Justice: Data, Courts, & Systems of Supervision

A workshop of the National Academies of
Sciences, Engineering, and Medicine

Presentation by **Miriam Jorgensen, PhD**
Research Director, Native Nations Institute,
The University of Arizona
Research Director, Harvard Project on
American Indian Economic Development

Land Acknowledgement

The University of Arizona is located on the aboriginal homelands of the Tohono O'odham Nation. Tucson is also home to the Pascua Yaqui Tribe.



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American Indian and Alaska Native CJ disparities:

2010 Census:

- 37,852 AIANs in adult correctional facilities
- 1,291 AIANs per 100,000 incarcerated in prisons & jails, more than double that of white Americans (510 per 100,000)

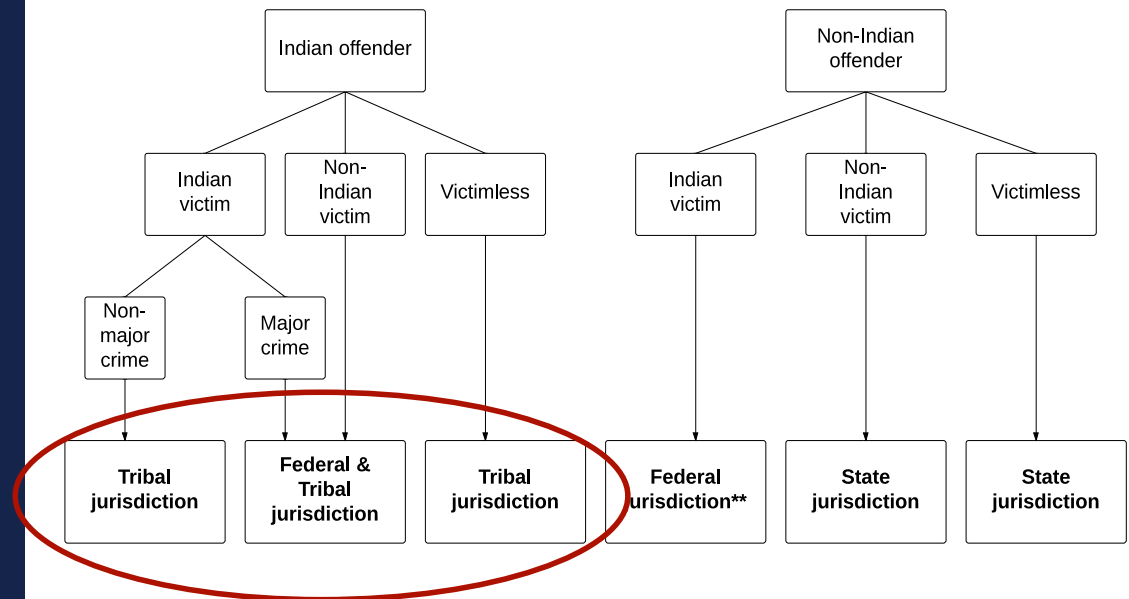
2017, 2018 Bureau of Justice Statistics

- 23,701 AIANs in state and federal prisons
- OK has the most AIANs incarcerated, closely followed by AZ, AK, CA, but many states don't do a good job of reporting statistics for AIAN
- 9,700 AIANs in local jails in 2018, 401 per 100,000 population, over 2x the level for white and Hispanic people
- Native youth are confined at a rate of 255 per 100,000, more than 3x the rate for white youth

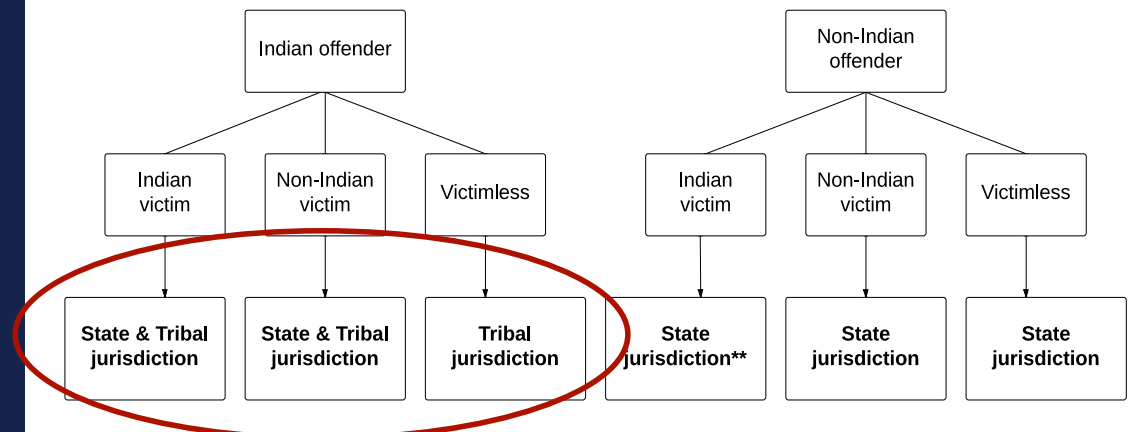
Many data limitations are rooted in jurisdictional complexity

(But this is not to say that jurisdictional complexity is “the problem” – it’s what prevents us from really grasping the extent and dimensions of the problem.)

Non-Public Law 83-280 States



Public Law 83-280 States*





Photograph by John Rae for Honoring Nations

State Juris.	Tribal Juris.	Federal Juris.
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An AI/AN is charged for
an offense committed
off-reservation...

Photograph by John Rae for Honoring Nations

**State
Juris.**

**Tribal
Juris.**

**Federal
Juris.**



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An AI/AN is charged for an offense committed on-reservation where PL-280 applies...

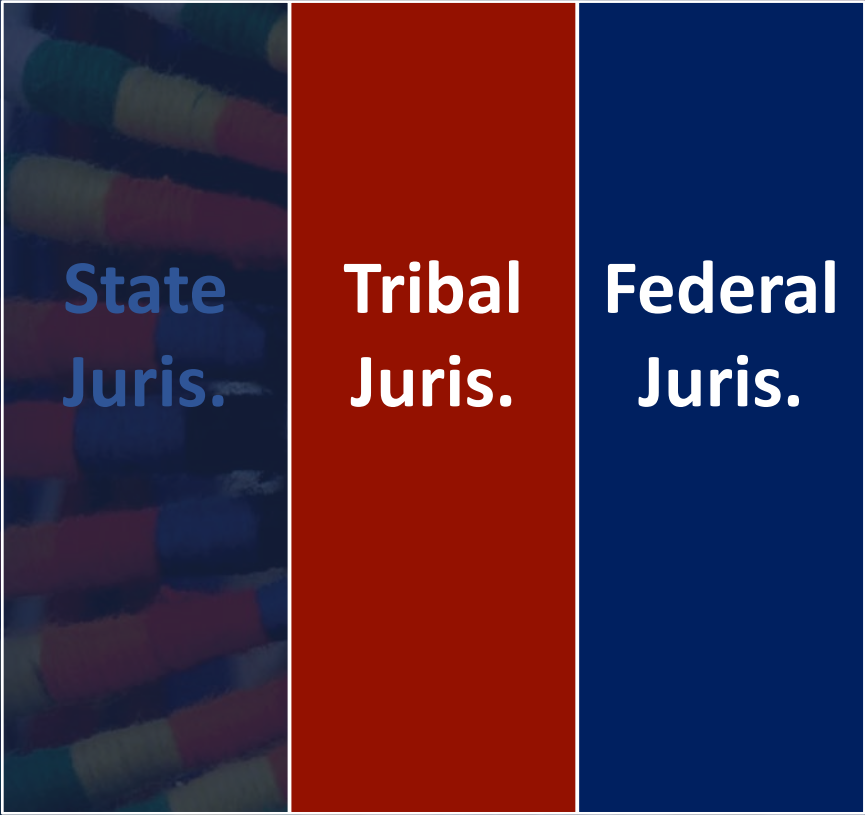
Photograph by John Rae for Honoring Nations

State Juris.	Tribal Juris.	Federal Juris.
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An AI/AN is charged for an offense committed on-reservation where PL-280 does not apply...

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Litany of challenges to an accurate data picture



- Jurisdictional complexity means it is nearly impossible to get an accurate picture of inequalities
- Reporting is not incentivized
- Data does not distinguish between tribes
- Data aren't typically used to support tribal community goals (lack of collaboration)
- Cultural and socioeconomic barriers may contribute to undercounting
- Small numbers “othering”

Steps forward:

Incentivize reporting into common data systems

Record race and tribal citizenship at each step of the way

Create protocols for harmonizing data records to ease comparison across systems, at every step

Conduct “local” evaluations to identify points of systemic concern

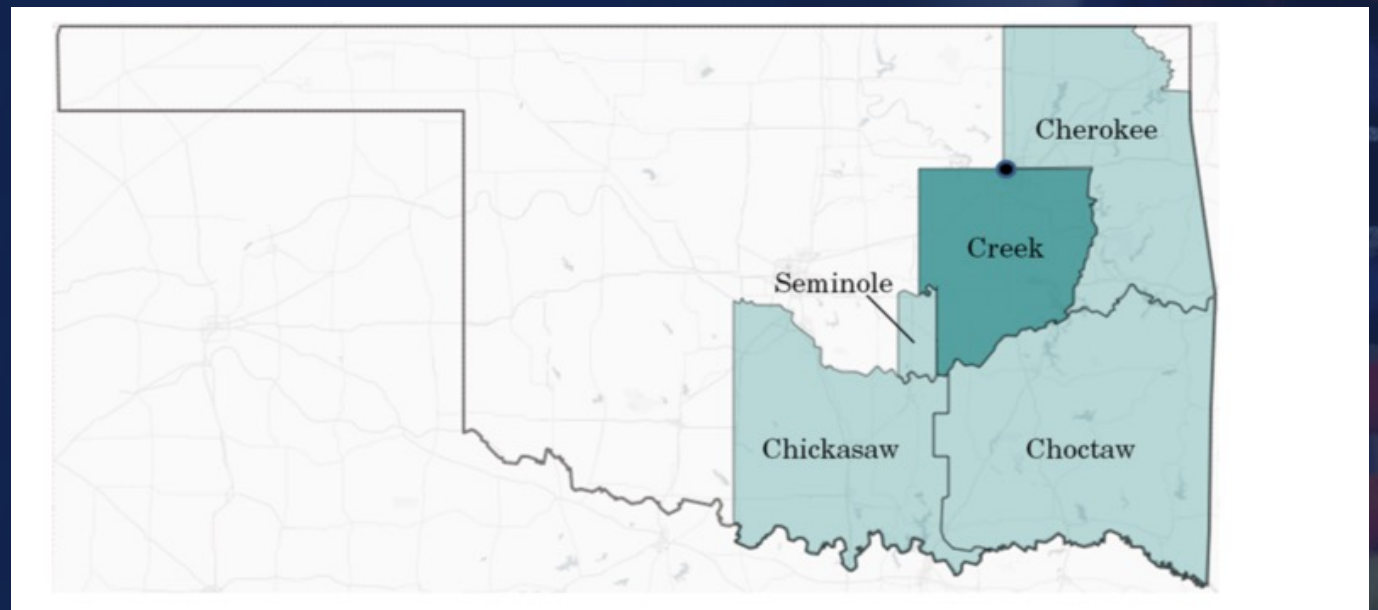
Consult and partner with local tribes and Native community centers

Photograph courtesy of NNI/HPAIED



- One tribe's AG: "I need 8 new courthouses"
- Capacity is needed to track and compare how Native offenders fare
- Promise exists of reduced inequalities over time

McGirt v. Oklahoma: Recognized the law enforcement jurisdiction of the Creek Nation



- Evidence from Tulalip Tribes, Leech Lake Band of Ojibwe & others suggest success for AI/AN participants
- Emphasis on healing & change as opposed to punishment & warehousing

Joint jurisdiction courts offer significant promise for reducing disparities & providing healing



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THANK YOU!

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