



# The Juvenile Justice System for Native Children: Building Tribal Justice Responses and Capacity



Alyce Spotted Bear and Walter Soboleff Commission on Native Children

Testimony of Hon. Christine Williams


Chief Judge for the Wilton Rancheria Tribal Court

August 25, 2022



# Summary of Testimony

- Challenges in the child welfare/juvenile justice system:
  1. California's history and current landscape of the California Indian community is unique
  2. Lack of culturally appropriate responses in county/state child welfare systems
  3. School to Prison Pipeline is real – housing, truancy and delinquency
  4. Funding issues for tribal justice systems and services
  5. Inferior data collection and production from tribal interventions in juvenile justice
- Recommendations:
  1. Stop treating California Indian Country as insignificant
  2. Support innovations in tribal services
  3. Funding for housing and education support
  4. Increase funding to build up tribal justice systems and services and consider the structure of funding
  5. Share grant outcomes with grantees and across Indian Country: make our grant reports matter



# Challenge 1: California's history and current landscape of the California Indian community is unique

- 574 Tribes in America
- Over 100 federally recognized tribes here in California today
- Not all tribal nations are federally recognized
- Largest number of native people compared with other states
- A majority of those people are from tribes outside of CA
- From a data perspective small percentage of the overall population in CA so still feels invisible
- CA was once completely occupied, used and enjoyed by native people but look at where our recognized tribes are located now

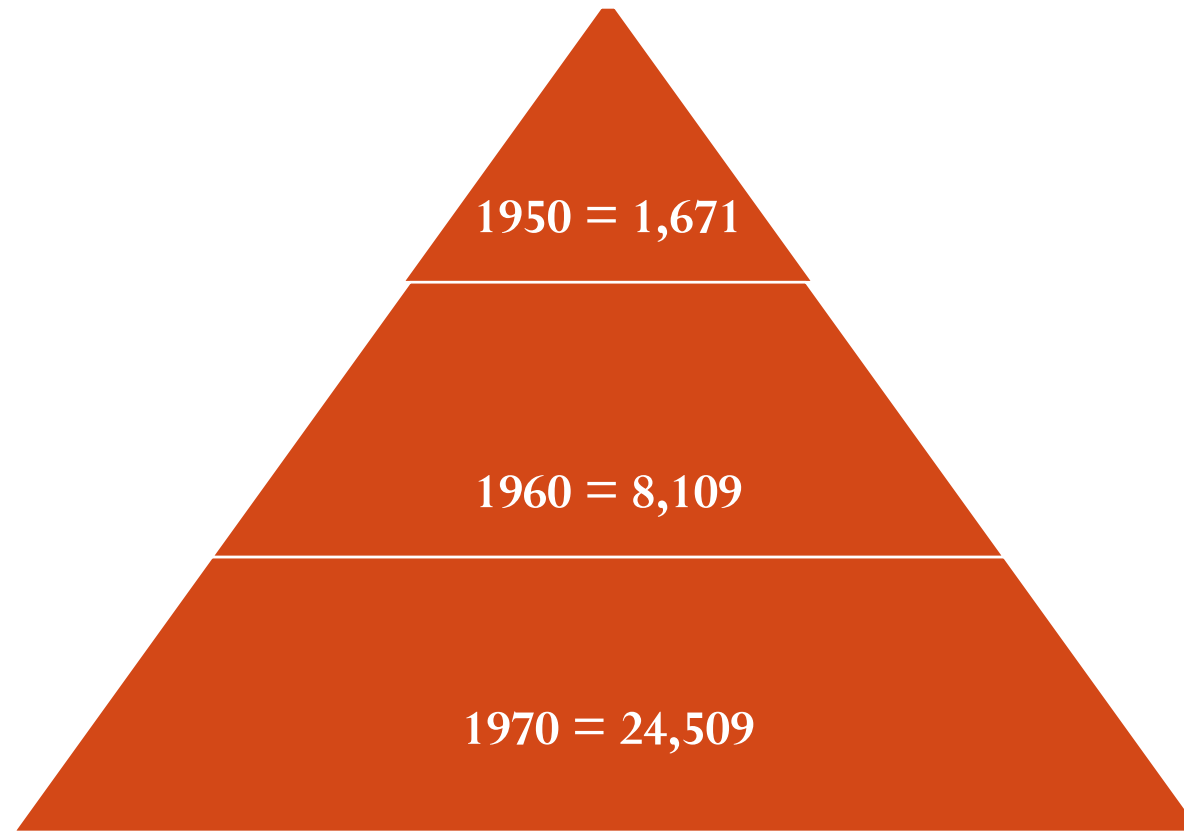
# Current Landscape of Indian Country in CA

- Reflects the effects of the Catholic Missions, lack of treaties, termination and federal recognition process
- One Federally recognized tribe on the coast from Marin County down to Orange County



# LA Population During Indian Urbanization

- US Census statistics for Indians in Los Angeles County





# Recommendation 1: Stop treating California Indian Country as insignificant

- It's a problem within a problem, Native America is not visible and then it feels like programing for Native American is one size fits all, ignoring our specific challenges in California
- Federal funding and programing can use more than one model to support tribal communities
- Tailor funding and best practice models to ALL communities they are meant to serve, justice can be more than native prosecutors and jails or even “peacemaking” and “healing to wellness courts”
- Acknowledge that we are not the “other” within the “other” category of Indian Country
- We are still here, and we matter



## Challenge 2: Lack of culturally appropriate responses in county/state child welfare systems

- Tribes will always be better positioned than counties/states to design and implement culturally appropriate responses for Native Children and families in crisis
- Most of our Native Families in crisis end up in a state or family system in California because of our unique history and current landscape
- Almost no native american people on the bench, in probation and social service and even our best county allies do not have the benefit of the uniquely informed perspective that tribal communities bring to services and justices' systems
- Who is supporting the county judges and justice partners in urban areas who do not have a tribe to work with?



## Recommendation 2: Support innovations in tribal services

- Self determination should mean that support is given for Tribes to design their own justice system responses
- Let us improve on our success, all grants are “needs based” its deficit model thinking and does not support de-colonizing our systems
- Support tribally provided direct services in tribal communities
- When Native children and families do end up in county systems, ensure there is a strong tribal partner to assist in the state court proceeding, consider out of state tribes
- Consider the barriers for tribes in California to starting a court or tribal social services department beyond funding, human resource issues (everyone wearing 10 hats), lack of applicable models, ineffective technical assistance and training
- Fund and support tribally designed TA and training at regional and local levels





## Challenge 3: School to Prison Pipeline is real – housing, truancy and delinquency

- My experience is that most native youth who end up in the juvenile justice system have their first encounters with law enforcement, probation or the courts through the school system
- Native youth can face difficulty walking in two worlds – [curriculum is one part]
- Housing waiting lists for many tribes in California
- Native Youth attend schools outside of their communities
- Varying levels of support around being native at these schools
- Native youth are clustering in detention and “continuation” schools and programs because that is where they get to be with their peers, and the pipeline begins, truancy to delinquency to adult incarceration




## Recommendation 3: Provide funding for housing and education support

- Make it possible for families to live in their tribal communities and then increase services around educational support in those communities
- The housing crisis in California affects tribes as well, we need to be able to provide safe, affordable housing for our members to create a sustainable “service area”
- Native families should not have to choose between living in their communities and getting an education – support early education, after school programs, on campus resources, school transportation
- Make the new clustering of native youth in study halls and afterschool programs, provide alternatives to detention, continuation and dropping out
- Make public schools friendly to Native families



## Challenge 4: Funding issues for tribal justice systems and services

- Public Law 280 has stifled the development of tribal justice systems
- 574 federally recognized tribes in the United States (BIA)
- Over 110 federally recognized tribes in California
- About 25 - 30 have their own tribal courts
- Approximately 400 tribal courts in the United States as of 2021 (BIA)
- 64% of tribes outside of California have tribal courts (approximately)
- 27% of Tribes in California have tribal courts (approximately)
- Non PL-280 Tribes receive ongoing infrastructure funding
- Tribes in CA are in the competitive grant cycle – Fundraising is not sustainable for Courts
  - Tribes are not research institutions testing a thesis about justice in Indian Country
  - Competitive 3-year grants are not sustainable funding model



## Recommendation 4: Increase funding to build up tribal justice systems and services and consider the structure of funding

- Reoccurring operational and sustainable tribal court funding is needed for tribal courts in P.L.280 states
- Funding must be allocated for outreach to all tribes, whether or not they are currently operating a tribal justice system, and provide an opportunity to receive assistance
- Training is needed to assist current court personnel and those tribal leaders seeking to develop or expand a justice system
- Training should be provided for Tribal Court Clerks, Administrators, Probation Officer and Judges be provided that is tailored to be relevant to the specific jurisdictional challenges of a tribe in a P.L. 280 State
- Funds need to be allocated to tribes who need a court facility or substantial upgrading to its current facility
- Move away from competitive three-year grants for pilot projects – we have operational costs



## Challenge 5: Inferior data collection and production from tribal interventions in juvenile justice

- We are required to submit reports with data and narratives about the work we are doing with federal funds
- We never see any compilation, analysis or even models that come from these reports
- It feels very patronizing to require these detailed reports and to never receive any feedback or see any outcomes from them
- I believe we are missing an opportunity to improve justice systems for Native youth by not comparing program report data or narratives that are required for most federal funding



## Recommendation 5: Share grant outcomes with grantees and across Indian Country: make our grant reports matter

- Compile data, numeric and antidotal from our reports and share it with us
- Use this analyses to shape future funding as well
- Spot trends and make those into models funded BY REGION, remembering that what works for one tribe may not work for all tribes



# Summary of Recommendations

1. Stop treating California Indian Country as insignificant – we are a community of many tribes and many more Native American people
2. Support innovations in tribal services – beyond evidence-based practices, beyond deficit model funding – fund our successes and help us sustain and grown them
3. Provide funding for housing and education support – create opportunities for educational success in tribal communities, healthy tribal neighborhoods with supportive learning models
4. Increase funding to build up tribal justice systems and services and consider the structure of funding – provide secure, ongoing funding for infrastructure, reconsider competitive project centered funding
5. Share grant outcomes with grantees and across Indian Country: make our grant reports matter – analyze the data and the narratives of the reports, look for data trends, look for promising models

Thank you for your dedication and  
consideration



Next presentation Kimberly Cluff