

Intertribal Court of Southern California (ICSC)

*An Overview of ICSC Services to
Native Children & Families*

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Pacific Regional Hearing

Panel 4: Systems Innovations and Best Practices in
Native Communities

August 25, 2022 ~ 4:00 pm PT



Structure of the ICSC

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Consortium Court formed in 2002;
Operations began in 2006

12 members per Governing
Agreement

8 Tribes with a Memorandum of
Agreement (subject matter specific)

Oversight by Tribal Judicial Council
delegates from each Tribe

Over 2500 cases heard since 2017

Cases Heard

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Cases Involving Indian Children

- Civil infractions; vandalism, drug/alcohol use, moving violations
- Child Welfare – Child In Need of Care Petitions
- Guardianships
- Adoptions
- State Court Transfers to Tribal Court
- Domestic Violence – Protection Orders

Forums
for
Dispute
Resolution

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General Courtroom setting

Arbitration/Mediation

Tribal Youth Peer Court

Highlight of ICSC Tribal Youth Peer Court

Why Tribal Youth Court *through a* Restorative Justice model?

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Tribal communities have existed in maintaining justice through community values prior to the arrival of Europeans, however, assimilation has impacted our cultural ideals of justice and replaced them with western concepts of justice.

Today, juvenile incarceration has increased for Native youth across the Nation. Native youth have close to or the highest drug and alcohol rates and gang affiliation per capita.

We must change our ideals and practices on what justice looks like and look at a means to re-integrate our restorative justice practices alongside western ideals of law.

Therefore, we are creating a model program that utilizes restorative justice ideals and community partners to work with our Native Juvenile offenders through our Tribal Youth Peer Court.

Data/Statistics

- In order to understand the depth and scope of the problem, you have to know the statistics.
- When the data collected does not include American Indians it is difficult. Therefore, we turn to supplemental statistics to piece together our Tribal data; Which upon review indicates a need for a variety of programs to address those problems facing Native youth.
- American Indian poverty rates within San Diego County are at 17.9% which exceeds the overall California poverty rate. In a study by Kneebone, Nadeua, and Berube (2011), they identified two important factors statistically associated with poverty; Lower Performing Schools / Higher Crime Rates.
<http://worldpopulationreview.com/us-cities/san-diego-population/>

Data/Statistics: Collaboration

Native American Youth - At-Risk Indicators	San Diego County	California (Overall)
Drug and Alcohol	25.5% (of all youth) (1st among all races)	No overall data
Gang Membership	10.4% (self-ID) (1st among all races)	8.0% (self-ID)
Foster Care	21.4 per 1000 (1st among all races)	23.7 per 1000 (of all youth)
Suicide	22.4% (2nd among all races)	26.6% (among all teens)

- San Diego County Tribal Justice Collaborative
 - SD County Presiding Juvenile Court Judge
 - Chief Judge Intertribal Court of Southern California
 - SD County Child Welfare Services
 - SD County Probation
 - Tribal Leaders
 - Tribal Social Services and Health providers

Tribal Youth Court and Diversion Plan

Understanding that status offenses are low level offenses, they are still cited by law enforcement. These citation may include heavy fines or even incarceration.

There is an alternative, where punitive punishment or incarceration is not placed on our Native youth as a form of treatment.

We have an opportunity to work with our Native youth, promote greater opportunity, and have a healthier community through a diversion plan through a Tribal Youth Peer Court.

Diversion Programs have been found, for those youth who participate, to reduce recidivism 45%.

Our planning efforts promote the use diversion and positive youth development/counseling for our Juvenile offenders to bring them back from irresponsible behavior and welcoming them back into our communities.

We are not recreating a wheel, as the tools of our success exist in Indian Country. Instead, we need to request our entire community to put forth their efforts and work together to bring our Native Youth to a healthier life within our Native communities.

Our Current Collaborative team include; **Regional Universities, Health and Social Services, Tribes, Education, Court(s)**

A Collaborative Community strategy

Breaking the Cycle of Recidivism

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- Prevention
 - Prevention programs are everywhere in Indian Country. They are in the form of Tribal Educational Programs, Tribal specific cultural programs, language, Intertribal Sports, gatherings, and educational programs geared towards Native Youth.
- Secondary Prevention / Intervention
 - Secondary Interventions are not widely known within Indian Country as this is utilized by mandated juvenile justice programs. Intervention where juveniles have gone past knowing bad actions and are committing such actions. Here, we can utilize existing programs to assist our juvenile offenders (i.e.: drug and alcohol, academic problems, behavioral, physical altercations, etc.)

Native
Youth
Sovereignty
and
Leadership

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Within our collaborative effort, the Intertribal Court of Southern California has developed and continues to create curriculum and training for our Native Youth Peer Court Decision Makers “PDMs”.

These Native peers will assist the Court by becoming our “jury pool” and assisting in evaluating and implementing a wellness plan for our Juvenile offenders.

Preparing our Youth through Tribal Governance Understanding & Training

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- The “Peer Decision Maker” training works with regional universities developing our restorative justice training. These trainings have been created so that our peers can:
- Make informed decisions while understanding Tribal governance ideals and interpretations of law.
- In part, create academic enrichment designed to allow Native high school students to earn university level credit within Native content-based courses.
- Provide opportunity for our student's leadership and academic presentation skills while understanding contemporary Native issues.

Referral and Intake

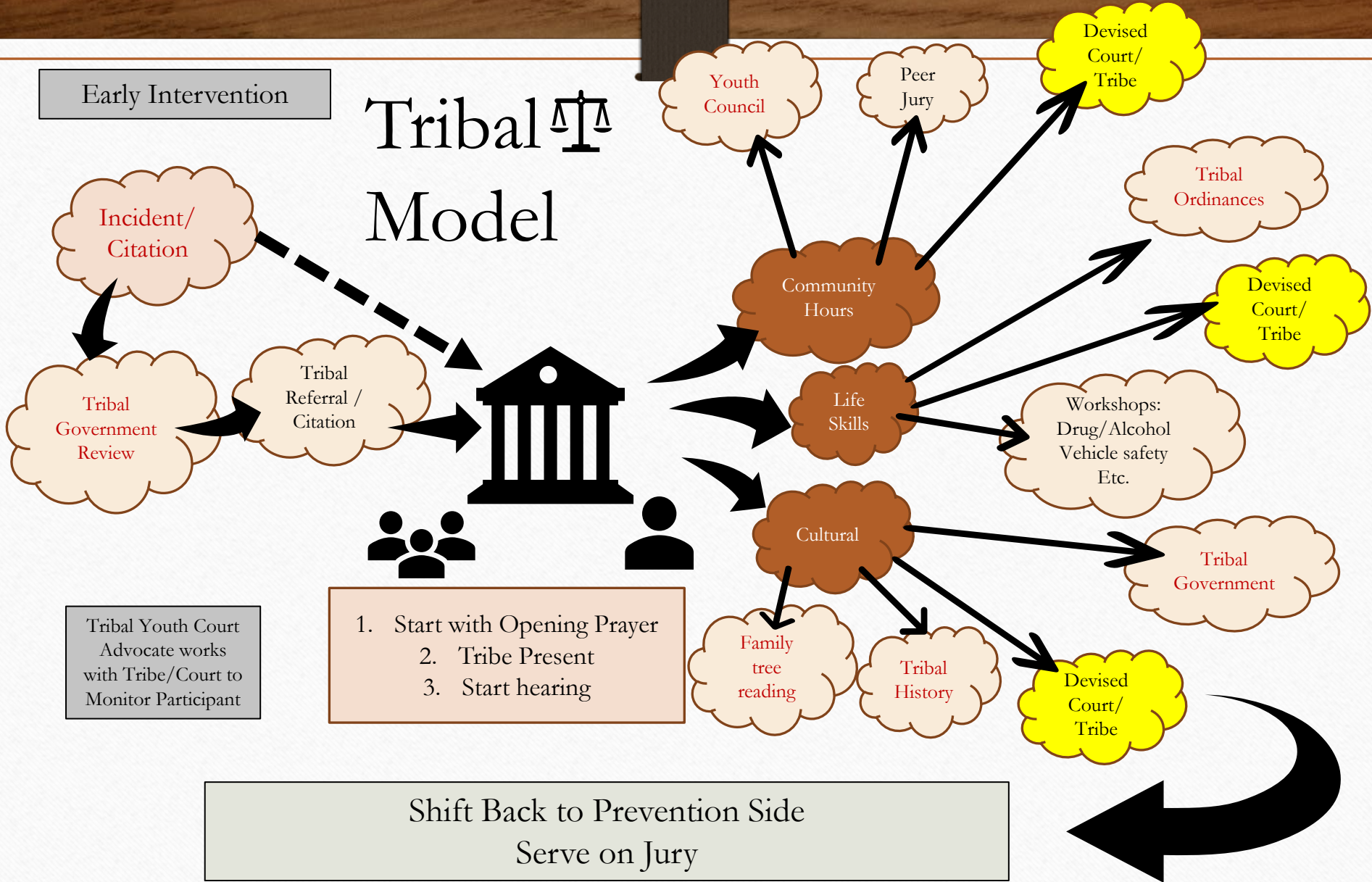
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Native youth are referred to the ICSC via Tribal law enforcement citations, Tribal social services, School districts, self-referral, and future looking with partnered diversion programs (District Attorney, Probation).

The Tribal Youth Court team reviews intakes for eligibility and if admitted to program, schedules initial hearing

Early Intervention

Tribal Model



Tribal Youth Court Advocate works with Tribe/Court to Monitor Participant

1. Start with Opening Prayer
2. Tribe Present
3. Start hearing

Shift Back to Prevention Side
Serve on Jury

Wellness Plans for Native Youth

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Peer Decision Makers deliberate and determine appropriate plan; including community service, life skills and cultural hours Youth offender must complete

Court staff (Youth Court Coordinator and Youth Advocate) determine if referral to medical or behavioral health is appropriate

TYC Coordinator monitors progress of Wellness Plan with input from Youth Advocate

Upon completion of Wellness Plan is a graduation ceremony

Youth offender returns to TYC as a Peer Decision Maker!

Recommendations

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Support	Support development and implementation of Tribal Court systems, specifically juvenile justice systems development
Support	Support efforts to promote and encourage cross-jurisdictional collaboration between Tribal Courts and Counties/States
Support	Support expanded full faith and credit of Tribal Court orders regarding child welfare
Support	Support inclusion of "American Indians" in all data collection regarding Native youth in juvenile justice systems and related statistics; drug & alcohol, suicide, gang affiliation, family violence, etc.