



Commission on Native Children
January 7, 2022
11 am – 1 pm AKT/1 – 3 pm MT/2 – 4 pm CT/3 – 5 pm ET

Virtual Hearing: Juvenile Justice

This panel will discuss the efficacy of the juvenile justice system for Native children, youth and communities. Three previous sets of recommendations have addressed juvenile justice issues: the Attorney General’s National Task Force on Children Exposed to Violence (2012), the Tribal Law and Order Commission (2013), and the Attorney General’s Advisory Committee on American Indian/Alaska Native Children Exposed to Violence (2014). Each of these made recommendations that addressed the disproportionate rates of arrest, detention and incarceration among Native youth compared to non-Hispanic Whites, even while disproportionality has lessened with regard to other ethnicities. Research is generally agreed that a more behavioral health approach to juvenile delinquency is better for youth, especially in light of increasing mental health challenges, greater suicide risk, challenges accessing education, and feelings of isolation and disconnection from culture and community. Various approaches have led to improvement for Native children’s well-being in the juvenile justice context such as tribal court diversion programs and peer-to-peer navigators. During this panel, researchers and practitioners will present an overview of the juvenile justice system for Native youth, outline previous commission recommendations, discuss challenges and propose promising practices to respond holistically to the delinquency issues facing Native children and families.

- Introductions and welcome (5 minutes) Chair / Vice Chair
- Invocation (3 minutes) Called upon
- Review of Commission Norms (2 minutes) Dr. Leander McDonald

The Commission will adhere to the following norms in all interactions:

- To incorporate ceremony and/or prayer to begin each meeting
- To recognize and celebrate what is working
- To respect all ideas

- To be mindful of each person’s own behavior and reactions so as not to repeat trauma behaviors
 - To promote healing
 - To ensure there is a community-organized closing event at hearings
 - To treat others as they want to be treated
 - To not take offense and observe without judgment
 - To pause before decision
 - To have fearless, honest dialogue
 - To be flexible
 - To hear all voices
 - To learn from story
 - To be respectful of time
- Overview of Commission and goals of meeting (5 minutes) Chair / Vice Chair
 - Addie Rolnick, Professor of Law, University of Nevada, Las Vegas (10 minutes, 5 minutes for questions)

Addie Rolnick

Addie C. Rolnick is the San Manuel Professor of Law at the University of Nevada, Las Vegas, William S. Boyd School of Law. She is the Faculty Director of the Indian Nations Gaming & Governance Program and the Associate Director of the Program on Race, Gender & Policing. She is also a member of the National Academy of Sciences Ad Hoc Committee on Reducing Racial Disparities in the Criminal Justice System. Prior to joining UNLV, she was the inaugural Critical Race Studies Law Fellow at UCLA School of Law. Before that, she represented tribal governments as a lawyer and lobbyist in Washington, D.C. She earned her J.D. and M.A. in American Indian Studies from UCLA and her B.A. from Oberlin College.

Professor Rolnick specializes in indigenous rights, juvenile and criminal law, and racial justice. She has written extensively about Native youth and juvenile justice. Her publications include *Untangling the Web: Juvenile Justice in Indian Country*, 19 *N.Y.U. J. OF LEG. & PUB. POL’Y.* 49 (2016); *Locked Up: Fear, Racism, Prison Economics, and the Incarceration of Native Youth*, 40 *AM. INDIAN CULTURE & RES. J.* 55 (2016); *Removal, Confinement, Assimilation & Discipline: Native Girls and Government Intervention*, 11 *COLUMBIA J. OF RACE & L.* 811-560 (2021); *Resilience and Native Girls: A Critique*, 2018 *B.Y.U. L. REV.* 1407; *Native Youth and Juvenile Injustice in South Dakota*, 62 *SOUTH DAKOTA L. REV.* 705 (2017); and *A Tangled Web of Justice: American Indian and Alaska Native Youth in Federal, State, and Tribal Justice Systems*, Campaign for Youth Justice, July 2008 (with Neelum Arya).

- Theresa Pouley, Chief Judge of the Tulalip Tribal Court, Associate Justice of the Colville Court of Appeals (10 minutes, 5 minutes for questions)

Theresa Pouley (Colville Confederated Tribes)

Theresa M. Pouley is the current Chief Judge of the Tulalip Tribal Court, an Associate Justice of the Colville Court of Appeals and faculty at Edmonds Community College teaching in paralegal studies. She was previously the Chief Judge of the Tulalip Tribal Court, Chief Judge of the Lummi Nation and a Judge of the Northwest Intertribal Court System, where she served as a trial judge for several other Northwest tribes. She is a member of the Colville Confederated Tribes in northeastern Washington.

President Obama appointed Judge Pouley to serve on the Indian Law and Order Commission (ILOC) in January of 2011. The Law and Order Commission published its findings in 2013 in a “Roadmap to Making Native America Safer” which contained crucial recommendations for the safety of native women and children. She was a facilitator for the Department of Justice’s 2009 the “Tribal Nation’s Listening Session”, for the Office of Violence Against Women for the Tribal Consultation in 2010, and for a focus group on Human Trafficking of American Indian and Alaska Native Women developed by the Office of Victims of Crime in 2010. She provided Testimony to the United States Senate Committee on Indian Affairs on “Challenges in Law Enforcement in Indian Country” in 2000 and at the “Oversight Hearings on Tribal Courts” in 2008 and 2010.

She has lectured at local, state and national conferences on Tribal Courts and Indian Law issues, including regular presentations at the University of Washington’s Indian Law Symposium. In 2012, she worked with the Washington State Supreme Court in developing a Tribal-State Consortium and for over a decade has partnered with the Washington Supreme Court on Judicial education in the areas of Domestic Violence and Indian Law. In 2004, she was selected by the Washington Supreme Court to sit on the “Historical Court of Justice” which reviewed and exonerated Chief Leschi. Judge Pouley has received numerous awards including the Women’s Spirit Coalition “Envision Award” for her “Outstanding Tribal Leadership” in 2014. In 2015, the National Tribal Court Judges Association Awarded her a Lifetime Achievement Award. The National Tribal Child Support Association named her “Outstanding Judge” in 2005. Tulalip Tribal Court was awarded “Pilot” status by the USDOJ for VAWA implementation in 2015. Tulalip Tribal Court received the Harvard Honoring Nations Award in 2006 for its focus on its therapeutic and indigenous approaches to criminal law.

Judge Pouley was licensed as an attorney in 1987 and practiced law in Michigan and Washington until her appointment to the bench in 1999. In addition to her judicial duties, she currently teaches legal classes, including Indian Law, at Edmonds Community College and previously taught at Northwest Indian College. Judge Pouley holds a B.A. from Gonzaga University and a J.D. from Wayne State University Law School.

- Ron Whitener, Judge for the Tulalip Tribal Court (10 minutes, 5 minutes for questions)

Ron (Squaxin Island Tribe) grew up in his community as a treaty commercial and subsistence fisherman and hunter and worked for his Tribe’s natural resources department until leaving for law school. In 1994, Ron graduated from the University of Washington Law School and was hired as the first in-house legal counsel for his Tribe. In that capacity,

Ron advised and represented the Tribal Council, departments, and economic enterprises on issues related to treaty rights, tribal governance, Indian health, and economic development. In 2000, Ron joined the Northwest Justice Project's Native American Unit and represented Natives in tribal, state, and federal courts. In 2002, Ron joined the faculty of the University of Washington Law School where he created the Tribal Court Public Defense Clinic and was awarded the Shanara Gilbert Emerging Clinician of the Year from the American Association of Law Schools. In 2011, Ron was named a Champion of Change by President Barack Obama for his work advocating for public defense to juveniles in tribal courts. In addition to his clinical work, Ron served as the Chief Judge for the Confederated Tribes of the Chehalis Indian Reservation. In 2014, Ron left the UW to accept appointment as the Chief Judge for the Tulalip Tribes but remains on the UW Faculty as an Affiliate Professor of Law. Ron retired from Tulalip in 2020. Through The Whitener Group, a consulting company Ron formed in 2009 with his brother and niece, he assists tribes in developing and improving their justice systems. Ron has conducted over 70 tribal court evaluations in Alaska, and approximately 20 in the Lower 48. Ron is Order of the Coif and Order of Barristers.

- LorenAshley Buford, Project Manager for the Tribal Youth Development Initiative, UNITY, Inc., and Rory Wheeler, Vice President and Northeast Representative, UNITY, Inc. (10 minutes, 5 minutes for questions)

LorenAshley Buford (Yamasee)

LorenAshley Buford, Yamasee descendant, is the Project Manager for the Tribal Youth Development Initiative. Buford continues to be active in her home community while working abroad. Recently, LorenAshley has worked with the PBS "Secrets of Spanish Florida" documentary on Yamasee, collaborated with University of North Florida on the book: The Yamasee: From North Florida to South Carolina. She studied American Indian Studies at Arizona State University. She has been a passionate advocate for prison ministries and cultural prevention. Her former experiences as a Prevention Specialist, GONA facilitator, ASIST trainer and grassroots organizer have helped mobilize communities to address indigenous health disparities, the awareness of HIV/AIDS, substance abuse and suicide prevention. Prior to this position, LorenAshley was the UNITY youth leader advisor and Project Manager for the UNITY Wellness Warrior Project funded by the W.K. Kellogg Foundation.

Rory Wheeler (Seneca Nation)

Rory Wheeler is a citizen of the Seneca Nation and serves as the Vice President and Northeast Representative for United National Indian Tribal Youth, Inc. (UNITY). He previously served as the Youth Commission Vice President and President for the National Congress of American Indians from 2016-2020, where he worked with tribal leaders, youth leaders on the pressing topics that impact Native youth on issues such as advancing the government to government relationship with the United States, climate resiliency, juvenile justice, education, and representation. He presently serves on the Board of Directors for the Association on American Indian Affairs and the Community Advisory Board for the Roswell Park Comprehensive Cancer Center. Previously, Rory was a White House Tribal Nations Youth Ambassador, a Health Policy Fellow with the

National Indian Health Board and was the Youth Ambassador & Government/External Affairs Fellow for the Seneca Nation. He received his Bachelor of Arts, cum laude, from Niagara University in Political Science/Pre-Law and has been an active member since 2010 of the Cattaraugus Indian Reservation Volunteer Fire Department where he serves as a volunteer firefighter/emergency medical technician, and rope rescue technician.

- Cross-Cutting Recommendations from Witnesses (20 minutes) Chair / Vice Chair
- Questions and discussions (22 minutes) Chair / Vice Chair
- Wrap up (3 minutes) Chair / Vice Chair