

Aligning Federal Policies to Better Serve Tribal Children, Youth and Families

Presented by the Tribal Youth and Detention Issue Team
Coordinating Council on Juvenile Justice and Delinquency Prevention

EXECUTIVE SUMMARY

Background

In accordance with its mandate to review and assess federal practice, the Coordinating Council on Juvenile Justice and Delinquency Prevention (Coordinating Council) voted unanimously to feature Tribal Youth and Juvenile Justice as one of its four areas of focus for 2010. As a result, the Tribal Youth and Detention Issue Team (Issue Team), comprised of representatives from among 30+ federal agencies (see appendix) managing programs to serve tribal youth, undertook unprecedented outreach to tribal leaders and youth, subject matter experts and federal partners to assess current federal policy affecting tribal youth and inform recommendations for improvements for consideration by the Coordinating Council. The Issue Team decided to focus its work on tribal youth living on reservations and in tribal and BIA juvenile justice systems. Recommendations were aligned around four key subject areas: Prevention, Intervention, Detention/Corrections, and Re-entry.

Outreach Methods

In 2010, a total of 93 participants provided input. Seventeen tribes operating juvenile justice detention facilities were contacted to participate. An in-person outreach session was conducted in Rapid City, South Dakota where approximately 50 individuals participated. Practitioners from a broad spectrum of professions involved in Indian Country juvenile justice, as well as youth, participated. Five conference call discussion sessions were held and attracted approximately 43 participants, including elected tribal leaders, juvenile justice and corrections professionals, federal agency partners, tribal judges, attorneys, magistrates, child welfare advocates, a juvenile detention supervisor, and others. The Issue Team also solicited comment through the Federal Register.

Findings

Comments captured from stakeholders describe a desire for an aligned, leveraged and coordinated federal approach to policies, practices and funding that impact tribes. The following themes emerged from discussions: 1) Systems to Better Support the Prenatal to Adult Continuum and Nation-building (Capacity), 2) Shift Culture of Federal Policy and Funding Strategy from Reactive to Proactive, 3) Tribal Self-Determination, Sovereignty, and Culture, 4) Parent & Family-Centered, and 5) Youth Empowerment.

Tweaking of policies alone is not the answer. What is needed includes 1) a shift in the approach of federal agencies toward empowering tribes and 2) a shift toward alignment, leverage and coordination of federal policy, funding and programming in Indian Country. Such reforms will maximize efficient use of taxpayer dollars, ensure utilization of best practices, and facilitate the meaningful use of federal funds to make a difference for tribal children and youth.

Tribal voices advise Federal agencies to "tie systems together" and consult one another as rules and regulations for grants and programming are developed. "All programming from federal agencies should be aligned under a central goal to improve the lives of youth and strengthen families." Stakeholders said it is extremely important that federal agencies streamline their policies and systems so as not to stumble over or contradict one another thereby putting grant recipients in a confusing or difficult situation as they implement youth programming. A holistically integrated system that considers transition points in a prenatal to adult continuum is desired.

Federal agencies should shift to an approach of proactive prevention, one that fosters positive opportunities for children and youth to explore their unique gifts as human beings and to improve schools to better engage students, rather than finding excuses to push them out or catch them doing something wrong. "Shift [away from] the concept that money is only there for troubled teens and provide more opportunities to support teens before they get into trouble." Federal agency policies that impact tribal youth should also provide incentives for community partnerships that strengthen communities and focus on the inclusion of families and the importance of youth empowerment. For example, youth in independent living programs need advocates at the Federal level to assure programming is effective and connected and that youth are assisted in building their own support systems as they transition out of foster care toward higher education, training and careers.

Tribal schools and child-serving programs must be supported in their efforts to intervene and divert youth from the justice system. One idea is to empower youth through community service projects to develop civic engagement skills. Offering alternative sentencing programs such as youth court, which combines law-related education, service-learning and community service, assures accountability for behavior and provides developmental opportunities to get youth on track. Again, at every step it is important that families be considered and involved.

While detention is a necessary last resort, when a youth is heading toward detention and then re-entry, it is important to combine treatment and probation planning at the time of admission and make arrangements for education and development opportunities, as well as for reconnection to the community. Youth need the support of an integrated system between the courts, detention centers, parents and school to make the transition back into the classroom as trauma free as possible. Greater emphasis must be made to strengthen the relationships among programs serving youth, parents and schools to assure a coordinated partnership and individualized plans for each youth during re-entry.

Finally, stakeholders want the Federal government to help tribes invest in themselves. A tribal nation building approach is needed whereby investments are made in infrastructure and capacity. "Tribes need to be self-sufficient, not reliant. Many members are unemployed and without any skills and [Federal program] just keeps them alive. What good are skills if jobs are not available?" The ideal outcome is a self-sustaining tribe with a developed and sustainable infrastructure.

Recommendations

In response to the findings, the Issue Team presents federal policy recommendations for the consideration of the Coordinating Council. The recommendations provide an overview of a coordinated approach among federal agencies to take a deeper look at aligning policies that impact tribal children, youth and families in an effort to ensure funding reaches and serves tribal children, youth and families.

1. Establish a permanent mechanism for joint planning and joint problem solving for tribal youth/family issues among federal agencies serving tribes.
2. Direct agency leadership and staff to align, leverage, and coordinate a prenatal to adult continuum of tribal youth policy from prevention to intervention to detention to re-entry.
3. Prioritize nation building -- capacity, infrastructure and development.
4. Develop and maintain a consolidated Federal online center for tribal youth information.

The federal role should not be to simply serve as a paternal governor of resources, but to engage as a partner in creating helpful platforms such as summits and meeting venues and providing useful tools such as a public/private clearinghouse of resources and networks for tribes. Policies should be cohesive and coordinated and shift in emphasis from categorical to holistic, addressing the continuum of development from birth to adulthood. Infrastructure and sustainability must be a focus. Funding from the federal government, from all relevant agencies, should be flexible in application. Flexible funding will allow tribes to adjust programming and services to address unique tribal needs while staying accountable for results.