

Attorney General's Advisory Committee
on American Indian and Alaska Native
Children Exposed to Violence



Advisory Committee Report



ENDING VIOLENCE SO
CHILDREN CAN THRIVE



**CHAPTER 1:
BUILDING A STRONG FOUNDATION**

**ADVISORY COMMITTEE REPORT ON AMERICAN
INDIAN AND ALASKA NATIVE CHILDREN
EXPOSED TO VIOLENCE**

ADVISORY COMMITTEE VISION FOR AMERICAN INDIAN AND ALASKA NATIVE CHILDREN

The Advisory Committee envisions a future where Native children are raised in a supportive community that is rich in American Indian and Alaska Native cultures, where the primacy of tribal governments in responding to AI/AN children exposed to violence is respected, where AI/AN tribes are empowered with authority and resources to prevent AI/AN children from being exposed to violence and where AI/AN tribes have sufficient tools to respond to and heal their children.

Advisory Committee Core Principles

- Core Principle #1 Empowering Tribes - Support Tribal Sovereignty
- Core Principle #2 Removing Barriers – Fix the jurisdictional morasses
- Core Principle #3 Providing Resources – Ending violence will require an investment

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CHAPTER 2 PROMOTING WELL-BEING FOR AMERICAN INDIAN AND ALASKA NATIVE CHILDREN IN THE HOME

ADVISORY COMMITTEE REPORT ON
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Advisory Committee's Vision for Well-Being in the Home



- **AI/AN homes where children are nurtured and supported and encouraged to thrive.**
- **A child welfare system that appreciates that AI/AN children develop identity and connection within their tribal community.**
- **A system that develops supportive culturally appropriate responses to violence in the home while focusing on prevention and early intervention in families.**
- **Trauma-informed child welfare systems, educated on the most effective treatments for addressing victims of trauma and the healing process, including traditional healing methods.**
- **A tribal community that can respond to violence in the home in a knowledgeable manner with the data and information they need to make informed decisions;**
- **A tribal community that has the option of responding in state proceedings, as states comply with ICWA;**
- **A Tribal Community that has the resources to respond; and that has the ability to respond in a multidisciplinary and multi-departmental approach.**

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CHAPTER 3 PROMOTING WELL-BEING FOR AMERICAN INDIAN AND ALASKA NATIVE CHILDREN IN THE COMMUNITY

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ADVISORY COMMITTEE VISION FOR WELL- BEING IN THE COMMUNITY



- Supportive and nurturing environment for children.
- Built on Native traditions and values.
- Government agencies and tribes take responsibility for welfare of their children and to share culture, traditions, language, history, and teachings with their children.
- Impact that witnessing and experiencing violence has on children clearly understood.
- Community leaders, members, social service providers, and families able to identify the children impacted by violence in the community.
- Culturally appropriate and trauma-informed services
- Schools and youth-serving agencies trauma-informed
- Sufficient resources to respond appropriately.

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CHAPTER 4 CREATING A JUVENILE JUSTICE SYSTEM THAT FOCUSES ON PREVENTION, TREATMENT AND HEALING

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Violence and Juvenile Justice



- 73% to 95% of children in Juvenile Justice Systems exhibit symptoms related to exposure to violence
- A review of 29 randomly-controlled trials found that the standard juvenile justice model increases delinquency rates

Recommendation 4.1

- Congress should adequately fund tribal juvenile justice programs
- Funding should be from block grants and self-governance compacts

(Page 20, Executive Summary)

Recommendation 4.1A

- 10% of all OJJDP funding should be set aside for tribal juvenile justice system reform
- USDOJ should move to set aside funds administratively

Recommendation 4.1B

- States adjudicate significant numbers of AI/AN juveniles in their juvenile justice systems
- Individual states should meaningfully consult with the tribes in their jurisdictions for creating culturally-appropriate practices

Recommendation 4.1C

- Congress should direct USDOJ and DOI to determine which agency should both fund and operate tribal juvenile detention facilities

Recommendation 4.2

- Tribal juvenile justice codes should be promulgated/revised to be culturally-appropriate and trauma informed
- Federal, state and private funding should be provided to provide technical assistance for tribal juvenile justice codes

Recommendation 4.3

- Legal representation should be provided to AI/AN children in the juvenile justice system

(Page 22, Executive Summary)

Recommendation 4.4

- Secure juvenile detention should only be used when child is a danger to themselves or the community
- Detention, when used, should be:
 - Local
 - Trauma-informed
 - Culturally-appropriate
 - Individually-tailored
- Alternatives should be funded and encouraged
 - Re-entry services
 - Placement alternatives such as Electronic Home Monitoring/Safe Houses

Recommendation 4.5

- All AI/AN juveniles in tribal/state/federal systems should be screened
- Screens should be trauma-informed and culturally-appropriate
- IHS, tribal, state, and private mental health providers should be regularly training in trauma-informed practices

Recommendation 4.6

- ICWA should be amended to apply to state/federal juvenile justice systems
 - Notice to tribes when states initiate delinquency proceeding for an AI/AN youth for acts taking place in Indian Country
 - Right to intervene and transfer should apply
- Demonstration project in 3 states should be funded by USDOJ

Recommendation 4.7

Congress should amend the Federal Education Rights and Privacy Act to require all schools to provide attendance, performance and discipline information about tribal member children to their tribal education departments

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CHAPTER 5 EMPOWERING ALASKA TRIBES, REMOVING BARRIERS AND PROVIDING RESOURCES

ADVISORY COMMITTEE REPORT ON
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So why do we need an Alaska specific chapter?



- Problems with children exposed to violence in American Indian and Alaska Native (AI/AN) communities are severe across the United States but they are systemically worse in Alaska.
- Congress has repeatedly exempted Alaska from significant tribal legislation, including recent legislation aimed at reducing violent crime in Indian country—and thereby reducing AI/AN children’s exposure to that violence. Most recently, Congress exempted Alaska from both the Tribal Law and Order Act of 2010 (TLOA)¹ and the Violence Against Women Act 2013 reauthorization (VAWA 2013)

Alaska Natives are disproportionately affected by violent crime and Alaska Native children are, of course, disproportionately exposed to that violence. Alaska's rates of child maltreatment, domestic violence, sexual assault, and related homicides are consistently among the highest in the country with the rates for Alaska Native children significantly higher than the statewide rates.

Alaska Native children constitute only 17.3 percent of the Alaska state child population; however, Alaska Native children constitute 50.1 percent of substantiated reports of child maltreatment in the state, 51.1 percent of all children in out-of-home placements, and a staggering 62.3 percent of all children in foster care. This means that Alaska Native children are represented in foster care at a rate three times greater than the general population, and this disproportionality rate has been increasing in recent years.

ADVISORY COMMITTEE VISION FOR EMPOWERING ALASKA TRIBES, REMOVING BARRIERS, AND PROVIDING RESOURCES

The Advisory Committee envisions a future where Alaska Native children are raised in a supportive community rich in Alaska Native culture; where the primacy of Alaska tribal governments is recognized and respected; and where Alaska Tribes are empowered with authority and resources to prevent Alaska Native children from being exposed to violence and have sufficient tools for Alaska Tribes to respond and heal their children.

Chapter 5 Recommendations

Recommendation 1

Promptly implement all five recommendations of the Indian Law and Order Commission's 2013 Final Report, A Roadmap for Making Native America Safer that address Alaska.

1. Overturn Venetie
2. Amend the definition of "Indian Country" to include Alaska Native land
3. Allow Alaska Native land to be put into trust
4. Repeal the "Alaska Exception" of the VAWA reauthorization
5. Affirm criminal jurisdiction of Alaska Native Tribes over their members

(Page 25, Executive Summary)

It is the Commission's considered finding that Alaska's approach to criminal justice issues is fundamentally on the wrong track. The status quo in Alaska tends to marginalize— and frequently ignores—the potential of tribally based justice systems, as well as intertribal institutions and organizations to provide more cost effective and responsive alternatives to prevent crime and keep all Alaskans safer. If given an opportunity to work, Tribal approaches can be reasonably expected to work better—and at less cost.”

Indian Law and Order
Commission⁴⁶

Chapter 5 Recommendations

Recommendation 2

Provide recurring base funding for Alaska Tribes to develop and sustain tribal court systems, assist in the provision of law enforcement and related services, and assist intergovernmental agreements.

1. Conduct and inventory of law enforcement, courts and related services for every Alaska Tribe.
2. Assure the every Alaska Native Tribe has funding needed to address its need for law enforcement and courts
3. Pass legislation to develop Alaska Tribal Courts
4. Improve coordination and collaboration with state to address the public safety needs of children exposed to violence

Chapter 5 Recommendations

Recommendation 3

The state of Alaska should prioritize law enforcement responses and related resources for Alaska Tribes, and recognize and collaborate with Alaska tribal courts.

1. There must be 1 law enforcement official onsite in each village
2. Prioritize village based women's shelters, child advocacy centers and substance abuse treatment centers
3. Enforce tribal protection orders
4. Enter into intergovernmental agreements to address public safety and children exposed to violence

(Page 27, Executive Summary)

Chapter 5 Recommendations

Recommendation 4

Respond to the extreme disproportionality of Alaska Native children in foster care by establishing a time-limited, outcome-focused task force to develop real-time, Native inclusive strategies to reduce disproportionality.

Page 28, Executive Summary

Chapter 5 Recommendations

Recommendation 5

Empower Alaska Tribes to manage their own subsistence hunting and fishing rights, remove the current barriers, and provide Alaska Tribes with the resources needed to effectively manage their own subsistence hunting and fishing.

(Page 29, Executive Summary)

The Advisory Committee heard repeatedly that Alaska Tribes are ready and willing to step up to address violence in their communities and serve the children exposed to that violence. It is time for Alaska and the federal government to join in partnership to remove the current barriers that inhibit their ability to do so and to empower Alaska Tribes to protect Alaska Native children.

WHAT NEXT???



FULL REPORT AVAILABLE



Task Force on American Indian and Alaska Native
Children Exposed to Violence Website

<http://www.justice.gov/defendingchildhood/aian.html>