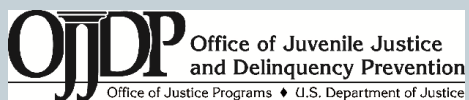


## Attorney General's Advisory Committee on American Indian and Alaska Native Children Exposed to Violence

### Advisory Committee Report



### Background on Attorney's General's Task Force

- The Attorney's General's Task Force on American Indian and Alaska Native Children Exposed to Violence was established in 2013, based upon a recommendation from the Attorney General's National Task Force on Children Exposed to Violence.
- The charge to the Attorney General's Advisory Committee on AI/AN Children Exposed to Violence (Advisory Committee) has been to make high-level policy recommendations to Attorney General Eric Holder on ways to address issues around AI/AN children exposed to violence .

## Task Force is composed of both Advisory Committee and Federal Working Group

- This American Indian/Alaska Native (AI/AN) Task Force has been anchored by an Advisory Committee consisting of non-federal experts in the area of AI/AN children exposed to violence and a federal working group which includes federal officials from key agencies involved in issues related AI/AN Children Exposed to Violence.



## Advisory Committee Mandate

- The Charter mandated that members of the AI/AN Advisory Committee conduct up to four hearings and six listening sessions nationwide to learn from key practitioners, academicians, policymakers, and the public about the issue of AI/AN children exposed to violence in the United States and throughout Indian Country.
- During 2013-14, the Advisory Committee convened four public hearings and multiple listening sessions across the nation to examine the scope and impact of violence facing AI/AN children exposed to violence in their homes, schools and communities. The Advisory Committee heard from more than 120 witnesses. The hearings, attended by more than 575 people, were open to the public.
- The primary focus of the Advisory Committee report included findings and recommendations that emerged from the Advisory Committee hearings and listening sessions.

# Advisory Committee Public Hearings & Listening Sessions

## Hearing #1: Bismarck, North Dakota

**Date:** December 9, 2013

**Location:** Bismarck, ND

**Hearing Theme:**  
American Indian Children  
Exposed to Violence in the Home

**Scheduled Witnesses:** 14

**Public Witnesses:** 12

**Total Attendance:** More than 80



## Hearing #2: Phoenix, Arizona

**Date:** February 11, 2014

**Location:** Phoenix, Arizona

**Hearing Theme:**

Juvenile Justice Response to  
American Indian Children Exposed to Violence

**Scheduled Witnesses:** 17

**Public Witnesses:** 11

**Total Attendance:** approximately 180



## Hearing #3: Fort Lauderdale, Florida

**Date:** April 16-17, 2014 (following the National Indian Child Welfare Association National Conference)

**Location:** Fort Lauderdale, Florida

**Hearing Theme:**

American Indian Children  
Exposed to Violence in the Community

**Scheduled Witnesses:** 17

**Public Witnesses:** 8

**Total Attendance:** approximately 135



## Hearing #4: Anchorage, Alaska

**Date:** June 11-12, 2014 (following the National Congress of American Indians Mid-Year Conference)

**Location:** Anchorage, AK

**Hearing Theme:**

Alaska Native Children Exposed to Violence: Special Issues in Alaska

**Scheduled Witnesses:** 22

**Public Witnesses:** 8

**Total Attendance:** more than 150



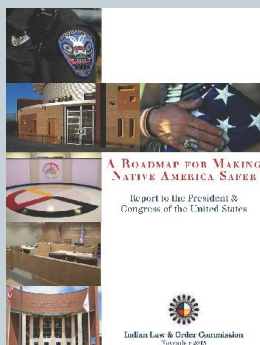
## Advisory Committee Listening Sessions

- **Scottsdale, AZ** focused on meeting with Native American youth and included meetings with Juvenile Justice system representatives
- **Minneapolis, MN** focused on AI/AN Children Exposed to Violence-Urban Issues
- **Bethel, AK** focused on AN Children Exposed to Violence
- **Emmonak, AK** focused on AN Children Exposed to Violence
- **Napaskiak, AK** focused on AN Children Exposed to Violence
- Audio Listening Session to address AI/AN Children Exposed to Violence in the educational systems

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

## Two relevant prior reports

- The Advisory Committee report will build upon the record created by two highly relevant reports that preceded it. The 2012 Report of the Attorney General's National Task Force on Children Exposed to Violence and the 2013 Indian Law and Order Commission Report, "*A Roadmap For Making Native America Safer.*"

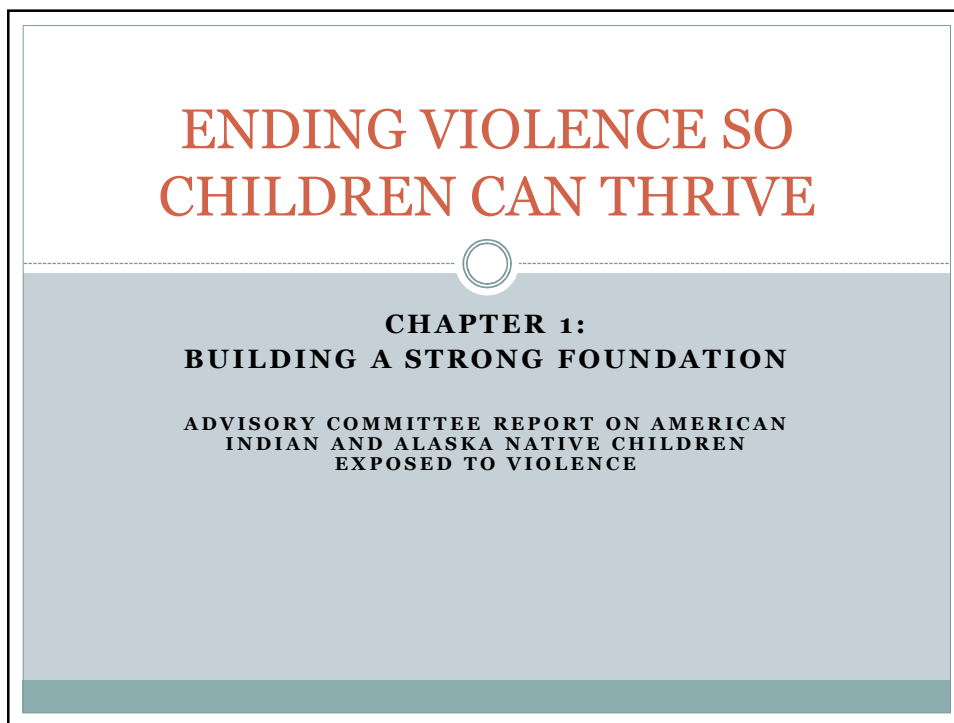


Attorney General's Advisory Committee on AI/AN Children  
Exposed to Violence Report Release

- Date: November 18, 2014
- Location:
  - Coordinating Council on Juvenile Justice  
and Delinquency Prevention Meeting**
  - Office of Justice Programs
  - Third Floor Main Conference Room
  - 810 7th Street NW
  - Washington, DC 20531
- Time: 10:30am – 12:00pm

Website

- Task Force on American Indian and Alaska Native  
Children Exposed to Violence Website  
<http://www.justice.gov/defendingchildhood/aian.html>
- Includes important information on:
  - Background
  - Federal Working Group
  - Advisory Committee
  - About the Task Force
  - Hearing information, announcements, materials, transcripts





## 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.

## Chapter 1 Building a Strong Foundation

Exposure to violence is a national crisis that affects almost two in every three of our children nationwide. For AI/AN children, while we do not have statistics, all indications are that these numbers are even higher. According to the National Survey of Children's Exposure to Violence (NatSCEV), an estimated 46 million of the 76 million children currently residing in the United States are exposed to violence, crime, and abuse each year.

“I think there has to be a recognition  
that all of our children have been  
abused or neglected at some point in  
their history. . . .”

Theresa M. Pouley, Chief Judge, Tulalip Tribal Court. Testimony  
before the Task Force on American Indian/Alaska Native Children  
Exposed to Violence, Phoenix, AZ, February 11, 2014

### 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

“These are serious matters, especially when it involves the safety of our children and youth. If you want to help, help us to look within our own people and communities for solutions, support our ideas and help us implement those ideas. But do not do it for us—it will not work.”

Darla Thiele, Director, Sunka Wakan Ah Ku Program. Testimony before the Task Force on American Indian/Alaska Native Children Exposed to Violence, Bismarck, ND, December 9, 2014

“The time has come to break decisively with the past and to create conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions.”

Richard Nixon  
President of the United States

## Chapter 1 Recommendations

- There are 7 primary recommendations

The first two create accountability within the federal system to implement the recommendations of this report

- Implement the recommendations of this report
- Create permanent Office in the White House for Native American Affairs and include a senior position for Children Exposed to Violence

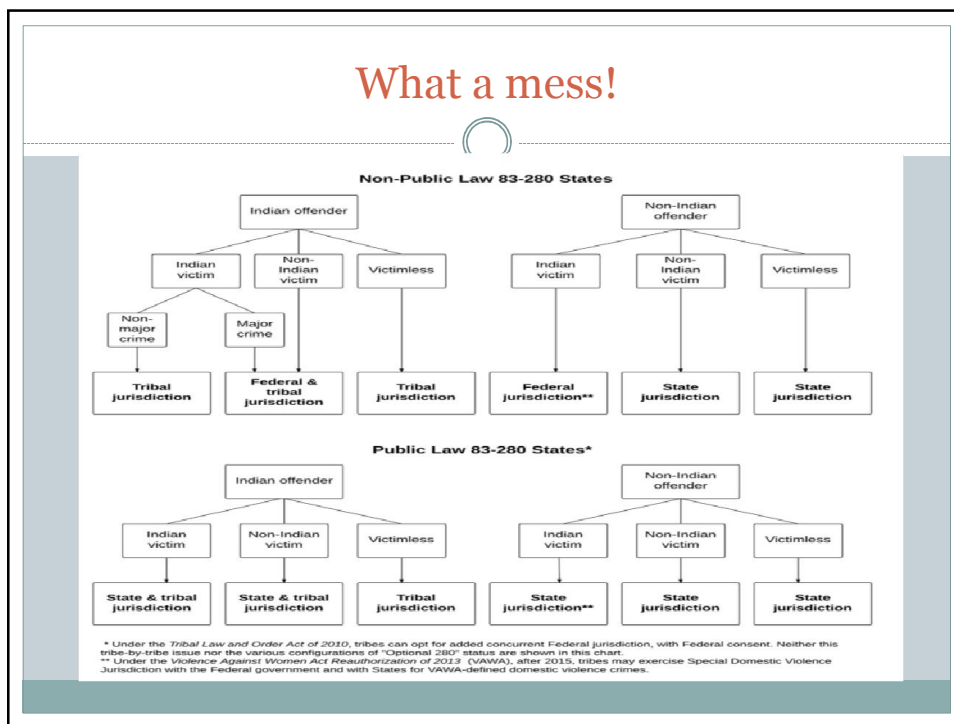
(Page 3, Executive Summary)

## Chapter 1 Recommendations

The next deals with fixing the jurisdictional mess

- Restore the inherent authority of American tribes to assert full criminal jurisdiction over all persons who commit crimes against AI/AN children in Indian country.

(Page 5, Executive Summary)



“Criminal jurisdiction in Indian country is an indefensible morass of complex, conflicting, and illogical commands, layered in over decades via congressional policies and court decisions and without the consent of tribal nations.”

Indian Law and Order Commission  
 Report to the President and Congress of the United States,  
 November 2013

## Chapter 1 Recommendations

The 4<sup>th</sup> deals with funding and has six sub recommendations

- Direct sufficient funds to tribes to bring funding for tribal justice systems and tribal child protection systems into parity with the rest of the United States; and remove the barriers that currently impede the ability of tribes to effectively address violence in their communities. **The Advisory Committee believes that treaties, existing law and trust responsibilities are not discretionary and demand this action.**

## Chapter 1 Recommendations

Recommendation 4 sub parts deal with:

- Mandatory funding
- Sufficient funding levels
- Expand self governance
- Establish base funding and end grant based funding
- DOJ 10% set aside
- Consult with tribes regarding consolidation of justice programs

“There are 566 recognized tribes in this country the winners of CTAS will have a start, but the losers way out-number the possible winners.”

Abby Abinanti, Chief Judge, Yurok Tribal Court.  
Testimony before the Task Force on American Indian/  
Alaska Native Children Exposed to Violence, Phoenix, AZ, February 11,  
2014

“If we really want to end childhood violence, we have to get out of the way of the people who have the solutions. It’s our people. It’s our culture. It’s who we are that was ripped out of us and we’re wounded and we’re acting wounded and we’re hurting each other, and it’s a perpetual cycle that will not end until we are restored.”

Elizabeth Medicine Crow, President/CEO, First Alaskan Institute.  
Testimony before the Task Force on American Indian/Alaska Native Children  
Exposed to Violence, Anchorage, AK, June 12, 2014

“Historically the responsibility of development of solutions has been given to other entities, such as state, federal, or private agencies, rather than tribal governments, resulting in interventions and outcomes that were not effective.”

Brian Cladoosby, President, National Congress of American Indians.  
Testimony before the Task Force on American Indian/Alaska Native  
Children Exposed to Violence,  
Fort Lauderdale, FL, April 16, 2014

## Chapter 1 Recommendations

### Recommendation 5

- Provide adequate funding for and assistance with Indian country research and data collection.

(Page 10, Executive Summary)



“There is little information on the risk factor for child maltreatment in AI/AN families. . . . This is problematic because national policy and child welfare practice focus on the prevention of child maltreatment and successful prevention programming requires an understanding of the culturally specific risk factors.”

Sarah Hicks Kastelic, Deputy Director, National Indian Welfare Association.  
Testimony before the Task Force on American Indian/Alaska Native Children  
Exposed to Violence, Bismarck, ND, December 9, 2013

## Chapter 1 Recommendations

### Recommendation 6

- Encourage tribal-state collaborations to meet the needs of AI/AN children exposed to violence.

“State governments and tribal governments have far more in common than in conflict. Both types of government have a primary interest in protecting the health and welfare of their people. . . . As tribal and state governments gain resources and responsibilities, their capacity and incentive to cooperate increases.”

Terry Cross, Executive Director, National Indian Child Welfare Association.  
Testimony before the Task Force on American Indian/Alaska Native Children  
Exposed to Violence ,  
Fort Lauderdale, FL, April 16, 2014

## Chapter 1 Recommendations

### Recommendation 7

Provide training for the Federal employees assigned to work on issues pertaining to AI/AN communities on tribal sovereignty, working with tribal governments, and the impact of historical trauma and colonization on tribes within the first sixty days of their job assignment.

(Page 11, Executive Summary)

“One of the main barriers both our youth and their families face are professionals who have the proper credentials required by the state but lack the cultural knowledge and ability or desire to even try to understand where our children and their families are coming from.”

Darla Thiele, Director, Sunka Wakan Ah Ku Program.  
Testimony before the Task Force on American Indian/Alaska Native Children  
Exposed to Violence, Bismarck, ND, December 9, 2014

Native children and youth, like their ancestors, continue to be resilient in the face of extreme adversity. Maintaining cultural traditions is still a very important part of the everyday lives of American Indians. Children grow up learning the traditions of the tribe, practice them each day, and will someday teach them to their children. This focus on tribal self-determination and the use of tradition to respond to the needs of AI/AN children exposed to violence is echoed throughout this report and the Advisory Committee recommendations.

# ENDING VIOLENCE SO CHILDREN CAN THRIVE



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

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

### Exposure to Violence in the Home



- Every single day, a majority of American Indian and Alaska Native (AI/AN) children are exposed to violence *within the walls of their own homes*. (domestic violence/child maltreatment)
  - Contradicts traditional understandings that children are to be protected and viewed as sacred
  - Leaves hundreds of children traumatized and struggling to cope over the course of their lifetime.

## 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.**

“Not only are we seeing children who are currently being abused, but we are seeing children whose parents and grandparents were victims of sexual abuse and familial abuse. The cycle continues and we are witnessing the generations of trauma every day in the eyes of our youngest and most precious resource, our children.”

Elsie Boudreau, Social Worker and Director, Alaska Native  
Unity with Alaska CARES and Alaska Native Justice Center.

Testimony before the Task Force on American Indian/  
Alaska Native Children Exposed  
to Violence, Anchorage, AK, June 12, 2014

## Systemic problems

- Native children are often removed from their mother for “failure to protect” or because the mother lacks resources to support her child.
- Lack of domestic violence shelters, transitional housing, and permanent housing are an ongoing problem.
- Collaboration across agencies is weak at best.
- Domestic violence agencies often cannot use funding for treatment and services for children

## Systemic Problems

- Too often Native communities fail to hold batterers accountable.
- Treatment for alcohol and drugs that is not available in the community.
- Tribes have inadequate social service departments.
- Culture, tradition, and values are often missing in many tribal social service agencies.

“It is essential to remember that because of the historic treatment of AI/AN peoples, removal of AI/AN children from their homes, families, and communities is itself a form of violence—one form of trauma that far too many AI/AN children still face today. ICWA ensures that only when necessary for their safety are AI/AN children exposed to this additional layer of violence in the aftermath of abuse or neglect.”

Terry Cross, Executive Director, National Indian Child Welfare Association.  
Written testimony before the Task Force on American Indian/Alaska Native  
Children Exposed to Violence, Fort Lauderdale, FL, April 16, 2014

## Chapter 2 Recommendations: Indian Child Welfare Act (ICWA)

- The legislative and executive branches of the federal government should **ensure Indian Child Welfare Act (ICWA) compliance and encourage tribal-state ICWA collaborations**
- ACF, BIA and tribes should develop a **modernized unified data collection system** designed to collect Adoption and Foster Care Analysis and Reporting System (AFCARS) (ICWA and tribal dependency) data on all AI/AN children who are placed into foster care and share that data quarterly with tribes
- ACF and BIA should work together collaboratively to **collect data regarding ICWA compliance** in state court systems;
- BIA should **issue ICWA regulations** (not simply update guidelines) and create an oversight board
- DOJ should create an ICWA Specialist position to provide advice to DOJ, support in specific ICWA court cases, and coordinate ICWA training.

*(Page 12, Executive Summary, Rec. 2.1 A-D)*

*“But more must be done to ensure tribal communities are encouraged to use these time tested healing strategies when appropriate. And I say this because there has be not to belittle them, but I think that to expand and enhance services, we need to be going beyond evidence-based practices and evidence-based treatment. We need to be able to also bring our cultural healing into our formal service array. We must also be cautious and mindful of the cultural hegemony that is implicit in the mental health field so that we will not inadvertently continue cultural traumatization that has been inflicted against our Native populations, which has led to the erosion of natural protective factors which are language, our spiritual beliefs, ceremonies, practices, roles, and values.”*

Deborah Painte, Director, Native American Training Institute.  
 Testimony before the Task Force on American Indian/Alaska Native Children  
 Exposed to Violence, Bismarck, ND, December 9, 2013

## Chapter 2 Recommendations



### Recommendation 2 and 3

- ACF and BIA should **develop and submit a written plan** to work collaboratively and efficiently to provide trauma-informed, culturally appropriate tribal child welfare services in Indian country.
- ACF, BIA and Tribes should collectively **identify child welfare best practices** and produce an annual report on *Child Welfare Best Practices in Indian Communities*

(Page 14, 15, Executive Summary)



## Chapter 2 Recommendations

### Recommendation 4

IHS, state public health services, and other state and federal agencies that provide pre or post natal services should ***provide culturally appropriate education and skills training for parents, foster parents and caregivers, of AI/AN children.***

(Page 15, Executive Summary)

*“We are all no doubt familiar with the high rates of domestic violence and sexual assault against Native women, and we forget sometimes that most Native women are also mothers, and grandmothers, and aunties. When children see their mother being abused, it is a traumatic event. I have seen systems that sanction victims for allowing their children to witness this trauma. I hope that the committee will recommend that such laws and policies be highly scrutinized, because they can cause yet an additional layer of trauma for both mother and child. No child should have to witness domestic violence, period. However, the responsibility for that exposure lies with the perpetrator; not the victim.”*

Sarah Deer, Law Professor, William Mitchell College of Law.  
Testimony before the Task Force on American Indian/Alaska Native  
Children Exposed to Violence, Bismarck, ND, December 7, 2013

## Chapter 2 Recommendations

### Recommendation 5

BIA and tribal/state social service agencies should have policies that permit *removal of children from victims of domestic violence for 'failure to protect' only as a last resort* as long as the child is safe.

(Page 15, Executive Summary)

## Chapter 2 Recommendations

### Recommendation 6

HHS should **increase and support access to culturally appropriate behavioral health and substance abuse prevention and treatment services** in all AI/AN communities, especially the use of traditional healers and helpers identified by tribal communities.

(Page 15, Executive Summary)

# ENDING VIOLENCE SO CHILDREN CAN THRIVE



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

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

“So in creating a community of caring, we must work harder to increase our students’ feelings of belonging in the school and their connectedness to cultural identity.”

Matthew Taylor, Associate Director,  
National Native Children’s Trauma Center  
Testimony before the Task Force on American Indian/Alaska Native  
Children Exposed to Violence, Fort Lauderdale, FL, April 17, 2014.

## 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.

## Community Violence

- Violence in American Indian and Alaska Native communities occurs at very high rates compared with non AI/AN communities - **higher for AI/AN than all other races.**
  - Simple assault, sexual assault, and homicide.
  - Suicide,
  - Gang violence,
  - Sex and drug trafficking,
  - Bullying
  - Coupling with the high rate of homelessness

“When a young teenager is encouraged to be a gang member by his family from a very young age, and has watched gang activities and substance abuse his entire life, it is unrealistic to expect him to remain unaffected.”

Sheri Fremont, Director, Family Advocacy Center, Salt River.  
Testimony before the Task Force on American Indian/  
Alaska Native Children Exposed to Violence, Phoenix, AZ, February 11, 2014

### Chapter 3 Recommendations

- The recommendations in this chapter speak to increasing capacity and infrastructure in AI/AN communities to allow those communities to confront the impact of current and past violence and to prevent future violence

“We are strong believers that we have the answers to our problems and change must come from within. The plans developed through this process must have the full support of tribal leadership and we must recognize the role that our unique cultures play in addressing this issue within this contemporary society.”

Leander Russell McDonald, Chairman, Spirit Lake Tribe.  
Testimony before the Task Force on American Indian/  
Alaska Native Children Exposed to Violence, Bismarck, ND, December 9, 2013

## Chapter 3 Recommendations

### Recommendation 1

The White House Indian Affairs with Executive Branch Agencies that are responsible for addressing the needs of AI/AN children, in consultation with tribes, shall develop a **strategy to braid (integrate) flexible funding** to allow tribes to create comprehensive violence prevention, intervention, and treatment programs to serve the distinct needs of AI/AN children and families.

(Page 16. Executive Summary)

## Chapter 3 Recommendations

- Strategy to braid (integrate) flexible funding needs to include:
  - Holding annual tribal consultations with tribal governments
  - Working with organizations that specialize in treatment/services for traumatized children
  - Developing and implementing federal policy that mandates exposure to violence trauma screening and suicide screening as a part of services offered to children during medical, juvenile justice and/or social service intakes.

## Chapter 3 Recommendations

### Recommendation 2

DOJ's National Institute of Justice and other DOJ agencies with statutory research funding should **set aside 10 percent of their annual research budgets** for partnerships between tribes and research entities to develop, adapt, and validate trauma screens for use among AI/AN children and youth living in rural, tribal, and urban communities.

Rec. 3.2 (Page 18, Executive Summary)

“One Friday, at the end of the school day, a 12-year-old boy went to the principal and asked, ‘Please call someone to take me for the weekend.’ And the principal asked why. The boy said, ‘I don’t want to go home. There are people who come, do drugs. There are fights with knives. I am scared. I think about it all the time. The weekends are the worst at home. I have no place to go.’”

Erma J. Vizenor, Chairwoman, White Earth Nation.  
 Testimony before the Task Force on American Indian/  
 Alaska Native Children Exposed to Violence,  
 Fort Lauderdale, FL, April 16, 2014

## Chapter 3 Recommendations

- Federal agencies should provide AI/AN youth-serving organizations such as schools, Head Starts, daycares, foster care, etc. with the **resources needed to create and sustain safe places where AI/AN children exposed to violence can obtain services.**
- Every youth-serving organization in tribal and urban Indian communities should receive mandated trauma-informed training and have trauma-informed staff and consultants providing school-based trauma-informed treatment in bullying, suicide, and gang prevention/intervention.

Rec. 3.3 (Page 18, Executive Summary)



*“Our rates of forcible rape, high school dating and sexual violence, infant homicide, and suicide are significantly higher than national averages. Thirteen percent of our suicides are children and nearly 40 percent are Alaska Native or American Indian. In 2012, someone was worried enough to make a report to child protection for nearly one out of ten Alaskan children, and 4 percent of our pregnant women in our PRAMS data source admit to being victims of intimate partner violence during their recent pregnancy.”*

Cathy Baldwin-Johnson, Medical Director, Alaska CARES. Testimony before the Task Force on American Indian/Alaska Native Children Exposed to Violence, Anchorage, AK, June 12, 2014

## Chapter 3 Recommendations

HUD should designate and prioritize Native American Housing Assistance and Self-Determination Act (NAHSDA) Funding for **construction of facilities to serve AI/AN children exposed to violence and structures for positive youth activities.**

Rec. 3.4 (Page 19, Executive Summary)

## Chapter 3 Recommendations

### Recommendation 5

Congress and federal agencies - in consultation with tribes – should ***develop, promote and fund youth-based after school programs for AI/AN youth.***

Rec. 3.5 (Page 19, Executive Summary)

## Chapter 3 Recommendations

### Recommendation 6

HHS should develop and implement a plan *to expand access to Indian Health Service, tribal and urban Indian centers to provide behavioral health services to AI/AN children in schools.* This should include the deployment of behavioral health services providers to serve students in the school setting.

Rec. 3.6 (Page 19, Executive Summary)

# ENDING VIOLENCE SO CHILDREN CAN THRIVE



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

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

## 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



# ENDING VIOLENCE SO CHILDREN CAN THRIVE



## CHAPTER 5 EMPOWERING ALASKA TRIBES, REMOVING BARRIERS AND PROVIDING RESOURCES

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

### 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)<sup>1</sup> and the Violence Against Women Act 2013 reauthorization (VAWA 2013)

“The state of Alaska needs a major shift in its policies and approaches to working with Alaska Native tribes and people. We are not an enemy of the state. This is our home and we love it. But we need to be respected and honored as equals.”

Evon Peter, Executive Director, Indigenous Leadership Institute.  
Testimony before the Task Force on American Indian/  
Alaska Native Children Exposed to Violence, Anchorage, AK,  
June 12, 2014

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.

**“Once children are in the system they are lost, not only to their parents, but to their extended families and communities.”**

Andy Teuber, President/ CEO, Kodiak Area Native Association.

Testimony before the Task Force on American Indian/  
Alaska Native Children Exposed to Violence,  
Anchorage, AK, June 11, 2014

## 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  
Commission<sup>46</sup>

## 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

“Let us enter into a new era of equality and real trust and responsibility. Please stop fighting our peoples’ basic human rights to provide for the survival and wellbeing of our people.”

Evon Peter, Executive Director, Indigenous Leadership Institute.  
Testimony before the Task Force on American Indian/Alaska Native  
Children Exposed  
to Violence, Anchorage, AK, June 12, 2014

## 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)

“To end the perpetrator-victim cycle we need a justice system which understands our history and has the authority to protect tribal members and deter harmful activity. That system is the tribal system.”

Hon. Natasha Singh, Tribal Court Judge, Stevens Village Hearing on S. 1474, S. 1570, S. 1574, S. 1622, and S. 2160 before the Senate Commission on Indian Affairs, 113th Congress, Second Session

“The advantages of having the tribal court are numerous. They will step in earlier to address a case. They know their own people. They know who the safe families are and what is actually happening in the families and where to place children.”

Lisa Jaeger, Tribal Government Specialist, Tanana Chiefs Conference. Testimony before the Task Force on American Indian/Alaska Native Children Exposed to Violence, Anchorage, AK, June 12, 2014

## 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

“This culturally inappropriate intervention [removal] is extremely traumatic for children and families, and should be the last line of defense, after all other attempts have been made to strengthen the family so that a child can remain in his or her own home. However, this is not yet the practice in many state systems, and specifically the Alaska state system, for a variety of reasons, including current federal funding mechanisms. Added to this equation is the legacy of removal that Native peoples, and specifically children, have faced. The historic trauma that systematic removal has generated in Native societies makes each removal of a Native child from her home, family and community a unique form of violence.”

Sarah Hicks Kastelic, Deputy Director, National Indian Child Welfare Association.  
Testimony before the Task Force on American Indian/Alaska Native Children Exposed to Violence, Anchorage, AK, June 11, 2014



## 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)


“Alaska Natives face a growing crisis of dysfunction in our clans, villages, and tribes caused by domestic violence and child abuse and neglect and related high rates of alcoholism, illegal drug usage, poor health, and alarming high suicide rate and asperity, high incarceration rates. This dysfunction is facilitated by the federal and state regulations that have destroyed our customary and traditional lifestyles. This dysfunction is adding modern day trauma to the historical trauma our citizens bear from decades of loss of land, water, and the natural resources that have always provided for our sustenance.”

Sarah Hicks Kastelic, Deputy Director, National Indian Child Welfare Association.  
Testimony before the Task Force on American Indian/Alaska Native Children Exposed to Violence,  
Anchorage, AK, June 11, 2014

“For example, this past year, Alaska Native Fishermen living along the Yukon River were ordered to do without when their staple, the king salmon, did not run as in many years past due to a perfect storm of commercial overfishing; declining fish populations; and a legal and public policy baseline in Alaska that treats Native fishing rights no differently than tourism.”

Richard Peterson, President, Central Council of Tlingit and Haida Tribes of  
Alaska.

Testimony before the Task Force on American Indian/Alaska Native Children  
Exposed to Violence,  
Anchorage, AK, June 11, 2014



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.

**FULL REPORT AVAILABLE**



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

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