

Attorney General's Advisory Committee
on American Indian/Alaska Native Children Exposed to Violence:
Ending Violence so Children Can Thrive
EXECUTIVE SUMMARY



NOVEMBER 2014
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**DEFENDING  
CHILDHOOD**  
PROTECT HEAL THRIVE



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

# Ending Violence So Children Can Thrive

NOVEMBER 2014



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This project was supported by Grant No. 2013-TY-FX-K002 awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the authors and do not necessarily reflect the official positions or policies of the U.S. Department of Justice.



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This report was created as part of the Defending Childhood Initiative created by Attorney General Eric H. Holder, Jr. This initiative strives to harness resources from across the Department of Justice to:

- Prevent children's exposure to violence;
- Mitigate the negative impact of children's exposure to violence when it does occur; and
- Develop knowledge and spread awareness about children's exposure to violence.

# Members of the Advisory Committee

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# Acknowledgements

During the course of our work, the Attorney General's Advisory Committee on American Indian and Alaska Native Children Exposed to Violence received support and assistance from numerous individuals and organizations to whom we would like to express our deepest gratitude.

The U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention, led by Administrator Robert Listenbee, provided the funding for this critical work as part of the Defending Childhood Initiative. We thank the department for the support it provided and its commitment to helping American Indian and Alaska Native children heal and thrive.

Our technical assistance provider, the Tribal Law and Policy Institute (TLPI), organized four public hearings and five Listening Sessions spanning the country and they assisted with the organization of this report. The hearings and Listening Sessions formed the backbone of our inquiry. We also would like to thank the following individuals and organizations who made it possible, through their generosity and time, for us to convene experts and community members to discuss children's exposure to violence: Salt River Pima-Maricopa Indian Community; Gila River Indian Community; Akimel O'odham/Pee-Posh Youth Council; All Nations Indian Church; National Congress of American Indians; National Indian Child Welfare Association; Seminole Tribe of Florida; Native Village of Napaskiak; Native Village of Emmonak; community of Bethel; National Indian Education Association; Little Earth of United Tribes; Center for Native American Youth; Casey Family Programs and the Ain Dah Yung Center. In addition, the following individuals provided assistance at hearings and Listening Sessions: Elders Jim and Bonnie Clairmont; Yago and Ina Evan; Mike Hoffman; John McDonald; and Vivian Korthuis.

We also gratefully acknowledge the many individuals who helped shape our thinking about this work and provided us with the support to complete this challenging task, including Professor Alicia Lieberman, who was appointed to the Advisory Committee but not able to participate in the hearings, Professor Sarah Deer and Erin Bailey.

Most importantly, this report and the work of this task force would not be what they are without the voices of those who shared their expertise, personal experience, passion, and commitment to ending American Indian and Alaska Native children's exposure to violence during the course of our hearings and Listening Sessions, as well as those who submitted written testimony. They are acknowledged individually in a separate section of this report, but their contributions bear mentioning again and we are greatly indebted to them. Ending American Indian and Alaska Native children's exposure to violence requires every one of us. The hundreds of people we heard from across this nation have demonstrated what profound change can occur when one person accepts the responsibility each of us has for ending this epidemic. On behalf of our sacred children, we thank you for your dedication.





# Letter from the Co-Chairs

NOVEMBER 18, 2014

Today, a vast majority of American Indian and Alaska Native children live in communities with alarmingly high rates of poverty, homelessness, drug abuse, alcoholism, suicide, and victimization. Domestic violence, sexual assault, and child abuse are widespread. Continual exposure to violence has a devastating impact on child development and can have a lasting impact on basic cognitive, emotional, and neurological functions. We **cannot** stand by and watch these children—who are the future of American Indian and Alaska Native communities—destroyed by relentless violence and trauma. This Advisory Committee was charged by U.S. Attorney General Eric H. Holder Jr. with examining these issues and making recommendations for change that will heal and protect American Indian and Alaska Native children and foster environments in which they can thrive and develop to their full potential.

Over the course of several months this Advisory Committee listened to hours of testimony about the trauma and suffering endured by our Native people—past and present. We heard story after story of abuse, loss, and tragedy. We heard about the legacy of historical trauma caused by loss of home, land, culture, and language and the subsequent abuse of generations of Native children in American boarding schools. We heard that, through a tragic history of broken promises and chronic underfunding, our country has failed to meet its trust obligations to Native Americans and their children.

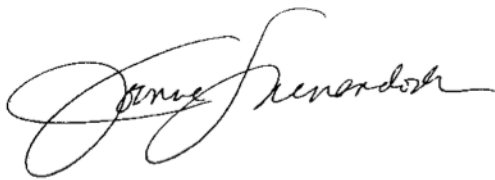
Yet at every hearing we also heard about the desire for healing and the importance of restoring traditional ceremonies and ancestral wisdom as ways of returning safety, dignity, respect, and well-being to our Indigenous people and their children. We discovered a remarkable core of resilience and love of children among Native people and a sense of urgency about changing their communities.

Throughout the testimony, we also heard stories of critical tribal funding that has been cut across sectors—housing, law enforcement, child welfare, juvenile justice, health care, and education—and how the lack of funding negatively impacts the children in those communities. And while there are state and federal programs intended to address the needs of Native American children and youth, the findings of this report illustrate that grant-making systems are cumbersome and resources for tribes are extremely limited. Too often tribes are forced to compete with one another for limited resources and the grant application process is subject to unrealistic time frames, overwhelming paperwork, and requirements that place unrealistic burdens on small or remote tribal communities.

A number of the recommendations in this report require substantial investment and new appropriations for programs that provide critical services and care to American Indian and Alaska Native children. Progress will not be made until Congress passes legislation requiring mandatory spending for tribal children and youth. Furthermore, treaties and existing law and

trust responsibilities *demand* that Congress and the Executive Branch direct sufficient funds to American Indian and Alaska Native Nations to bring funding into parity with the rest of the United States so that tribal Nations can effectively address violence in their communities, prevent children from being exposed to violence, and respond to those children who need to heal.

This report is submitted to Attorney General Holder with a deep sense of responsibility, humility, commitment, and hope for change. We are extremely grateful to all the witnesses and others who generously shared their stories, wisdom, time, and recommendations with us. And we thank our fellow Advisory Committee members—an extraordinary group of people who have a deep commitment to American Indian and Alaska Native children.

A handwritten signature in black ink, appearing to read "Joanne Shenandoah". The signature is fluid and cursive, with a large, sweeping initial "J".

Joanne Shenandoah, PhD, Co-Chair

A handwritten signature in black ink, appearing to read "Byron L. Dorgan". The signature is cursive and somewhat stylized, with a prominent "B" and "D".

US Senator Byron L. Dorgan (ret.), Co-Chair

# Executive Summary

Day in and day out, despite the tremendous efforts of tribal<sup>1</sup> governments and community members, many of them hindered by insufficient funding, American Indian and Alaska Native (AI/AN) children suffer exposure to violence at rates higher than any other race in the United States. The immediate and long term effects of this exposure to violence includes increased rates of altered neurological development, poor physical and mental health, poor school performance, substance abuse, and overrepresentation in the juvenile justice system. This chronic exposure to violence often leads to toxic stress reactions and severe trauma; which is compounded by historical trauma. Sadly, AI/AN children experience posttraumatic stress disorder at the same rate as veterans returning from Iraq and Afghanistan and triple the rate of the general population.<sup>2</sup> With the convergence of exceptionally high crime rates, jurisdictional limitations, vastly under-resourced programs, and poverty, service providers and policy makers should assume that *all* AI/AN children have been exposed to violence.

Through hearings and Listening Sessions over the course of 2013–14, the Attorney General’s Advisory Committee on American Indian and Alaska Native Children Exposed to Violence<sup>3</sup> examined the current epidemic of violence and evaluated suggestions for preventing violence and alleviating its impact on AI/AN children. This report presents the Advisory Committee’s policy recommendations that are intended to serve as a blueprint for preventing AI/AN children’s exposure to violence and for mitigating the negative effects experienced by AI/AN children exposed to violence across the United States and throughout Indian country. The primary focus of the report is the thirty-one wide-ranging findings and recommendations that emerged from hearings and Listening Sessions. The Advisory Committee also examines the reports of the Attorney General’s National Task Force on Children Exposed to Violence in 2012<sup>4</sup> and the Indian Law and Order Commission (ILOC) in 2013,<sup>5</sup> and incorporates some of the recommendations from these important reports that most strongly impact AI/AN children exposed to violence.

This report contains five chapters: (1) “Building a Strong Foundation”; (2) “Promoting Well-Being for American Indian and Alaska Native Children in the Home”; (3) “Promoting Well-Being for American Indian and Alaska Native Children in the Community”; (4) “Creating a Juvenile Justice System that Focuses on Prevention, Treatment and Healing”; and (5) “Empowering Alaska Tribes,”<sup>6</sup>

Removing Barriers, and Providing Resources.” Each chapter contains a discussion of the topics, providing background information, data, examples of problems as well as promising practices, and the Advisory Committee’s recommendations.

This Advisory Committee was charged with making recommendations to the Attorney General of the United States. Many of the recommendations in this report are addressed to Congress and executive branch agencies outside the Department of Justice because solutions to the dire situation faced by AI/AN children must be comprehensive and will require efforts beyond the Department of Justice. Therefore, the Committee recommends that the Attorney General work with the legislative and executive branches of government to implement the recommendations. A summary of each chapter is presented below.

## Chapter 1—Building a Strong Foundation

We must transform the broken systems that re-traumatize children into systems where American Indian and Alaska Native (AI/AN) tribes are empowered with authority and resources to prevent exposure to violence and to respond to and promote healing of their children who have been exposed. Current barriers that prevent tribes from leading in protecting and healing their children must be eliminated before real change can begin.

- **1.1 Leaders at the highest levels of the executive and legislative branches of the federal government should coordinate and implement the recommendations in this report consistent with three core principles—Empowering Tribes, Removing Barriers, and Providing Resources—identified by the Advisory Committee.**

There is a vital connection between tribal sovereignty and protecting AI/AN children. The Advisory Committee is convinced that state and federal governments must recognize and respect the primacy of tribal governments in responding to AI/AN children. Jurisdictional restrictions on tribes must be eliminated to allow Tribes to exercise their inherent sovereign authority to prevent AI/AN children’s exposure to violence. Resource limitations must be adequately addressed. The barriers that currently limit tribes’ response to exposure to violence must be removed. Tribes should be supported in this effort with the assistance, collaboration, and

resources needed to build their capacity to fully implement and sustain tribal-controlled, trauma-informed prevention and treatment models and systems. These barriers must be removed in order to empower individual tribal communities to prevent their children from being exposed to violence along with sufficient tools to respond and promote healing in their children who have been exposed.

- **1.2 The White House should establish—no later than May 2015—a permanent fully-staffed Native American Affairs Office within the White House Domestic Policy Council. This new Native American Affairs Office should include a senior position specializing in AI/AN children exposed to violence. This office should be responsible for coordination across the executive branch of all services provided for the benefit and protection of AI/AN children and the office lead should report directly to the Director of the Domestic Policy Council as a Special Assistant to the President. The Native American Affairs Office should have overall executive branch responsibility for coordinating and implementing the recommendations in this report including conducting annual tribal consultations.**

The Advisory Committee believes that a permanent fully-staffed Native American Affairs Office, including a senior position specializing in AI/AN children exposed to violence, is required in order to comply with the federal government’s trust responsibility and to effectively address the current inability of the federal government to serve the needs of AI/AN children exposed to violence. The new White House Native American Affairs Office should provide the essential executive branch coordination and collaboration required to effectively implement the recommendations in this report. The current “stovepipe organizational structure” of the executive branch restricts the flow of information and cross-organizational communication, making essential collaboration extremely difficult.

The White House Native American Affairs Office should conduct annual consultations with tribal governments, including discussion of:

1. Administering tribal funds and programs;
2. Enhancing the safety of AI/AN children exposed to violence in the home and in the community;

3. Enhancing child protection services through trauma-informed practice;
4. Enhancing research and evaluation to address behavioral health needs and explore tribal cultural interventions and best practices;
5. Enhancing substance abuse services for caregivers and youth that addresses exposure to violence; and
6. Evaluating the implementation status of the recommendations in this report.

■ **1.3 Congress should restore the inherent authority of American Indian and Alaska Native (AI/AN) tribes to assert full criminal jurisdiction over all persons who commit crimes against AI/AN children in Indian country**

In May 2013, Congress passed the Violence against Women Reauthorization Act (VAWA).<sup>7</sup> Among its provisions, Congress amended the Indian Civil Rights Act (ICRA) to authorize “special domestic violence criminal jurisdiction” to tribal courts over non-Indian offenders who (1) commit domestic violence, (2) commit dating violence, or (3) violate a protection order. It is troubling that tribes have no criminal jurisdiction over non-Indians who commit heinous crimes of sexual and physical abuse of AI/AN children in Indian country. Congress has restored criminal jurisdiction over non-Indians who commit domestic violence, commit dating violence, and violate protection orders. Congress should now similarly restore the inherent authority of AI/AN tribes to assert full criminal jurisdiction over all persons who commit crimes against AI/AN children in Indian country including both child sexual abuse and child physical abuse.

■ **1.4 Congress and the executive branch shall direct sufficient funds to AI/AN tribes to bring funding for tribal criminal and civil justice systems and tribal child protection systems into parity with the rest of the United States and shall remove the barriers that currently impede the ability of AI/AN Nations 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.***

The Advisory Committee believes that this investment is necessary to create an environment in which AI/AN children, today and for generations to come, may thrive. This investment is not only the right thing to do, but is part of the legal obligations of this nation to those communities. In order to more effectively address the needs of AI/AN children exposed to violence, substantial changes must be made in the methods by which AI/AN tribes are able to access federal funding. Substantially increased levels of federal funding will be required.

Funding for child maltreatment prevention and child protection efforts is especially limited in Indian country. Meanwhile, states receive proportionately more funding for prevention and child protection while tribes receive little to no federal support for these activities. Tribes are not even eligible for the two major programs that fund these state programs—Title XX of the Social Services Block Grant and the Child Abuse Prevention and Treatment Act.

The U.S. Department of the Interior (DOI) through the Bureau of Indian Affairs (BIA) provides limited funding for tribal court systems but the funding level is far too low. The BIA has historically denied any tribal law enforcement and tribal court funding to tribes in jurisdictions—such as Public Law 280 (PL-280) jurisdictions<sup>8</sup>—where congressionally authorized concurrent state jurisdiction has been established. Furthermore, efforts to fund tribal justice systems such as the Indian Tribal Justice Act of 1993 (which authorized an additional \$50 million per year in tribal court base funding) have repeatedly *authorized* increased tribal court funding, but the long-promised funding has never materialized in the form of actual *appropriations*.

Since the late 1990s, the U.S. Department of Justice (DOJ) has also become a significant federal source of tribal justice funding. Tribes have utilized DOJ grant funding to enhance various and diverse aspects of their tribal justice systems, from tribal codes to Juvenile Healing to Wellness Courts (tribal drug courts) to unique tribal youth programs. While these grants have offered immense support, they are far from the consistent, tribally driven approach that is needed in Indian country. The Advisory Committee heard repeated frustration from hearing witnesses concerning the competitive funding approach that DOJ utilizes.

It is important to note that DOJ funding for tribal justice systems has been consistently decreasing in recent years. It is particularly



troubling that the Consolidated Tribal Assistance Solicitation (CTAS) grant program with the closest direct connection to AI/AN children exposed to violence—the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Tribal Youth Program (TYP)—has suffered the greatest decrease in funding levels. In a four-year period, OJJDP TYP funding has plummeted from \$25 million in FY 2010 down to only \$5 million in FY 2014. Tribes, like their state and local counterparts, deserve the benefit of reliability in their quest to build robust tribal justice systems that can adequately serve their youth. Base funding from resources pooled across various federal agencies would offer tribes the reliability and flexibility that is needed.

AI/AN children are generally served best when tribes have the opportunity to take ownership of the programs and resources that they provide. PL-93-638 contracts, self-governance compacts, and PL-102-477 funding agreements, are examples of successful federal programs that afford tribes the option to take over the management of federal funds for an array of programs. However, currently none of these programs applies to the DOJ.

**1.4.A Congress and the executive branch shall provide recurring mandatory, not discretionary, base funding for all tribal programs that impact AI/AN children exposed to violence, including tribal criminal and civil justice systems and tribal child protection systems, and make it available on equal terms to all federally recognized tribes, whether their lands are under federal jurisdiction or congressionally authorized state jurisdiction.**

The United States’ trust responsibility to AI/AN tribes requires the provision of basic governmental services in Indian country. Funding to fulfill this obligation, however, is currently provided in the *discretionary* portion of the federal budget despite the fact that the treaties that made promises to Indian tribes did not promise “*discretionary*” support and the trust responsibility is not *discretionary*. Because the spending is discretionary and not mandatory as it should be, public policies like sequestration reduce or eliminate programs that clearly should not be cut.

**1.4.B Congress shall appropriate, not simply authorize, sufficient substantially increased funding to provide reliable tribal base funding for all tribal programs that impact**

**AI/AN children exposed to violence. This includes tribal criminal and civil justice systems and tribal child protection systems. At a minimum, and as a helpful starting point, Congress shall enact the relevant funding level requests in the National Congress of American Indians (NCAI) Indian Country Budget Request for FY 2015.**

Substantially increased levels of federal funding will be required to more effectively address the needs of AI/AN children exposed to violence. For the past ten years, NCAI has published an annual Indian Country Budget Request Report that reflects collaboration with tribal leaders, Native organizations, and tribal budget consultation bodies. That budget request should serve as a helpful starting point for the initial minimum levels of increased funding that will be needed. The annual NCAI budget reports also provide further insightful detail concerning a wide range of federal programs that will be required to implement these recommendations.

**1.4.C Congress shall authorize all federal agencies, beginning with the Department of Justice (DOJ), to enter into 638 self-determination and self-governance compacts with tribes to ensure that all tribal system funding, including both justice and child welfare, is subject to tribal management. Further, the Department of Health and Human Services (HHS) should fully utilize its current 638 self-determination and self-governance authority to the greatest extent feasible for flexible funding programs in the Department of Health and Human Services (HHS) beyond the Indian Health Service (IHS) and seek additional legislative authority where needed.**

Expanding the option for self-governance would translate to greater flexibility for tribes to provide critical social services within agencies such as the Administration on Aging, Administration on Children and Families, Substance Abuse and Mental Health Services Administration, and the Health Resources and Services Administration. HHS must work closely with tribes to strengthen current self-governance programs and advance initiatives that will streamline and improve HHS program delivery in Indian country.

**1.4.D Congress shall end all grant-based and competitive Indian country criminal justice funding in the Department of Justice (DOJ) and instead establish a permanent, recurring base funding system for tribal law enforcement and justice services.**

As soon as possible, Congress should end all grant-based and competitive Indian country criminal justice funding in the DOJ and instead pool these monies to establish a permanent, recurring base funding system for tribal law enforcement and justice services. Federal base funding for tribal justice systems should be made available on equal terms to all federally recognized tribes, whether their lands are under federal jurisdiction or congressionally authorized state jurisdiction.

**1.4.E Congress shall establish a much larger commitment than currently exists to fund tribal programs through the Department of Justice’s Office of Justice Programs (OJP) and the Victims of Crime Act (VOCA) funding. As an initial step towards the much larger commitment needed, Congress shall establish a minimum 10 percent tribal set-aside, as per the Violence Against Women Act (VAWA) tribal set-aside, from funding for all discretionary Office of Justice Programs (OJP) and Victims of Crime Act (VOCA) funding making clear that the tribal set-aside is the minimum tribal funding and not in any way a cap on tribal funding. President Obama’s annual budget request to Congress has included a 7 percent tribal set-aside for the last few years. This is a very positive step and Congress should authorize this request immediately. However, the tribal set-aside should be increased to 10 percent in subsequent appropriations bills. Until Congress acts, the Department of Justice shall establish this minimum 10 percent tribal set-aside administratively.**

After determining that AI/AN women face the highest level of violence in the nation—along with the highest rate of unmet needs—Congress set aside a percentage of VAWA funding for tribal

governments. Since the 2005 VAWA Reauthorization, the tribal set-aside has been 10 percent. The Advisory Committee finds that the 10 percent VAWA tribal set-aside is a highly relevant precedent that should be applied to all discretionary OJP programs that impact AI/AN children exposed to violence. The same rationale applies to the VOCA funding, which has served as a major funding source for states to provide services to victims of crime since its establishment in 1984. However, it should be noted that this is a minimum initial amount with the expectation that substantially increased levels of funding will be forthcoming.

**1.4.F The Department of Justice (DOJ) and Department of Interior (DOI) should, within one year, conduct tribal consultations to determine the feasibility of implementing Indian Law and Order Commission (ILOC) Recommendation 3.8 to consolidate all DOI tribal criminal justice programs and all DOJ Indian country programs and services into a single “Indian country component” in the DOJ and report back to the President and AI/AN Nations on how tribes want to move forward on it.**

While the Advisory Committee is in general agreement with the ILOC’s Recommendation 3.8 to consolidate all DOI tribal criminal justice programs and all DOJ Indian country programs and services into a single DOJ “Indian country component,” the Advisory Committee recommends that tribal consultation be conducted prior to making such a significant and far-reaching move.

■ **1.5 The legislative branch of the federal government along with the executive branch, under the direction and oversight of the White House Native American Affairs Office, should provide adequate funding for and assistance with Indian country research and data collection.**

Research and data collection is a critical component of developing effective responses to AI/AN children exposed to violence. Tribal governments, like every government, need the ability to track and access data involving their citizens across service areas and to accept the responsibility of gathering data. Tribal governments currently do not have adequate access to accurate, comprehensive data regarding key areas affecting AI/AN children exposed to

violence. Even when data is gathered, it is often not shared with tribes. In order to remedy this situation, federal leadership is required and data should be co-owned with tribes.

Tribal Nations also need access to research initiatives that will help create and develop effective prevention and intervention strategies for children exposed to violence. Currently, many tribal communities are developing and implementing culturally based prevention and intervention programs. However, most do not have the resources necessary to evaluate the effectiveness of these programs.

■ **1.6 The legislative and executive branches of the federal government should encourage tribal-state collaborations to meet the needs of AI/AN children exposed to violence.**

The criminal justice, juvenile justice, and child welfare systems are too often ineffective because tribes and states do not always act collaboratively. The federal government should use its power and funds to encourage tribal-state collaborations.

■ **1.7 The federal government should provide training for AI/AN Nations and for the federal agencies serving AI/AN communities on the needs of AI/AN children exposed to violence. Federal employees assigned to work on issues pertaining to AI/AN communities should be required to obtain training on tribal sovereignty, working with tribal governments, and the impact of historical trauma and colonization on tribal Nations within the first sixty days of their job assignment.**

The federal trust responsibility should include ensuring that all service providers attending to the needs of AI/AN children receive appropriate training and technical assistance. Properly credentialed professionals who lack the cultural knowledge to identify and understand tribal familial needs face challenges in providing effective services. Further, AI/AN communities struggle to ensure access to a qualified AI/AN workforce in the trauma treatment area.

## Chapter 2—Promoting Well-Being for American Indian and Alaska Native Children 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. This exposure not only contradicts traditional understandings that children are to be protected and viewed as sacred, but it leaves hundreds of children traumatized and struggling to cope over the course of their lifetime. Despite leadership from tribal governments, parents and families, domestic violence in the homes of AI/AN children and physical abuse, sexual abuse, and neglect of children is more common than in the general population. Unfortunately, the response of child-serving systems often re-traumatizes the child.

- **2.1 The legislative and executive branches of the federal government should ensure Indian Child Welfare Act (ICWA) compliance and encourage tribal-state ICWA collaborations.**
  - 2.1.A Within two years of the publication of this report, the Administration for Children and Families (ACF) in the Department of Health and Human Services (HHS), the Bureau of Indian Affairs (BIA) in the Department of the Interior (DOI), 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 by their agency and share that data quarterly with tribes to allow tribes and the BIA to make informed decisions regarding AI/AN children.**
  - 2.1.B The Secretaries of the Department of Interior (DOI) and Health and Human Services (HHS) should compel BIA and ACF to work together collaboratively to collect data regarding compliance with ICWA in state court systems. The ACF and BIA should work collaboratively to ensure state court compliance with ICWA.**
  - 2.1.C The BIA should issue regulations (not simply update guidelines) and create an oversight board to review ICWA implementation and designate consequences of**

**noncompliance and/or incentives for compliance with ICWA to ensure the effective implementation of ICWA.**

**2.1.D The Department of Justice (DOJ) should create a position of Indian Child Welfare Specialist to provide advice to the Attorney General and DOJ staff on matters relative to AI/AN child welfare cases, to provide case support in cases before federal, tribal, and state courts, and to coordinate ICWA training for federal, tribal, and state judges; prosecutors; and other court personnel.**

If AI/AN children today are to be provided with a reliable safety net, the letter and the spirit of ICWA must be enforced. ICWA provides critical legal protections for AI/AN children when intervention and treatment is deemed necessary by state child protection agencies. The most significant provisions seek to keep AI/AN children safely in their homes and provide AI/AN children with certain civil protections as members of their respective tribes.

The lack of accurate, relevant data on tribal children and families often results in AI/AN children being left out of discussions about policy development, resource allocation, and decision making at the federal level. Or, because of the lack of such data regarding AI/AN children, policy makers delay or decline to make decisions and resource allocations because they cannot “justify” the services. By increasing tribal capacity (through tribal child protection agencies in BIA and IHS) in the area of data collection, tribal engagement and federal responsiveness to AI/AN children’s needs can be increased.

ICWA noncompliance is at least in part a result of minimal oversight of ICWA implementation and no enforcement mechanism. ICWA was enacted without providing sanctions for noncompliance, incentives for effective compliance, a data-collection requirement, and a mandate for an oversight committee or authority to monitor compliance. ICWA is the only federal child welfare law that does not include legislatively mandated oversight or periodic review.<sup>9</sup> These deficits in ICWA should be corrected.

The DOJ existing structure does not include a position that allows for investigation and research on Indian child welfare cases. The current environment is litigious and recent Indian child welfare cases have risen to the state and federal Supreme Courts. In addition to monitoring state compliance with ICWA included in

other recommendations in this chapter, a position within the DOJ dedicated to supporting challenges to ICWA will improve child welfare outcomes and play a direct role in reducing trauma and violence experienced by AI/AN children in the child welfare system. Requirements for the position should include ICWA and family law experience. The position should be filled immediately.

- **2.2 The Bureau of Indian Affairs (BIA) in the Department of the Interior (DOI), the Administration for Children and Families (ACF) in the Department of Health and Human Services (HHS), and tribes, within one year of the publication of this report, should develop and submit a written plan to the White House Domestic Policy Council, to work collaboratively and efficiently to provide trauma-informed, culturally appropriate tribal child welfare services in Indian country.**

When federal agencies fail to work together with tribes to confront problems in Indian country, the result is ineffective and inefficient systems. Child welfare services in Indian country are a good example of this inefficiency. Cooperation and collaboration among agencies that focus on tribal families and children must be thoughtfully planned and consistently delivered.

- **2.3 The Administration for Children and Families (ACF) in the Department of Health and Human Services (HHS), Bureau of Indian Affairs (BIA) in the Department of the Interior (DOI), and tribes should collectively identify child welfare best practices and produce an annual report on child welfare best practices in AI/AN communities that is easily accessible to tribal communities.**

Tribal child protection and prevention teams need AI/AN-specific research about the intersection of domestic violence, trauma exposure, and child maltreatment in order to create and promote effective prevention strategies, interventions, treatment, and policy change. Tribal communities have traditional methods of practice-based evidence to deal with trauma and healing. These practices have been used for centuries, but are not acknowledged as “evidence-based” treatments. Although promising practices exist throughout tribal communities, we do not have enough information about the effectiveness of such programs and methods of implementation, which makes success hard to replicate.



- **2.4 The Indian Health Service (IHS) in the Department of Health and Human Services (HHS), state public health services, and other state and federal agencies that provide pre- or postnatal services should provide culturally appropriate education and skills training for parents, foster parents, and caregivers of AI/AN children. Agencies should work with tribes to culturally adapt proven therapeutic models for their unique tribal communities (e.g., adaptation of home visitation service to include local cultural beliefs and values).**

Due to the prevalence of violence in AI/AN homes and communities and the influence of historical trauma, many AI/AN parents, foster parents, and prospective parents may need help developing traditional parenting skills. Caregivers may have experienced trauma as children or may continue to be victims of violence in their homes. Assistance for families experiencing violence or at risk for violence is most accessible when it is brought directly into the home.

- **2.5 The Bureau of Indian Affairs (BIA) in the Department of the Interior (DOI), tribal social service agencies, and 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.**

Children are often removed from both parents when domestic violence occurs, even when one parent was also a victim of violence. Children who witness domestic violence have a greater need for stability and security; however when the child is removed from the nonoffending parent, it can produce the opposite effect.. To ensure stability and permanency for children in a home with domestic violence, children should remain with the non-offending parent (caregiver) whenever possible, as long as the child is safe.

- **2.6 The Secretary of Health and Human Services (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.**

Substance abuse related to child abuse and neglect is more likely to be reported for AI/AN families. Treatment programs that work with AI/AN populations should incorporate AI/AN tribal customs and spiritual ceremonies, be trauma-informed, and be holistic. AI/AN people in recovery may have experienced multiple traumas in their lifetimes, suffer from historical and intergenerational trauma, and abuse alcohol and drugs as a way of coping with those traumas. Without treatment to heal from the underlying traumas, alcohol and drug abuse treatment may be ineffective.

## Chapter 3—Promoting Well-Being for American Indian and Alaska Native Children in the Community

Violence in American Indian and Alaska Native (AI/AN) communities occurs at very high rates compared with non-AI/AN communities—higher for AI/AN people than for all other races. AI/AN children are exposed to many types of community-based violence, including simple assaults, violent threats, sexual assault, and homicide. Additionally, suicide, gang violence, sex and drug trafficking, and bullying are especially problematic for AI/AN youth. Coupling that rate of exposure with the high rate of homelessness makes AI/AN youth especially vulnerable to community violence. 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.

- **3.1 The White House Native American Affairs Office (see Recommendation 1.2) and executive branch agencies that are responsible for addressing the needs of AI/AN children, in consultation with tribes, should 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.**

**3.1.A The White House Native American Affairs Office, the U.S. Attorney General, the Secretaries of the Department of Interior (DOI) and Health and Human Services (HHS), and the heads of other agencies that provide funds that serve AI/AN children should annually consult with tribal governments to solicit recommendations on the**

**mechanisms that would provide flexible funds for the assessment of local needs, and for the development and adaptation of promising practices that allow for the integration of the unique cultures and healing traditions of the local tribal community.**

**3.1.B The White House Native American Affairs Office and the U.S. Attorney General should work with the organizations that specialize in treatment and services for traumatized children, for example, National Child Traumatic Stress Network, to ensure that services for AI/AN children exposed to violence are trauma-informed.**

**3.1.C The White House Native American Affairs Office should coordinate the development and implementation of federal policy that mandates exposure to violence trauma screening and suicide screening be a part of services offered to AI/AN children during medical, juvenile justice, and/or social service intakes.**

Although children exposed to violence in AI/AN communities are similar to all children exposed to violence, solutions to the exposure to traumatic events may vary greatly among the 566 distinct federally recognized tribes across the United States. Federal, tribal, and state agencies and organizations must collaborate to ensure that tribal communities are allowed the flexibility to implement solutions that work and are culturally and locally relevant to meet the challenges, the circumstances, and the unique characteristics of their children and communities.

Policies must be developed and implemented to ensure that screening for exposure to violence takes place in numerous settings and issues of confidentiality are resolved. Confidentiality issues will arise as children are screened by various child-serving organizations in the communities that serve them. The need for confidentiality must be balanced with the need for service providers to have information that will permit them to more effectively serve the child. The Advisory Committee urges federal, tribal, and state programs that collect these data to seek creative ways to monitor and use information for the benefit of the child rather than use confidentiality as an excuse to inappropriately refuse to share information.

- **3.2 The Department of Justice’s National Institute of Justice (NIJ) and other Justice Department 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. Trauma screens should be tested and validated for use in schools, juvenile justice (law enforcement and courts), mental health, primary care, Defending Childhood Tribal Grantee programs, and social service agencies and should include measures of trauma history, trauma symptoms, recognizing trauma triggers, recognizing trauma reactions, and developing positive coping skills for both the child and the caregivers.**

Early identification of exposure to violence, timely intervention and treatment, and especially prevention can protect a child from being trapped in a cycle of repeated exposure to violence.<sup>10</sup> Identification of children who have been traumatized by exposure to violence is the first step toward healing and recovery. Children must be screened in schools, clinics, social service agencies, juvenile justice facilities, wherever children are found. An AI/AN child’s response to a trauma may be intensified because of the legacy of historical trauma. Tribal communities need assistance from research partnerships to develop, validate, and use instruments to screen for trauma symptoms and design an effective path forward for children.

- **3.3 The White House Native American Affairs Office and responsible federal agencies should provide AI/AN youth-serving organizations such as schools, Head Starts, daycares, foster care programs, and so forth 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 Native 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.**

Tribal child-serving systems and school staff are often unaware of the impact trauma has on the psychological and emotional health of

their students. Schools that are trauma-informed can establish safe and nurturing environments where children can learn.

- **3.4 The Secretary of Housing and Urban Development (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. This will help tribal communities create positive environments such as shelters, housing, cultural facilities, recreational facilities, sport centers, and theaters through the Indian Community Development Block Grant Program and the Housing Assistance Programs.**

The Advisory Committee repeatedly heard testimony about the need for safe houses for youth in tribal communities—safe settings for youth escaping violence and places where a youth’s basic needs for safety, nutrition, mental health treatment, and education can be assessed and met. Safe houses may provide for their cultural and spiritual needs as well. Providing a safe place where violence-exposed youth can focus on healing is the first step toward helping a young person recover from trauma.

- **3.5 The White House Native American Affairs Office should work with the Congress and executive branch agencies in consultation with tribes to develop, promote, and fund youth-based afterschool programs for AI/AN youth. The programs must be culturally based and trauma-informed, must partner with parents/caregivers, and, when necessary, provide referrals to trauma-informed behavioral health providers. Where appropriate, local capacity should also be expanded through partnerships with America’s volunteer organizations, for example, AmeriCorps.**

Community-based and afterschool programs for youth that teach culture, prevention, and life skills will help AI/AN youth develop healthy lifestyles and values and strengthen their resiliency.

- **3.6 The White House Native American Affairs Office and the Secretary of Health and Human Services (HHS) should develop and implement a plan to expand access to Indian Health Service (IHS), 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.**

Federal, tribal, state, and for-profit agencies that provide behavioral health services must cooperate to develop and deliver school-based services for AI/AN students. Federal agencies should work with public schools and Bureau of Indian Education (BIE)-funded schools to ensure that services are offered, preferably in the schools, to students attending BIE-funded schools. School-based services increase the availability and utilization of services and will increase safety in schools.

## Chapter 4—Creating a Juvenile Justice System that Focuses on Prevention, Treatment, and Healing

Children entering the juvenile justice system are exposed to violence at staggeringly high rates. Many American Indian and Alaska Native (AI/AN) people believe that the Western criminal/juvenile justice system is inappropriate for children, particularly AI/AN children, as it is contrary to AI/AN values in raising children. The Advisory Committee concludes that the standard way juvenile justice has been administered by state jurisdictions is a failure and it re-traumatizes AI/AN children.

The Advisory Committee supports substantial reform of the juvenile justice systems impacting AI/AN youth. A reformed juvenile justice system should be tribally operated or strongly influenced by tribes within the local region.

- **4.1 Congress should authorize additional and adequate funding for tribal juvenile justice programs, a grossly underfunded area, in the form of block grants and self-governance compacts that would support the restructuring and maintenance of tribal juvenile justice systems.**

**4.1.A Congress should create an adequate tribal set-aside that allows access to all expanded federal funding that supports juvenile justice at an amount equal to the need in tribal communities. As an initial step towards the much larger commitment needed, Congress should**

**establish a minimum 10 percent tribal set-aside, as per the Violence Against Women Act (VAWA) tribal set aside, from funding for all Office of Juvenile Justice and Delinquency Prevention (OJJDP) funding making clear that the tribal set-aside is the minimum tribal funding and not in any way a cap on tribal funding. President Obama's annual budget request to Congress has included a 7 percent tribal set aside for the last few years. This is a very positive step and Congress should authorize this request immediately. However, the tribal set-aside should be increased to 10 percent in subsequent appropriations bills. Until Congress acts, the Department of Justice should establish this minimum 10 percent tribal set-aside administratively.**

- 4.1.B Federal funding for state juvenile justice programs should require that states engage in and support meaningful and consensual consultation with tribes on the design, content, and operation of juvenile justice programs to ensure that programming is imbued with cultural integrity to meet the needs of tribal youth.**
- 4.1.C Congress should direct the Department of Justice (DOJ) and the Department of Interior (DOI) to determine which agency should provide funding for both the construction and operation of jails and juvenile detention facilities in AI/AN communities, require consultation with tribes concerning selection process, ensure the trust responsibilities for these facilities and services are assured, and appropriate the necessary funds.**

The funding tribes receive for juvenile justice programming must be adequate and stable. Currently, tribes need to rely on inadequate base funding from the BIA, thus forcing them to compete for grant funds to support the most basic components of a juvenile justice system. It is unacceptable for federal agencies to provide grant funding for a tribal program and limit the funding to three years, requiring tribes to re-compete or lose funding at the end of the grant period. Flexibility and stability in funding is important to allow local communities to utilize the funding in creative, impactful ways.

Programming offered in state juvenile justice systems is not meeting the needs of AI/AN youth and in some cases is harming these youth. Even those states with significant AI/AN populations fail to meaningfully consult with tribes about their juvenile justice systems to ensure that their programming is thoughtful and culturally based. One way to ensure that states with significant AI/AN populations involve the tribes in important decisions regarding AI/AN children is to tie federal funding to meaningful consultation with tribes.

Currently the DOJ and DOI have divided responsibilities to construct, operate, staff, and maintain jails and juvenile detention centers. This has resulted in dozens of facilities being constructed that are vacant or seriously underutilized because operating funds have not been provided. The split responsibility that exists now is not workable.

- **4.2 Federal, state, and private funding and technical assistance should be provided to tribes to develop or revise trauma-informed, culturally specific tribal codes to improve tribal juvenile justice systems.**

Developing a tribal juvenile justice system requires developing tribal codes that fit the culture and community. Technical assistance should be provided to develop culturally appropriate, trauma-informed juvenile justice codes and systems.

- **4.3 Federal, tribal, and state justice systems should provide publicly funded legal representation to AI/AN children in the juvenile justice systems to protect their rights and minimize the harm that the juvenile justice system may cause them. The use of technology such as videoconferencing could make such representation available even in remote areas.**

AI/AN youth need to be provided with counsel due to the impact of immaturity, the effects of exposure to violence and trauma, and caregivers who are no more likely to understand the system, rights, and process than the youth. Given the overrepresentation of AI/AN youth in state and federal justice systems and in secure confinement, it is critical that culturally competent, well-trained defense counsel be afforded to the youth at public expense in all federal, tribal, and state juvenile proceedings.



- **4.4 Federal, tribal, and state justice systems should only use detention of AI/AN youth when the youth is a danger to themselves or the community. It should be close to the child’s community and provide trauma-informed, culturally appropriate, and individually tailored services, including reentry services. Alternatives to detention such as “safe houses” should be significantly developed in AI/AN urban and rural communities.**

The use of juvenile detention is not effective as a deterrent to delinquent behavior, risky behavior, or truancy and should only be used when there is clear evidence that the youth is a danger to themselves or the community.

- **4.5 Federal, tribal, and state justice systems and service providers should make culturally appropriate trauma-informed screening, assessment, and care the standard in juvenile justice systems. The Indian Health Service (IHS) in the Department of Health and Human Services (HHS) and tribal and urban Indian behavioral health service providers must receive periodic training in culturally adapted trauma-informed interventions and cultural competency to provide appropriate services to AI/AN children and their families.**

Behavioral health services for AI/AN youth may be handled by different agencies with different priorities. Youth in the juvenile justice system are typically not a priority to those community-based agencies. Culturally appropriate, trauma-informed screening and care must become the standard in all juvenile justice systems that impact AI/AN youth if the system is to treat children as sacred and promote wellness and resilience.

- **4.6 Congress should amend the Indian Child Welfare Act (ICWA) to provide that when a state court initiates any delinquency proceeding involving an Indian child for acts that took place on the reservation, all of the notice, intervention, and transfer provisions of ICWA will apply. For all other Indian children involved in state delinquency proceedings, ICWA should be amended to require notice to the tribe and a right to intervene. As a first step, the Department of Justice (DOJ) should establish**

**a demonstration pilot project that would provide funding for three states to provide ICWA-type notification to tribes within their state whenever the state court initiates a delinquency proceeding against a child from that tribe which includes a plan to evaluate the results with an eye toward scaling it up for all AI/AN communities.**

States have jurisdiction over AI/AN children when a violation occurs outside of Indian country, or within Indian country in PL-280 states or states that have a settlement act or other similar federal legislation. An overarching concern voiced at hearings conducted by the Advisory Committee was that states are not required to notify the tribe or involve the tribe in a juvenile delinquency proceeding. That concern is exacerbated because states generally do not provide the cultural support necessary for Native youth's rehabilitation and reentry into the tribal community.

■ **4.7 Congress should amend the Federal Education Rights and Privacy Act (FERPA) to allow tribes to access their members' school attendance, performance, and disciplinary records.**

FERPA<sup>11</sup> generally allows federal, state, and local education agencies the ability to access student records and other personally identifiable information kept by state public schools without the advance consent of the parents; it does not afford the same access to tribes. Tribes need this access in order to be informed enough to intervene early and respond to the red flags raised by truancy and disciplinary problems in schools as it pertains to AI/AN children exposed to violence.

## Chapter 5—Empowering Alaska Tribes, Removing Barriers, and Providing Resources

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. Issues related to Alaska Native children exposed to violence are different for a variety of reasons including regional vastness and geographical isolation, extreme weather, exorbitant transportation costs, lack of economic opportunity and access to resources, a lack of respect for Alaska tribal sovereignty, and a lack of understanding and

respect for Alaska Native history and culture, all of which have contributed to high levels of recurring violence. Alaska Tribes are best positioned to effectively address these problems so long as the current barriers are removed and Alaska Tribes are empowered to protect Alaska Native children.

- **5.1 The federal government should promptly implement all five recommendations in Chapter 2 (Reforming Justice for Alaska Natives: The Time Is Now) of the Indian Law and Order Commission’s 2013 Final Report, A Roadmap for Making Native America Safer, and assess the cost of implementation. This will remove the barriers that currently inhibit the ability of Alaska Native Tribes to exercise criminal jurisdiction and utilize criminal remedies when confronting the highest rates of violent crime in the country.**
  - 5.1.A (*Indian Law and Order Commission Recommendation 2.1*): Congress should overturn the U.S. Supreme Court’s decision in *Alaska v. Native Village of Venetie Tribal Government*, by amending the Alaska Native Claims Settlement Act (ANCSA) to provide that former reservation lands acquired in fee by Alaska Native villages and other lands transferred in fee to Native villages pursuant to ANCSA are Indian country.**
  - 5.1.B (*Indian Law and Order Commission Recommendation 2.2*): Congress and the President should amend the definitions of Indian country to clarify (or affirm) that Native allotments and Native-owned town sites in Alaska are Indian country.**
  - 5.1.C (*Indian Law and Order Commission Recommendation 2.3*): Congress should amend the Alaska Native Claims Settlement Act to allow a transfer of lands from Regional Corporations to Tribal governments; to allow transferred lands to be put into trust and included within the definition of Indian country in the Federal criminal code; to allow Alaska Native Tribes to put tribally owned fee simple land similarly into trust; and to channel more resources directly to Alaska Native Tribal**

**governments for the provision of governmental services in those communities.**

- 5.1.D (*Indian Law and Order Commission Recommendation 2.4*): Congress should repeal Section 910 of Title IX of the Violence Against Women Reauthorization Act of 2013 (VAWA Amendments), and thereby permit Alaska Native communities and their courts to address domestic violence and sexual assault committed by Tribal members and non-Natives, just as in the lower 48.**
- 5.1.E (*Indian Law and Order Commission Recommendation 2.5*): Congress should affirm the inherent criminal jurisdiction of Alaska Native Tribal governments over their members within the external boundaries of their villages.**

The Advisory Committee agrees with each of the five Alaska-specific Indian Law and Order Commission (ILOC) recommendations and the Commission’s rationale for each recommendation. Until and unless these barriers are removed, the state of Alaska will continue to assert that Alaska Tribes do not have any criminal jurisdiction and thereby continue to contend that Alaska Tribes are only empowered to utilize civil courts and civil remedies when confronting the highest rates of violent crime in the country. The Advisory Committee recommends that these five ILOC recommendations be enacted as soon as possible in order to ensure that Alaska Tribes are also empowered to exercise criminal jurisdiction and criminal remedies when confronting such incredibly high rates of violent crime.

- **5.2 The Department of Justice (DOJ) and the Department of Interior (DOI) should provide recurring base funding for Alaska Tribes to develop and sustain both civil and criminal tribal court systems, assist in the provision of law enforcement and related services, and assist with intergovernmental agreements.**
  - 5.2.A As a first step, the DOJ and the DOI should—within one year—conduct a current inventory and a needs/cost assessment of law enforcement, court, and related services for every Alaska Tribe.**

- 5.2.B** The DOJ and the DOI should provide the funding necessary to address the unmet need identified, and ensure that each Alaska Tribe has the annual base funding level necessary to provide and sustain an adequate level of law enforcement, tribal court, and related funding and services.
- 5.2.C** Congress should enact legislation along the lines of the current bipartisan bill sponsored by both Alaska senators (S. 1474 to be titled Alaska Safe Families and Villages Act of 2014) that supports the development, enhancement, and sustainability of Alaska tribal courts including full faith and credit for Alaska tribal court acts and decrees and the establishment of specific Alaska tribal court base funding streams and grants to Alaska Native Tribes carrying out intergovernmental agreements with the state of Alaska.
- 5.2.D** The federal government should work together with Alaska Tribes and the state of Alaska to improve coordination and collaboration on a broad range of public safety measures that cause Alaska Native children to be exposed to high rates of violence.

The development, enhancement, and sustainment of Alaska tribal courts, and truly cooperative relationships between the state of Alaska and Alaska Tribes, are required to reduce violent crime and protect Alaska Native children from exposure to violence. Village-based tribal courts are the culturally appropriate provider. Alaska tribal courts must be developed, enhanced, and sustained in order to effectively address issues concerning Alaska Native children exposed to violence.

- **5.3** The state of Alaska should prioritize law enforcement responses and related resources for Alaska Tribes, and recognize and collaborate with Alaska tribal courts.
  - 5.3.A** The state of Alaska should prioritize the state law enforcement response and resources for Alaska Tribes. At a minimum, there must be at least one law enforcement official onsite in each village.

- 5.3.B The state of Alaska should prioritize the provision of needed village-based services including village-based women’s shelters (which allow children to stay with their mothers), child advocacy centers, and alcohol and drug treatment services.**
- 5.3.C The state of Alaska should recognize and collaborate with Alaska tribal courts including following existing federal laws designed to protect Alaska Native children and families such as VAWA protection order authority, which requires states to recognize and enforce tribal protection orders that have been issued by tribal courts—including Alaska Native tribal courts—without first requiring a state court certification of the tribal protection order.**
- 5.3.D The state of Alaska should enter into self-governance intergovernmental agreements with Alaska Tribes in order to provide more local tools and options to combat village public safety issues and address issues concerning Alaska Native children exposed to violence.**

The state of Alaska must increase the level of protection in Alaska Tribes. Village-based services are needed in law enforcement and victim protection. Approximately 370 State Troopers have primary responsibility for law enforcement in rural Alaska, but have a full-time presence in less than half of the remote Alaska Tribes. Seventy-five villages lack any law enforcement at all.<sup>12</sup>

- **5.4 The Administration for Child and Families (ACF) in the Department of Health and Human Services (HHS) and the State of Alaska Office of Children’s Services (OCS) should jointly 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.**

Issues of foster care disproportionality are huge problems for many tribes. Inadequate numbers of Native foster families to assure compliance with ICWA impacts most state child welfare agencies as well. But this problem takes on added dimensions and particular significance in Alaska—not only due to the high level of removals

of Alaska Native children and the fact that it has been increasing at an alarming rate—but also due to many other factors including the remoteness of Alaska Tribes, Alaska’s vast size, the exorbitant cost of transportation, the financial limitations of subsistence economy, the lack of village-based foster care options, the lack of village-based services and resources, the lack of tribal courts, and the historic refusal of the state of Alaska to collaborate with Alaska Tribes and, until recently to recognize that Alaska Tribes even exist.

■ **5.5 The Department of Interior (DOI) and the State of Alaska should 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.**

Regulations that limit the ability of Alaska Natives to conduct traditional subsistence hunting and fishing are directly connected to violence in Alaska Tribes and the exposure of Alaska Native children to that violence. Violence is essentially nonexistent during the times in which the communities are engaging in traditional subsistence hunting and fishing activities, and violence spikes during times when Alaska Natives are unable to provide for their families. Beyond providing basic food, subsistence fishing and hunting has been essential to Alaska Native families’ way of life for generations. Like language and cultural traditions, it has been passed down from one generation to the next and is an important means of reinforcing tribal values and traditions and binding families together in common spirit and activity. Interfering with these traditions erodes culture, family, a sense of purpose and ability to provide for one’s own, and a sense of pride.

## Notes

1. For purposes of this report, we use the term “tribe” to refer to federally recognized tribes from the Secretary of Interior’s list. 79 Fed. Reg. 4,748 (Jan. 29, 2014), available at <http://www.gpo.gov/fdsys/pkg/FR-2014-01-29/pdf/2014-01683.pdf>.

2. Indian Law and Order Commission, *A Roadmap for Making Native America Safer: Report to the President and Congress of the United States* (November 2013): 154, available at: <http://www.aisc.ucla.edu/iloc/report/index.html>.

3. The Advisory Committee is the anchor of the AI/AN Task Force established in 2013 by the Attorney General. The Advisory Committee consists of nonfederal experts in the area of AI/AN children exposed to violence.

4. Listenbee, Robert L., Jr., et al., *Report of the Attorney General's National Task Force on Children Exposed to Violence*, Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, December 2012.

5. Indian Law and Order Commission, *A Roadmap for Making Native America Safer: Report to the President and Congress of the United States* (November 2013), available at: <http://www.aisc.ucla.edu/iloc/report/index.html>.

6. The Native peoples of Alaska are commonly referred to as “Alaska Natives,” and “Alaska Native Villages.” For the purposes of this report, we will use the term “Alaska Tribe” to refer to federally recognized tribes in the State of Alaska. 79 Fed. Reg. 4,748 (Jan. 29, 2014), available at <http://www.gpo.gov/fdsys/pkg/FR-2014-01-29/pdf/2014-01683.pdf>.

7. The Violence Against Women Reauthorization Act of 2013, PL-113-4, 127 Stat. 54 (March 7, 2013).

8. See Chapter 11 (Funding) of Final Report—Law Enforcement and Criminal Justice under Public Law 280 available at: [http://www.tribal-institute.org/download/pl280\\_study.pdf](http://www.tribal-institute.org/download/pl280_study.pdf).

9. Written Testimony of Sarah Hicks Kastelic (Alutiiq), Hearing of the Task Force on American Indian/Alaska Native Children Exposed to Violence, Anchorage, AK, June 11, 2014 at 23, available at: <http://www.justice.gov/defendingchildhood/4th-hearing/hearing4-briefing-binder.pdf>.

10. Listenbee, Robert L., Jr., et al., *Report of the Attorney General's National Task Force on Children Exposed to Violence*, Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (December 2012): 66.

11. 20 U.S.C. 1232(g).

12. S. Rep. No. 113-260, at 2 (2014), to accompany S. 1474, 113th Cong. 2d Sess. (2014).



To download the full final report, go to:  
[www.justice.gov/defendingchildhood](http://www.justice.gov/defendingchildhood)