**COORDINATING COUNCIL MEETING SUMMARY (NOVEMBER 18, 2014)**

The November 18, 2014, quarterly meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention (Council) was hosted by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP).

The Task Force on American Indian and Alaska Native Children Exposed to Violence is part of the Attorney General’s Defending Childhood initiative. The Task Force is also a component of the Justice Department’s ongoing collaboration with leaders in American Indian and Alaska Native communities to improve public safety. It is anchored by a federal working group that includes U.S. Attorneys and officials from the Departments of the Interior and Justice, and an advisory committee of experts appointed to examine the scope and impact of violence facing American Indian and Alaska Native (AI/AN) children and make policy recommendations to Attorney General Holder. As its last official act, the Advisory Committee released its recommendations to the Justice Department today and presented highlights to the Coordinating Council.

This Council meeting reflected the rich, cultural heritage of AI/AN peoples: Mr. Clayton Old Elk, *Apsaalooké (Crow) Nation*, performed an opening ceremonial prayer and Joanne Shenandoah, Ph.D., *Iroquois,* *Co-Chair,* *Advisory Committee,* performed a song.

Mary Lou Leary, *Principal Deputy Assistant Attorney General,* departs OJP to become the Deputy Director for the State, Local, and Tribal Affairs at the Office of National Drug Control Policy. She introduced Stuart Delery, *Acting Associate Attorney General*, appointed in September 2014. He presented statistics that underscored the vulnerability of Native youth exposed to unacceptable levels of violence. Mr. Delery acknowledged that change would not be easy but asserted that the Department will not accept inaction on such important issues.

Former Senator Byron Dorgan, *Co-Chair, Advisory Committee*, reminded us that these recommendations ultimately benefit children—not percentages—living in terror, loneliness, and pain, and who must not be left behind. Highlights of specific recommendations were presented by Advisory Committee members Judge Anita Fineday, *(White Earth Band of Ojibwe)*, and Valerie Davidson, *(Yup’ik)*. Co-Chair Joanne Shenandoah closed with a haunting Native song about a legend of what happened to children who were mistreated.

Robert Listenbee, *Administrator, OJJDP*, *and Vice Chair, Coordinating Council*, *DOJ,* praised the Advisory Committee for their extraordinary tenacity and dedication as they traveled the country to attend hearings and listening sessions. He also acknowledged the incredible support provided by the Tribal Law and Policy Institute which organized the sessions, accommodated the needs of the Advisory Committee, and assisted with the final report development. Finally, Administrator Listenbee shared his own moving stories about the youth he met through Task Force work over the last few years and, as always, tirelessly challenged everyone present to find ways to support our Native youth – because they are our future.

**Eugenia Tyner-Dawson,** *Senior Advisor to the OJP Assistant Attorney General for Tribal Affairs, and Executive Director for the Justice Programs Council on Native American Affairs*, is a proud citizen of the Sac and Fox Nation, and a descendant of the Absentee Shawnee Tribe [of Oklahoma]. She is a member of the Wolf Clan and her Indian name—Nokimicli—means “suddenly appears.” Ms. Tyner-Dawson introduced Mr. Clayton Old Elk of the Crow Nation to open the Council meeting with a traditional tribal blessing, and composer and singer Dr. Joanne Shenandoah to perform a ceremonial song.

**Clayton Old Elk,** *Apsaalooké (Crow) Nation [of Montana]*, *Health System Specialist in the Indian Health Service (IHS) Office of Resource Access and Partnerships, Cultural Advisor to IHS and the Smithsonian Institution – National Museum of the American Indian*, was born and raised on the Crow Indian Reservation as a member of the Whistling Water Clan and participates in traditional Native activities with his family. His clan father from the Greasy Mouth Clan served on a battleship in World War II and gave him his Crow name “Fights on Water.” Mr. Old Elk began his IHS career in finance at the Billings Area Office and transferred to IHS Headquarters in Rockville, Maryland in 1991. He reminded everyone of their role as champions in a world of need for Native nations and children, and then performed a ceremonial Crow praise and blessing prayer/song.

**Joanne Shenandoah, Ph.D.,** *Iroquois Nation, Co-Chair of the Advisory Committee on American Indian/Alaska Native Children Exposed to Violence, and Composer and Singer*, is one of America’s celebrated and critically acclaimed musicians. A Grammy Award winner, she has over 40 music awards and 16 recordings, including a record 14 Native American Music Awards. Her passion is to promote universal peace using her musical gifts and a career dedicated to healing through thousands of events and workshops. Dr. Shenandoah has performed at prestigious venues such as the White House and the Smithsonian’s National Museum of the American Indian, but two notable performances in October 2014 included: (1) one for His Holiness the Dali Lama, and (2) one at Saint Peter’s Basilica at the Vatican in Rome, Italy to celebrate the canonization of the first Native American saint, Kateri Tekakwitha.

Dr. Shenandoah performed a native song that loosely translates we all must awaken, stand up, and be counted, because we are recognized in the spirit world as responsible for ourselves, our families, and our nation.

Detailed biographies for Mr. Old Elk, Dr. Shenandoah, and other speakers are available on:

* Council – <http://www.juvenilecouncil.gov/>
* Task Force – <http://www.justice.gov/defendingchildhood/task-force-members>.

**Kathi Grasso**, *Designated Federal Official (DFO) for the* *Coordinating Council, Director of Concentration of Federal Efforts Program, OJJDP,* called the meeting to order. She welcomed all meeting attendees, with special acknowledgement to the following individuals:

* Acting Associate Attorney General Stuart Delery
* OJP Principal Deputy Assistant Attorney General Mary Lou Leary
* OJJDP Administrator Robert Listenbee
* Distinguished members of both the Coordinating Council (Council) and the Attorney General’s Advisory Committee on American Indian/Alaska Native Children Exposed to Violence, including members participating via webcast or telephone
* DFO for the Attorney General’s Advisory Committee James Antal

The webcast recording and meeting minutes, along with other presentation materials and handouts, will be posted on the Council website at <http://www.juvenilecouncil.gov/> within 90 days of the meeting. Oral testimony or comments from the general public were not accepted at this meeting. Members of the general public were advised that they may submit written comments directly to Ms. Grasso at OJJDP, via her contact information (kathi.grasso@usdoj.gov) in the Federal Register notice announcing this meeting. Ms. Grasso announced that Council members and other guests seated at the table would be introduced following opening remarks and then turned the floor over to Mary Lou Leary.

**Mary Lou Leary**, *Principal Deputy Assistant Attorney General, OJP,* conveyed her pleasure at attending the meeting on behalf of Karol Mason, *Assistant Attorney General, OJP*, who was unable to attend. Ms. Leary then introduced Stuart Delery, who was appointed as the Acting Associate Attorney General in September 2014. As the third-ranking DOJ official, Mr. Delery advises and assists U.S. Attorney General (AG) Eric Holder, and Deputy Attorney General James M. Cole, with the formulation and implementation of Departmental policies and programs on a range of issues, such as civil litigation, federal/local law enforcement, public safety, and tribal matters. His extensive biography is available for review on the Council’s website.

**Stuart F. Delery**, *Acting Associate Attorney General, DOJ*, conveyed his delight to attend his first Council meeting. He proudly cited the privilege to continue the commitment to the very important issues being addressed at the meeting, as exhibited by his predecessor Tony West, the Department, and the Administration. Mr. Delery communicated his pleasure to accept, on behalf of the Attorney General, the new report released November 18, 2014 – *Attorney General’s Advisory Committee on American Indian/Alaska Native Children Exposed to Violence: Ending Violence so Children Can Thrive*[[1]](#footnote-1). AG Holder is eager to comb through the report’s recommendations and determine how the Justice Department can continue to meet the needs of Native children who suffer from exposure to violence. The Department is grateful for the Advisory Committee’s significant, uncompensated investment in time and energy, as it explored the specific problems facing today’s America Indian and Alaska Native (AI/AN) children and absorbed the many stories shared at the hearings and listening sessions conducted throughout the country.

Mr. Delery offered special thanks to Advisory Committee Co-Chairs, Senator Byron Dorgan and Dr. Joanne Shenandoah, and shared that their leadership and commitment has been an inspiration to everyone at the Department of Justice. While the Advisory Committee sought national feedback to better understand the issue, the other Task Force component – the Federal Working Group – did an outstanding job developing next-step recommendations for Justice and other federal agencies and was co-chaired by Amanda Marshall, *U.S. Attorney for the District of Oregon*, *Vice Chair for the AG’s Native American Issues Subcommittee*.

The Task Force is an all-hands endeavor because the problems it faces are complex and consequential and efforts continue to increase understanding of their unique challenges. Native children are particularly vulnerable to violence and trauma; one study[[2]](#footnote-2) calculated that native youth are two-and-a-half times more likely to encounter trauma when compared with their non-native peers. Rates of crime and violence in some tribal areas are alarming, and it is more than reasonable to assume that Native children are dramatically affected – as victims, witnesses, or collateral targets. Tribal leaders, justice system and human service professionals, and Native families continually assert that children in tribal communities are at great risk.

Mr. Delery highlighted an added element to this violence that complicates any approach to resolving it: the shared historical displacement, forced assimilation, and cultural suppression experienced by tribes leave a legacy of trauma that elevates the risk of child maltreatment. In cases of maltreatment involving AI/AN youth, the following breakdown applies: 79.4% neglect, 10.6% physical abuse, and 5.2% sexual abuse. These statistics are unique among children in the Unites States and any solution to the problems of violence among them must recognize the associated challenges. The federal government has a special responsibility to help tribes; not through vague promises of tribal sovereignty and self-determination, but through viable and sustainable solutions. This was the driving force behind the creation of the Task Force – a concerted effort to understand the long and complicated story behind the violence that tears so many native families apart and clouds the future of so many young American Indians and Alaska Natives.

While it is unrealistic to expect change to be easy, the Department of Justice will not accept inaction on these important issues. The recommendations in the report address both long-term, systemic changes and short-term, immediate actions necessary to ameliorate the destructive impact of violence on AI/AN youth. In fact, some of the recommendations actually mirror actions already initiated or under active consideration. For example, the Department prioritizes evidence-based programs that focus on prevention and intervention, and that are trauma-informed and culturally appropriate. Resources have been dedicated to develop programs that are informed by science and that build on promising models. Likewise, great respect is being given to the vital role of traditional healing practices to promote health and well-being in the AI/AN community. Mr. Delery said the Department is ensuring that tribal juvenile justice systems are helping to put youth on a positive and successful track – not re-traumatizing them.

Acknowledging that more can be done, DOJ looks to this report as its guide. The report’s recommendations span the executive and legislative branches, and they appropriately envision a robust role for those with the greatest stake in the outcome – the tribes themselves. This division of labor and responsibility is fitting because the concern is so widely shared: everyone is in this together.

Mr. Delery communicated his plans to share the report with the AG and to join his colleagues in the Department and across the federal government to consider meaningful next steps to improve the lives of Native youth. He anticipates an ambitious agenda by the Advisory Committee and promised to match it with energetic and determined responses. He reaffirmed his admiration for the outstanding work of the Advisory Committee members and his plans to meet the challenges presented as they strive to address the needs of AI/AN children across the country.

**Robert L. Listenbee**, *Administrator, OJJDP, and Vice Chair for the Coordinating Council,* thanked Acting Associate Attorney General Delery for his presence and remarks, and he thanked the Advisory Committee for their extraordinary effort, time, and dedication. He praised the Tribal Law and Policy Institute (TLPI) for organizing four (4) hearings and six (6) listening sessions to learn from practitioners, advocates, researchers, policymakers, and citizens at large about the incidence of exposure – both in and outside of Indian country. TLPI took great care to accommodate the needs of the Advisory Committee at every meeting and assisted with the final report development. Administrator Listenbee extended special thanks to TLPI staff Jerry Gardner, *Executive Director* and Kelly Stoner, *Victim Advocacy Legal Specialist*.

Administrator Listenbee thanked Erin Bailey, *Executive Director of the Center for Native American Youth [Aspen Institute]*, for her help and expertise and he also acknowledged the following federal staff who assisted with this effort:

* Rodina Cave, *Senior Policy Advisor for the Office of the Assistant Secretary – Indian Affairs, U.S. Department of the Interior (DOI)*
* Jim Antal, *DFO for the Advisory Committee, OJJDP*
* Tammie Gregg, *Deputy Associate Attorney General*
* Eugenia Tyner-Dawson, *Senior Advisor for Tribal Affairs to Assistant Attorney General Karol Mason*
* Catherine Pierce, *Senior Advisor to the Administrator*
* Mary Lou Leary, *Principal Deputy Assistant Attorney General, OJP*

In several days, Ms. Leary departs OJP to become the Deputy Director for the State, Local, and Tribal Affairs at the Office of National Drug Control Policy. The Administrator personally expressed thanks for her support and contributions to the Advisory Committee and to OJP programs during the past five years.

Two years ago, Administrator Listenbee and Joe Torre[[3]](#footnote-3), *Chairman for the Joe Torre Safe at Home® Foundation*, served as co-chairs on the Task Force (roles currently occupied by Dr. Shenandoah and Senator Dorgan). They delivered the final report of the Attorney General’s National Task Force on Children Exposed to Violence and one of their top recommendations was to establish this Advisory Committee.

During one of the hearings in Albuquerque, New Mexico, they heard from several individuals who informed them about historical trauma and the tremendous unmet needs of AI/AN children exposed to violence. One witness forever changed their perspective: Coloradas Mangas, *President of the Mescalero Apache Tribal Youth Council*. Only seventeen years old at the time, he spoke of the federal boarding school policy that stripped children from their culture, language, families, and communities—their very identity—often by force or coercion. He shared how the boarding schools subjected children to harsh labor, punishment, physical and sexual abuse, and abject shame for being an Indian. While some of their elders held fast to traditional ways, others propagated the tragic lessons of violence down through successive familial generations. Even at such a young age, Mr. Mangas was astute enough to articulate that violence yields disrespect for self and others, substance abuse, jail time, and even suicide … mainly among the youth, who suffer depression, become violent, or commit suicide to escape violence among peers and/or family members. His testimony opened the hearts and minds of the Administrator and Mr. Torre and galvanized them to gather the experts and get a clear direction, as they became increasingly convicted about how little they truly understood the issues.

At another hearing, Administrator Listenbee enjoyed a wonderful conversation with a young woman he met from the Ak-Chin Indian Community, nestled in the Santa Cruz Valley of Southern Arizona. He recently received an email from her in which she shared her thrill at nearing the end of her first semester at Arizona State University. She credits Administrator Listenbee’s words of encouragement – still ringing in her head – as she applied for various programs and activities, one of which resulted in a two-week study program abroad in Barcelona this past December. She excitedly listed all her college activities and thanked him for taking the time to encourage and inspire her to try new things, even when she didn’t believe in her own ability to succeed.

The Administrator urged attendees to continue finding ways to support our Native youth because AI/AN children are the hope for the future: we must not let them down. The Council makes every effort to include youth participation in order to learn from them and Administrator Listenbee acknowledged several other extraordinary youth present at the Council meeting, accompanying Erin Bailey and representing the Center for Native American Youth: Littlebear Sanchez from the Lipan/Mescalero Apache Nation; Kendrick Stabler from the Omaha of Nebraska; and Joaquin Ray Gallegos from the Jicarilla Apache Nation. Also in attendance was the son of Dee Subia Bigfoot, Ph.D, *Advisory Committee Member, and Associate Professor, Department of Pediatrics, University of Oklahoma Health Sciences Center*.

The Task Force previously recommended that the creation of this Advisory Committee be strengthened through a strong collaboration with the U.S. Department of the Interior (DOI). Administrator Listenbee then introduced Kevin Washburn, *Assistant Secretary-Indian Affairs (AS-IA), DOI*, who is the designee of the Secretary of the Interior to the Coordinating Council. Assistant Secretary Washburn—a distinguished leader, lawyer, and scholar—is an enrolled member of the Chickasaw Nation in Oklahoma and has facilitated this highly effective partnership. He was confirmed by the United States Senate as the AS-IA in September 2012 and subsequently sworn into office by Interior Secretary Ken Salazar in October 2012.

**Kevin K. Washburn**, *Assistant Secretary-Indian Affairs, DOI*, expressed his honor to attend the Council meeting. He reminisced about that Albuquerque meeting with the Administrator and Mr. Torre, and his excitement over the series of events that led to this day. DOI worked closely with the Attorney General’s Advisory Committee in recent months and the release of the report is extremely important. Collectively, DOI staff members have attended all four (4) hearings and AS-IA Washburn indicated his appreciation for all who traveled far and wide to attend, spotlight these issues, and bring recommendations.

He too heard heart-wrenching stories from the Phoenix sessions that have stayed with him. One young woman who entered foster care at age 5 eventually aged out the system. Having no other life experiences, and being relentlessly bullied in school, she dropped out, ended up in the juvenile justice system, and suffered depression and more intense bullying in juvenile detention facilities. She finally made what appeared to be the first positive connection in her life with one of her teachers at the detention center and obtained her GED, but there was no one to encourage her when she left that teacher and detention center. At that session, Judge Anita Fineday asked what could have helped her at her lowest point and the young woman responded that she just needed someone to listen to her.

AS-IA Washburn felt that many people understand the effects of violence in Indian Country and he has repeatedly witnessed similar stories – as a former federal prosecutor and on a personal level. Growing up in Oklahoma, he saw one uncle sent to prison for a drug offense while another uncle drank himself to death; and one cousin died of a drug overdose while another cousin was murdered. Sadly, these are common stories and he has prosecuted a number of individuals for assaults against children in Indian Country, but one of his hardest cases was to take testimony from a 15-year old child whose uncle had sexually assaulted him. Children and young adults are deeply intimidated, perhaps even terrified, by the federal court room environment. They must face a dozen jurors, several alternates, court security officers, federal marshals, law enforcement investigators, attorneys, and the judge up on the bench in a robe, and are pressured to talk about intimate events so mortifying that they hesitate to discuss them with their own family. He admires the bravery of all who show up in the face of that process to make their community a better and safer place and believes that these stories serve to emphasize the criticality of the Advisory Committee’s work.

AS-IA Washburn proudly acknowledged the presence at the Council meeting of his own tribal leader, Jefferson Keel, *Commissioner of the Indian Law and Order Commission, Lieutenant Governor of the Chickasaw Nation, and President of the National Congress of American Indians*, and humorously alluded to being on his best behavior since Lt. Governor Keel knows his mother! Closing on a more somber note, he recognized the contributions of his DOI predecessor Eddie F. Brown, Ph.D., *AS-IA from 1989-1993* and other colleagues, and reassured members of the Council and Advisory Committee that DOI takes the recommendations very seriously.

**Administrator Listenbee** asked members of both the Coordinating Council and the Attorney General’s Advisory Committee on American Indian and Alaska Native Children Exposed to Violence to identify themselves, including those listening by phone. For information about Coordinating Council members, please visit: <http://www.juvenilecouncil.gov/members.html>. For information about the Attorney General’s Task Force members, please visit: <http://www.justice.gov/defendingchildhood/task-force-members>.

**Senator Byron L. Dorgan**, *Co-Chair of the Advisory Committee, Chairman of the Board of Advisors for the Center for Native American Youth, former U.S. Senator, and former Chairman of the Senate Indian Affairs Committee,* conveyed his pleasure about the purpose and great timing of the meeting. He recognized the significant interest in these issues and pointedly remarked that in 30 years of service in Congress, he never encountered an Administration with such determination to tackle these issues within virtually every agency. This Council discussion is being held in the shadow of the December 3, 2014, White House's sixth Tribal Nations Conference, where the President, his Cabinet, and the Attorney General will meet with tribal nation leaders to address these important issues.

Of all the people left behind in our country, Indian children rank near the top and he implored everyone present to not accept this status. These are children, not percentages, who live in terror, loneliness, pain, and heartbreak; the spotlight must focus on children exposed to violence and what will be done to prevent it. He is convinced that children’s lives will be improved – even saved – because of the work being accomplished by everyone there.

Senator Dorgan was honored many years ago by receiving a tribal name of Cante un Wiyukcan (“Thinks with His Heart”) by the Standing Rock Sioux. His work in Congress, at the Center for Native American Youth, and with others on this Task Force leads him to fervently believe that everyone can make a difference together. He then called for a vote on the report.

MOTION (Dorgan) – formally approve the *Attorney General’s Advisory Committee on American Indian/Alaska Native Children Exposed to Violence: Ending Violence so Children Can Thrive* report; SECONDED (Shenandoah); No Discussion; VOTED; and unanimously APPPROVED.

The report has five (5) broad themes: building a strong foundation to expand capacity; child welfare in the home; child welfare in the community; a review of the juvenile justice systems at the tribal and state levels; and the unique challenges faced in Alaska Native villages, which were visited by Task Force members. The unifying thread throughout the recommendations addresses three (3) core principles: empowering tribes by providing tools; removing unnecessary barriers; and developing an edgier, bolder voice to Congress, in recognition that what is done for these particular children is NOT discretionary and that funding is essential.

Senator Dorgan candidly acknowledged that some of these broad strokes of the Task Force’s recommendations may prove uncomfortable; however, he entreated everyone to understand that while the last 14 months have yielded great satisfaction, the work is not yet done. As this Task Force disbands, everyone must continue to ensure these children are not left behind, and to give them hope for a brighter future.

Anita Fineday and Valerie Davidson, will highlight recommendations cited in various chapters of the report, and Co-Chair Joanne Shenandoah will close the presentation.

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**Anita Fineday, J.D., MPA**, *(White Earth Band of Ojibwe), Advisory Committee Member, Managing Director for Indian Child Welfare Program – Casey Family Programs, and former Chief Judge for the White Earth Tribal Nation*, provided an overview of Chapters 2 and 3.

CHAPTER 2 addresses AI/AN children exposed to violence in their homes. Based on testimonies and reports provided to the committee, it became apparent that a majority of these children were exposed to violence within the walls of their own homes every day. This exposure contradicts the traditional values of Alaska Native children who should be viewed as sacred and to be protected at all costs. Hundreds of children become traumatized and struggle to cope over the course of their lifetime. When removal from the home is necessary, the Indian Child Welfare Act of 1978 (ICWA) applies and should provide protection in state child welfare systems, yet the Advisory Committee heard many witnesses testify about the states’ failure to follow the mandates of the ICWA. The legislative and executive branches of the federal government should ensure ICWA compliance and should encourage tribal and state collaboration. Four (4) specific recommendations are as follows:

1. The Administration for Children and Families (ACF) and the Bureau of Indian Affairs and Tribes (BIA) should develop a modernized, unified data collection system for all AI/AN children who are placed into foster care – whether by the tribe, state, or the BIA. They should share that data quarterly with tribes and agencies to enable them to make data-driven decisions, a methodology most of them do not currently possess.
2. ACF and BIA should collaborate to collect data regarding ICWA compliance in state court systems. BIA should issue ICWA regulations – not simply update its guidelines – and create an oversight board to review ICWA implementation, and designate consequences for ICWA non-compliance and/or incentives for ICWA compliance.
3. DOJ should create an ICWA specialist position to advise the Department, support specific Indian child court welfare cases, and coordinate ICWA training.
4. ACF and BIA should submit a written plan that describes their collaborative work and they should provide trauma-informed and culturally-appropriate child welfare services in Indian Country.

CHAPTER 3 addresses AI/AN children exposed to violence in their communities. Those who have spent the majority of their lives in Indian Country experienced no surprise when listening to and documenting the many testimonies about the levels of violence occurring in children’s communities - higher than for all other non-AI/AN groups. These children are exposed to many types of community-based violence. Simple assaults, violent threats, sexual assaults, homicides, suicides, gang violence, sex/drug trafficking, and bullying are especially problematic for AI/AN youth. When coupled with the high rates of homelessness, these children are extremely vulnerable to community violence. The recommendations in this chapter address capacity and infrastructure needed in AI/AN communities to confront the impact of current and past violence, and to prevent future violence. Some specific recommendations highlighted include:

1. The White House Indian Affairs Office in the Executive Branch is responsible for addressing the needs of AI/AN children in consultation with tribes. To that end, they should develop a strategy to braid or 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. This strategy to braid/integrate flexible funding should include:
	* holding annual tribal consultations;
	* working with organizations that specialize in treatment and services for traumatized children; and
	* developing and implementing federal policy that mandates exposure to violence trauma screening and suicide screening as a part of services offered to AI/AN children during medical, juvenile justice, and/or social service intakes.
2. Federal agencies should provide AI/AN youth-serving organizations, such as schools, Head Starts, daycares, foster care programs, etc., with the resources needed to create and sustain safe places where AI/AN children exposed to violence can obtain services.
3. The U.S. Department of Housing and Urban Development should designate and prioritize Native American Housing Assistance and Self-Determination Act funding for construction of facilities to serve AI/AN children exposed to violence and structures for positive youth activities.

Judge Fineday thanked the committee for their dedication and ability to work together to create focused and solution-oriented recommendations.

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**Valerie** “Nurr’araaluk” **Davidson** *(Yup’ik), Advisory Committee Member,* *Senior Director of Legal and Intergovernmental Affairs for the Alaska Native Tribal Health Consortium, enrolled Tribal Member of the Orutsararmiut Native Council, and Spokesperson/Chief Political/Legal Strategist for the Alaska Native Tribal Health Consortium’s Dental Health Aide Therapy Program,* opened with a native greeting and summarized Chapters 4 and 5.

CHAPTER 4 addresses how AI/AN youth are disproportionally impacted by the juvenile justice system. The Advisory Committee supports substantial reform of that juvenile justice system, which it believes should be tribally operated, or at least strongly influenced by tribes within the region. There are seven (7) major recommendations for juvenile justice:

1. Increase the resources available for effective programs (also terms for block grants), become creative in the areas of self-governance, and do the things that allow funding to be sustainable over time. Also allow tribes to creatively provide programs that work at the community level. The 3-year grant cycle is simply not working. They compete and put their heart and soul into it hoping they will be awarded the grant, but the joy of a win is always tempered by the loss it represents for 555 other tribes and their children. The competitive grant program is administratively burdensome and costly, and programs should be placed into services and not with grant makers, reviewers, accountants, or lawyers (the latter eliciting good-natured chuckles throughout the room). While they were pleased that the President recommended 7%, a minimum 10% set aside would be a sorely needed improvement.
2. Federal, state, and private funding and technical assistance should be provided to tribes to develop or revise meaningful, trauma-informed, culturally specific tribal codes to improve tribal juvenile justice systems.
3. Federal, tribal, and state justice systems should provide publicly funded legal representation to AI/AN children in those systems to protect their rights and minimize the harm that the juvenile justice system may cause.
4. Justice systems should only use detention of an AI/AN youth as a last resort, e.g., when the youth is a danger to him/herself or to the community.
5. There should be culturally appropriate trauma-informed screening, assessment, and care at every opportunity within juvenile justice systems. Someone testified at one of the hearings that they could submit a simple survey to the youth about their exposure to violence. Or just be more practical, assume they all have been exposed to violence, and treat them accordingly.
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, DOJ should establish a demonstration pilot project that would provide funding for three (3) 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. The project should include a plan to evaluate the results with an eye toward upscaling it for all AI/AN communities.
7. Congress should amend the Federal Education Rights and Privacy Act to allow tribes to access their members’ school attendance, performance, and disciplinary records. One of the Ms. Davidson’s most haunting moments was to hear a tribal court judge with 30 years of experience ask “Where are our children?” This is crucial to breaking these cycles of violence. The challenge is to take away the reasons and excuses and implement systems that hold states accountable for their lack of ICWA compliance.

CHAPTER 5 focused on Alaska-specific issues: empowering tribes, removing barriers, and providing resources. Experience shows that the challenges faced by Alaska Native children are often more severe and compounded by geographical remoteness but the tribes can best address these issues if barriers are removed. There are five (5) recommendations:

1. The federal government should promptly implement all five recommendations of Chapter 2 in the Indian Law and Order Commission 2013 Final Report. The Alaska exemptions about jurisdiction in federal law are really Alaska punishments and especially harmful to Alaska children: it is unconscionable that Alaska Native people are not entitled to the same protections afforded to other American Indian people, simply for someone else’s convenience. We must do better to end violence so children can thrive.
2. Recurring base funding – what infrastructure is present in Alaska? The priority is to determine what is needed. Conduct community assessments, tribe by tribe, to ascertain the need for law enforcement (e.g., Village Public Safety Officers), tribal courts, etc., and ensure that systems in place are recognized.
3. Alaska needs to prioritize law enforcement responses and related resources for Alaska tribes, and recognize and collaborate with Alaska tribal courts. Every Alaska community should have at least one law enforcement official because when things go bad, children are often the first ones who are hurt. Communities need their own village-based services, such as women’s shelters, child advocacy centers, and alcohol and drug treatment services. Putting children on a plane that isolates them from their communities is not working.
4. The Administration for Child and Families in the Department of Health and Human Services and the State of Alaska Office of Children’s Services 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.
5. The U.S. Department of the Interior 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. When families cannot feed themselves, troubles and violence ensue.

Ms. Davidson reiterated that AI/AN families really want and deserve what all other American families want: for their children to be happy, healthy, and to live in safe communities. However, because of where they live, their history, and unique relationship with the federal government, AI/AN families must do things differently to accomplish those same outcomes, and in ways that work within their communities. If we know and allow these things to continue happening in our communities, then we have failed. America deserves for these children to be happy and healthy.

**Joanne Shenandoah, Ph.D.,** *Iroquois Nation, Co-Chair of the Advisory Committee, Composer and Singer*, thanked Senator Dorgan, Judge Fineday, and Ms. Davidson for their excellent summarizations. The committee dedicated an entire year and countless hours, yielding their very hearts and souls to be present for all the sacred voices that they heard, so Dr. Shenandoah was compelled to ask everyone to make time to read and share the report. This Task Force was part of the Attorney General's Defending Childhood Initiative, a project that addresses the epidemic levels of exposure to violence faced by our nation's children. She directed everyone to the Defending Childhood home webpage at <http://www.justice.gov/defendingchildhood>.

Dr. Shenandoah engages in many projects working with children, and feels called to help elevate their self-esteem. Iroquois people are taught to nurture the gifts of children because every person on this earth has a special purpose and gift. If they use that gift with a good mind they can change hearts and souls. She recently met a young girl who had been in 25 foster homes and had 60 cuts on her arms, yet the girl was so excited just to meet her because of her music. The experience reaffirmed to her that we may never fully understand our potential for positive impact on others.

Dr. Shenandoah closed the presentation by sharing the legend of the Seven Dancers – children being mistreated and neglected by their parents. The children decided to have a ceremony where they danced, sang, and eventually rose to disappear among the stars. Dr. Shenandoah gently strummed her acoustic guitar and began singing softly …

* about these children who were dancing through the stars …
* and away from Turtle Island …
* their parents could not find them …

The haunting lyrics induced everyone to feel and “see” the sad and lonely parents standing under a night sky teeming with stars …

* parents missing their children who now sparkle and sometimes shine …
* children who may choose to become a falling star …
* returning to Earth if they miss their Mother …
* or hiding in the stars for eternity …
* away from the hurt and pain …

Just as the entire meeting room became hushed and spellbound, Dr. Shenandoah persuaded everyone to sing several rounds of a simple chorus with her.

That song admonishes us to treat our children well because we might lose them!

**Administrator Listenbee** thanked the Advisory Committee for their presentation and took several questions.

**Trina Thompson,** *Immediate Past Presiding Judge, Alameda County Superior Court,* indicated that one of her challenges, as a previous presiding judge over a juvenile court, was identifying children of Native American heritage in a timely manner, because workers lacked training on how to do the proper searches. Will the recommendations include education for those who advise and assist the court?

* **Valerie Davidson** – there is a recommendation to implement the database to begin collecting the data, tracking the children, and ensuring ICWA compliance to ensure the tribe knows at the earliest instance of the child’s status. It may be as simple as providing names of children in the community to help with identification.
* Another meeting participant [record unclear as to name of this individual] recommended that people start small with the demonstration project, begin with tribes within one state that have strong relationships with their state officials, build those lines of communication to see how notifications work in the delinquency setting, and move onto a larger national project from those lessons learned.

**Richard Morris,** *U.S. Department of Labor*– a follow up regarding protocol: was there an established methodology that staff on the ground and in the courts could utilize to determine tribal affiliations for an individual?

* **Judge Anita Fineday** – one of the most effective ways to ensure the data is collected is to have judges ask the question on the record. That does not always happen in state court proceedings but if state court judges ask about the child’s tribal eligibility, it increases the likelihood that the child welfare workers will have that information and/or make the effort to determine the child’s heritage/tribal status.
* **Senator Byron Dorgan** – there is no national establishment and this raises the issue of blood quantum[[4]](#footnote-4). Unfortunately you have to research tribe by tribe, which is very inefficient, and the child may be part of a tribe in one area and not another.
* **Valerie Davidson** – a condition repeatedly recognized, not only by federal law but Supreme Court decisions, is that the tribe has a sovereign right to determine eligibility for membership. Regarding consultation, they heard from states that tribal consultation is difficult and they don’t know how to do it. Nevertheless, it still has to be done – one may just have to worker harder – but that doesn’t excuse one from the responsibility. It’s best to set up systems that facilitate working at the local community levels.

**Laurie Garduque, Ph.D.*,*** *Program Director, John D. and Catherine T. MacArthur Foundation,* thanked the committee for generating such a bold and ambitious set of plans. In terms of translating this report into an action plan – what are the priorities and very next steps that should be taken to prevent this report from gathering dust on the shelf; what will be the benchmarks for progress?

* **Senator Byron Dorgan** – funding is the essential piece: all the things described to give these children a better life require adequate funding or they will not be accomplished. Perhaps this report can put further pressure on Administrations (plural) and Congress to make responsible funding decisions. This Task Force vanishes after this meeting but our expectation is that we would attempt to use our own influence to get these recommendations implemented. What differentiates this issue from other Task Forces that have become ignored is that children *are* the priority; the hope is that this report will provoke the right response – worthy, urgent, and to be taken seriously.
* **Lt. Governor Jefferson Keel** – everyone agrees that children are the top priority. Their treatment deserves a continuing effort and must cut across different agencies, Congress, and the Administration. When Native children are placed into the federal system because there is nowhere else to put them, they emerge a lot different than going in. They are being harmed by virtue of the law so a legal and moral responsibility to care for them is required because the health and welfare of all our tribal citizens is paramount. Policies and regulations are in place but they can be changed. However, federal laws can only be changed by Congress.
* **Valerie Davidson** – a practical thing one can do everyday centers around terminology. When you see the word “state” in proposed laws and regulations, always make an edit so that it reads “state, tribes, and tribal organizations.” It is a small edit in terms of words but huge in terms of access, recognizing the inherent authority of tribes to manage programs and resources.

**Administrator Robert Listenbee** – are there any specific recommendations for Alaska Native children in the juvenile justice system?

* **Valerie Davidson** – yes, the first place to start involves the incredible recommendations generated from the Indian Law and Order Commission that recognize tribal authority to adjudicate cases for everyone in the community. Sometimes the rules are ridiculous: an analogy would be that someone on the other side of the room—who cannot see you, understand your needs, or monitor your safety—will determine the outcome of your life.

**Ron Lessard,** *(Mohawk), Chief of Staff, U.S. Department of Education (ED), White House Initiative on American Indian and Alaska Native Education* – wants to highlight an ongoing ED project: the School Environment Listening Tour. They have completed nine areas and he especially thanked Matthew Fletcher, J.D., *Director of Indigenous Law and Policy Center, Michigan State University (MSU)* for hosting one tomorrow at MSU. They seek stories from Native youth on disproportionate bullying, offensive imagery and mascots, etc. It involves travel to different areas with their Office of Civil Rights, ED, and gathering information. They have heard testimonies about entire families having to move due to bullying. The Office of Civil Rights is hearing stories that these youth feel they have nowhere to go and that many families don’t even know how to file complaints.

**Administrator Robert Listenbee** considered the meeting highly engaging and informative and thanked everyone for their attendance, especially the Advisory Committee, and those who traveled long distances. He conveyed his plan to more closely review the report, with his colleagues across the federal government and within Justice, to identify viable and sustainable solutions. As mentioned at the onset of the meeting, handouts and resource materials will be posted on the Council’s website at <http://www.juvenilecouncil.gov/>. The Administrator encouraged everyone to share their thoughts regarding working together in order to draw our constituencies’ attention to the multitude of resources needed by American Indian and Alaska Native children who have been exposed to violence.

**Ms. Grasso** invited the Council members, other guests, and federal staff to a brown bag lunch following the meeting to continue an informal conversation, convening in the Pickett Room (seventh floor – Conference Room 7102) at 12:30 pm. She echoed the Administrator’s thanks for such an informative and deeply moving meeting and expressed confidence that everyone will work hard to disseminate what was learned today. She expressed appreciation for everyone’s contributions, including the OJJDP and OJP staff and contractors who were instrumental in ensuring the success of the meeting.

**Meeting adjourned: 12:13 pm**

1. <http://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2014/11/18/finalaianreport.pdf>

(Executive Summary can be accessed at<https://edit.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2014/11/24/aian_executive_summary.pdf>) [↑](#footnote-ref-1)
2. A 2008 report by the Indian Country Child Trauma Center - <http://www.theannainstitute.org/American%20Indians%20and%20Alaska%20Natives/Trauma%20Exposure%20in%20AIAN%20Children.pdf> [↑](#footnote-ref-2)
3. Joe Torre is also the Major League Baseball Executive Vice President, Baseball Operations, and the former manager of the Los Angeles Dodgers and the New York Yankees [↑](#footnote-ref-3)
4. Blood quantum is the amount of Indian blood you possess … and it's the process that the federal government uses to say whether they consider you a Native American or not (<http://www.indian-affairs.org/resources/aaia_faqs.htm>) [↑](#footnote-ref-4)