Native Youth in California's Youth Justice System: What Do We Know?

CALIFORNIA TRIBAL FAMILIES COALITION

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Contents

SECTION 1

CALIFORNIA'S YOUTH JUSTICE SYSTEM 1

SECTION 2

NATIVE YOUTH IN CALIFORNIA'S YOUTH JUSTICE SYSTEM 2

SECTION 3

NATIVE YOUTH DATA AND TRAINING PROJECT 3

SECTION 4

WHAT PROBATION OFFICERS IN CALIFORNIA'S YOUTH JUSTICE SYSTEM KNOW, THINK & PERCEIVE ABOUT WORKING WITH NATIVE YOUTH 4

SECTION 5

WHAT TRIBAL LEADERS & REPRESENTATIVES KNOW, THINK & PERCEIVE ABOUT NATIVE YOUTH IN CALIFORNIA'S YOUTH JUSTICE SYSTEM 10

SECTION 6

WHAT'S NEXT FOR NATIVE YOUTH IN CALIFORNIA'S YOUTH JUSTICE SYSTEM 18

California's Youth Justice System

The Division of Juvenile Justice (DJJ) was the state agency charged with juvenile incarceration and juvenile delinquency management for youth offenders with the most serious criminal backgrounds in California since it was established in 2005 operating under the Department of Corrections and Rehabilitation.[1] The DJJ was established as a result of a reorganization of California corrections agencies and was previously known as the California Youth Authority.[2] By 2007, most youth offenders ordered to secure confinement were committed to county facilities, while those convicted of the most serious felonies and having the most severe treatment needs were committed to the DJJ at the discretion of the court.[3] However, the last two decades have brought about great reform to California's youth justice system including realignment in 2020 which allowed for courts and probation departments to step youth into less restrictive settings and to prevent youth from being sent to adult criminal courts for prosecution.

The 2020 realignment initiated by a bill known as SB 823, required that no new youth would be committed to the Division of Juvenile Justice, except for rare, court ordered exceptions, and those previously committed and awaiting acceptance after June 2021.[4] DJJ facilities were set to close in June 2023 apart from the Pine Grove Youth Conservation Camp which will remain open. [5]

Realignment has gradually transferred the responsibility for managing all committed youth housed at the DJJ from the state to local county jurisdictions. This process follows a series of legislative and voter-approved measures designed to reduce incarceration and instead expanding rehabilitative and community-based options for youth across the state.

In 2021, the Office of Youth and Community Restoration (OYCR) was established to aid in the realignment efforts and to ensure that data and interventions remain available for community-based placements. OYCR aims to "promote a youth continuum of services that are trauma responsive and culturally informed, using public health approaches that support positive youth development, build the capacity of community-based approaches, and reduce the justice involvement of youth." OYCR will promote evidence-based and promising practices to:

- Reduce the transfer of youth into the adult criminal justice system;
- Reduce racial and ethnic disparities; and
- Increase community-based responses and interventions.

1. Division of Juvenile Justice, *Historical Timeline*, Cal. Dept. of Corrections and Rehabilitation, https://www.cdcr.ca.gov/juvenile-justice/historical-timeline/.
2. *Id.*
3. *Id.*
4. *Id.*
5. *Id.*

Native Youth in California's Youth Justice System

One of the driving factors for the most recent realignment phase in California's youth justice system was to reduce the racial and ethnic disparities. While data is limited, we know that Native youth[6] are disproportionately represented in the justice system compared to their population size and they are more likely to face harsher sentences.[7] As one example, Native youth are 50 times more likely than White youth "to receive the most punitive sanctions such as out-of-home placement after adjudication or a waiver to adult court."[8] This overrepresentation is part of a broader trend of racial disparities affecting Black and Brown youth as well.[9]

Unlike in the child welfare system, where Indian children receive remedial protections to address disproportionality, additional Native-specific protections often do not apply to Native youth in the youth justice system.[10] The most effective protections that Indian children are afforded in the child welfare system include the authority for their tribal nations to be involved in their state court proceedings and requirements for county agencies to work with the child's tribe to provide culturally driven services and connection. On the contrary, because similar protections are rarely applied in the realm of youth justice, tribes in California have had nominal involvement in the juvenile detention system over its history and individual Native youth may not have direct connection to their tribe while they are involved in the system.

Other system-wide challenges include that, county probation departments currently do not have a uniform method for identifying Native youth once they are in the system and there is not a consistent definition for who qualifies as a Native youth so the full scope of Native youth impacted is unavailable.[11] Additionally, tribes rarely can adjudicate or address justice issues of their youth because there is insufficient youth justice funding for tribes as the money has either never been made available, the grants not publicized, or barriers exist that make the tribes ineligible to receive the funding in parity with state counterparts.[12]

6. This report uses the term "Native youth" to describe children and young adults affiliated with tribal nations, but the authors acknowledge that tribal nations and tribal persons may prefer different terms and that systems and data sets often differ in the terms used to describe this population. Additional terms may include: American Indian/Alaska Native youth; Indigenous youth; Indian children and youth; etc. To the extent that a term other than "Native youth" is used in this report, it refers to a term used specifically by the individual or dataset to which it's referencing
7. OYRC ab 102 rpt. At 3.
8. Off. Of juv. Just. And Delinq. Prevention, Lit Rev. A Product Of The Model Programs Guide, 2 (apr. 2016).
9. OYRC AB 102 Rpt. at 3.
10. The federal Indian Child Welfare Act (ICWA) applies to child custody proceedings involving foster care placement, termination of parental rights, proadaptive placements, and adoptive placements. 25 U.S.C. §1903, Indian Child Welfare Act (1978). ICWA falls short of full protection when it comes to Indian children within the youth justice system. ICWA specifically states protections do not need to apply when an Indian child has committed an act that would be considered a crime if committed by an adult. However, cases in which Indian children in California who are placed in out of home care do receive ICWA protections, are known as "status offense cases," or cases falling under the Welfare and Institutions Code Section 601 cases. Status offense cases are offenses that would not be considered criminal if committed by an adult such as truancy, being out of control of a parent or guardian, or running away from home. For more information, please see the "*ICWA Information Sheet: Delinquency – Child's Indian Status – Right to Political and Cultural Connections* – ICWA Requirements" by the Judicial Council of California. Available at: https://courts.ca.gov/sites/default/files/courts/default/2024-08/icwa-delinquency-factsheet.pdf.

Native Youth Data and Training Project

Because of the challenges outlined in the first two sections of this report, California Tribal Families Coalition (CTFC) began to work in partnership with California's new Office of Community and Youth Restoration (OYCR) to explore the data and story behind Native youth involvement in the justice system.

CTFC and OYCR have hosted tribal listening sessions and interviews and surveyed California probation officers to learn more about the current realities that Native youth, and their tribal communities, face in the California youth justice system. The goal of the project is to bring system partners together to develop promising practices for how the system can serve Native youth during this time of realignment and shifting to lesser restrictive settings.

However, CTFC and OYCR are not the first to embark on the journey of understanding and improving justice systems for Native youth in the United States. Read the resources below that have laid the groundwork for understanding the issues and tribally driven solutions.

Resources

- Tribal Juvenile Justice Background and Recommendations | 2019 National Congress of American Indians
- Native American Youth Involvement in Justice Systems and Information on Grants to Help Address Juvenile Delinquency | 2018 United States Government Accountability Office

11. *Id.* at 7.

What Probation Officers in California's Youth Justice System Know, Think & Perceive About Working with Native Youth

In the Fall of 2023, a survey was circulated to juvenile probation officers throughout California to collect information from their professional perspective and experience on the current state of services provided by Juvenile Probation Departments for Native youth involved in the California youth justice system.

Surveys were distributed to California Juvenile Probation Departments through email. Participation was voluntary. The survey included 18 questions total and was estimated at 15 minutes to complete. There was a mix of quantitative and qualitative questions.

Summary of demographics of the 54 respondents:

- Most (50%) respondents work in small (population of approx. 0-200,000 people) counties.
- Most (43%) respondents work in the Central Region.
- Most (41%) identified as working in "Management."
- Most (74%) have worked in the youth justice system for more than 10 years.
- Most (46%) of respondents identified as "White" followed by (42%) as "Hispanic, Latino or Spanish Origin."

What size is the county or counties in which you work or serve?

- Small (Population of approx. 0 - 200,000 people) 50%

- Large (Population of approx. 700,001+ people) 39%

- Medium (Population of approx. 200,001 - 700,000 people) 11%

In which region do you work or serve?

- Central Region 43%
- North Region 23%
- Bay Area Region 13%
- South Region 11%
- Sacramento Region 9%

What is your current job level?

- Management 41%
- Line Staff 33%
- Administration 26%

How long have you worked in the youth justice system?

- More than 10 years 74%
- 8-10 years 9%
- 5-7 years 7%
- 1-4 years 7%
- Less than 1 year 2%

What is your race/cultural background?

- White 46%
- Hispanic, Latino or Spanish Origin 42%
- Black or African American 6%
- Prefer not to disclose 6%

Summary of self-assessment responses:

We asked respondents for reflections on their own knowledge and experience working with the youth justice system.

- 59% of respondents agreed that: Native American youth respond well to cultural and/or spiritual connections with their tribal communities.
- Followed by 24% of respondents agreeing that: Native American youth have a difficult time remaining connected to their tribes and tribal communities while they are in the system.

Few respondents agreed that:

- Native American youth that I have worked with tend to reoffend or re-enter the youth justice system at a higher rate. 13%

Few respondents reflected that they see an overrepresentation or that they have worked with a majority of Native American youth before:

- Native American youth are overrepresented in the youth justice system where I work 9%
- Native American youth are a majority of the youth population that I work with. 2%

Respondents were asked to describe their "current experience" working with the youth justice system and Native American youth on a scale ranging from: *Somewhat (1); Yes (2); No (0); I don't know*

A majority of respondents agreed that cultural, spiritual, and tribal backgrounds are important for Native youth in the youth justice system as well as an important part of how respondents can best serve Native American youth populations.

- 93% of respondents agreed that they "see an importance for Native American youth in the system to maintain cultural and spiritual connections and practices."
- 91% agreed that it is important for them to " understand cultural, spiritual and tribal backgrounds and histories to best serve Native American youth populations."

Most respondents were unsure or did not have experience with policies and procedures in their own departments that are specifically designed to address the needs of Native American populations or best practices for working with tribal governments and agencies.

- 56% of respondents said "No" or "I don't know" when asked if their probation department staff "received training related to the potential impacts of multi-generational trauma on Native American probationers and their families."
- 56% of respondents said "No" or "I don't know" when asked if their department has "policies and procedures for a government-to-government interaction between your agency and the Tribal Governments?"

Respondents were asked about their general knowledge level of various topics related to working with tribes and tribal communities by selecting one of the following options: *None (0); Introductory (1); Working Knowledge (2); Intermediate (3); Advanced (4)*

Respondents identified **limited knowledge** about most all of the topics that were included in the survey. They are listed below in order of reported knowledge from least to most. Respondents reported the least level of knowledge regarding Public Law 280. They reported the most amount of working or Intermediate/Advanced knowledge about ACEs (abuse, neglect, and other adverse childhood experiences). Of 54 respondents:

	None/ Introductory	Working	Intermediate/ Advanced
Public Law 53-280, that extends California's jurisdictional authority for the enforcement of state criminal codes on Indian Trust Lands	68%	15%	17%
Reducing Native American mental health disparities through cultural connections.	53%	36%	11%
Tribal Sovereignty	53%	22%	25%
Tribal demographics, communities, and culture.	43%	32%	25%
Historical Trauma in Native American communities.	43%	32%	25%
ACEs (abuse, neglect, and other adverse childhood experiences)	13%	21%	66%

Respondents were asked what would be the most helpful to learn about in order to best serve Native American youth in the youth justice system. They were asked to rate according to the following scale. *Not helpful (0); Somewhat helpful (1); Helpful (2); Very helpful (3)*

The list below is in order demonstrating the percentage of respondents that marked "Helpful" or "Very Helpful." Of 54 respondents:

Native American organizations, providers, and agencies that can provide services for Native youth.	89%
Current studies, research, and Native youth programs that provide best practices for working with Native American youth.	87%
Tribal government structures, systems, and sovereignty.	83%
A basic understanding of history and connections to historical trauma.	76%
A basic understanding of history and connections to historical trauma.	76%
Understanding ACEs (abuse, neglect, and other adverse childhood experiences) connections with tribal youth and communities.	13%

Other suggestions provided by respondents that would be useful to learn more about included:

- Indian Child Welfare Act (ICWA) notification requirements
- Local training opportunities
- Addressing gangs and gang violence for Native youth
- Engagement of tribal communities 101

Site Resources, Programs & Procedures

The below items asked about current resources, programs and procedures offered at work sites and/or as part of the youth justice system.

Respondents were asked if they had worked with any of the following or if their agency currently works with any of the following related to Native American youth in the justice system. Most had at least some experience working with the following services or their agency was currently connected with the resources and programs. The two areas that had the highest reported "I have no experience working with these services" were Native American cultural practitioners or spiritual leaders (38% reported no experience working with these services) and Native American psychologists or family therapists (31%).

Of 54 respondents:

	I have worked with this service	My agency works with this service	I do not know if my agency connects with these services	I have no experience working with these services
Native American cultural practitioners or spiritual leaders.	20%	18%	25%	38%
Tribal social workers	29%	25%	20%	25%
Indian Health Service (or Indian serving medical care facilities)	28%	23%	20%	28%
Native American youth programs or community organizations	17%	27%	27%	27%
Native American psychologists or family therapists	15%	15%	40%	31%
Native American artists or community members	21%	21%	22%	16%

When asked to rate the types of services that Native American youth need to navigate and succeed in the justice system respondents generally noted that all services were at least somewhat important. The average ranking for those on a scale of 1-4 with 4 being "Very Important" for each item is listed below in order by weighted average . The scale used was: *Very important (4); Important (3); Somewhat important (2); Not important (1); Neutral (0)*

- Mental health services(counseling, prevention programs) 3.74
- Access to educational opportunities (classes, workshops, trainings) 3.67
- Connections to their tribal communities and cultures 3.6
- Tutoring and/or educational assistance to complete schooling 3.56
- Ongoing clinician services from tribal social workers 3.48

When asked what has worked to connect with Native American youth in the youth justice system respondents noted the following in order of most mentioned:

- Culturally relevant services.
- Respect, and genuine empathy.
- Engaging with local tribal leaders and representatives to develop case plans. Direct tribal involvement.

- Family support and reunification. Support for families. Connecting parents to resources. Connect with their families.
- Social workers/ tribal social workers.

When asked what other supports or services would improve the experience of Native American youth in the justice system respondents noted the following:

- Trainings for staff. Mandate minimum training standards for all probation staff regarding historical trauma, implicit bias, and cultural awareness, etc. In smaller counties, general knowledge of history, culture, traditions, and additional resources is needed.
- Have immediate tribal assistance, presence and input for assessments and therapeutic support when tribal youth are arrested and face detention.
- Have a tribal counselor assigned to juvenile hall or have a representative or liaison who is accessible to department at all times for questions, service referrals, recommendations etc.
- Native American mentors who were available to assist and support the youth and contribute to our case plans. Ongoing guest visitors and speakers with tribal connections.
- The residential programs are superb however the struggle is hard when youth return. A Native-type Wraparound program could be helpful.

"We employ a senior officer who is Native American who pays close attention to our relationship with the tribes with a special awareness of tribal issues such as Missing and Murdered Indigenous Women and she runs a Native Talking Circle."

Finally, when asked to reflect on anything else that may be useful for addressing these issues within the youth justice system respondents were focused on the following general themes:

1. Some said that they did not have direct working experience with Native American youth because the amount of Native youth in the youth justice system is "very small." Others reflected that in the population they work with, Native youth are not significantly involved. One respondent wrote "My 31 years of experience, I have had very minimal to no supervision or cases that involved Native American youth."
2. Other respondents focused on the importance of tribal outreach and wrote that though they have in the past tried reaching out to tribes, tribal social workers, and tribal communities they did not receive a response. One respondent wrote "Recently, I contacted tribal social workers to request any additional support offered for Native American Justice Involved youth in our county. While I received responses regarding multiple youth, I have not received any collaboration from workers regarding treatment options or culturally affirming interventions that would support a minor or their family."

What Tribal Leaders & Representatives Know, Think & Perceive About Native Youth in California's Youth Justice System

CTFC hosted tribal listening sessions with youth, tribal leaders, and tribal representatives (social service workers, tribal court staff, etc.) throughout the state of California to gauge what is currently known and experienced by tribal families and communities when their youth become involved in the state youth justice system. From the stories shared, themes emerged and recommendations were made. There were nearly 220 unique individual participants and 27 unique tribal nations represented across all listening sessions.

4/27/2023	9/20/2023	12/15/2023	1/18/2024	2/26/2024
Tribal Leaders and Representatives at CTFC Annual Meeting in Sacramento, CA	Leaders and Representatives at CTFC Annual Dinner in Sacramento, CA	Native Youth in Mendocino and Lake Counties	Tribal Leaders and Native Youth in Inyo and Mono Counties	Native Youth Statewide Virtual
72	**64**	**40**	**17**	**26**
participants from 23 tribal nations	participants from 13 tribal nations	participants from 8 tribal nations	participants from 3 tribal nations	participants from 9 tribal nations

Respondents in listening sessions were encouraged to participate via open discussion and were also given the opportunity to reflect in writing about the issues that Native youth face as they are navigating the youth justice system; services that might be beneficial for Native youth related to the youth justice system as well as how the California Tribal Families Coalition can best provide trainings or other interventions that can address some of the most pressing needs of Native youth. One particular importance of the listening sessions was the Native Youth who participated in the sessions providing insight and feedback from their perspectives and experiences. This was alongside youth justice workers, tribal social workers, and tribal leaders and community members.

Connections Across Issues Facing Native Youth

It is well established in research studies that high incarceration rates of youth can be connected with social inequities like poverty, disability, inconsistent or inadequate health care, and mental health.[13] Listening sessions mirrored some of these findings and also expanded on how Native Youth and their families continue to face challenges while they navigate the system.

One tribal representative shared a powerful statement about their ongoing experience with these issues facing Native youth:

I sat on the Youth justice board for 9 years and noticed the disparity. All I had to do was sit in the lobby. When I saw a kid, a 9-year old sitting in chains, I went to the board with everything I was witnessing. Native Americans are the smallest population, but you could just see it, the over representation of these children. ...If you look at the data, you know that you have a systems failure. I watched a child broken. ...That case bothers me to this day because there were so few interventions. But when I saw the tribe start to create a program for tribal youth to understand who they are, the way we are, and who we can be. I went back to the board and they said "What needs to happen?" Stop taking Native kids, reach out to tribes, pay attention and do what is in the best interest of the tribes.

As of 2020, children under 12 can no longer be prosecuted in juvenile court except in rare incidents – setting a minimum age for court jurisdiction for the first time in California – but more work to ensure children's needs are being met with age-appropriate services is needed.

12. *Id* at 11.*Id*. at 7.
13. Annamma, Subini Ancy, and Jamelia Morgan. "Youth incarceration and abolition." *NYU Rev. L. & Soc. Change 45 (2021): 471.*

Another respondent put it very succinctly by saying:

What do our youth face? Real life issues. No home, no food, no support and no good influences.

1. Issues facing Native Youth Entering the Youth justice System

Listening sessions held with tribal leaders and tribal youth throughout California highlighted several systemic, cultural, and social factors that contribute to the high rates of Native youth involvement in youth justice system. Themes identified by listening sessions included:

- **Geographic Isolation and Lack of Access to Services:** The geographic isolation of many Native communities limits access to crucial services like mental health counseling early interventions for things like problems at school; chronic absenteeism; lack of transportation etc. This leads to factors that contribute to youth becoming involved in crime or leading them into the youth justice system.
- **Education and School Expulsion:** In certain areas of the state, school expulsions are higher for Native American Youth than any other group despite the fact that Native American Youth make up a lower percentage of the population than other groups, leading to disparities in educational achievement and funneling Native Youth into the youth justice system at an early age.[14] Listening session respondents reflected that this is something they continue to experience. Youth are often treated unfairly and instead of receiving services for behavioral issues, particularly when youth act out, the school system appears to be quick to remove youth rather than addressing underlying issues or providing support. This exacerbates the chances of youth entering the justice system.
- **Intergenerational Trauma & Family Dynamics:** Many families have multiple generations involved in the justice system, which exacerbates trauma and perpetuates cycles of incarceration. A lack of early intervention and support for families in distress often leads to youth involvement in the system. One participant youth justice system worker noted that they currently serve multiple families with three generations involved in the carceral system – grandfather in prison or jail, father in prison or jail, and now a child in juvenile hall.
- **Socioeconomic Challenges:** Poverty, lack of basic life skills, limited access to education, and inadequate housing are common issues facing Native youth entering the justice system. One area particularly highlighted by respondents was that youth face struggles with gang affiliation and lack of positive role models. This also included a lack of learning basic life skills that help them feel more secure in their lives, leading to them seeking out gangs to feel as if they have a safety net that can help prevent them with struggling with ongoing socioeconomic issues. One respondent

14. https://www.sdsu.edu/news/2019/09/report-native-americans-suspended-disproportionate-rates-recommendations-offered.

In Ukiah/Mendocino County I see about 40% of [youth] in juvenile detention that are Native. Many have gang involvement and they often feel that barriers for them include a total lack of basic life skills learning both in and out of the system.

One Native Youth (Age 17) stated:

I feel you would have to keep a lot of Native youth or any youth out of gangs because that is how most end up in juvie or on drugs.

Youth were also clear to emphasize that systemic issues and historical injustices continue to exacerbate Native youth involvement in the youth justice system. One youth (Age 15) stated *I feel like most Native youth end up in juvie because a lot of Natives are trafficked or they hangout with the wrong group of people.* Another (Age 17) agreed trafficking is a big thing. *And even though you are a victim you are treated like a criminal*. Considering that trafficking rates of Native American people (primarily Native American women and girls) are some of the highest nationally and in the state of California, this is an ongoing issue that demonstrates how this deeper structural inequity criminalizes marginalized youth and contributes to ongoing vulnerabilities instead of addressing deeper structural issues and needs.

- **Cultural Misunderstandings:** Cultural misunderstandings between Native youth and non-Native authority figures, like public defenders or probation officers, contribute to miscommunication and alienation. For example, cultural norms (like not making direct eye contact with authority figures) can be misinterpreted as disrespect. This compounds feelings of marginalization for the Native youth and prevents them from seeking out further services or utilizing services because of a lack of trust. One participant noted that

My son has been involved the system because of violence. The public defender who was helping him pushed off the case as my son was just a bad kid who didn't want to listen or had a bad attitude. This is because he wouldn't make eye contact with her so, as his mom, explained to her about our cultural norms.

noted:**Racism:** Participants noted that racism continues to play a significant role in the challenges Native youth face, affecting their interactions with authorities and impacting their treatment within the justice system.

2. Current Experience Working with the Youth Justice System

Listening sessions held with tribal leaders and tribal youth throughout California highlighted several systemic, cultural, and social factors that contribute to the high rates of Native youth involvement in youth justice system. Themes identified by listening sessions included:

- **Challenges with Collaboration:** There is a significant gap in communication and collaboration between tribal communities and county youth justice systems. Staff have a lack of training or knowledge and there is very little Native representation on boards or commissions to represent the particular needs or interests of tribal youth or tribal sovereign nations. Throughout these processes tribes may be left out of being able to advocate effectively for the youth limiting access to culturally relevant services and preventing the tribe from being keyed in to how best to advise their youth. In addition, there is limited follow-up by youth justice system staff about youth transitioning between systems and jurisdictions can be convoluted and there is rarely ongoing follow-up with tribal youth that help them to clearly navigate a way through and out of the system. Youth and their families may feel "passed around" or lose track of the number of people who may be involved in how youth must navigate through the system.
- **Cultural Relevance:** Many tribal representatives expressed frustration with youth justice programs that do not incorporate Native culture or fail to understand its importance. While some tribes have made efforts to incorporate cultural activities and cultural practices in their interventions, there is a lack of broader systemic recognition of these practices.
- **Access to Services:** Tribal communities often struggle with inaccessible or incomplete state and county data, which hampers their ability to track and respond to the needs of Native youth. Tribal families and tribal employees reflected that lack of engaging with detention center staff and not having opportunities for county, state and other staff to understand tribal needs and tribal sovereignty present significant barriers to implementing effective youth programming and interventions.

3. Community Responses and Interventions

Several communities have developed their own community-based interventions to support Native youth:

- **Youth Empowerment Initiatives:** Programs like the Bishop Paiute Youth Council and the Wellness Warriors Program create safe spaces for youth, offering mentorship, field trips, and opportunities for cultural engagement. These initiatives focus on creating a sense of belonging and identity.

- **Cultural and Mentorship Programs:** Many respondents emphasized the need for cultural education and mentoring. Youth need access to mentors and role models who can guide them and help them develop a positive sense of self. Some community efforts include the Juvenile to Healing Project, which are designed to give youth a sense of purpose and future prospects outside of the justice system.

One respondent noted:

We need mentors because children need to have a sense of belonging. There should be programs that support community adults to just be there in a positive manner with youth so they have someone to make sure they have food and clothing and are able to participate in activities.

Two student youth reflected a particular connection to Pow-Wows as a key intervention opportunity.

You must be sober for Pow Wows. This can help with sobriety to be connected with this. (Age 16)

Growing up in the community surrounded by Pow Wows creates a completely different mindset. (Age 15)

Another respondent added:

We need to connect the cultural events with the kids who need it. Probation departments could help to facilitate this for our youth who are in the system

- **Safe Spaces for Youth:** Creating designated spaces for youth, like education centers or youth councils, allows them to participate in activities that foster a positive identity and help counteract the feelings of alienation that lead them into the youth justice system and also that prevent them from successfully navigating the system during and after any period of incarceration. This can also be a key way to introduce youth to job training and create pathways to education, which were named as essential interventions for preventing youth from entering or re-entering the youth justice system.

4. Listening Session Recommendations

Key recommendations focus on early intervention, cultural empowerment, and community-based support:

- **Access to Data & Data Collection:** Listening session respondents noted that tribes need to measure their own data because the state and county data is usually outdated or not reflective of tribal voices. Providing funding for tribes or the creation of well-funded and documented data sets by organizations like CTFC will help to make data more accessible to tribal staff.
- **Cultural Competency:** Youth justice professionals should be trained in cultural competency, with an emphasis on understanding California Indian history; Native tribal sovereignty, and ongoing issues facing Native youth and communities, with a focus on trauma informed care and Native resiliency. This includes incorporating cultural activities into rehabilitation programs to help youth connect with community and mentorship connections. Tribal knowledge holders should be included in how best to develop and implement these programs and projects.

One respondent noted:

The only way to be better is through knowledge. Departments should research and gather information about the tribes and peoples they work with, they should know about our communities and histories. Their focus needs to be on helping youth and how to make it easier for the youth to navigate the youth justice system.

Another added:

Staff and workers should think of themselves as allies. But to be a good ally, they need to learn their own bias and judgements of some people. We would like to see our children treated better and validated instead of people making excuse after excuse for why they cannot help.

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- **Mentorship and Leadership:** Building mentorship programs that pair youth with positive role models from their communities is essential. Tribal leaders emphasize the importance of leadership development and creating opportunities for youth to become leaders in their own communities.
- **Early Intervention and Family Support:** Tribes, schools, mentors, social workers etc. need to intervene earlier, especially when youth show signs of academic or behavioral struggles. Providing family-centered support, including resources for parents and caregivers, is critical to breaking the intergenerational cycles of involvement in the system. There was a repeated call for increased community involvement, especially from elders and family members, in efforts to intervene before youth enter the system.
- **Community-Based Programs:** Communities should continue to develop their own programs and interventions, as these are often more culturally relevant and accessible. Examples include leadership training, life skills programs, and reintroducing Native youth to nature and cultural practices as a way of grounding them in land and their communities.
- **Supportive Environments:** Creating welcoming, harm-reducing spaces where Native youth feel validated and empowered is essential. This includes providing spaces for youth to express themselves, make decisions, and learn about their cultural heritage. This can also connect youth to each other so they build more peer supports.

One respondent noted:

Kids in the juvenile system don't hang out with the 'good' kids. They think 'these kids are too good for me. I don't belong here.' We need to create opportunities for them to create real connections.

Another added:

Kids don't have opportunities to play sports because of money and transportation issues. These same kids I know facing this issue got in trouble for breaking into the gym.

Listening sessions underscored the importance of cultural sensitivity, early intervention, and community-based solutions to support Native youth in navigating the youth justice system. There is a clear need for more culturally relevant programs, increased mentorship, and systemic changes to improve outcomes for Native youth in the justice system. Staff training and helping staff to further engage and build true collaborations and partnerships with tribes was a key recommendation of respondents.

What's Next for Native Youth in California's Juvenile Justice System

Given all that has been learned throughout the first couple years of this project, California Tribal Families Coalition Member Tribes put forth the following recommendations on where systems partners, including tribes, probation officers, counties agencies, the Office of Youth and Community Restoration, advocates, parents, and community members can focus efforts moving forward:

1. *Strengthen Training for Placements, Probation Officers, and System Partners About the History of Tribes in California, Native Youth in Youth justice, and the Importance of Tribal Connection to Healing and Rehabilitation.*

Implementing culturally relevant and sensitive interventions can help reduce recidivism and improve outcomes for Native youth.[15] As evidenced by probation officer survey responses, probation officers working with Native youth are interested in further training on cultural competency and how to connect youth to Native-specific resources and programming. Tribal leaders and representatives should be included in developing training for officers, placements, and others to build the knowledge and capacity of all who work with Native youth in youth justice.

2. *Enhance Data Collection and Analysis to Improve Understanding of Youth Justice Population.*

While there is some data available (detailed throughout this report) about Native youth in California's youth justice system, there are various terms used to describe Native youth population in different data sets and there are inconsistencies in how counties collect data, leading to gaps in data currently

15. U.S. Dept. of Just. & U.S. Dept. of Interior, Expert Working Group Report: Native American Traditional Justice Practices, 7 (Sept. 2014).

available. It is crucial to improve the accuracy and completeness of data collection regarding Native youth. First, the term "Indigenous" or "Native" or "American Indian and Alaska Native" – or whichever term is used – must be defined and all counties must be operating with the same definition for data to be comparable across the state. The AB 102 Report indicates the term "Indigenous" is currently being used and since that term can encompass Indigenous Peoples from outside the United States as well, it is recommended that a definition be adhered to for clarity in reporting.

3. *Increase Community-Based Support by More Robustly Including Tribes in System Development and Improvement.*

By strengthening partnerships with tribes and tribal organizations, community-based placements can provide better support systems for youth in conjunction with the youth justice system. This includes expanding access to mentorship programs, culturally appropriate counseling, and community-based alternatives to detention that include tribal practices and ideologies. One positive example that can be looked to as a model is Leech Lake Band of Ojibwe's Wellness Court which has shown that both cultural and community based interventions lead to a significant decrease in recidivism for Native youth.

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16. *Id.*
17. *Id.*

CALIFORNIA TRIBAL FAMILIES COALITION