



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PSP-09-076

TITLE: Disproportionate Minority Contact/Confinement in the Juvenile Justice System and the Welfare of American Indian and Alaska Native Youth

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the quality of the treatment, welfare and mentorship of our youth is our future,

WHEREAS, incarceration of youth without needed mental health, educational, substance abuse or family intervention damages that future, and as “highlighted in the 2005 Office of Juvenile Justice and Delinquency Prevention Report, detention and confinement do little to rehabilitate the detained youth and may in fact have a negative impact on the youth” noted by Dr. Cahn’s 2006 background paper for the Joint Center Health Policy Institute titled “How the Juvenile Justice System Reduces Life Options of Minority Youth;” and

WHEREAS, American Indian and Alaskan Native (AI/AN) youth have a disproportionately high rate of contact and confinement within Juvenile Justice Systems nation-wide when compared to Caucasian youth; and

WHEREAS, according to the Dellums Report “youth of color are disproportionately represented in the juvenile justice system: African Americans (1,004 per 100,000), American Indians (632 per 100,000), and Latinos (485 per 100,000) each had higher custody rates than whites (212 per 100,000) in 1999.” We agree with the sentiments in this report that state that “avoidance of recidivism should be the primary goal of the justice system” including recommendations to reduce incarceration and support rehabilitation and re-entry programs; and

WHEREAS, AI/AN youth are vulnerable in that they have the highest rates of suicide-related fatalities, according to the *Youth Violence Research Bulletin*. The suicide rate for American Indian juveniles (57 per 1 million) was almost twice the rate for white juveniles and the highest for any race. According to Terry Cross in the Nov/Dec 2008 Issue of Poverty & Race Research Action Council:

“American Indian youth are grossly over-represented in state and federal juvenile justice systems and secure confinement. Incarcerated Indian youth are much more likely to be subjected to the harshest treatment in the most restrictive environments and less likely to have received the help they need for other systems. American Indian and Alaska Native youth are 50% more likely than whites to receive the most punitive measures.”

As of February, 2001, 74% of youth in custody in the Federal Bureau of Prisons system were Native American youth, an increase of 50% since 1994; and

WHEREAS, tribal governments and members have long struggled with White-centered Juvenile Justice Systems; and

WHEREAS, we recognize that juvenile crime is a symptom of historical, social and institutional relations of injustice that impact a youth’s mental, physical, sexual and spiritual health, and therefore life chances; and

WHEREAS, we recognize that AI/AN culture is intervention and prevention; and

WHEREAS, American Indian youth are often denied access to their culture and religious participation while incarcerated and therefore denied access to healing; and

WHEREAS, the Affiliated Tribes of Northwest Indians is a key stakeholder in the Disproportionate Minority Contact-reduction efforts.

NOW THEREFORE BE IT RESOLVED, that the NCAI hereby requests Office of Juvenile Justice and Delinquency Prevention to convene a meeting:

1. to review the Office’s implementation of government-to-government policies and protocols for federal agencies working with tribal governments; and
2. to address culturally competency standards of practice within the Juvenile Justice System (such as National Indian Child Welfare Association and National Association of Social Workers); and
3. to ensure the development and implementation of ceremonial and cultural-specific treatment and opportunities for AI/AN youth as a part of cultural competency intervention in order to reduce Disproportionate American Indian Contact and Confinement; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2009 Annual Session of the National Congress of American Indians, held at the Palm Springs Convention Center in Palm Springs, California on October 11-16, 2009, with a quorum present.



President

ATTEST:



Recording Secretary