



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #MOH-17-022

### TITLE: Reforming State Juvenile Justice Systems to Better Serve 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**, past NCAI Resolutions, including Resolution # PSP-09-076, have recognized that Native American youth have a disproportionately high involvement with juvenile justice systems across the country and are often subject to harsher treatment within those systems than non-Natives; and

**WHEREAS**, tribal governments have long recognized that juvenile crime is a symptom of historical, social and institutional injustice that impact a youth's mental, physical, sexual and spiritual health, and therefore life chances; and

**WHEREAS**, we recognize that Alaska Native and American Indian culture is important for healing and prevention for Native youth, but incarcerated youth are often denied access to their culture and religious participation; and

**WHEREAS**, many tribes have programs and services aimed at supporting their youth and helping them to heal and excel; and

**WHEREAS**, under current law, states are required to notify Indian tribes when a tribal youth is involved in the state child welfare system or has entered the juvenile justice system for a status offense, but not when a tribal youth is involved in a delinquency proceeding, thereby limiting the ability of the tribe to support their youth when it is most needed; and

**WHEREAS**, a significant portion of the federal funding authorized by the Juvenile Justice and Delinquency Prevention Act (JJDP) for tribal juvenile justice programs is currently administered as state pass-through funding and is available only for tribes that perform law enforcement functions; and

**WHEREAS**, it is problematic to link juvenile delinquency prevention and rehabilitation programming to law enforcement and the criminal justice system when many tribes may not perform these functions, but still have an obligation to provide their juvenile members with preventative and rehabilitative services; and

**WHEREAS**, states are required by the JJDPa to maintain state advisory groups to develop juvenile justice priorities but often do not include tribes in these discussions.

**NOW THEREFORE BE IT RESOLVED**, that federal and state laws should be amended to require states to give notice to Indian tribes when tribal member youth are involved in the state juvenile justice system on a delinquency matter, as is currently required for status offenses and in child welfare cases, in order to allow tribes to keep track of their youth, remain engaged in their rehabilitation, and prepare for their reentry into their communities; and

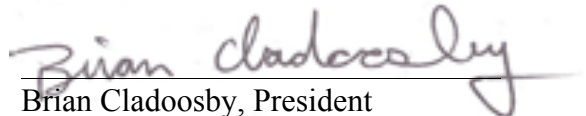
**BE IT FURTHER RESOLVED**, that tribal juvenile justice funding should flow directly to tribes, not through the state, and should include all tribes, not just tribes that perform law enforcement functions; and

**BE IT FURTHER RESOLVED**, that states should be required to include tribal representatives on state advisory boards regarding juvenile delinquency policy. This will foster improved efforts by Federal, state, local, and tribal entities to optimize limited resources, share information, resolve jurisdictional issues, and increase access to culturally relevant services for Native youth charged in state courts that lack adequate resources to serve them; and

**BE IT FINALLY 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 2017 Midyear Session of the National Congress of American Indians, held at the Mohegan Sun Convention Center, June 12 to June 15, 2017, with a quorum present.

  
Brian Cladoosby, President

**ATTEST:**

  
Aaron Payment, Recording Secretary