Washington State Tribal Gathering: Tribal Juvenile Justice Enhancement

Final Grant Report

Native American Law Center

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School of Law

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I. OBJECTIVES

In undertaking this grant project, the goal of the Native American Law Center at the University of Washington (UW NALC) was to engage representative Washington State tribes in (1) evaluating their juvenile justice systems using both qualitative and quantitative methodologies; (2) identifying Targeted Areas of Improvement (TAIs); and (3) developing work plans identifying strategies and outcomes consistent with the goals of the Models for Change initiative. These aims were to be developed in light of the particular cultural values, social structures, and sovereign status of the Native American population. This project was undertaken in partnership with the Center for Children & Youth Justice (CC&YJ), the Governor’s Juvenile Justice Advisory Council (GJJAC), and key Washington State tribal court staff and practitioners. While the project encountered some unforeseen complications, strong participation by tribal partners and the wealth of information collected allows targeted recommendations for initial juvenile justice reform efforts in tribal courts.

A. Original Objectives

The specific objectives of this project were to engage tribal communities in juvenile justice reform efforts by:

1) developing and administering Key Informant Interviews to a sample of Washington State tribal representatives (from tribes selected to provide a representative sample based on size, geographic location, and available tribal resources) regarding their juvenile justice systems and the Washington State juvenile justice system;

2) utilizing Key Informant Interview data to develop and administer a survey measuring tribal priorities for addressing perceived needs in their juvenile justice systems and the Washington State juvenile justice system;

3) offering a culturally appropriate forum (“Gathering”) at which tribal representatives would learn about the MacArthur Foundation’s Models for Change Juvenile Justice Reform Initiative and provide focus group data regarding their attitudes, knowledge and beliefs about areas of improvement needed in tribal juvenile justice systems and the Washington State juvenile justice system;

4) analyzing data collected in partnership with participating tribal communities, the Center for Children & Youth Justice, and the Governor’s Juvenile Justice Advisory Committee, to assess supplementation of tribal juvenile justice issues to the Washington State Work Plan and issue a report of recommendations; and

5) working with existing Models for Change partners to provide technical assistance in developing model and specific tribal juvenile justice reform work plans and unique tools addressing targeted areas of improvement in Washington State tribal juvenile justice systems.
The data collected in this process were to be analyzed and used to create a report of recommendations for supplementation of the Washington State Work Plan, creation of a model Tribal Work Plan, and development of specific work plans for participating tribes.

B. Changes in Objectives

During the course of the project, the objectives did change in two ways. First, the number of tribal sites where the Key Informant Interviews were administered was reduced from seven to six, and some of the tribes interviewed were not the same as those that were originally targeted. Second, the objective of supplementing the Washington State Work Plan was, after discussion with the Center for Children & Youth Justice, deemed incompatible with that organization’s ongoing work in the state court system. Finally, after a review of the Key Informant Interview and Gathering data, the development of a model tribal work plan was found unlikely to be of benefit to tribal juvenile justice reforms.

1. Key Informant Interviews

The objectives outlined in the original grant proposal included the administration of Key Informant Interviews to representatives from seven tribes in Washington State, in an effort to collect a relatively small amount of information regarding what efforts tribes are making to address the needs of youth in their juvenile justice systems. Due to leadership changes at several tribes, securing time in front of tribal councils – a necessary step in securing permission to administer the interviews – was in many cases more difficult than anticipated. In addition, some tribes were simply hesitant to approve research in their communities, and the UW NALC was forced to seek alternative sites to collect information. Consequently, the UW NALC was able to interview representatives from six Washington tribes, rather than seven. However, this minor setback was mitigated by the enthusiastic participation of representatives from 20 tribes at the Washington Tribal Juvenile Justice Gathering, which provided the UW NALC with a rich body of data regarding tribal juvenile justice systems.

2. Model Tribal Work Plan and Supplementation of the State Work Plan

One of the original objectives described in the grant proposal was the creation of a model tribal work plan and supplementation of the Washington State Work Plan. After reviewing the data from the Key Informant Interviews and the Gathering, it became clear that the diversity of Washington’s tribal juvenile justice systems would make it impossible to create a model tribal work plan. Instead, the UW NALC focused on developing individual tribal work plans with the Kalispel Tribe and the Quinault Nation. First, the UW NALC will work with the Kalispel Tribe to revise their entire juvenile code, and in the process will develop model delinquency, truancy, and at-risk youth codes to address a common need expressed by tribal juvenile justice
stakeholders. Second, the UW NALC has will work with the Quinault Nation to provide indigent juvenile defense in this very rural community, and will measure the effectiveness of web-based video conferencing in the representation of these clients. Additionally, instead of a model work plan, the UW NALC will focus on coordination of tribal juvenile justice programs and provide web-based training for tribal juvenile justice professionals.

After further discussions with the Center for Children & Youth Justice, it also became clear that amendment of the Washington State Work Plan was less important than developing a tribally-focused strategy for juvenile justice reform; and the ongoing initiatives which have grown out of this planning grant reflect this realization.

II. RESULTS

The Key Informant Interviews, as well as the group discussions and quantitative exercises at the Washington Tribal Juvenile Justice Gathering, provided both the UW NALC and participating tribes with valuable information about tribal juvenile justice systems. The analysis of this data, and the ongoing communication within and between tribes that this project has generated, are expected to spur the implementation and coordination of systems reform – including the development and adoption of evidence-based interventions to address juvenile delinquency, truancy, and at-risk behavior – in tribal communities.

A. Key Informant Interviews (Aim 1)

Prior to the submission of this grant proposal, it became clear to the UW NALC that very little information exists about tribal juvenile justice systems. While the federal government is the primary funder of tribal justice systems, it has not historically collected or funded the collection of data from those systems; nor has it funded training for personnel at tribes to collect and analyze tribal justice data. The result is a void of information about the efficacy of tribal systems, the extent to which they exercise jurisdiction over juvenile justice matters, and the services they provide to juveniles.

1. Major Activities

To gain some initial insights into the current practices of tribal juvenile justice systems, what services tribes provide for youth in those systems, and what obstacles they face in addressing the needs of those youth, the UW NALC administered Key Informant Interviews to a representative sample of Washington State tribes. In the course of this undertaking, the UW NALC realized that simply reviewing the codes of all Washington tribes would allow us to compile certain basic information about the exercise of delinquency, truancy, and dependency jurisdiction by those tribes.
a. Tribal Jurisdictional Mapping

In Washington, the State and most tribes share jurisdictional authority to prosecute juvenile delinquency and truancy cases. The State of Washington was granted that authority by the United States Congress, and implemented it through the passage of RCW 37.12.\(^1\) Meanwhile, some tribes exercise delinquency and truancy jurisdiction over Native American juveniles who reside on their reservations, while others leave the adjudication of juvenile cases to county or municipal courts. In the course of its work on this grant project, the UW NALC reviewed the codes of Washington State’s tribes, and interviewed court personnel when necessary, to determine which tribes exercise jurisdiction over delinquency and truancy matters, as well as which tribes provide public defense to juveniles in delinquency cases. The following table presents a comprehensive summary of this information for all of the tribes in Washington State.

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*Table 1. Washington State Tribal Juvenile Justice Jurisdictional Profile*

As this summary shows, two thirds of the federally recognized tribes in Washington exercise their jurisdiction to prosecute juvenile delinquency actions, and 16 of those tribes provide public defense to juveniles in delinquency cases.

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\(^1\) With passage of the Indian Civil Rights Act of 1968, Congress restricted further extension of state jurisdiction of the sort asserted in RCW 37.12 without the permission of the tribes. A small number of tribes in Washington were federally recognized after 1968, and have not assented to state authority over juvenile delinquency and truancy matters.
juveniles with public defenders.\(^2\) Just under one half of the tribes in Washington deal with truancy matters, while all but two exercise jurisdiction over dependency actions. In short, Washington’s tribes are actively involved in adjudicating juvenile cases, and this recently compiled information will allow a baseline from which to measure future trends in the exercise of juvenile justice jurisdiction by those tribes.

### b. Key Informant Interviews

In partnership with the Center for Children & Youth Justice, the Governor's Juvenile Justice Advisory Council and the Vera Institute of Justice, the UW NALC developed a key informant questionnaire designed to elicit information about tribal juvenile justice systems from a sample of seven Washington State tribes. The questionnaire included questions regarding the extent to which each tribe exercises jurisdiction over juveniles; the manner in which each tribe addresses juvenile detention; the provision of mental health services to juveniles; tribal priorities for services, as well as barriers to services; and many other issues. This questionnaire was intended to be used in conjunction with information collected at the Washington Tribal Juvenile Justice Gathering, to provide guidance to the UW NALC and Models for Change partners to assist in the development of a long-range plan for juvenile justice reform in tribal communities.

Before conducting Key Informant Interviews with personnel from any tribe, the UW NALC had to secure approval from their tribal council.\(^3\) One obstacle encountered in this process was the fact that several of the tribes initially identified as meeting the general demographic requirements for a representative sample were simply not interested in having a research project conducted in their communities. Another targeted tribe was not opposed to the project, but nonetheless removed it from the tribal council agenda three times in order to make time for more urgent matters. The UW NALC responded to these difficulties by shifting its focus to tribes which were more interested in participating in the project, and more willing or able to put the matter on the agenda for tribal council approval. Ultimately, every tribal council before which the UW NALC appeared approved its request to conduct the Key Informant Interviews, and eventually the questionnaire was administered to twenty key personnel representing six tribes.

### 2. Outcomes

The administration of these Key Informant Interviews is the first attempt of its kind to collect useful data regarding tribal juvenile justice systems in Washington State. In addition to informing the ongoing efforts of the UW NALC, the data collected will hopefully assist the tribes themselves in evaluating their current practices, in choosing where to allot their resources most effectively, in seeking funding for further system reform, and in implementing interventions which are both evidence based and culturally appropriate.

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\(^2\) Notably, this reflects an increase in the provision of public defense services since a previous assessment conducted by the UW NALC in 2007.

\(^3\) Each tribe in Washington State requires that any research being conducted in its jurisdiction be approved through its own research approval process.
Of the six tribes which responded to the questionnaire, five exercise delinquency jurisdiction over Native youth on their reservations, and five exercise jurisdiction over truancy matters. The following sections summarize a variety of additional data obtained through the Key Informant Interviews.
a. Delinquency Systems and Concerns

Twenty of Washington’s twenty-nine tribes exercise delinquency jurisdiction, and 13 of those tribes provide public defense services to the juveniles in their delinquency systems. Of the six tribes interviewed, five exercise delinquency jurisdiction, and at least three of those tribes provide public defense services.

 Asked about their tribal communities’ concerns regarding delinquent behavior, the respondents overwhelmingly identified drug and alcohol use as their highest concerns.

![Figure 1(a). Delinquency – Highest Concern](image)

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4 See Table 1, *supra* at 4.

5 Contradictory answers from individual respondents make it unclear whether one of the responding tribes (identified only by a code number for purposes of analyzing the data) provides public defense services.

6 Respondents were asked to identify their highest, second highest, and third highest concerns. For their responses to the latter inquiries, see Figures 1(b) and 1(c) in Appendix A.
Asked to identify the particular types of drugs that were of highest concern in their tribal communities, the majority of respondents identified prescription drugs and methamphetamines.\textsuperscript{7} Figure 2(a). Juvenile Drug Use – Highest Concern

\textsuperscript{7} Again, respondents were asked to identify their highest, second highest, and third highest concerns. For their responses to the latter inquiries, see Figures 2(b) and 2(c) in Appendix A.
b. Detention

Of the responding tribes which exercise delinquency jurisdiction, all five reported using secure detention (in county facilities) as a sanction in delinquency cases. Four of those tribes reported that secure detention is used in fewer than 25% of delinquency cases, but only two reported the use of home detention (including electronic home monitoring) as an alternative. Meanwhile, several of the respondents indicated that the detention facilities used by their tribes were either “somewhat unaccommodating” or “very unaccommodating” to the cultural needs of Native youth.

![Figure 3](image)

**Figure 3. Accommodation of cultural needs of Native youth in detention facilities.**

Finally, respondents from all of these tribes reported that beds in the juvenile detention facilities used by their tribes were available immediately.
c. Mental Health Services & Chemical Dependency Treatment

Reassuringly, all of the responding tribes which exercise delinquency jurisdiction also reported that they provide chemical dependency treatment and mental health services to juveniles in their systems. However, most of the individual respondents (setting aside those who responded that they did not know) characterized funding for these services as adequate at best.

![Figure 4. Funding for mental health services.](image)

![Figure 5. Funding for chemical dependency treatment.](image)
Four of the six tribes reported that they provided inpatient treatment services to juveniles in their delinquency systems. While most of the individual respondents reported that outpatient treatment services were available within their tribal communities, however, fully half reported that inpatient services were located more than two hours away.

**Figure 6(a). Distance to outpatient treatment.**

**Figure 6(b). Distance to inpatient treatment.**
Meanwhile, the wait for bed dates for juveniles entering inpatient treatment varied widely from one tribe to another; one tribe reported that beds were usually available immediately, while another reported that wait times could be more than a month.
d. Communication

Most of the survey respondents believed that communication between their mental health and delinquency systems is at least adequate – and half reported that the two systems communicate either “somewhat well” or “very well.” Communication between tribes and their local public schools appeared to be a far more serious concern; fully half of the respondents reported that these entities communicate either “somewhat poorly” or “very poorly.”

Figure 7(a). Communication between mental health services and delinquency systems.
Figure 7(b). Communication between public schools and tribes.
e. Truancy

Fourteen of Washington’s twenty-nine tribes exercise truancy jurisdiction. Of the five interviewed tribes which exercise such jurisdiction, all reported imposing a range of sanctions for both truant youth and their parents. However, the respondents generally expressed concerns regarding the effectiveness of their tribes’ truancy systems.

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Figure 8. Truancy Sanctions

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Figure 9. Truancy Reduction

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8 See Table 1, supra at 4.
As asked about causes of truancy in their tribal communities, the respondents overwhelmingly identified a lack of family emphasis on education as the most common cause.

**Figure 9. Effectiveness of tribal truancy interventions.**

**Figure 10(a). Truancy Causes – Most Common**

**Figure 10(b). Truancy Causes – Second Most Common**
B. Tribal Juvenile Justice Gathering (Aims 2 and 3)

Both the second and third aims of this grant project were addressed at the Washington Tribal Juvenile Justice Gathering, which brought together specific stakeholders from tribal juvenile justice systems in Washington State and allowed the collection of additional quantitative and qualitative data. Participants learned about national initiatives for juvenile justice reform, and had the opportunity to discuss priorities for reform in their own tribal systems.

1. Major Activities

The UW NALC first identified the system stakeholders in each tribe, including judges, prosecutors, public defenders, probation officers, law enforcement officers, education experts, and mental health professionals. Personal invitations were extended to these stakeholders, asking them to respond affirmatively and RSVP for the event. This personal approach was intended to generate interest in and excitement for the Gathering, and it proved to be very successful.

On April 23, 2010 the first Washington Tribal Juvenile Justice Gathering was held at the Little Creek Resort near Olympia, Washington. Representatives of the UW NALC, the CC&YJ, the Center for Juvenile Justice Reform, and other organizations focused on juvenile justice reform presented the Models for Change initiative, as well as specific projects addressing the goals of that initiative. There were also presentations by juvenile justice stakeholders from the Lummi Indian Nation and the Port Gamble S’Klallam Tribe, which highlighted tribal juvenile justice projects currently being implemented in Washington State.

After these presentations, the attendees joined breakout sessions in which they were asked to participate in a less formal survey regarding a range of programs or types of programs aimed at improving juvenile justice systems. The participants were grouped according to their positions as stakeholders, and the programs they were asked to consider were organized into six broad categories: Each participant was asked to rank the six categories in terms of their perceived importance and priority, and then to rate individual programs as high, medium, or low priorities. In addition, both before and after these quantitative exercises, the stakeholder groups were invited to participate in open-ended and frequently wide-ranging discussions regarding the juvenile justice systems in their tribes. Note-takers in each stakeholder group documented these discussions for later review, and a synopsis of the prevalent topics and themes which emerged is presented herein.

Because currently there is no coordinating entity for tribal juvenile justice systems in Washington, multiple phone calls and follow-up contacts were often required merely to identify the individuals to be invited; and these were followed by further phone calls and mailings to secure responses. As a result of these efforts, however; the UW NALC now has a directory of tribal juvenile justice professionals in Washington State, which will be expanded as the UW NALC continues its work as a Models for Change partner.
2. Outcomes

With 66 tribal participants representing 20 of the 29 Washington tribes, and 18 other participants representing nine partner organizations, the Gathering was an overwhelming success. Many participants noted that this was the first opportunity they had been given to come together to discuss tribal juvenile justice issues. Many also reported that they subsequently created networks of individuals working in the same area, which allowed them to discuss their particular tribes’ approaches to juvenile justice, and to hear about innovative interventions that were occurring under both the Models for Change initiative and individual tribal initiatives. The success of the Gathering likewise led to the plan for the Association of Tribal Juvenile Justice Professionals, which is being implemented under a second Models for Change grant recently awarded to the UW NALC.

Figure 11. Washington Tribal Juvenile Justice Gathering – Attendees by Tribe

Figure 12. Washington Tribal Juvenile Justice Gathering – Attendees by Position

The stakeholders who attended the Gathering were uniformly enthusiastic and engaged, and many echoed the comments of one appreciative participant, who said, “It was such a great
experience to see the interest and excitement of participants when hearing about the research-based interventions being implemented in tribal communities. I hope we can continue building relationships, sharing information, and generating interest in these successful interventions at future gatherings such as this. Moreover, in addition to informing tribal stakeholders about Models for Change and ongoing efforts in juvenile justice reform, the Gathering also provided the UW NALC with an opportunity to learn more about current practices and concerns in tribal juvenile justice systems.

a. Breakout Sessions: Quantitative Data

During the breakout sessions, stakeholders were presented with posters outlining a variety of juvenile justice programs and interventions, which were organized into six categories: Mental Health Services; Pre-System Prevention; Pre-Filing Diversion; Pre-Trial/Adjudication Diversion; Probation/Post Adjudication; and Non-Traditional Detention. Each participant was asked to rank the six categories in terms of their perceived importance and priority, and then to rate certain individual programs as high, medium, or low priorities.

Based on the average rankings across all of the stakeholder groups, the program categories were ranked as follows, in descending order: (1) Pre-System Prevention; (2) Pre-Filing Diversion; (3) Mental Health Services; (4) Pre-Trial/Adjudication Diversion; (5) Probation and Post-Adjudication; and (6) Non-Traditional Detention. The figure below shows how each category was ranked by each stakeholder group.

10 The content of each poster is reproduced in Appendix B.
Because the rating process for specific programs was relatively informal – intended only to provide a general sense of the priorities and concerns of the Gathering participants – it proved difficult to express the results of that process in precise, reliable quantitative terms. It became clear, for instance, that not every participant rated every program; and in some cases, it appears that participants attempted to further weight their priorities by rating certain programs more than once. Nonetheless, through a careful and focused analysis of the results, it was possible to discern the relative priority assigned to the various programs, both within and across the stakeholder groups.  

Meanwhile, the facilitated discussions which both preceded and followed these activities provided a necessary context for the quantitative data, and yielded a wealth of additional information, insights, and emphases.

**b. Breakout Sessions: Discussion Topics and Themes**

The concerns addressed in the breakout sessions were numerous, wide-ranging, and comprehensive. Facilitators in each stakeholder group were prepared with questions to stimulate discussion, and the quantitative exercises supplied an assortment of potential subjects to be explored, but the stakeholders themselves were encouraged to focus on the issues which most concerned them. The loosely-organized sections which follow summarize some of the prevalent topics and themes which emerged from their conversations.

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11 For a more detailed explanation of how these priorities were calculated, as well as a complete set of graphs showing the priorities assigned to each program by each stakeholder group, please see Appendix C.
i. **Prevention and Early Intervention**

Perhaps the most resounding consensus expressed by participants at the Gathering was the vital importance of prevention efforts and early interventions, aimed at keeping juveniles out of the justice system in the first place, and diverting them out of that system whenever possible. School-based interventions, education and truancy programs, and status offender diversion programs were all identified as high priorities during the breakout groups, and there was widespread agreement that identifying and addressing mental health issues was crucial to reducing court involvement.

However, the stakeholders at the Gathering also perceived a range of obstacles to be overcome, some of which are common across jurisdictions, and some of which are uniquely tied to the concerns of tribal communities. In addition to concerns about funding and service availability, for instance, stakeholders also voiced concerns about the availability of culturally-calibrated screening and evaluation tools, and the difficulty of maintaining confidentiality in small, closely-knit reservation communities. Likewise, stakeholders from multiple groups called attention to what one participant called the “historical trauma” experienced by Native American peoples, and directly linked that history to contemporary challenges facing tribal communities – including a lingering distrust of educational institutions and systems; heightened concerns regarding drug and alcohol abuse (as well as related concerns such as Fetal Alcohol Syndrome); and a pervasive wariness regarding research conducted by outside entities, which has often amplified (for example) the fear of stigmatization surrounding mental health issues.

ii. **Family and Community Involvement**

Running throughout the stakeholders’ discussions of these issues was an awareness that addressing the needs of juveniles means engaging their families as fully as possible. Many participants observed that drug and alcohol abuse, delinquency, truancy, and even mental health disorders are often part of an ongoing, intergenerational cycle that includes not only juveniles, but their parents and other family members. Some also cited concerns about parents turning to the juvenile justice system to address problems that they lacked the skills or other resources to address for themselves; and judges in particular noted the difficulty of responding to delinquency and other juvenile justice issues when parents and families are not involved in the process.

In opposition to these challenges and obstacles, stakeholders highlighted, proposed, and expressed enthusiasm for a range of community-based interventions – including mentoring and peer-counseling programs, elders panels, school-based interventions, and evidence-based practices such as Functional Family Therapy. At the same time, stakeholders from various groups cited the need for training and education – for judges, prosecutors, probation officers, mental health providers, and even community members – to facilitate communication, prevent burnout, increase professional retention rates, and ensure that juveniles were receiving the best care and most effective services possible.
iii. Tribal Culture and Communities

While participants at the Gathering were enthusiastic about improving their juvenile justice systems, they were also emphatic that programs and interventions for juveniles need to be culturally appropriate. They expressed misgivings about the prospect of “outsiders” developing such programs while knowing nothing about tribal communities; and in some cases, these misgivings were tied to similar concerns about attorneys and even judges practicing in tribal courts while lacking respect for, or sufficient knowledge of, Native values and culture. Underpinning these concerns is the perception that many of the challenges facing Native youth can be attributed to the dilution and erosion of cultural traditions and institutions, and a shared conviction that youth who are grounded in the culture of their tribes are less likely to be involved in the juvenile justice system.

Not surprisingly, then, many at the Gathering were eager to discuss existing practices – such as peacemaking courts, elders panels, and canoe journey programs – which provide alternatives to formal processing and secure detention while incorporating traditional values and tribal culture. Participants noted that such practices are often grounded in the principles of restorative justice, and seemed to agree that the implementation of restorative justice practices should be a high priority in reforming tribal juvenile justice systems. One advantage of such practices, in the eyes of many participants, is the fact that they are often community-based; but many participants noted that this fact also presents challenges, including the need for participation and buy-in from community members outside of the juvenile justice system, and even outright resistance from community members who favor more punitive interventions.

iv. Access to Services

In addition to emphasizing the need for culturally appropriate interventions for juveniles, Gathering participants also noted the difficulties presented when critical services are not available within tribal communities. Stakeholders from various groups noted that chemical dependency and mental health treatment services are insufficient or altogether unavailable on some reservations, so that youth referred or ordered into those services face challenges ranging from a lack of transportation to outright removal from their tribal communities. 12

Similarly, several stakeholders at the Gathering indicated that their tribes did not operate or maintain their own juvenile detention facilities, so that youth ordered into detention had to be transported either to county facilities or to facilities operated by other tribes. These

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12 While aftercare programs were not a major topic of discussion among the breakout groups at the Gathering, stakeholders from multiple groups nonetheless noted a need for such programs to assist youth returning to their communities after spending time in treatment, secure detention, or even off-reservation detention alternatives.
considerations reinforced an expressed preference for community supervision programs,\textsuperscript{13} which Gathering participants identified as a cost-effective alternative that can provide necessary structure for juvenile offenders while engaging them in culturally relevant activities near their homes.

\textit{v. Communication Within and Between Systems}

One concern identified by stakeholders from every group was the need for better communication within and between juvenile justice systems and other entities charged with providing services to tribal youth. Participants noted a need for better communication and coordination within their own tribal systems; between the various tribes in Washington State; between tribal, state, and local jurisdictions and service providers; and between tribes, courts, and schools in particular. As many of the participants observed – and virtually all of the stakeholders recognized – such communication and coordination is vital to identifying youth who are at risk of court involvement; to providing interventions at the earliest possible stages; to maintaining continuity in the treatment and services provided to juveniles who need help; to providing judges, probation and presenting officers, prosecutors, defense attorneys, service providers, family members, and juveniles themselves with the information necessary to act in the best interests of individual Native youth; and to implementing the most effective interventions possible (including restorative justice and evidence-based practices).

\textit{vi. Juvenile Code Revisions}

Another significant issue identified by participants at the Gathering was the need for revised youth codes to provide judges, prosecutors, presenting and probation officers with greater latitude and discretion in the processing, disposition, and diversion of juvenile cases. Among the breakout groups at the Gathering, this issue was addressed at most length by the judges, but their observations were echoed by other stakeholder groups including prosecutors, probation officers, and even mental health professionals. Specific needs identified by these stakeholders included code provisions for diversion programs, restorative justice practices, mental health interventions, and the identification of “at-risk” youth. In the words of one stakeholder, the drafting and revision of comprehensive juvenile codes is an opportunity for tribes to “create their own laws for their own people,” rather than subjecting Native youth to formal processing in state and municipal courts where they are over-represented and effectively separated from their tribal communities. Indeed, some tribes which currently do not exercise juvenile jurisdiction would do so if only the necessary code provisions were in place; and at least one tribe at the Gathering noted that they were currently attempting to revise their tribal code to that end. Stakeholders also noted, however, that updating juvenile codes requires time and resources which are often in short supply, and that tribal councils are sometimes slow (or even unwilling) to enact proposed revisions.

\textsuperscript{13} Across all of the stakeholder groups at the Gathering, Community Intensive Supervision Programs received a total of twenty-one (21) “high priority” and seventeen (17) “medium priority” ratings, but only three (3) “low priority” ratings.
C.  Data Analysis (Aim 4)

This report is the culmination of the data analysis undertaken as part of this grant project. Following the data collection process, the UW NALC met with representatives from tribes which had expressed a strong interest in implementing juvenile justice reform projects, to review the raw data and identify Targeted Areas of Improvement for the development of tribal work plans. Following completion of this grant report, the UW NALC will return to the tribes which participated in the Key Informant Interviews and the Tribal Juvenile Justice Gathering, provide them with copies of the report, and discuss ways in which the report can be used to guide and inform the implementation of tribal juvenile justice reforms.

This report is the first of its kind, reflecting the priorities of key stakeholders from two thirds of the tribes in a state with a large number of reservations, as well as a number of organizations focused on the concerns of Native American communities. This information can be used as pilot data to support implementation of juvenile justice reforms with funding from federal, state and private sources.

D. Development of Tribal Work Plans (Aim 5)

Aim 5 of this project is to develop work plans implementing tribal juvenile justice reforms in two tribal communities in Washington State. To address this Aim, we worked in partnership with two tribes, the Kalispel Indian Tribe in northeastern Washington State, and the Quinault Nation, on the Washington coast.

1. Major Activities

To achieve this aim, the UW NALC will partner with two tribes engaged in the development of interventions clearly identified in the Gathering as tribal juvenile justice unmet needs. The Kalispel Tribe, as part of an overall reform of their juvenile system, will work the UW NALC to develop completely new juvenile codes addressing delinquency, truancy, and at-risk youth behavior. The UW NALC, while assisting the tribal efforts to implement codes specifically for Kalispel, will concurrently develop a model tribal youth code for replication in other tribal communities throughout the United States. The Quinault Nation, to address their need to provide public defense to their juveniles, has developed a work plan to provide indigent juvenile defense remotely, using web technology. UW NALC will provide assistance in implementing this work plan. Additionally, the UW NALC will also provide assistance to the Quinault Nation in developing reforms to their tribal juvenile codes.

a. Kalispel Tribal Work Plan
One clear concern identified by participants at the Tribal Juvenile Justice Gathering was the prevalence of outdated tribal youth codes. These outdated codes are a barrier to the implementation of modern juvenile justice reform initiatives. These codes do not reflect current juvenile justice research and share the common defect of essentially being an adult criminal code with the addition of simple confidentiality provisions and the lack of a right to trial by jury. To complicate matters, many of these codes have been amended piecemeal by tribal legislative bodies in response to various needs or crises, without a holistic analysis to build and maintain an overall strategy for juvenile justice.

Information collected from the survey and from the focus groups at the Gathering also indicate that there are virtually no at-risk youth codes among tribes in Washington State. Stakeholders from some tribes report that their dependency codes are being used to address at-risk behavior by juveniles in dependency proceedings, and some tribal judges use these codes even outside of dependency proceedings. These judges reported discomfort “stretching” dependency codes to effectuate a statutory structure for dealing with at-risk youth.

After receiving feedback at the Gathering about juvenile codes, UW NALC and the Kalispel Indian Tribe agreed to develop a work plan to revise the Kalispel juvenile codes. UW NALC has developed a good working relationship with the Kalispel Indian Tribe during the year by actively planning with, partnering with, and visiting the Tribe to administer the survey. Kalispel Tribal Court staff members had previously started the process of reforming their tribal juvenile codes, but, without funding, the project had stalled. The Kalispel court administrator told the UW NALC, “It will be a very exciting and much needed project for our court.” The Kalispel Indian Tribe's Business Council approved the project and UW NALC and Kalispel have developed an outline for completion. In February 2011, UW NALC will be presenting the project to the Kalispel membership at a tribal community meeting. Table 2 represents the timeline for implementing the Kalispel work plan.

<table>
<thead>
<tr>
<th>Model Tribal Code Pilot Task and Timeline</th>
<th>Complete</th>
<th>0 - 6 Months</th>
<th>6 - 12 Months</th>
<th>12 - 18 Months</th>
<th>18 - 24 Months</th>
</tr>
</thead>
<tbody>
<tr>
<td>Obtain Kalispel Tribal Business Committee approval for participation in project</td>
<td>Complete</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collect all available tribal youth codes throughout U.S.</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collect all state statutes/regulations implementing juvenile justice reforms</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collect all resources detailing specific juvenile justice reforms</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hire part-time staff attorney</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meet with tribal court personnel to review all options for reform</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Develop guidelines and procedures for code revision</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Begin rewriting code with tribal court personnel</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Begin writing model code with all options based on national statute review</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Document processes</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Finalize draft of Kalispel code and get feedback from tribal court personnel and NALC staff</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Implement code into court processes</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evaluate project and get feedback from tribe</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Finalize Model Tribal Youth Code text for web publication</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Create manual to replicate code revisions at other tribes</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Publish Tribal Model Code on Website with all links to external resources</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 2. Model Tribal Youth Code – Timeline

28
Concurrently with the development of the new Kalispel juvenile codes, the UW NALC will use the research on these codes to develop model juvenile delinquency, truancy, and at-risk youth codes. These will provide statutory language, commentary to the statutory language, and examples of real world diversions at each of the model code's decision points.

At the culmination of this grant, a new youth code will be implemented by the Kalispel Indian Tribe, benefiting Kalispel juveniles in approximately 50 cases each year. Moreover, the Model Code, by embodying effective juvenile justice policies, will measurably improve outcomes for at-risk, truant, and delinquent tribal youth in any number of implementing tribes. It is anticipated that in the first five years after dissemination, the Model Code will provide a starting point for statutory system reform in approximately 5-10 tribes nationally. Tribes will be able to use the Model Code to facilitate the restructuring of their own juvenile justice systems to include pre-filing interventions and multiple diversion opportunities. This will ensure that their focus is on providing support for youth and children before they become unnecessarily involved in the court system. By providing this crucial element, the Model Code will have an expansive effect on tribal juvenile justice practices and outcomes, and will guide statutory revisions and court or administrative policy changes and will ultimately reduce the number of children involved in court proceedings.

The success of the Model Tribal Youth Code will be measured in three ways: by the actual production of the Model Code itself; by adoption of completely revised youth codes by the Kalispel Indian Tribe; and by tracking user access to the Model Code once it has been created and publicized in various forums. Google Analytics will be used to track site visitor activity related to the Model Code which will be posted on UW NALC's website, including general traffic numbers, who accesses the code (by city and state/country), and how many times the Model Code is downloaded. Additionally, a short survey of users downloading the code will be administered prior to access being granted. These measures will provide a snapshot of interest in and potential use of the Model Code, and will help to inform future dissemination strategies by providing an initial baseline.

b. Quinault Tribal Work Plan

The Quinault work plan was developed by Quinault Nation legal staff in response to struggles in both the development of their own juvenile codes and in securing public defense resources for their juveniles. Quinault, like all Indian tribes, are not federally-funded to provide public defense to their indigent members because the U.S. Congress did not create such a right in the Indian Civil Rights Act of 1968.

The need for juvenile justice reform in rural tribes is striking and Quinault's experience is representative of rural tribes nationally. The tribe recently enacted a truancy statute addressing school attendance on the Quinault reservation. The local public school superintendent recently reported to the Tribe that 101 of the 202 students at the reservation school fit the criteria for being truant at some point over the 2009-2010 school year, and that 25% to 40% of students were not in attendance on any given day. These troubling statistics portend a large influx of
juvenile cases into the tribal court, which will require representation beyond what the Quinault Nation currently can afford to provide. Due to the lack of federal support for public defense, the Quinault Nation can only afford to hire a part-time contract defender from the small town of Aberdeen, Washington. Aberdeen is over an hour’s drive from the main reservation community. Furthermore, the contract public defender was unable to represent juveniles due to conflicts arising from representation of adults. Too often, adverse witnesses were prior clients of the contract defender and with the limited amount of time paid for by the tribe, the contract defender is effectively limited to adult representation.

With the lack of public defense for their juveniles, the idea for this work plan came from one of the Quinault Nation's attorneys, a prior student in the UW NALC. The attorney noted that the tribe's courthouse was wired for high-speed internet access, and wondered if there was a way the UW NALC's Public Defense Clinic could provide services over the Internet. This resulted in the development of a work plan focusing on remote provision of indigent juvenile defense from the UW NALC, along with measures of the projects' efficacy. The tribal court staff was extremely supportive of this proposal and presented the matter to the Quinault Business Committee, the elected body of the Quinault Nation. The Business Committee reviewed the matter and voted to approve the Tribe’s participation.

The project will use web-based conferencing technology to provide representation by University of Washington School of Law faculty, staff attorneys, and law students for juveniles in the Quinault Nation Tribal Court. The pilot project will emulate models from the field of telepsychiatry, which has used video conferencing to provide psychiatric services since the advent of the technology, and has been used successfully to provide mental health services to rural American Indian children.14 This project will draw upon the methods and recommendations of these initiatives, to use video technology to provide client services to rural Native populations where no public defense is currently available.

The UW NALC and the Quinault Nation, in developing this work plan, met through several conference calls as well as two in-person meetings at Quinault. Twice, the UW NALC and the Executive Director of the Center for Children and Youth Justice met with the Quinault Tribal Court and Business Council in Taholah, Washington. Through these meetings, the UW NALC and the Quinault Tribal Court mapped out logistics and details for this work plan. The UW NALC and the Quinault Tribal Court continue to have regular meetings to discuss logistics and project updates. Table 3 provides the timeline for implementation of the work plan.

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Table 3. Remote Representation Pilot – Timeline

<table>
<thead>
<tr>
<th>Juvenile Remote Representation Pilot Tasks and Timeline</th>
<th>Complete</th>
<th>0 - 6 Months</th>
<th>6 - 12 Months</th>
<th>12 - 18 Months</th>
<th>18 - 24 Months</th>
</tr>
</thead>
<tbody>
<tr>
<td>Obtain Quinault Tribal Business Committee approval for participation in project</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initial meetings with tribal project contacts</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Investigate and select webinar service</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Negotiate MOU</td>
<td></td>
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<tr>
<td>Hire part-time staff attorney</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meet with tribal court personnel</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acquire equipment and install at remote site</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Develop procedures for remote hearings during mock hearings</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Develop measures for court personnel and clients</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Obtain UW IRB exemption for measures</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Begin taking clients and conducting hearings</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administer measures</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Document processes</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Disseminate results</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

If the outcomes for this pilot are successful, an important deliverable would be the documentation of a system for implementation of remote representation based on Quinault’s experience as recorded in the evaluation data. Other tribes that share some of the same challenges as Quinault (e.g., conflicts of interest, remote location) could also implement a remote representation program, which would improve the administration of juvenile justice and would facilitate the fair and effective representation of juveniles. Improving the availability of juvenile indigent defense services in tribal justice systems will help ensure that those systems fully address the needs of Native youth, including the need for other services such as mental health, educational support, and family treatment.

There have been some very understandable concerns raised to UW NALC from a Models for Change National Resource Bank and another juvenile justice provider regarding the lack of in-person contact with juveniles in this project. UW NALC has reviewed the concerns and responded by explaining the purpose and one of the goals of the project. The purpose of the project is to see if this is a method which, at worst case, can be used to provide some representation at very remote sites when the only choices are video representation or no representation. Currently no Washington State or nationally-based juvenile justice organization other than the UW NALC has any focus on tribal juvenile justice policy, much less at providing direct representation for juveniles. The UW NALC acknowledges that our measures will likely discover that this method of representation has weaknesses and may be better used to support on-site public defense personnel at tribes using non-attorney “lay advocates” or “spokespersons.” One of our goals is to find a remote way to introduce some public defense at sites where none currently exists, hoping that this will raise awareness at these sites of the benefit of prioritizing juvenile public defense and having these tribes allocate some funding for it.

The Quinault work plan will measure success through the administration of surveys, using a platform such as the University's web-based survey engine, to determine program effectiveness from the viewpoints of all parties involved. In partnership with the Quinault Nation, an initial survey will be formulated and administered to establish a baseline before the Remote Representation Pilot begins, including barriers to providing effective and timely juvenile
representation. Once the pilot program has been implemented, follow-up surveys will be administered at 6 months, at 12 months, and at the close of the pilot program. Microsoft Live Meeting’s online survey function will also query participants immediately after each consultation, so that program administrators can quickly address identified challenges and enhance the success of the program. Results from all survey instruments will be analyzed to determine the remote representation program’s strengths, limitations, and future feasibility at Quinault, as well as implementation implications and viability at other tribes.

III. RECOMMENDATIONS

The purpose of this initial planning grant was to inform Washington State tribal juvenile justice professionals about the Models for Change initiative and discuss alternative juvenile justice projects being implemented nationally and discover the needs of tribes for interventions tailored to the unique needs of their juveniles. Based on the work of this grant, several recommendations have emerged.

A. Coordination of Tribal Juvenile Justice Professionals

Throughout this project, one thing has become abundantly clear: On a national level, there is little coordination and support for comprehensive tribal juvenile justice reforms. Nothing exists to support the attorneys, or, as is often the case, the non-attorney advocates who work tirelessly on behalf of Native American juveniles to try to prevent them from suffering the terrible health, economic, and educational disparities Native Americans face in this country. These disparities include higher than average rates of clinical depression, post-traumatic stress disorder, substance dependence, violence, and suicide.\(^{15}\) Statistics relating to suicide among American Indian and Alaskan Native youth most graphically illustrate the importance of juvenile justice reform in Indian Country. For Native youth between the ages of 5 and 14 years, suicide is the second leading cause of death, and the mortality rate is 3.7 times higher than all other races in the United States.\(^{16}\) For Native youth between the ages of 15 and 24 years, suicide is again the second leading cause of death, and the mortality rate is 3.5 times higher than all other races in the United States.\(^{17}\) Currently, most tribal juvenile justice systems are not designed to be a tool in the effort against these and similar wellness disparities among Native American juveniles. There is a gross lack of coordination among and support for tribal juvenile justice professionals to aid them in their fight to protect the health and welfare of Native American juveniles.

\(^\text{15}\) Gone, J. “We Never Was Happy Living Like a Whiteman”: Mental Health Disparities and the Postcolonial Predicament in American Indian Communities. Am. J. Community Psychol. 40:290-300.


\(^\text{17}\) Id.
The UW NALC has received some seed funding from Models for Change to develop a network of tribal juvenile justice professionals, using the same web technology used in the Quinault work plan, to convene online live meetings. Through these webinars, the UW NALC and partnering organizations will provide education about unique initiatives in tribal, state and federal juvenile justice systems. These meetings will also provide a forum for juvenile justice professionals to strategize about how to make tribal juvenile justice a higher priority for tribes, states, federal agencies and non-profits that fund juvenile research and justice reforms. The hope is that this small step of facilitating coordination and communication between geographically dispersed juvenile justice professionals will develop into a larger, national network of tribal juvenile justice stakeholders and a more organized effort to push for federal, state and private organizations to support tribal juvenile justice interventions.

B. Cultural Adaptation of Evidence Based Programs

Many of the concerns and needs identified by tribal key informants and Gathering participants are the same concerns and needs addressed by existing evidence-based interventions in state juvenile justice systems. However, these interventions have rarely been tested in tribal communities. The difficulty with testing these interventions include the relatively small numbers of juveniles present in a single tribal system, the difficulty of coordinating research projects among communities distant from each other, and the general distrust by tribes of outsiders conducting research.

To overcome these issues, the United States and other funders of health research must fund the creation of tribal research networks to lay the foundation for successful research in multiple communities at the same time. This should provide the ability for the tribes to develop their own systems to review and oversee research being conducting within their borders, to negotiate agreements with research institutions that require adherence to the aims of research proposals, tribal ownership of the data collected, and culturally sensitive approaches to dissemination of results to mitigate stigmatization of tribal communities.

The UW NALC is a national leader in development of tribal research regulatory systems. Currently, the UW NALC is working with several tribes to develop research regulatory systems and to create research networks among tribes to achieve sample sizes adequate to detect significance in research inquiries.

Working in conjunction with these concurrent efforts, the UW NALC is partnering with the UW Division of Public Behavioral Health and Justice Policy and the Washington State Juvenile Rehabilitation Administration (JRA). This group is working to develop a coalition of tribes to make culturally relevant adaptations to existing evidence-based mental health interventions for their communities. By joining together in a coalition, research into the efficacy of these interventions will have a sample size adequate to produce reliable results. The UW NALC and its partners are currently seeking funds from JRA and the Governor's Juvenile Justice Advisory Council to conduct a meeting of tribes to lay the groundwork needed prior to applying for funding implementing a multi-site project.
C. School-Based Interventions

The Quinault Nation's statistics for truancy, while troubling, are not unusual among Native communities. According the United States Department of Education, Native Americans drop out of school at a rate twice the national average. While 90% of Native American K-12 students attend state public schools, our key informants and Gathering participants noted that communication between tribal juvenile justice programs and schools are often poor and, as a result, tribes are unable to provide available services in time to prevent juvenile behavior problems from developing or escalating into more severe problems.

Given that the vast majority of Native American students are in state public schools, it is vital that there be close involvement between these schools and the tribal juvenile justice systems to allow for tribal intervention as truancy, delinquency and at-risk behavior begin to develop. Systems of collaboration should be strategized, legal barriers to communication between schools and tribes should be identified, and federal and state legislation should be proposed to remove these statutory barriers.

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IV. CONCLUSION

This project, while having some unforeseen difficulties, was extremely successful at starting a dialogue among Washington State Tribes about tribal juvenile justice reforms, at informing Washington tribal juvenile justice professionals about the reforms taking place through Models for Change, and at providing some definition to the tribal juvenile justice landscape in Washington State. Through this process, targeted aims for reform have been identified and initial projects have been funded to address them. While these are first steps, we hope these are the first in a long journey to a new way of approaching juvenile justice administration in the courts of our indigenous nations.
APPENDIX A

The following pages contain additional graphs summarizing data collected from the Key Informant Interviews.

Figure 1(b). Delinquency — Second Highest Concern

Figure 1(c). Delinquency — Third Highest Concern
Figure 2(b). Juvenile Drug Use – Second Highest Concern

Figure 2(c). Juvenile Drug Use – Third Highest Concern
APPENDIX B

During the breakout sessions at the Gathering, stakeholders were presented with posters outlining a variety of juvenile justice programs and interventions, which were organized into six categories: Mental Health Services; Pre-System Prevention; Pre-Filing Diversion; Pre-Trial/Adjudication Diversion; Probation/Post Adjudication; and Non-Traditional Detention.

The content of each poster is reproduced on the following pages.
MENTAL HEALTH SERVICES

Mental health services provide an opportunity for youth and their families to develop a greater understanding of the causes leading to juvenile justice involvement, while identifying modalities of treatment that consistently produce reliable results in reducing adolescent violent crime, aggression, delinquency, and substance abuse. These services can vary greatly, and can be tailored to meet the needs of any youth, family, or community. They include:

- **SCREENING & EVALUATION**
  
  *Example:* The Massachusetts Youth Screening Instrument, Second Version (MAYSI-2) is a self-report screening instrument designed to identify, at any entry or transitional point in the juvenile justice system, youth who may have mental health or substance abuse needs that require prompt attention. The screening consists of 52 self-report questions, takes 10 to 12 minutes to complete, and requires no special mental health expertise to administer. Response options may include secondary screening, clinical consultation, evaluation referrals, and therapeutic or security interventions. The MAYSI-2 has been adopted for use in juvenile facilities in 49 states and for statewide use in probation, detention, or juvenile corrections programs in at least 39 states.

- **AGGRESSION REPLACEMENT TRAINING**
  
  Aggression Replacement Therapy (ART) is a multimodal intervention designed to alter the behavior of chronically aggressive and violent adolescents. ART focuses on reducing aggression and violence by providing youth with opportunities to learn pro-social skills, how to control their angry impulses, and how to take perspectives other than their own. Studies reveal ART to be an effective intervention for reducing impulsiveness, decreasing the frequency and intensity of acting-out behaviors, and enhancing moral reasoning; and a Washington State study found that when ART was delivered competently, the program resulted in a 24 percent reduction in felony recidivism.

- **FUNCTIONAL FAMILY THERAPY**
  
  Functional Family Therapy (FFT) targets youth at risk for or presenting with delinquency, violence, substance use, and conduct and behavioral disorders. It is an outcome-driven prevention and intervention program that focuses on engaging the youth and their family in pursuing behavioral changes including: improving parenting strategies; increasing communication and reducing conflict; and being able to apply these skills outside the family environment. Clinical trials have demonstrated that FFT is capable of effectively treating adolescents with Conduct Disorder, Oppositional Defiant Disorder, Disruptive Behavior Disorder, alcohol and other drug abuse disorders, and those who are delinquent and/or violent.

- **MULTI-SYSTEMIC THERAPY**
  
  Multi-Systemic Therapy (MST) targets violent or substance-abusing juvenile offenders, at high risk of out-of-home placement, and their families. It is an intensive family- and community-based treatment which addresses the multiple reasons behind the serious antisocial behavior of juvenile offenders. MST focuses on building independent skills in youth while engaging their families in an effort to cope with issues in peer, school and neighborhood environments. Evaluations have demonstrated reductions of 25 to 70% in long-term rates of re-arrest, and reductions of 47 to 64% in out-of-home placements for serious juvenile offenders.
**PRE-SYSTEM PREVENTION**

Pre-system prevention programs are targeted toward youth, including youth with mental health disorders, who are exhibiting problems or behaviors that might lead to future involvement in the juvenile justice system. Programs and services designed to prevent such involvement, and to address the needs of these youth in more appropriate ways, may include:

- **DRUG & ALCOHOL TREATMENT**
- **EDUCATION & CREDIT RETRIEVAL PROGRAMS**
  
  *e.g., tutoring, summer school, internet classes, accelerated credit programs, special education advocacy, readmission programs*

- **GANG PREVENTION PROGRAMS**
  Examples of potentially effective gang prevention programs range from Gang Resistance Education and Training (G.R.E.A.T.), a 13-lesson middle school curriculum taught by uniformed law enforcement officers, which introduces students to topics such as conflict resolution, decision-making, communication and refusal skills, to the Comprehensive Gang Model, which calls for an integrated approach involving community institutions including law enforcement, social welfare agencies, and grass roots organizations.

- **JOB TRAINING**

- **MENTAL HEALTH SERVICES**
  *see category: Mental Health Services*

- **MENTORING**

- **PARENTING PROGRAMS**

- **SCHOOL-BASED INTERVENTIONS**
  *Example: The Mobile Urgent Treatment Team (MUTT) project makes school the focal point for recognizing mental health problems among the student population, and ensures that the mental health system is contacted to respond and intervene instead of the police. Four states (including Washington) in the Models for Change Mental Health/Juvenile Justice Action Network have established school-focused diversion programs based on the MUTT model. While the specific approach of each program varies, these programs have two key elements in common: training for school officials on how to effectively and appropriately respond to youth with mental health needs, and the creation of linkages between the school and mobile mental health crisis teams and community mental health treatment providers who can accept school referrals and provide treatment as necessary.*

- **TRUANCY PREVENTION PROGRAMS**
**PRE-FILING DIVERSION**

These programs are designed to divert youth from initial entry into the juvenile justice system by engaging them in appropriate services, designed to identify and remedy the underlying problems that led to their involvement with law enforcement, rather than filing charges in the juvenile court. Such services may include:

- **DRUG & ALCOHOL TREATMENT**
- **MENTAL HEALTH SERVICES**
  
  *see category: Mental Health Services*
- **PARENTING PROGRAMS**
- **RISK ASSESSMENTS**

Risk assessment tools are used to identify the individual risks, needs, and strengths of youth in the criminal justice system. These tools can be used to route youth to appropriate services, to develop effective case-management plans, and to promote positive outcomes including probation compliance and the successful completion of diversion program requirements. Examples include the Case Management Assessment Process (CMAP) developed jointly by the Washington Association of Juvenile Court Administrators and the Washington State Institute of Public Policy, and the Youth Assessment and Screening Instrument (YASI), which aims to adapt the Washington model for use in other jurisdictions.

- **STATUS OFFENDER DIVERGENS**

In an effort to divert status offender cases away from the juvenile court system, and to provide youth and families in crisis a faster response than courts can offer, some jurisdictions have developed “family-focused alternatives” to court intervention. Following an initial screening or assessment, potential status offender cases are first diverted to a system in which youth and their families are directed to appropriate services provided by a variety of community-based agencies. When initial interventions are unsuccessful, service plans may be reevaluated and revised, and youth and their families may be referred to more intensive services; only if these efforts are unsuccessful will a case be referred to the juvenile court.
**Pre-Trial/Adjudication Diversion**

These programs are designed to divert youth from adjudication within the juvenile court system by requiring them to engage in appropriate services, designed to identify and remedy the underlying problems that led to their involvement in that system. These programs provide a higher level of accountability and supervision in order to support completion of the diversion program and prevent recidivism, and may include:

- **Community Accountability Boards**
  In the state of Washington, first-time juvenile offenders charged with misdemeanors are eligible for diversion under RCW 13.40.080. Community Accountability Boards are made up of citizen volunteers who determine the conditions of a juvenile’s diversion agreement, which will often include Balanced and Restorative Justice (BARJ) options.

- **Conflict Resolution Programs**

- **Drug & Alcohol Treatment**

- **Education & Truancy Programs**
  *Example:* Following the filing of a truancy petition, the Clark County Truancy Project works with truant youth and their families in an effort to return the youth to school and improve their academic performance without the further intervention of the juvenile court. Truancy Specialists track attendance; meet with students, their families, and school administrators; and refer students to other community agencies when appropriate. Students who make significant progress toward regular attendance and educational achievement may be released from the program with a positive exit. If a student is not making progress, they appear before a volunteer Community Truancy Board rather than being referred immediately back to the juvenile court. The Board works with the student to develop an attendance agreement and a schedule for reviewing the student’s compliance.

- **Mental Health Services**
  *see category: Mental Health Services*

- **Restorative Justice Practices**
  The Balanced and Restorative Justice (BARJ) model emphasizes three priorities for the juvenile justice system: accountability, competency development, and community safety. Examples of restorative justice practices include victim-offender mediation programs, meaningful community service and restitution requirements, and counseling and education programs.

- **Risk Assessments**
  *see category: Pre-Filing Diversion*

- **Wellness Courts & Juvenile Drug Courts**
PROBATION/POST-ADJUDICATION

These structured and multi-faceted programs are designed to ensure community safety, probation compliance, and involvement in rehabilitative services, and to reduce recidivism, while allowing youth to remain in their homes and communities rather than being placed in detention. These programs focus on wellness, healing, and community involvement, holding youth accountable for their actions while providing support and services from the community. Examples include:

- **COMMUNITY INTENSIVE SUPERVISION**
  
  *Example:* The Community Intensive Supervision Program (CISP) operated by the Court of Common Pleas of Allegheny County, Pennsylvania utilizes local recreation centers, facilities in neighborhood schools, and the services of local youth clubs to provide centers which are open from 10:00am to midnight, seven days a week. Daily attendance is required, and youth in the program are on electronic monitoring at all times. Among other program components, youth are required to work 100 hours on community service projects in their neighborhoods, and neighborhood residents are asked to offer lunch or snacks to the youth, which allows the youth and the residents an opportunity to talk and bond. CISP also assists youth in obtaining employment, and in fact requires them to get a job, which helps them to pay court-ordered restitution. Of the 181 youth discharged from CISP in 2004, 137 (76%) successfully completed the program.

- **DRUG & ALCOHOL TREATMENT**

- **ELDERS PANELS**

- **EVENING & WEEKEND REPORTING CENTERS**
  
  *Example:* One of a number of programs developed in Cook County, Illinois as part of the Juvenile Detention Alternatives Initiative, Evening Reporting Centers are community-based alternative detention sites that operate in partnership with sponsoring social service organizations. These centers provide non-violent minors with highly structured and well supervised group activities during high risk periods. Transportation is provided to and from the centers, where juveniles are supervised by professional staff members five days per week, from 4:00pm to 9:00pm, and participate in educational activities, recreational programming, and life development workshops.

- **MENTAL HEALTH SERVICES**
  
  *see category: Mental Health Services*

- **MENTORING**

- **RESTORATIVE JUSTICE PRACTICES**
  
  *see category: Pre-Trial/Adjudication Diversion*

- **RISK ASSESSMENTS**
  
  *see category: Pre-Filing Diversion*

- **VICTIM IMPACT PANELS**
NON-TRADITIONAL DETENTION

These highly structured programs provide an alternative to the incarceration of youth in juvenile detention facilities, while providing constant supervision and imposing immediate consequences for violations of sentencing orders and probation conditions. Non-traditional detention alternatives may include:

- ELECTRONIC HOME MONITORING (EHM)
- RESIDENTIAL/HALFWAY HOUSING
- CAMPS
APPENDIX C

During the breakout sessions at the Gathering, stakeholders were presented with posters outlining a variety of juvenile justice programs and interventions, which were organized into six broad categories. (See Appendix B.) Participants were asked to rate certain programs by placing colored stickers (red for “high priority,” yellow for “medium priority,” and blue for “low priority”) next to their descriptions on the posters.

Because this process was relatively informal, it proved difficult to express the results in precise, reliable quantitative terms. It became clear, for instance, that not every participant rated every program; and in some cases, it appears that participants attempted to further weight their priorities by rating certain programs more than once (i.e., by placing multiple red or blue stickers next to those program descriptions).

Therefore, in analyzing the results of this activity, we considered only the “high priority” ratings, and calculated the relative “priority” of each program by dividing the number of high priority ratings assigned to that program by the total number of high priority ratings assigned to all of the programs by a particular group. (For example, if a group assigned ten “high priority” ratings across all of the individual programs, but assigned only one of those “high priority” ratings to a particular program, then the relative priority of that program for that group was 10%.)

The graphs on the following pages, grouped by category, show the relative priority assigned to each program by the various stakeholder groups, as well as across all of the groups (the “TOTAL” row at the top of each graph).

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20 Participants were not asked to rate any specific programs in Category 6: Non-Traditional Detention.
Category 1: Mental Health Services

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Category 2: Pre-System Prevention

### Gang Prevention

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<tr>
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### School-Based Interventions

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<tr>
<td>PUBLIC DEFENDERS</td>
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<tr>
<td>JUDGES</td>
<td>15%</td>
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</tbody>
</table>
Category 3: Pre-Filing Diversion

Risk Assessments

- TOTAL: 8%
- ADMIN & GOVERNMENT: 0%
- PARTNERS: 0%
- POLICE: 0%
- COMMUNITY SVCS. & ED.: 14%
- MENTAL HEALTH: 0%
- PROBATION: 14%
- PUBLIC DEFENDERS: 15%
- PROSECUTORS: 8%
- JUDGES: 0%

Status Offender Diversions

- TOTAL: 14%
- ADMIN & GOVERNMENT: 22%
- PARTNERS: 8%
- POLICE: 29%
- COMMUNITY SVCS. & ED.: 11%
- MENTAL HEALTH: 13%
- PROBATION: 11%
- PUBLIC DEFENDERS: 21%
- PROSECUTORS: 0%
- JUDGES: 20%
Category 4: Pre-Trial/Adjudication Diversion

**Education & Truancy Programs**

- TOTAL: 15%
- ADMIN & GOVERNMENT: 11%
- PARTNERS: 8%
- POLICE: 21%
- COMMUNITY SVCS. & ED.: 18%
- MENTAL HEALTH: 17%
- PROBATION: 18%
- PUBLIC DEFENDERS: 21%
- PROSECUTORS: 0%
- JUDGES: 10%

**Restorative Justice Practices**

- TOTAL: 15%
- ADMIN & GOVERNMENT: 22%
- PARTNERS: 31%
- POLICE: 7%
- COMMUNITY SVCS. & ED.: 18%
- MENTAL HEALTH: 13%
- PROBATION: 4%
- PUBLIC DEFENDERS: 13%
- PROSECUTORS: 13%
- JUDGES: 25%
Category 5: Probation/Post-Adjudication

**Community Intensive Supervision**

- TOTAL: 11%
- ADMIN & GOVERNMENT: 22%
- PARTNERS: 15%
- POLICE: 14%
- COMMUNITY SVCS. & ED.: 4%
- MENTAL HEALTH: 9%
- PROBATION: 7%
- PUBLIC DEFENDERS: 0%
- PROSECUTORS: 21%
- JUDGES: 25%

**Evening & Weekend Reporting Centers**

- TOTAL: 6%
- ADMIN & GOVERNMENT: 22%
- PARTNERS: 0%
- POLICE: 7%
- COMMUNITY SVCS. & ED.: 7%
- MENTAL HEALTH: 9%
- PROBATION: 4%
- PUBLIC DEFENDERS: 5%
- PROSECUTORS: 4%
- JUDGES: 5%