

**STATEMENT  
OF  
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BUREAU OF INDIAN AFFAIRS  
BEFORE  
THE COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE  
ON  
“JUVENILE JUSTICE IN INDIAN COUNTRY: CHALLENGES AND PROMISING  
STRATEGIES”**

**JULY 15, 2015**

Good afternoon, Chairman Barrasso, Vice Chairman Tester, and members of the Committee. Thank you for the opportunity to provide a statement on behalf of the Department of the Interior (Department), Bureau of Indian Affairs (BIA). The BIA recognizes the tremendous challenge for juveniles in Indian Country and agrees with the Indian Law and Order Commission report, “*A Roadmap for Making Native America Safer*” (“Report”) which finds that Native children are among the most vulnerable groups of children in the United States, with more than a quarter of these children living in poverty compared to 13 percent of the general population.

Native children are exposed to violence at extremely high levels, and are at a greater risk of experiencing trauma compared to their non-Native peers. According to the U.S. Department of Justice’s (DOJ) Defending Childhood Initiative, exposure to violence causes major disruptions of basic cognitive, emotional and brain functioning that are essential for optimal development and thus if exposure to violence goes untreated, these children are at a significantly greater risk than their peers for aggressive, disruptive behaviors; school failure; and alcohol and drug abuse.

In light of these significant challenges facing our Native youth, the BIA has recognized that the conventional juvenile justice approach of simply incarcerating juveniles is not effective and may, in fact, increase delinquency rates. The BIA has incorporated the research found in the report by the U.S. National Library of Medicine-Adolescent Brain Development and Drugs which finds that adolescent brains develop later in life than previously thought, further emphasizing that the effectiveness of incarceration has limited success. Thus, BIA urges policy makers to transition toward less punitive models of juvenile justice. The BIA also encourages juvenile systems to offer solution-focused alternatives to incarceration and more restorative approaches and early intervention options for juveniles within Indian Country.

Taking the view that incarceration does more harm than good, the BIA has begun a staged approach to address youth alcohol, drug abuse and safety by focusing on alternatives to incarceration for the juvenile population, such as: providing funding and training that is focused on the implementation of innovative service models that include traditional healing options. Such options include talking circles for truant juveniles; recovery resource and wellness centers

to address alcohol and substance abuse challenges, and systematic, comprehensive assessments of need, risk and responsivity specific to each individual juvenile involved in the system. These efforts will be combined with emphasizing the importance of utilizing automated case management systems to track progress and allow for more effective communication between service disciplines in the community that all move toward creating a first-ever juvenile justice common data platform.

The BIA also conducts Tribal Court Assessments which have been modified to evaluate the challenges and successes of juvenile justice systems in Indian Country. For example, Juvenile Wellness Courts include options for effective drug and alcohol treatment programs as well as bringing in traditional practices, such as “traditional talking circles” which have been effective in combating truancy in some tribal courts. In one instance, a “traditional talking circle” program was created specifically for juveniles who were adjudicated truant by the tribal court. Within a year, the “traditional talking circle” program addressed traumatic issues facing those juveniles and graduated five (5) young Native women from high school, who otherwise would not have completed their high school education.

In one particular boarding school, a promising Juvenile Justice System practice will be implemented by the BIA in 2016, in conjunction with school leadership. This new process is based on the concept of Partnership for Alternative Student Success (PASS). The partnership includes the juvenile’s traditional customs applied by the Governor of the child’s Pueblo, combined with the specialized services provided by the boarding school. The focus is to create a juvenile justice system which incorporates diversion or alternatives to incarceration that include traditional practices. Based on the 2014 school year, the school indicates that the recidivism rate has been reduced by 50% as a result of this early intervention approach, otherwise known as PASS program. The BIA expects to fully implement this new justice system in 2016.

The BIA agrees with colleagues at the Department of Justice that juvenile incarceration should be rare, fair and beneficial. In certain rare circumstances, incarceration is appropriate. The 2009 Recovery Act Correction Facilities on Tribal Lands Program provided a means to support the cultural traditions of rehabilitation of the incarcerated juvenile. One such juvenile rehabilitative center, is a 36-bed Youth Wellness and Renewal and Juvenile Detention Center (Center) which offers structured care for tribal youth law violators and their families with special emphasis on the youth. This facility provides adjudicated youth contemporary schooling and services as well as tribal disciplinary practices addressing all aspects of the Lakota culture to restore cultural, societal, kinship values and healthy families. This facility provides a sweat lodge and garden area. This Center is funded by the Bureau of Indian Affairs and was awarded a four-year OJJDP Tribal Juvenile Detention and Re-Entry Green Demonstration Grant, which has been successful. The grant provided valuable aspects of the juvenile wellness court such as an on-site clinical psychologist and a highly effective educational program in which the Center and the local Community College developed and implemented environmentally green technologies that provided education and training opportunities for juveniles to create organic gardens, bee keeping, biodiesel fuels and renewable energy in solar and wind energy. Of the two tribal courts that were a part of the OJJDP Green Demonstration Grant, both provided alternative means for juveniles to become a

part of the community and both were very effective. Unfortunately, both grants have expired and the courts do not presently have a funding option.

Finally, the BIA in conjunction with OJJDP, has begun to create a comprehensive Model Juvenile Code designed to incorporate assessments which identify needs and provide services and solutions to address those needs by working with HHS and incorporating all types of services available. The hope is to create options for tribes to incorporate much needed services including specialized traditional remedies which address issues affecting Native youth juveniles in crisis. In 2015, the BIA will present a discussion Juvenile Model Code Draft aimed at creating options for a successful juvenile justice system and formal consultation with tribes is scheduled for 2016.

Again, thank you for the opportunity to provide a statement. I am happy to answer any questions the Committee may have.