

**TESTIMONY
OF
JOHN TAHSUDA, PRINCIPAL DEPUTY
ASSISTANT SECRETARY – INDIAN AFFAIRS
BEFORE
THE COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE
HEARING ON “JUSTICE FOR NATIVE YOUTH: THE GAO REPORT ON
NATIVE AMERICAN YOUTH INVOLVEMENT IN JUSTICE SYSTEMS AND
INFORMATION ON GRANTS TO HELP ADDRESS JUVENILE DELINQUENCY”**

SEPTEMBER 26, 2018

Good afternoon, Chairman Hoeven, Vice Chairman Udall, and Members of the Committee. My name is John Tahsuda and I am the Principal Deputy Assistant Secretary for Indian Affairs at the Department of the Interior. Thank you for the opportunity to provide a statement on behalf of the Department. The Department recognizes the tremendous challenges faced by many juveniles in Indian Country. As indicated in the Government Accountability Office report that is the focus of this hearing, Native children are among the most vulnerable groups of children in the United States.

More than a quarter of these children live 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 often ineffective and may, in fact, increase delinquency rates. The BIA has long urged tribal 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.

The BIA Office of Justice Services regularly engages in crime prevention and community involvement projects to reach youth at the local level throughout Indian Country. Local BIA and tribal law enforcement agencies often host “Law Enforcement Days” where officers can display and demonstrate patrol and emergency response vehicles and equipment, K-9s, and advanced technologies. These events, along with Toys for Tots, Shop with a Cop, DARE, and suicide awareness/prevention events, seek to connect with juveniles in a consistent and positive

manner.

The BIA also funds 16 School Resource Officers located at Indian Country schools. These police officers work full time in the child's environment, providing presentations on stranger danger, anti-bullying, and the dangers of gangs and illegal drugs. Utilizing these officers to build trust with elementary and middle school age children in numerous Indian communities is our fundamental prevention component and evidences our commitment to keeping juveniles out of the justice system when at all possible.

The BIA conducts Tribal Court Assessments, which include a component 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 culturally-based practices, such as "traditional talking circles" which have been effective in combating truancy in some tribal courts.

The BIA has also funded juvenile specific requests from various tribal courts. For example, the Pueblos of San Ildefonso and San Felipe recently received funding to train their probation officers in juvenile issues, and the Rosebud Sioux Tribal Court received funding for two juvenile probation officers. The Lower Sioux Indian Community in Minnesota has a juvenile population that represents 38 percent of Tribal members. The BIA was able to provide funding to the Lower Sioux court for a Truancy Prevention Specialist to work with youth who exhibit challenging behaviors and reduce the number of youth involved in truant activities, and to address the adverse effects of those activities.

The BIA has also funded public defender positions in tribal courts to work specifically with youth involved in the justice system. Specifically, Healing to Wellness Courts require the youth to be represented by a public defender to attend the weekly staffing meetings and subsequent multi-disciplinary team meetings and the court hearing. Tribal courts at Bay Mills and Leech Lake have received funding for Juvenile Public Defenders as well as Juvenile Case Wellness Managers for Healing to Wellness Courts.

In Alaska, the BIA funded the Central Council of the Tlingit and Haida Indian Tribes' request for a Juvenile Healing to Wellness Court, and the Native Village of Barrow was funded for a Juvenile Intake Program position within their court. According to the Barrow court, the opioid crisis is affecting many of the youth, and the Juvenile Intake Program will assist in providing culturally-specific assistance to those youth in crisis.

We agree with our colleagues at the Department of Justice that if youth come into contact with the juvenile justice system, the contact should be both just and beneficial. In certain circumstances, incarceration is appropriate. The BIA works to ensure that academic education and mental health counseling are implemented inside of BIA and tribal jails to appropriately

support those youth needing incarceration.

In BIA-run juvenile detention programs, the Office of Justice Services enters into commercial contracts to provide qualified teachers and educational support for juveniles. Over the past year, we provided educational support to 258 juveniles of varying ages, academic and maturity levels, incarceration periods, and interests. A number of positive outcomes were achieved, including strong engagement and participation in academic activities by juveniles with past records of disruptive behaviors in school. Overall, discipline issues in the classrooms were largely non-existent, and academic credit was maintained for some juveniles when they transitioned back to their schools. Further, multiple juveniles requested to study for the GED or HiSET tests.

A current Memorandum of Agreement between the BIA, Bureau of Indian Education, and the Department of Health and Human Services (HHS) outlines commitments to ensure that appropriate mental health counseling is implemented effectively inside juvenile detention centers. Our common goal continues to focus on improving the good health, wellbeing and proper placement for Native American youth.

Finally, the BIA, in conjunction with the DOJ Office of Juvenile Justice and Delinquency Prevention, has developed a comprehensive Model Juvenile Code designed to incorporate assessments that identify needs and prescribe 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 that address issues affecting Native juveniles in crisis.

A number of the BIA activities I have described are also vitally important to reducing recidivism for juveniles. For example, BIA's educational programs for incarcerated juveniles assist in preparing them to function outside the justice system and have resulted in strong engagement and participation in academic activities by juveniles with past records of disruptive behaviors in school. Wellness Courts funded by BIA help to reduce recidivism by providing options for effective drug and alcohol treatment programs and cultural-specific assistance. BIA also staffs a Recidivism Coordinator in the Office of Justice Services who has been working closely with the Pueblos of San Felipe and San Ildefonso and judges from those Pueblos on juvenile recidivism. These judges also serve on the U.S. Sentencing Commission Indian Task Force, which has made recidivism one of their priorities.

BIA is also focusing on preventing the need for juvenile incarceration, through the BIA's School Resource Officer program, discussed above, which works to build trust with elementary and middle school age children in numerous Indian communities.

Juvenile recidivism could be further reduced through a number of avenues. A recently expired

recidivism program provided the authorities and resources to assist in addressing juvenile recidivism. State notification to tribes when a juvenile who is a tribal member interacts with the justice system (including when the issue occurs off reservation) allows a tribe to coordinate with the state to provide resources to the juvenile to keep the juvenile from re-offending. The most pressing need, however, is the need to ensure access to services.

Juveniles within the state and tribal justice systems are in desperate need of services, such as mental health counseling, substance abuse counseling, vocational training, and life skills training. These items are often court-ordered if the services are available. At present, in many tribal courts, these services are not readily available. Additionally, detention facilities continue to face obstacles in obtaining medical and mental health treatment for adult and juvenile inmates. Likewise, Wellness Courts are in need of case managers and traditional mentors to assist juveniles in the system, particularly since traditional and community means are often more successful in addressing recidivism in the juvenile community.

Again, thank you for the opportunity to provide this statement. The BIA is committed to continuing its efforts in early intervention to reach youth throughout Indian Country and provide solution-focused and restorative approaches to minimize repeated engagement with the justice system. I look forward to working with the Committee on juvenile justice issues affecting our Native youth.

I am happy to answer any questions the Committee may have.