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# REPORT TO CONGRESS



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ACQUISITIONS

## The Study of American Indian and Alaska Native Juvenile Justice Systems

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Submitted by

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Office of Juvenile Justice and Delinquency Prevention

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U.S. Department of Justice

**Report to Congress on**  
**The Study of American Indian and Alaska Native Tribal**  
**Juvenile Justice Systems**

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) commissioned the American Indian Law Center and Walter R. McDonald and Associates to conduct a comprehensive research study of American Indian and Alaska Native Juvenile Justice Systems in response to the 1988 Amendments to the Juvenile Justice and Delinquency Prevention (JJDP) Act.

The amendments required the Administrator to conduct a study to determine:

"(A) how juveniles who are American Indians and Alaska Natives and who are accused of committing offenses on and near Indian reservations and Alaska Native villages, respectively, are treated under the systems of justice administered by Indian tribes and Alaska Native organizations, respectively, that perform law enforcement functions;

(B) the amount of financial resources (including financial assistance provided by governmental entities) available to Indian tribes and Alaska Native organizations that perform law enforcement functions, to support community-based alternatives to incarcerating juveniles; and

(C) the extent to which such tribes and organizations comply with the requirements specified in paragraphs (12)(A), (13), and (14) of section 223(a), applicable to the detention and confinement of juveniles." (Sec. 248(b)(1))

This report presents a description and a summary of the results of the mandated study. It should be noted that the study had the active participation of an Advisory Board composed of leaders in the American Indian and research communities.

**STUDY COVERAGE**

In May of 1987, the National Coalition of State Juvenile Justice Advisory Groups noted that the JJDP Act did not include Indian reservations and Alaska Native villages in its provisions. The coalition organized a National Task Force on Juvenile Justice for Native Americans and Alaska Natives to study the situation and prepare a report to Congress with recommendations regarding this matter. A task force report was completed and submitted to Congress

in September 1987. As discussed above, the 1988 Amendments to the JJDP Act incorporated many of the task force recommendations within Section 248(b)(1) of the JJDP Act.

The language of the 1988 Amendments to the JJDP Act limited the scope of the study to juveniles accused of committing offenses on or near Indian reservations or Alaska Native villages and to Indian tribes and Alaska Native organizations that perform law enforcement functions. If an Indian or Alaska Native juvenile was considered to have an ongoing relationship with the tribe or village, regardless of where the alleged offense may have occurred, the juvenile was considered part of the target population of the study.

For the purpose of this study, tribes and villages that perform law enforcement functions were defined to include all tribes, pueblos and Alaska Native villages that report performing any juvenile justice activities.

Every tribe (315) was included in the study that was on the most current tribal list available from the Bureau of Indian Affairs in early 1991 when the study was initiated, and every Alaska Native village (185) was included that was on the current list used by the Rural Alaska Community Action Program in Anchorage, Alaska. Some combinations of tribes and villages responded jointly, so it was necessary to eliminate duplications.

**A total of 162 of 315 tribes (51%) participated in the study in some way. Ninety-three of the tribes (62%) that responded indicated that they administer some juvenile justice activities, and for the purposes of this study, were deemed to provide law enforcement functions, as defined in the Glossary in Appendix A.**

**A total of 48 of the 185 Alaska Native villages (26%) that received the survey participated in the study. Most do not administer juvenile justice activities as defined by this study.**

According to the 1990 U.S. Census data, there were 266,171 Indians under the age of 18 living on reservations or tribal trust lands in 1990. Seventy-four percent of these resided in tribes and villages participating in the study. Among the 19,242 Alaska native juveniles, thirty-two percent lived in villages participating in the study.

## RESEARCH DESIGN AND METHODOLOGY

Achieving the goals of the study required collecting and analyzing data from tribes, pueblos, villages and other government agencies. The following methods were employed to collect data about tribal, pueblo and village juvenile justice:

1. Existing data and other relevant information were collected and analyzed, such as U.S. Bureau of the Census data (1990), national juvenile justice data (1987), and sources of information relevant to tribal juvenile justice. These

sources included Federal and State legislation pertinent to tribal jurisdiction and governments, Federal authorizing statutes and rules related to a number of funding programs, analysis of a variety of budget and planning documents, and interviews with officials involved with justice or intervention service programs.

2. **A mail questionnaire (All Tribe Survey)** was sent to all Federally recognized tribes, pueblos, and villages with the objective of providing each the opportunity to participate in the study by reporting basic data regarding the scope of their juvenile justice systems. The areas surveyed included components of their juvenile justice systems, intervention services, use of secure facilities, and numbers of juveniles involved in these systems.
3. **On-site individual and group interviews** were conducted with a sample of key tribal, pueblo and village leaders during site visits. The primary purpose of the on-site interviews was to elaborate on issues too complex to address in the survey. In Alaska, representatives of 23 villages were brought together at four sites to supplement the survey data. Most of these villages have a very small population (less than 100), and they are geographically isolated, thus both mail and telephone contacts are sometimes difficult to establish.

Team members contacted and/or met with several officials regarding their programs and to assess problem areas from the perspective of Indian and non-Indian program staff.

### STUDY LIMITATIONS

The study examined governmental functions administered by Indian tribes and Alaska Native villages with respect to juveniles under their jurisdiction. It is **not** a study of the treatment of all Indian juveniles who violate a law because a number of these youth are handled outside of tribal systems. Nor is it an evaluation of any individual tribe's or village's compliance with the mandates of the JJDP Act, but rather a review of the extent to which the concepts inherent in these mandates are, in general, applied within tribal juvenile justice systems.

Both Alaska and California are States where the exercise of concurrent jurisdiction by tribes and villages is **limited** and the **current policies** of these States appear to discourage such tribal efforts towards a juvenile justice system. Both States base their State

control of the juvenile justice system on Public Law 83-280 (18 U.S.C. 1162), the first general grant of jurisdiction over reservations to States, enacted in 1953. Therefore, the implementation and use of tribal courts has been limited in Alaska and California. Tribal entities (villages in Alaska and rancherias in California) are for the most part quite small, and this fact alone may be an impediment to the development of strong self-government and tribal court efforts. However, in Alaska, there is significant movement in the direction of governmental autonomy for the villages and the creation of tribal courts.

Consequently, discussion of Alaska Natives throughout the Findings Section of this document is nonexistent since there was not an Alaska Native juvenile justice system.

In addition to these basic limitations found in Alaska and California, several other limiting factors surfaced which were directly related to the breadth, depth and overall achievement of the study's goals. These limiting factors will help to place the findings in a more accurate perspective. They are as follows:

1. The process of data collection was difficult and somewhat limited due to existing geographic and jurisdictional constraints at the reservations and villages.
2. The inability of some tribes to provide statistics from their court caseloads and to report accurate service, budget, and needs data hindered data collection.
3. The lack of Indian-specific data at the Federal and State levels was an unexpected problem.

These three limiting factors prohibited the comprehensiveness of the findings. However, the statistics included in this report are representative of the available data from the American Indian tribes who participated in this study.

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## BACKGROUND

A brief overview of the tribal justice system components will provide the background for understanding the treatment and services available to the juvenile. The tribal justice system components are as follows: tribal judicial power and jurisdiction, Federal and State jurisdiction, tribal court process, and tribal codes.

### I. Tribal Justice System Components

#### A. Tribal Judicial Power and Jurisdiction within Indian Country

Three types of courts exercise jurisdiction within Indian country today in conjunction with tribal governments: 1) in traditional justice systems, 2) Courts of Indian Offenses, and 3) tribal courts.

The majority of Federally recognized tribes outside of Alaska and California have established courts of general jurisdiction. That is to say these tribes exercise civil and criminal jurisdiction comparable to that of the States, limited only by the tribal constitution itself or by Federal action. Many tribal governments have established combinations of tribal courts and traditional justice systems or recognize the operation of Courts of Indian Offenses as complementary to tribal courts and traditional justice systems.

In the last thirty years, tribal judicial functions increasingly have been carried out by systems and institutions similar to those of non-Indians rather than by legal systems based solely on traditional practices of the tribe. But even in non-traditional systems, tribal dispute resolution takes many forms and may be exercised by appointed or elected judges, tribal leaders designated by tradition or culture, or intertribal court systems.

#### B. Federal and State Government Jurisdiction

In addition to tribes, Federal and State governments may exercise jurisdiction over juveniles living within the boundaries of Indian reservations and in Indian country.

##### 1. Federal

Federal criminal jurisdiction may be exercised: 1) in Federal district court through the Major Crimes Act and the General Crimes Act, and 2) in Courts

of Indian Offenses. Federal jurisdiction over Indians also exists in tribes with tribal courts, but only for offenses defined in the Major Crimes Act.

## 2. State

State jurisdiction over Indians in tribes occurs through Congressional authorization, most commonly P.L. 83-280 (PL 280). However, a grant of jurisdiction to States under PL 280 does not explicitly divest the tribes of civil or criminal jurisdiction. This study identified a number of tribes exercising delinquency jurisdiction under tribal law concurrent to that exercised by States. Tribes elected to exercise jurisdiction over their juveniles due to: 1) the refusal of States and counties to provide law enforcement or services, and/or 2) the reluctance of tribes to place their children in the custody of State courts and agencies. State jurisdiction over Indian juveniles also occurs when crimes are committed outside reservation boundaries. In some cases, the State may transfer the juvenile to tribal court, either before or after State actions are taken.

## C. Tribal Juvenile Court Process

Tribal judicial practice tends to mirror non-Indian court systems to a great extent. Some processes tend to be somewhat informal due to the size of the communities involved and the use of traditional practices by tribal courts.

The majority of tribal juvenile law is patterned on a rehabilitative, rather than a punitive mode, which also reflects many tribes' traditional philosophy regarding children. Tribal court practice may depart from the formal adversarial process, in part to preserve traditional tribal concepts of justice, and/or due to a scarcity of resources which has an impact on prosecutorial and defense functions.

Since all of the tribes who participated in the study indicated that the number of alcohol-related juvenile offenses ranged from 75% to 100%, the issue of treatment versus punishment is crucial. Similar to many non-Indian juvenile courts, tribal courts look to treatment as the first option for alcohol and substance abuse offenders. However, such treatment options for tribal courts are very limited for juveniles. Some courts, in desperation, have used jail time to detoxify juveniles and prevent continued abuse.

The study found evidence of specific intergovernmental agreements related to children under tribal orders receiving services from State agencies, however, such agreements are quite rare. Some State institutions have agreed to accept joint custody of the juvenile, but a number of tribes are uneasy about joint custody



arrangements. Consequently, the number of dispositional alternatives available to tribal court judges is limited.

**D. Tribal Codes**

A large number of tribes have written codes and many of these codes include laws pertaining to children. Some tribal codes cover only abuse and neglect of children and some cover delinquency and abuse and neglect. Tribal civil written law has developed largely during the last 30 years and, with a few exceptions, tends to be more basic than State laws dealing with the same issues. For the most part, the early written tribal codes contained only one, perhaps two, broad provisions on juvenile delinquency.

Out-of-date codes create a number of problems in addition to their possible constraining effect on the legal system. Tribes may be ineligible for certain Federal programs because tribal codes do not contain language required for eligibility. During site visits, many tribes without written codes expressed the wish to develop them, and officials of tribes with codes almost universally were dissatisfied with their codes and wanted to update them, but this is not a priority for most tribes. A number of tribes have been able to amend their children's codes or develop new laws even without a legislative service in place or the availability of consistent legal assistance.

## FINDINGS\*

Major study findings are presented according to the three JJDP Act research questions.

I. **Treatment Under Systems of Justice Administered by Indian Tribes and Alaska Native Organizations That Perform Law Enforcement Functions**

A. **Juvenile Offenses - Tribal Responses**

Most of the discussion of juvenile offenses is based on the responses to the All Tribe Survey (ATS) of the 93 tribes that administer some juvenile justice activities. This information is augmented through information collected during site visits to 20 selected tribes. The other 57 tribes that responded, but indicated that they do not administer juvenile justice activities, are not included in this discussion.

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\*The information in this section does not apply to Alaska Natives since most reported that they do not administer juvenile justice activities as defined in this study.

By far, the highest delinquency rates were for offenses involving the use of alcohol and other controlled substances. Also, Indian status offense and abuse, neglect, and Minors In Need of Supervision (MINS) rates are quite high. These data, and the information gathered through interviews, support the conclusion that most problems of juvenile misconduct facing the tribal juvenile justice system involves alcohol and other controlled substances.

The following reasons were reported for holding a juvenile in a secure facility for a short period of time:

1. Family Not Available (62.4%);
2. Intoxication (60.2%);
3. To Prevent Runaway (59.1%);
4. Shelter or Foster Home Not Available (47.3%); and
5. Treatment Facility Not Available (41.9%).

These results indicate that secure detention often occurs due to the lack of a more appropriate option/facility. In the absence of such facilities, decisions to provide secure detention may be based on the perception that such placement is better than no action at all. At present, youth requiring secure placements, if placed at all, are frequently placed in adult facilities or inadequate juvenile centers.

There are very few on-reservation specialized juvenile detention facilities. With few exceptions, juvenile detention facilities are often inadequately staffed, lack basic services, and are located prohibitive distances from the reservation. Except for the few juvenile detention centers on reservations, youth are detained in jails (tribal, BIA, county or municipal), in county facilities made available by agreement (usually at cost), or are housed in various ad hoc arrangements (e.g., a locked room in a tribal government office).

#### **B. Youth Services - Juvenile Treatment Options**

The study's findings show that a substantial number of delinquent and status offender Indian youth are handled through Indian juvenile justice systems. Many services provided to these youth are delivered by tribal providers often with outside financial support. However, even when juvenile cases fall clearly within tribal jurisdiction, questions about service responsibility still remain. The basic responsibilities of State, Federal and tribal governments as they relate to tribal juvenile justice services are often unclear.

States have general service responsibility for all citizens within their boundaries, including Indians. Not only do available services differ from State to State, but the perception of responsibility to serve Indian youth varies as well. State responsibility appears to be even more unclear when youth are under the authority of tribal courts.

Federal responsibility for youth under tribal jurisdiction is equally unclear. For some tribes, the BIA and Indian Health Service (IHS) are major direct service providers. For others they are primarily funding sources for tribal operated services. Although there is a broad range of services provided or funded through these two agencies, they do not, by policy or action, purport to be the ultimate guarantor of all juvenile justice services for reservation youth.

Tribal responsibility for services raises a dilemma between the desire for independent control of juvenile justice programs and the need for significant outside financial support. Many tribes have limited financial resources with which to fund human services programs. Although tribes perform many services directly, there is substantial variation from tribe to tribe relative to the availability and comprehensiveness of these services. Furthermore, there is no one "model" that can be described for tribal juvenile justice systems.

### 1. Availability of Intervention Services

The tables presented below are derived from ATS data supplied by 93 tribes which indicated they provide some juvenile justice service. The level of juvenile justice involvement of these tribes ranges from those that exercise almost exclusive juvenile jurisdiction and operate full scale juvenile justice systems to those who exercise very limited jurisdiction and provide a small number of juvenile justice related services.

Table 1 shows the services available within the 93 tribes. The services are combined into **prevention/diversion** and **probation/parole** (multiple responses were permitted).

TABLE 1

TRIBES WITH PREVENTION/DIVERSION AND PROBATION/PAROLE							
ALL TRIBES N=93							
	TRIBE	BIA	IHS	ST/CO	OTHER TRIBE	OTHER	NOT AVAIL
PREVENTION/ DIVERSION	80%	20%	30%	29%	3%	6%	5%
PROB/PAROLE	77%	4%	3%	28%	3%	0%	6%

All but 5% of the 93 tribes have some level of prevention and/or diversion services. Many tribes reported that the capacity of these programs was insufficient to serve all youth for whom these services are appropriate. Eighty percent (80%) of the tribes report that they provide these services directly.

Overall, 94% of the tribes have probation and/or parole services. Seventy-seven percent (77%) indicate that these services are provided directly by the tribes. The only other provider cited by a substantial number of tribes is State/county government (28%).

Non-secure placement alternatives play a key role in the juvenile justice system for handling status offender and delinquent youth. Juveniles who must be placed outside the home in a non-secure environment usually exhibit severe behavior problems, significant treatment needs and/or have families who are unable or unwilling to care for the child. The non-secure placement alternatives include: foster care, shelter care, group homes and residential treatment.

Table 2 shows the non-secure placement services available within the tribes. As shown, most tribes have foster care services, and 72% have foster care services provided directly by the tribe. Foster care for status offenders and delinquent youth is handled through social services, rather than court programs *per se*. Tribes also indicated that foster care is provided by State/county agencies (45%) and by the BIA (23%).

TABLE 2

TRIBES WITH NON-SECURE PLACEMENT SERVICES							
ALL TRIBES N=93							
	TRIBE	BIA	IHS	ST/CO	OTHER TRIBE	OTHER	NOT AVAIL
FOSTER CARE	72%	23%	3%	45%	4%	5%	3%
SHELTER CARE	40%	12%	4%	46%	11%	6%	20%
GROUP HOME	28%	11%	5%	41%	8%	12%	23%
RESIDENTIAL	52%	13%	37%	44%	10%	13%	6%

Table 2 indicates that shelter care and group homes are least often available to the tribes. Twenty percent (20%) of the tribes reported that shelter care is unavailable; 23% indicated they have no group homes.

Some of the larger tribes that do have shelters and group homes indicated that there are either too few beds available or that a need remains for facilities for specific populations (e.g., group homes for adolescent girls). Shelter care and group homes are the only services that are provided by State/county agencies more often than by the tribes themselves. State/county agencies are reported to provide shelter care service by 46% of the tribes and group home services by 41% of the tribes.

Table 2 also indicates that almost all of the tribes reported some availability of **residential care** (94%). It should be noted that a response indicating that residential service is available may mean that the nearest program that will accept tribal youth is located hundreds of miles from the reservation.

Providing a full range of placement service options for Indian youth residing on the reservation raises another issue. Some tribes only have access to facilities that are a significant distance from the reservation, and therefore, must either accept sending their children far from the tribe and family or use less appropriate local options.

Table 3 illustrates the availability of social services, counseling, and substance abuse treatment programs among the tribes. Almost all tribes reported the availability of social services and counseling services. However, it should be noted that these services were frequently stated to be severely understaffed and many programs have extensive waiting lists. Many tribes indicated that family counseling services were not available.

TABLE 3

TRIBES WITH SOCIAL SERVICES, COUNSELING, AND SUBSTANCE ABUSE TREATMENT							
ALL TRIBES N=93							
	TRIBE	BIA	IHS	ST/CO	OTHER TRIBE	OTHER	NOT AVAIL
SOCIAL SERVS	77%	37%	22%	41%	3%	1%	1%
COUNSELING	80%	22%	55%	43%	5%	3%	0%
DETOX/TREAT	45%	6%	47%	40%	13%	14%	10%

Substance abuse treatment is a major priority for Indian youth. Although 90% of the tribes indicate that detoxification and/or substance abuse treatment services are available, this does not reflect the extent or capacity of these services. Comments from the ATS and interviews suggest that

only minimal service is available to many tribes that reported the existence of detoxification or treatment services. A number of substance abuse programs lack necessary staff and specialized training. Facilities that provide detoxification services are extremely rare according to the respondents in this study. Some tribes have incorporated detoxification services in shelter and group home programs. A few tribes reported that detoxification services are provided through local public hospitals or clinics off the reservation.

## 2. Barriers to Service Effectiveness

Although the ATS data provided information about existing services, the on-site visits provided a better understanding of the strengths and weaknesses of these services. From these visits, four factors were found to reduce program effectiveness: 1) weaknesses in program design, 2) limited client access, 3) inadequate program staffing, and 4) program instability.

## II. **Financial Resources Available to Indian Tribes and Alaska Native Organizations that Perform Law Enforcement Functions to Support Community-based Alternatives to Incarcerating Juveniles**

In order to discuss financial resources available to support community-based alternatives to juvenile incarceration, it is necessary to consider the overall funding issue of tribal courts for juvenile justice and related problems. Some of the concerns were discussed briefly in previous sections of this report, but the more specific issue of funding for both the tribal juvenile court and community-based services will be covered below.

**The majority of overall funding for the tribes comes as part of Federal trust and treaty obligations which are primarily programmed and managed by the BIA and the IHS.**

Tribal courts are typically funded through a combination of **BIA and tribal funds** with a small portion for most tribes coming from fines and other court resources. Some courts had relatively balanced funding from the two sources; other tribal courts showed an extremely wide disparity between the two funding sources. The lack of relationship between tribal size and the amounts received from either the tribe or the BIA illustrate the variance in the methods used by tribal governments and the BIA in making allocation decisions.

The BIA funds significantly support tribal courts, law enforcement, placement and in-home services, and various social services for the adult and juvenile justice system. Specific core programs such as probation services, shelter and group home care and

diversion programs are weak or nonexistent in some tribes. In fact, juvenile justice services are not a delineated program area in the BIA budget. This makes it difficult to assess the degree to which BIA efforts address the related juvenile justice needs of tribes.

**The Indian Health Service** budget funds some programs that are relevant to treatment and prevention needs of youth who are at-risk or who are involved in the juvenile justice system. These services include alcohol and substance abuse prevention and treatment, mental health evaluation and treatment, and residential care. As appears to be typical of all agencies supporting the tribal service system, the degree to which the IHS programs and funding meet the needs of individual tribes varies considerably.

The Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986, P.L. 99-570, as amended, includes specific authorizations for juvenile justice and related juvenile programs. Primary programs addressed in the Act are juvenile detention centers, shelters, regional alcohol and drug treatment centers, aftercare services, and alcohol and drug counseling services. The allocation of funds for these programs occurs within the BIA and IHS general budgets. The Secretary of the Interior (through BIA) and the Secretary of Health and Human Services (through IHS) are committed by this legislation and subsequent statutory codes to provide a full range of intervention, prevention, treatment, rehabilitation, and aftercare services for Indian juveniles at risk of becoming or who have become alcohol or substance abusers. The agencies are to be guided and coordinated by a "memorandum of agreement," but this memorandum to date has not been finalized.

Another source of Federal funding for Indian tribes is the group of Federal offices and programs created by statute to deal specifically with Indian tribes and organizations in other than the core Federal programs. Examples of these entities are the **Administration for Native Americans in the Department of Health and Human Services, and the Office of Indian Education in the Department of Education.** Some of these offices and programs have the flexibility to fund tribal programs supporting the juvenile justice system or ancillary services.

Federal funding may also include resources available through a wide range of **Federal Domestic Assistance Programs.** The study identified 25 programs with the potential to enhance the juvenile justice services available to tribes. Most are not directly related to juvenile justice. Much as State and local governments augment local tax supported services with Federal grants and categorical assistance, a number of tribes augment tribal, BIA and IHS funds through participation in Federal Domestic Assistance Programs.

Under the Federal Domestic Assistance Program, the Departments of Justice, Health and Human Services, Education and Labor all have programs that may affect juvenile justice services, either as prevention or as related services for status offenders and delinquent youth. The programs cover mental health, child welfare, general education and vocation areas. The issues of tribal eligibility and access which are a part of each program have resulted in major difficulties in securing the funds.

The Department of Justice has an important juvenile justice program within the Office of Juvenile Justice and Delinquency Prevention (OJJDP): the Formula Grant Program. **OJJDP Formula Grant Program** provides money to the States to fund programs that help the States meet the mandates in the JJDP Act concerning the deinstitutionalization of status offenders, separation of adults and juveniles in secure custody, removal of juveniles from adult jail and elimination of the disproportionate confinement of minority youth in secure facilities. States participating in the Program are required to pass-through funds to eligible Indian Tribes that perform law enforcement functions, as determined by the Department of the Interior (see Appendix B). The allocation formula is essentially a ratio of Indian juvenile population to total State juvenile population. The Tribes receiving pass-through funds must use the funds to support the goals of the JJDP Act with respect to the detention and confinement of juveniles. Additionally, technical assistance on matters related to juvenile justice and delinquency prevention is available to eligible Tribes through OJJDP.

To aid Federal agencies in developing cooperative partnerships, the JJDP Act mandated a new initiative, the Concentration of Federal Effort (CFE). CFE promotes interagency cooperation and the elimination of duplicative efforts at the Federal level. Activities are carried out principally through the **Coordinating Council on Juvenile Justice and Delinquency Prevention**. The Department of Justice provides leadership for the Coordinating Council, as the Attorney General is the chairman and the Administrator of OJJDP is the vice chairman.

The Department of Health & Human Services' (HHS) programs, other than IHS, which affect juvenile justice do so only as a small part of the HHS focus, e.g. **Runaway and Homeless Youth, Transitional Living, Drug Abuse Prevention and Education (High Risk Youth, Gangs), Job Opportunities and Basic Skills Training**. A number of the above programs are only available to tribes through State government funds. Tribal funds from these programs are greatly affected by the degree to which Indians are considered a priority in the State. Tribal participation is also hampered for some programs because of matching fund and categorical requirements.

The study examined the Department of Education funds that were considered to be related to juvenile justice services, e.g. counseling, drop out prevention, and substance abuse education. The following programs are those for which tribes can receive direct



funding from the U.S. Department of Education: 1) Indian Education Formula Grants to Local Education Agencies and Tribal Schools, 2) Indian Education Special Programs, 3) Projects to Improve Opportunities for Indian Students, and 4) Indian Education Schools Enrichment.

The Department of Labor's Indian and Native American Employment and Training Program may support related juvenile justice services in the important areas of job skills and employment opportunities. There are other employment and training programs available through the Department of Labor for the tribes.

The findings have shown that the Federal Government has many programs that provide and/or assist tribal juvenile justice systems, and the various related service areas. Eligibility, access, matching funds, and tribal, State, and Federal priorities all enter into the ability of the tribes to receive the funds, not only for the operation of the tribal court process, but also for community-based alternatives to juvenile incarceration.

### III. Extent of Compliance by Tribes and Organizations With the Requirements Specified in Paragraphs (12)(A), (13), and (14) of section 223(a), Applicable to the Detention and Confinement of Juveniles

A major goal of the study was to determine the extent to which tribal juvenile justice systems comply with the mandates in the JJDP Act. Section 223 (a)(5)(c) of the Act, relating to State plans, allows States, "to provide funds for programs of Indian tribes that perform law enforcement functions (as determined by the Secretary of the Interior) and that agree to *attempt to comply* [emphasis added] with the requirements specified in paragraphs (12)(A), (13), and (14), applicable to the detention and confinement of juveniles. . . ."

Tribal compliance with the mandates is **voluntary**; the Act does not require tribes to comply with them.

#### A. Tribal Juvenile Codes: The Relationship to the Mandates in the JJDP Act

##### 1. Deinstitutionalization of Status Offenders (DSO)

Among the 76 tribes responding to the survey, 30% (23) did not have a requirement in their juvenile codes regarding holding status offenders or non-offenders in secure facilities. Twenty-five percent (19) of the tribes' codes absolutely prohibited this practice. Another 25% restricted holding status offenders in secure facilities beyond 24 hours.

The extent to which tribes reported using secure and non-secure placements (including both detention and commitment) and alternatives to them are reported in Table 4. This table provides a comparison of usage by tribes responding to the ATS and provides a perspective on the degree of variation among tribal courts in their use of these options.

## 2. Jail Removal

Among the 76 tribes responding to the survey, 25% (19) did not have a requirement in their juvenile codes regarding holding juveniles in adult jails. Twenty-nine percent (22) of the tribes' codes required juveniles to be held out of sight and sound of adults.

## 3. Separation of Juveniles from Adults

Twenty-six percent (20) of the tribes' codes prohibited holding juveniles in adult jails. Twenty-five percent (19) of the tribes indicated that their codes permitted holding youth in such facilities, but only within specified time limits.

TABLE 4  
TRIBAL USAGE OF SECURE AND NON-SECURE PLACEMENTS  
AND ALTERNATIVES

PLACEMENT ALTERNATIVE	Tribes Using	Avg # of Juveniles per Tribe	Tribes Not Using
Delinquents Ever Held Securely N = 72	51 70.8%	32.1	21 29.2%
Delinquents Committed to a Secure Facility N = 66	32 48.5%	17.2	34 51.5%
Delinquents Placed Non-Securely N = 68	46 67.7%	15.7	22 32.3%
Delinquents in an Alternative Program N = 72	60 83.3%	34.7	12 16.7%
Status Offenders Detained N = 61	12 19.7%	2.0	49 80.3%
Status Offenders Ever Held Securely N = 63	24 38.1%	2.9	39 61.9%
Status Offenders Committed to a Secure Facility N = 56	12 21.4%	2.1	44 78.6%
Status Offenders Placed Non-Securely N = 58	22 37.9%	3.8	36 62.1%
Non-Offenders Ever Held Securely N = 67	16 23.9%	3.4	51 76.1%

This report was prepared by the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) pursuant to Section 248(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended in 1988. Any questions should be directed to the Administrator of OJJDP.

**Study of  
American Indian  
and  
Alaska Native  
Juvenile Justice Systems**

**APPENDIX A**

**SURVEY INSTRUMENTS**

STUDY OF TRIBAL AND ALASKA NATIVE JUVENILE JUSTICE SYSTEMS  
All Tribe Survey Instructions

1. **General** - This instruction sheet provides information on completing the attached survey which has been designed to collect quantitative data on how your tribe, pueblo or village handles juvenile offenders. Please read and keep these instructions for reference as you answer questions. Many tribes will only need to complete the first five questions. Please read the instructions at the end of Question 5 carefully.
2. **Data Requested** - The survey has nine sections with headings which indicate the type of information sought in the questions. It is important that every question is answered. We are seeking current, accurate data, if available. If you do not have particular data, but can provide estimates or representative figures, this is our second preference. Finally, if the information requested is not available and cannot be estimated, a "Don't Know" response has been provided. If a question is left unanswered, we will assume it was an oversight and will call to seek an answer.
3. **Confidentiality** - Identifying information from any tribe, pueblo, village, or individual will not be released to anyone without written consent.
4. **Glossary** - A glossary of terms follows which explains how we have used certain terms. It is suggested you keep the glossary and these instructions for your reference.
5. **Copy Your Survey** - Please make a copy of the completed All Tribe Survey for your records. This will be helpful should we call to clarify information.
6. **Deadline** - WE NEED THE COMPLETED SURVEY NO LATER THAN MAY 10, 1991. An addressed, stamped envelope is provided to return the survey. Additional materials should be mailed to the American Indian Law Center, Inc., separately from the survey.
7. **Assistance** - If you need help, have questions about the survey, or need additional information, please call Heidi Estes at (505) 277-5462, or write:

All Tribe Survey  
American Indian Law Center, Inc.  
P.O. Box 4456 - Station A  
Albuquerque, New Mexico 87196

8. **Thanks** for your participation and support of the Study of Tribal and Alaska Native Juvenile Justice Systems. You will receive primary results from us when they are available.

**DETENTION FACILITY** - a secure facility in which a minor alleged to be a delinquent or status offender is placed while waiting for an adjudication.

**DETENTION HEARING** - a hearing prior to adjudication in which the Court determines whether the minor is to be detained, continued to be detained, or released to the custody of the minor's parents or guardian.

**DISPOSITION** - the decision of the Court after an adjudication to release the minor, place the minor in a correctional facility, treatment facility, on probation, or subject the minor to other alternatives the court considers appropriate.

**DIVERSION** - an alternative to adjudication which suspends all judicial proceedings and releases the minor with or without being subject to other conditions imposed by the court.

**FOSTER CARE** - a child welfare service which provides substitute family care for a minor for a planned period when his or her own family cannot care for him/her.

**INDIAN** - a minor or adult who is an enrolled member of a Tribe or Pueblo, who is eligible for enrollment, or who is recognized by the community as an Indian.

**JUDGMENT** - a decree or final decision of the Court from which an appeal may be taken.

**JURISDICTION** - the legal authority or power of the Court to hear and decide a case.

**JUVENILE** - any minor between the ages of 10-17, inclusive, or other age groupings defined by tribal law or practice.

**LAW ENFORCEMENT** - refers to any person who is employed by the Tribe or by the Bureau of Indian Affairs as a law enforcement officer, police officer, or public safety officer. Includes officers of federal, state, or municipal agencies with legal authority to enforce laws on reservations or in villages.

**MINOR** - a person who is not, legally, an adult; usually someone who is under eighteen (18) or twenty-one (21) years of age; a person concerning whom proceedings are commenced in Tribal or Children's Court prior to his/her 18th or 21st birthday; a person eighteen (18) years of age or older who is under the continuing jurisdiction of the Children's Court.

**NON-OFFENDER** - an abused child, neglected child, or minor in need of supervision/care; a minor who has no parent or other adult available and willing to care for the child; or who has suffered or is likely to suffer physical, sexual, mental, emotional abuse or exploitation; or who has not been provided with adequate food, clothing, shelter, medical care, education, or supervision.

**STUDY OF TRIBAL AND ALASKA NATIVE JUVENILE JUSTICE SYSTEMS  
ALL TRIBE SURVEY**

**Name of Tribe, Pueblo or Village** (For office use only: [ ][ ]-[ ][ ][ ]) \_\_\_\_\_

**Name of Person Primarily Responsible for Completing Survey**  
\_\_\_\_\_

**Mailing Address**

\_\_\_\_\_

P.O. Box, Route, Street

\_\_\_\_\_

City

State

Zip Code

**Telephone Number** ( ) \_\_\_\_\_

**Title and Major Responsibilities**  
\_\_\_\_\_

**Department or Agency**  
\_\_\_\_\_

**CONFIDENTIALITY OF SURVEY**

Identifying information from any tribe, pueblo, village or individual will **not be released** to anyone, either in the final report or by any other means, without prior written consent. Each tribe will be assigned a code number in this survey. The only copy of the master list of code numbers will be maintained in the project offices and will not be released. The top page of this survey, with all identifying information, will be removed before the survey is sent to data processing and the only information data processing personnel will see is the coded number. Information from this survey will be presented in aggregate or summary form. A list of tribes, pueblos, and villages participating in the study will be issued.

3. Does the tribe, pueblo or village issue citations to juveniles for violations of tribal code provisions or tribal ordinances other than delinquent offenses and status offenses? For example, tribes might issue citations for: traffic, game and fish, woodcutting, fireworks, etc. Circle the answer which best applies.

Yes          No

4. What type(s) of court does the tribe, pueblo or village use for juvenile matters? Circle the number for each one that applies.

- 1 Tribal, pueblo or village court
- 2 Court of Indian Offenses (CFR Court)
- 3 Traditional dispute resolution
- 4 State court system
- 5 Federal court system (other than CFR Courts)
- 6 Other, please describe.

- 
- 8 None
  - 9 Don't know

5. Listed below are activities which describe the parts of the juvenile justice system this survey is studying. Please circle the number of each activity administered by the tribe, pueblo, or village.

- 1 Prevention and diversion, including informal counseling by police, educators, etc.
- 2 Apprehension
- 3 Charging
- 4 Detention
- 5 Prosecution
- 6 Public Defense
- 7 Adjudication
- 8 Non-residential alternatives to commitment, including community service and restitution
- 9 Residential treatment
- 10 Commitment/Incarceration to secure (locked) facilities
- 11 Probation/Parole
- 98 None

If you have circled "98 (None)" please explain who administers these juvenile justice activities and return this survey to us. You do not need to complete the remaining questions. Otherwise, please continue to the next page.

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9. Does the Code define abused or neglected child or minor in need of supervision or care, or dependent child (non-offender) as "a minor who has no parent or other adult available and willing to care for the child, or has suffered or is likely to suffer physical, sexual, mental, emotional abuse or exploitation or has not been provided with adequate food, clothing, shelter, medical care, education or supervision?" (If another term is used in the code for juveniles who are under the jurisdiction of the court but who have not committed an offense, circle 4 and indicate the term.) Circle the number of the answer that best applies.

- 1 Term not defined in Code
- 2 Basically same definition
- 3 Different definition. Definition is:

\_\_\_\_\_

- 4 Different term: \_\_\_\_\_
- 9 Don't know

10. Does the Code specify a minimum age at which a youth may be found to be a status offender or delinquent? Circle the answer that best applies.

- No
- Less than 10 years
- 10 or older
- Don't know

11. Does the Code specify a maximum age at which a youth accused of an offense may be found to be a status offender or delinquent? Circle the answer that best applies.

- No
- Less than 16 years
- 16
- 17
- 18
- 19
- 20
- Don't know

12. For children who have been found to be delinquent or status offenders, does the Code set a maximum age that they can remain under juvenile court authority? Circle the answer that best applies.

- No
- 17
- 18
- 19
- 20 or older
- Don't know

13. Does the Code allow juveniles to be held in any secure building or locked facility where accused or convicted adult offenders sometimes are held (e.g., adult jails)?

A. Circle the number of the statement that best applies.

- 1 Code prohibits holding juveniles in adult jails
- 2 Code allows holding juveniles in adult jails but for no longer than 6 hours
- 3 Code allows holding juveniles in adult jails but for no longer than \_\_\_\_\_ hours
- 4 Code allows holding juveniles in adult jails without regard to time limits
- 5 Code has no requirement
- 9 Don't know

B. If there is a Court policy regarding this issue, please describe. \_\_\_\_\_

\_\_\_\_\_

[ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]

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### SECTION C. JUVENILE JUSTICE SERVICES

Questions 17 - 22 refer to the tribal, pueblo or village juvenile justice system activities, processes and services.

17. Does the tribe, pueblo or village use any of the following alternatives to prosecution, detention or commitment for alleged or adjudicated juvenile delinquents and status offenders? Circle the number of each statement that applies.

- 1 Transfer to Minor in Need of Supervision/Care status
- 2 Prosecution deferred pending treatment or counseling
- 3 Substance abuse treatment
- 4 Counseling
- 5 Supervised Probation
- 6 Boarding School
- 7 Job Corps
- 8 Military Service
- 9 Other \_\_\_\_\_
- 98 Do not use any alternatives to prosecution, detention or commitment
- 99 Don't know

[ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]

19. What services are available for alleged or adjudicated delinquents and status offenders?

A. For each service listed, please indicate who provides it. Circle the number in each appropriate column. If you circle the number for "Another Tribe" or "Other," give "Name of Organization."

... They are provided by:

<u>Service</u>	<u>Not Available</u>	<u>Don't know</u>	<u>Tribe</u>	<u>BIA</u>	<u>IHS</u>	<u>State or County</u>	<u>Another Tribe</u>	<u>Other</u>	<u>(Name of Organization)</u>
Shelter Care	8	9	1	2	3	4	5	6	_____
Foster Home	8	9	1	2	3	4	5	6	_____
Group Home	8	9	1	2	3	4	5	6	_____
Social Services	8	9	1	2	3	4	5	6	_____
Counseling	8	9	1	2	3	4	5	6	_____
Detox & Treatment	8	9	1	2	3	4	5	6	_____
Special Education	8	9	1	2	3	4	5	6	_____
Other Service	8	9	1	2	3	4	5	6	_____

If "Other Service", please name: \_\_\_\_\_

B. If these services are available, but insufficient to meet the needs of your juveniles, please discuss below.

[ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]

22. How many personnel does your tribal court currently have? If one person fills more than one position, please count them only in their primary position. If some personnel serve on a part-time basis, please describe in the comments section below.

<u>Number</u>	<u>Position</u>
___	Chief Judge
___	Judges who hear <u>only</u> cases involving minors
___	Other Judges
___	Court Administrator
___	Juvenile Court Clerks
___	Other Court Clerks
___	Bailiffs
___	Prosecutors
___	Public Defenders/Advocates
___	Juvenile Presenting Officers
___	Probation Officers
___	Other Court Personnel _____

97      We do not have a tribal court (circle if appropriate)

Comments:

□□□□-□□□□

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25. Does the tribe, pueblo or village have any of the following types of agreements to provide services or the use of facilities to a state, county, municipality, or another tribe? Circle the number of each statement that applies.

- 1 Contracts
- 2 Other formal agreements
- 3 Informal agreements
- 8 No agreements or contracts
- 9 Don't know

26. If the tribe, pueblo, or village has an agreement to provide services for juveniles to a state, county, municipality, or another tribe, does it pertain to any of the following? Circle the number of each statement that applies.

- 1 Cross Deputization  
With whom \_\_\_\_\_
- 2 Shelter Care  
With whom \_\_\_\_\_
- 3 Treatment/Counseling  
With whom \_\_\_\_\_
- 4 Detention Facilities  
With whom \_\_\_\_\_
- 5 Correction Facilities  
With whom \_\_\_\_\_
- 6 Other (please describe) \_\_\_\_\_  
With whom \_\_\_\_\_
- 8 Not applicable; no agreements
- 9 Don't know

[ ] [ ] [ ] - [ ] [ ] [ ]

30. Please complete the following information for each secure facility used to hold juveniles: name of the facility; the town in which it is located; the number of juveniles the facility was designed to hold (capacity); whether or not adults are held in the same building; and the agency responsible for design and construction.

FACILITY 1: Name \_\_\_\_\_ Juvenile Capacity \_\_\_\_\_  
 Town/Location \_\_\_\_\_  
 Are adults ever held in this building? (circle one) Yes No  
 Designed and constructed by: (circle all that apply)  
 N/A Don't Know Tribe BIA US Bureau of Prisons State Other \_\_\_\_\_

FACILITY 2: Name \_\_\_\_\_ Juvenile Capacity \_\_\_\_\_  
 Town/Location \_\_\_\_\_  
 Are adults ever held in this building? (circle one) Yes No  
 Designed and constructed by: (circle all that apply)  
 N/A Don't Know Tribe BIA US Bureau of Prisons State Other \_\_\_\_\_

FACILITY 3: Name \_\_\_\_\_ Juvenile Capacity \_\_\_\_\_  
 Town/Location \_\_\_\_\_  
 Are adults ever held in this building? (circle one) Yes No  
 Designed and constructed by: (circle all that apply)  
 N/A Don't Know Tribe BIA US Bureau of Prisons State Other \_\_\_\_\_

31. Are there problems with the design, staffing, maintenance or cost of operation of facilities described above?

FACILITY 1: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 FACILITY 2: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 FACILITY 3: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SECTION F. DELINQUENT OFFENDERS**

Questions 34 - 44 refer to delinquent offenders, minors who are charged with conduct which would be a crime if committed by an adult. We are asking for FY 90 data and, if available, FY 89 also. Throughout this section, the term "tribal court" includes any tribal, pueblo, or village court.

34. How many petitions were filed with the court alleging a minor had committed a delinquent act? How many minors were named in only one petition during the fiscal year? How many were named in more than one petition during the fiscal year? Please check "Don't know" if appropriate.

	<u>Total Number of Petitions Filed</u>		<u>Number of Minors Named Only Once</u>		<u>Number of Minors Named More Than Once</u>	
	FY 90	FY 89	FY 90	FY 89	FY 90	FY 89
Tribal court	_____	_____	_____	_____	_____	_____
CFR court	_____	_____	_____	_____	_____	_____
Other court	_____	_____	_____	_____	_____	_____
Don't know	_____	_____	_____	_____	_____	_____

35. Please estimate the number of delinquency cases in FY 1990 which were heard as minor in need of supervision/care cases. Circle the answer that best applies.

- 0      1-9      10-25      26-50      51-99      100+      Don't Know

36. Please estimate the number of alleged delinquents in FY 1990 that were turned over to the U.S. Attorney for prosecution because the juvenile was alleged to have committed a major crime. Circle the number that best applies.

- 0      1-9      10-25      26-50      51-99      100+      Don't Know

[ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]

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**Offenses not involving a specific victim:**

Sale of alcohol	0	1-9	10-25	26-50	51-99	100+	D/K
Sale of other controlled substance	0	1-9	10-25	26-50	51-99	100+	D/K
Use of alcohol	0	1-9	10-25	26-50	51-99	100+	D/K
Use of other controlled substance	0	1-9	10-25	26-50	51-99	100+	D/K
Weapons violations	0	1-9	10-25	26-50	51-99	100+	D/K
Gambling violations	0	1-9	10-25	26-50	51-99	100+	D/K
Consensual sex offenses	0	1-9	10-25	26-50	51-99	100+	D/K
Loitering/trespassing	0	1-9	10-25	26-50	51-99	100+	D/K
Disturb peace/disorderly	0	1-9	10-25	26-50	51-99	100+	D/K
Other offenses	0	1-9	10-25	26-50	51-99	100+	D/K

38. During the three month period between June and August 1990, estimate the number of minors alleged to be delinquent who were also thought to have abused alcohol or other substances? Circle the answer that best applies.

0      1-9      10-25      26-50      51-99      100+      Don't Know

39. How many minors were held in a secure facility either before or after adjudication? Please indicate whether each juvenile is counted only once or each time held.

	Total Number Held in a Secure Facility		<u>Counting Procedure</u>
	FY 90	FY 89	
Tribal Court	_____	_____	_____ Counted only once
CFR Court	_____	_____	_____ Counted each time
Other Court	_____	_____	
Don't know	_____	_____	





50. How many minors were found to be status offenders by the court? How many were adjudicated as status offenders only once during the fiscal year? How many were adjudicated as status offenders more than once during the fiscal year? If you don't know, check the appropriate space.

	<u>Total No. Found to be Status Offenders</u>		<u>Number Found to be Status Offenders Once</u>		<u>No. Found to be Status Offenders more than Once</u>	
	FY 90	FY 89	FY 90	FY 89	FY 90	FY 89
Tribal Court	_____	_____	_____	_____	_____	_____
CFR Court	_____	_____	_____	_____	_____	_____
Other Court	_____	_____	_____	_____	_____	_____
Don't know	_____	_____	_____	_____	_____	_____

51. Of the minors found to be status offenders, how many were committed to a secure facility? If you don't know, check the appropriate space. Please indicate whether each juvenile is counted only once or each time held.

	<u>Total Number Committed to a Secure Facility</u>		<u>Counting Procedure</u>
	FY 90	FY 89	
Tribal Court	_____	_____	_____ Counted only once
CFR Court	_____	_____	_____ Counted each time
Other Court	_____	_____	
Don't know	_____	_____	

52. Of the juveniles found to be status offenders, how many were placed in a "non secure" facility, that is, out-of-home placement including foster care, group homes, treatment facilities, mental health facilities, etc., instead of committing them to a secure facility? Please indicate whether each juvenile is counted only once or each time held.

	<u>Total Number Placed in a Non-Secure Facility</u>		<u>Counting Procedure</u>
	FY 90	FY 89	
Tribal Court	_____	_____	_____ Counted only once
CFR Court	_____	_____	_____ Counted each time
Other Court	_____	_____	
Don't know	_____	_____	

57. How many minors alleged or found to be abused, neglected or in need of supervision/care were held in a secure facility? Please indicate whether each juvenile is counted only once or each time held.

	<u>Total Number Held in a Secure Facility</u>		<u>Counting Procedure</u>
	FY 90	FY 89	
Tribal Court	_____	_____	_____ Counted only once
CFR Court	_____	_____	_____ Counted each time
Other Court	_____	_____	
Don't know	_____	_____	

58. If you have been unable to provide some statistics for minors who are abused, neglected or in need of supervision/care, please indicate the reason. Circle the number of each statement that applies.

- 1 These statistics are not kept
- 2 Personnel are not available to provide statistics
- 3 Policies require this information not be released
- 4 Other \_\_\_\_\_
- 9 Have provided all statistics

SECTION I. TRAINING

Questions 59 - 61 refer to juvenile or children's law training and resources available to the tribal juvenile justice system personnel.

59. Have any juvenile justice system personnel (judges, clerks, prosecutors, presenting officers, public defenders, probation officers, police officers, detention and correctional personnel) participated in juvenile justice training within the past two years? Circle the answer that best applies.

Yes      No      Don't know

□□□□□□□□

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61. Please describe the juvenile justice training received by tribal juvenile justice personnel. Include the title of the personnel receiving training, the name of the training provider, topic of the training, the degree or certification received, and the number of hours of training. (Attach additional pages if needed).

**EXAMPLES:**

<u>Trainee (Personnel)</u>	<u>Training Provider</u>	<u>Training Topic</u>	<u>Degree or Certificate</u>	<u>Hours</u>
Juvenile Judge & Presenting Officer	National Indian Justice Center	Juvenile Systems	Certificate	35
Judges, Public Defender, Police, & Prosecutor	FBI	Investigation & Evidence	Certificate	40

<u>Trainee (Personnel)</u>	<u>Training Provider</u>	<u>Training Topic</u>	<u>Degree or Certificate</u>	<u>Hours</u>
--------------------------------	------------------------------	---------------------------	----------------------------------	--------------

[ ] [ ] [ ] [ ] - [ ] [ ] [ ] [ ]

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63. If you think any of the above programs are innovative and other tribes or villages would be interested in learning about them, please list the names of the programs below and attach a description of the program(s).

64. Please describe the areas for which services for juveniles are needed. Please feel free to share with us any additional thoughts you have regarding Indian and Alaska Native juvenile justice issues. (Attach additional pages if needed.)

65. Please share with us any other information (including annual reports, regulations, etc.) or comments that you believe would enhance our understanding of your juvenile justice system.

**STUDY OF TRIBAL AND ALASKA NATIVE JUVENILE JUSTICE SYSTEMS**  
**All Tribe Survey Instructions**

1. **General** - This instruction sheet provides information on completing the attached survey which has been designed to collect quantitative data on how your tribe, pueblo or village handles juvenile offenders. Please read and keep these instructions for reference as you answer questions. Many tribes will only need to complete the first five questions. Please read the instructions at the end of Question 4 carefully.
2. **Data Requested** - It is important that every question is answered. We are seeking current, accurate data, if available. If you do not have particular data, but can provide estimates or representative figures, this is our second preference. Finally, if the information requested is not available and cannot be estimated, a "Don't Know" response has been provided. If a question is left unanswered, we will assume it was an oversight and will call to seek an answer.
3. **Confidentiality** - Identifying information from any tribe, pueblo, village, or individual will not be released to anyone without written consent.
4. **Glossary** - A glossary of terms follows which explains how we have used certain terms. It is suggested you keep the glossary and these instructions for your reference.
5. **Copy Your Survey** - Please make a copy of the completed All Tribe Survey for your records. This will be helpful should we call to clarify information.
6. **Deadline** - THE COMPLETED SURVEY MUST BE MAILED TO US BY AUGUST 9, 1991. An addressed, stamped envelope is provided to return the survey. Additional materials should be mailed to the American Indian Law Center, Inc., separately from the survey.
7. **Assistance** - If you need help, have questions about the survey, or need additional information, please call Heidi Estes at (505) 277-5462, or write:

All Tribe Survey  
American Indian Law Center, Inc.  
P.O. Box 4456 - Station A  
Albuquerque, New Mexico 87196

8. Thanks for your participation and support of the Study of Tribal and Alaska Native Juvenile Justice Systems. You will receive summary results from us when they are available.

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**STUDY OF TRIBAL AND ALASKA NATIVE JUVENILE JUSTICE SYSTEMS  
ALASKA NATIVE VILLAGE SURVEY**

1. **What is the current population of Alaska Native youth aged 10-17 in your village? Please include both youth who are living in the village and those who have a continuing relationship with the village but temporarily are away at school, in residential treatment programs, or visiting. If breakout by sex is not available, please provide totals.**

Males                      Females                      Total

Number of Native Youth aged 10-17                      \_\_\_\_\_                      \_\_\_\_\_                      \_\_\_\_\_

If statistics are not available, please estimate your total population of Alaska Native youth aged 10-17. \_\_\_\_\_

2. **Who performs law enforcement activities in your village? For each choice, check whether or not they perform law enforcement activities and, if so, whether or not they live in your village.**

	Perform Law Enforcement		Check here, if they live in your village.
	Yes	No	
Village Public Safety Officer	___	___	___
Village Police	___	___	___
State Trooper	___	___	___
Village Council Member	___	___	___
Other _____	___	___	___
___ Don't Know			

□□□□-□□□□

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6. Please describe any arrangements the village must make to transport a youth to a court hearing. If the village does not make any transportation arrangements, who does make them?

7. Does your village council also serve as the village court? Please circle the answer that best applies.

Yes (go to # 9 and skip 8)      No      Don't Know

8. If your council does not serve as the court, how are judges selected?

Elected \_\_\_\_\_  
Appointed \_\_\_\_\_  
Other (please describe) \_\_\_\_\_  
Don't Know \_\_\_\_\_

9. How is your village court funded? Check the best answer for each source.

	Yes	No	Don't Know
BIA	_____	_____	_____
Village Funds	_____	_____	_____
Court Fines	_____	_____	_____
Regional Corporation Funds	_____	_____	_____
Volunteer	_____	_____	_____
Other	_____	_____	_____

10. What is the staff the of the village court? Write the number in the appropriate spaces, or check "Don't Know" if appropriate.

	Full-Time	Part-Time	Don't Know
Judges	_____	_____	_____
Clerks	_____	_____	_____
Other _____	_____	_____	_____
_____	_____	_____	_____



1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1

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13. **1990 statistics on Delinquents.** These questions refer to minors who came to the attention of the village court in 1990 because of behavior that is a criminal offense if committed by an adult, e.g., assault, burglary, vandalism. Circle "Don't Handle" or "Don't Know" if appropriate.

a. **How many were charged with committing a delinquent offense?**

\_\_\_\_\_ Don't Handle Don't Know

b. **How many were found or adjudicated to be delinquents?**

\_\_\_\_\_ Don't Handle Don't Know

c. **How many received each of the following dispositions?**

	Number of Delinquents	Don't Know
Village provided Supervision	_____	_____
Turned over to the State system	_____	_____
Other disposition (specify below)	_____	_____

14. **Who supervises youth living in the village if they are on probation?** You may check more than one source of help if several sources are used.

	Yes	No
State social worker/probation officer	_____	_____
Village social worker/probation officer	_____	_____
Village Public Safety Officer	_____	_____
Village Police	_____	_____
Village Official	_____	_____
State Trooper	_____	_____
Family Member	_____	_____
Other _____	_____	_____

\_\_\_\_\_ Don't Know

15. **Does your village have any written ordinances or a code related to juveniles?** Circle the answer that best applies.

Yes (Please enclose a copy.)                      No                      Don't Know

|\_|\_|\_|-|\_|\_|\_|

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B. If these services are available, but insufficient to meet the needs of your juveniles, please explain why they are not sufficient.

18. What type of training would be helpful for village officials who are responsible for juvenile offenders?

19. Does your village have any programs which you have found to be especially effective with troubled youth? If so, please describe briefly and provide the name, address and telephone number (if available) of a person we can contact for more information.

Please continue to next page.

Study of  
American Indian  
and  
Alaska Native  
Juvenile Justice Systems

APPENDIX B

FISCAL YEAR 1992  
AMERICAN INDIAN PASS-THROUGH ESTIMATES

FISCAL YEAR 1992 AMERICAN INDIAN PASS-THROUGH ESTIMATES

1 State	2 Total Juvenile Pop.	3 Juvenile Indian Pop.	4 FY1992 Formula Grant	5 Estimated Pass-Thru FY1992
Alabama	1058788	55	769000	26.07
Alaska	172344	16211	325000	19359.13
Arizona	981119	61859	713000	29283.53
Arkansas		0	451000	
California	7750725	5701	5632000	2753.4P
Colorado	861266	784	626000	370.0
Connecticut	749581	85	545000	39.9
Delaware		0	325000	
Florida	2866237	623	2083000	299.45
Georgia	1727303	5	1255000	2.39
Hawaii		0	325000	
Idaho	308405	2363	325000	1576.94
Illinois		0	2141000	
Indiana		0	1058000	
Iowa	718880	241	522000	113.02
Kansas	661614	427	481000	199.94
Kentucky		0	693000	
Louisiana	1227269	4598	892000	2187.13
Maine	309002	623	325000	414.95
Maryland		0	844000	
Massachusetts	1353075	73	983000	34.77
Michigan	2458765	1328	1787000	637.53
Minnesota	1166783	5502	848000	2614.50
Mississippi	746761	1825	543000	858.13
Missouri		0	955000	
Montana	222104	13193	325000	12225.30
Nebraska	429012	1640	325000	786.77
Nevada	296948	2255	325000	1562.93
New Hampshire		0	325000	
New Jersey	1799462	94	1307750	44.97
New Mexico	446741	35830	325000	16506.81
New York	4259549	2176	3095000	1048.42
North Carolina	1606149	13916	1167000	6646.22
North Dakota	175385	7030	325000	8249.64
Ohio		0	2034000	
Oklahoma	837007	78230	608000	36867.85
Oregon	724130	4314	526000	2024.35
Pennsylvania		0	2031000	
Rhode Island	225690	7	325000	38
South Carolina	920207	50	669000	23.64
South Dakota	198462	16190	325000	16789.65
Tennessee		0	884000	
Texas	4835839	256	3514000	123.43
Utah	627444	3932	456000	1837.00
Vermont		0	325000	
Virginia	1504738	113	1093000	53.90
Washington	1261387	9296	917000	4425.04
West Virginia		0	325000	
Wisconsin	1188982	5363	447000	2553.69
Wyoming	115595	2500	325000	3836.07

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