

INTERSTATE COMMISSION FOR JUVENILES

Racial Diversity, Equity, and Inclusion Committee Meeting Minutes

May 20, 2024

2:00 p.m. ET

Via Zoom



Preliminary Business

Call to Order

Racial Diversity, Equity, and Inclusion (RDEI) Committee Chair S. Jones (MD) called the meeting to order at 2:01 p.m. ET.

Roll Call

Executive Director Underwood, National Office, called the roll and a quorum was established.

Voting Commissioners/Designees in Attendance:

1. Sherry Jones (MD), Commissioner, Chair
2. Francis "Mike" Casey (DE), Commissioner, Vice Chair
3. Brooke Montelongo (CO), Commissioner
4. Tasha Hunt (CT), Commissioner
5. Jessica Wald (ND), Designee
6. Felicia Dauway (SC), Designee
7. Charles Frieberg (SD), Commissioner

Non-Voting Members in Attendance:

1. April Simmons (IN)
2. Ashley Hodges (KY)
3. Kimberly Heywood (UT)

Members Not in Attendance:

1. Latosha Mallory (AL)
2. Teecara Richardson (FL)
3. Rhonda Turner (FL)
4. Lisa Bjergaard (ND), Commissioner
5. Abbye Tyler (MD)

Guest(s) in Attendance:

1. Marcia Good, JD, Office of Juvenile Justice and Delinquency Prevention (OJJDP)

National Office Staff in Attendance:

1. MaryLee Underwood, Executive Director
2. Amanee Cabbagestalk, Training and Administrative Specialist
3. Jenny Adkins, Operations and Policy Specialist
4. Joe Johnson, System Project Manager

Agenda

F. Dauway (SC) made a motion to approve the agenda as presented. J. Wald (ND) seconded the motion. The motion passed.

Minutes

- F. Dauway (SC) made a motion to approve the March 19, 2024, meeting minutes. M. Casey (DE) seconded the motion. The motion passed.

Racial Diversity, Equity, and Inclusion (RDEI) Committee Chair Jones (MD) led a check-in activity, asking members to share about their self-care activities.

New Business

Presentation on Working with Tribal Nations – Marcia Good, JD Office of Juvenile Justice Delinquency Prevention (OJJDP)

- RDEI Committee Chair Jones (MD) introduced Marcia Good, JD, who is a Senior Advisor for the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). She explained that collaboration and training efforts with the OJJDP will be an on-going initiative to help the ICJ close disparity gaps, especially related to tribal youth.
- Ms. Good previously worked in Montana as a prosecutor, guardian ad litem for Native American children, and an assistant district attorney. She subsequently joined the staff of the Office of Tribal Justice in the Department of Justice, then OJJDP.
- Marcia Good, JD (OJJDP) led a presentation titled *Considerations for Effective Collaboration with American Indian and Alaska Tribes and Villages*. The presentation addressed the following topics:
 - United States and Tribal Relationships,
 - Tribal Self Governance,
 - Federally Recognized Tribes,
 - Tribal Populations,
 - Historical & Current Considerations,
 - Familial Relationships,
 - Tribal Juvenile Justice Systems,
 - Connections,
 - Cultural Cues, and
 - Miscellaneous Information.
- M. Good (OJJDP) explained the unique legal relationship between the federal government, state governments, and Tribal nations. She stated that, “Tribal sovereignty is subordinate only to the federal government, not the states.” Therefore, state laws do not govern Tribal nations even when they are geographically contained within the geographical boundaries of a state or multiple states. Tribal nations may have their own law enforcement and court systems.
- There are 574 federally recognized Tribes within the United States; 229 are Alaska Native Villages, and the remaining 237 are located within 35 states. Only 13 states do not contain any federally recognized tribal nations.
- M. Good (OJJDP) explained that historical trauma experienced by native peoples, such as warfare, disease, land acquisition, and boarding schools, must be acknowledged to build trust, relationships, and collaborations. She encouraged members to research the tribal nations they work with to understand the historical context and issues that may make communication difficult.
- M. Good (OJJDP) explained that states are either a PL-280 state, or they are not, referring to [Public Law 83-280](#). This designation determines which law enforcement agency has jurisdiction over American Indians who live on Tribal lands. If a state is a PL-280 state, state and/or local law enforcement governs Tribal issues, rather than the federal government.
- M. Good (OJJDP) explained that traditional family relationships in Tribal nations often do not mirror the nuclear family relationship. In many families, grandparents, other family members, or non-family members may be the most active person in youth’s life. Independent living among youth below the age of majority is often accepted in many Tribal nations. Many Native Americans are unable to finance the purchase of a home because land is owned by the Tribe, rather than the individual. This increases the frequency of extended families living together. These issues can complicate home evaluations processes.

- M. Good (OJJDP) advised that most Tribes do not have juvenile justice systems. Some Tribes have courts or child welfare systems, but these often operate very differently than states systems. Many Tribes use alternative methods to address issues, such as peacemaking circles. Some Tribes work with the Bureau of Indian Affairs (BIA) for some services. Some Tribes have programs to assist when a youth has been involved in a state juvenile justice agency.
- M. Good (OJJDP) informed the group that confidentiality is a big concern with Tribal nations and said that you should be clear about what data is required and what will be done with the data.
- M. Good (OJJDP) provided suggestions on how to connect with Tribes, such as learning about the Tribe's history and cultural cues, determining the goal of the relationship, building on positive past connections, and attending Tribal council meetings to explain the Compact. She also offered to assist with presentations to larger Tribal groups, such as the National Congress of American Indians (NCAI). Connections and ongoing conversations with Tribes depend on building and maintaining authentic relationships. She suggested sending a letter in advance to the Tribal council when seeking a meeting. Tribes often experience internet connectivity issues and may be difficult to reach. She said that phone calls and in-person meetings may be warranted.
- M. Good (OJJDP) said that most Tribal youth live outside of Tribal lands and will be involved with state juvenile justice agencies. Youth may also be enrolled in multiple Tribes.
- M. Good (OJJDP) said that state juvenile justice agencies in New Mexico, Oklahoma, and Oregon are required to notify the Tribe when a Tribal youth is arrested, either by statute or policy.
- B. Montelongo (CO) asked who the best contact for an initial connection would be. M. Good (OJJDP) suggested start with Tribal social services department staff.
- RDEI Committee Chair Jones (MD) acknowledged the time (3:04 p.m.) and asked the group to email other questions to herself or Amanee Cabbagestalk to be relayed to Ms. Good.
- Executive Director Underwood (National Office) explained that ICJ Offices transfer juveniles from one state to another and asked if Ms. Good had any guidance for cases when a youth is going to live on Tribal lands.
- M. Good (OJJDP) explained that if a youth is going to live on a Tribal land, the state cannot dictate anything to that youth or Tribe regarding the case or supervision. She further explained that the state and Tribe could enter into an agreement to be cross-deputized, but that would occur within individual Tribes and states. She asked if transfers are being denied due to the home evaluation.
- Executive Director Underwood (National Office) said that the Commission does not have that data.
- M. Good (OJJDP) said that because these cases are Tribe- and state-specific, working with one Tribe and one specific case would be a good way to start to address issues. She said that the Indian Child Welfare Act (ICWA) does not apply to juvenile delinquency cases, but it does apply to status offense cases. She explained that the Office of Tribal Justice could be a resource for such cases. She said that the U.S. Attorney Office in each state would facilitate the conversations, as each state that has Tribal lands is also required to have a Tribal Liaison. She explained that every state also has an ICWA Coordinator, who may be a good contact. She reminded the committee that one state may be sending a youth to a Tribe that has no juvenile justice system. She said that she cannot release the full Tribal Liaison list, but she can help on a case-by-case basis if someone needs a contact.
- C. Frieberg (SD) explained how South Dakota handles transfer cases when Tribal lands are involved and reiterated the importance of understanding the current political climate within your own state.
- M. Good (OJJDP) suggested that communication must be on-going, and relationships require work to maintain. She cautioned against making connections only when something is needed. She encouraged the Commission to review cases to determine why cases are denied. She said that we need to remember that Tribal youth do best with Tribal families.
- RDEI Committee Chair Jones (MD) shared an example of why one case was denied which was due to the number of people living in the home, sharing bedrooms. She reiterated that understanding cultural differences is very important.
- M. Good (OJJDP) said that different ethnic groups have different cultural practices and values.

- Executive Director Underwood (National Office) said that the Commission also handles returns of status offenders (runaways) across state lines.
- M. Good (OJJDP) said that ICWA would apply in these cases and states are required to notify the Tribe. She said that oftentimes they see these status offense cases eventually escalate to juvenile justice involvement so addressing issues early on is very important to prevent future delinquency.
- C. Frieberg (SD) said that there may not be a charge or status offense filed in the return case, and that issues often arise when a child lives on Tribal land since the Compact has no jurisdiction to assist with the return. He said the state can notify the Tribe, but there is no legal mechanism for the state to contact the Tribe to make the return.
- M. Good (OJJDP) said that this is an area that requires further attention. She asked how often that type of case comes up.
- Executive Director Underwood (National Office) said that the Commission handles return cases more frequently than transfer of supervision cases.
- M. Good (OJJDP) said that she is meeting with the National Center for Missing & Exploited Children (NCMEC) soon. They have a Tribal fellow position, who works closely with Tribes, and wondered if they should be included in this conversation to potentially develop a protocol. She asked if the Commission keeps data on how many returns are related to Tribal youth to determine if there is a Tribe that could be worked with on this.
- Executive Director Underwood (National Office) explained that the Commission does not specifically capture data related to Tribal membership.
- RDEI Committee Chair Jones (MD) reminded the group to send further questions via email.

Next Steps

- The next RDEI Committee meeting is scheduled for June 18, 2024, at 2:00 p.m. ET.

Adjourn

RDEI Committee Chair Jones (MD) adjourned the meeting by acclamation without objection at 3:35 p.m. ET.