

# California Legislature

March 27, 2019

The Honorable Shirley N. Weber  
Chair, Assembly Budget, Subcommittee No. 5 on Public Safety  
State Capitol, Room 3123  
Sacramento, CA 95814

Dear Assemblymember Weber,

We, the undersigned legislators, respectfully request \$10 million to augment the fund for the Tribal Youth Diversion Grant under the *Youth Reinvestment Grant*. The Youth Reinvestment Grant is dedicated to improving outcomes for youth in under-resourced communities, using trauma-informed, community-based, and health-based interventions in lieu of youth arrest and incarceration.

## SUMMARY OF PROPOSAL

The funding tribes receive for youth development and diversion programming must be adequate and stable. Disparities in outcomes will continue for Native American youth if we do not prioritize services that are culturally based and rooted in the community.<sup>i</sup> It is essential to provide funding that supports cultural collective interventions and restores traditional practices that emphasize safety, dignity, respect, and well-being.<sup>ii</sup>

We are requesting \$10 million to fund programs for Native American youth using trauma informed, community-based, and health-based interventions. In 2018, \$1 million of the \$10 million budget request for Native American youth was granted. There are a total of 109 tribes in California and given the disproportionate arrest, adjudication, and detention of Native American youth, the total \$10 million budget request is necessary to provide the services youth in tribal communities need and deserve.

## TRAUMA-INFORMED DIVERSION PROGRAMS FOR NATIVE AMERICAN YOUTH

Today's Native American youth have inherited a legacy of historical trauma caused by loss of home, land, culture, visibility, and language as the result of centuries of eradication and assimilation-based policies.<sup>iii</sup> This intergenerational trauma continues to have a devastating impact on Native American youth and has resulted in "substantial social, spiritual, and economic deprivations, with each additional trauma compounding existing wounds over several generations."<sup>iv</sup>

As noted by the 2014 U.S. Attorney General’s Advisory Committee on American Indian and Alaska Native Children, according to the literature, enculturation, spirituality, and social connections are protective factors that play important roles in fostering resilience among Native American children and families.<sup>v</sup> Native American youth are generally served best when tribes are empowered and have ownership of the programs and resources that they provide.<sup>vi</sup>

Augmenting the fund for tribes and tribal organizations recognized to provide programming to youth at-risk of system involvement, will increase the likelihood that the aforementioned protective factors “will be central to the development of youth, enhance their sense of responsibility and understanding, and show them that they matter to their tribe and their communities.”<sup>vii</sup> *See Appendix A for additional information regarding existing tribal programming and promising practices for working with Native American Youth.*

### **THE NEED FOR TRAUMA-INFORMED, COMMUNITY-BASED, AND HEALTH-BASED INTERVENTIONS**

Underreporting, racial misclassification, inconsistent categorizations, and the political complexities of who can claim Native American heritage have all resulted in data that minimizes the harms faced in tribal communities.<sup>viii</sup> (*See Attachment A for additional information regarding data and statistics*). Even taking into account that readily available data massively underrepresents Native American demographics and populations, the current statistics illuminate the critical need for trauma-informed diversion programs for Native American youth.

Native American youth were more likely to be arrested, detained, and adjudicated than their White peers.<sup>ix</sup> In contrast to other minority groups, Native American youth did not experience a decline in their arrest rate from 2013-2017, and the largest increase in the relative rate of arrest occurred during 2016-2017, which is the most recent year of available data.<sup>x</sup> Nationally, statistics show that American Indian and Alaska Native youth are almost twice as likely to be petitioned to state court for engaging in behaviors that are only illegal because of their age, such as truancy and curfew violation, often known as “status offenses.”<sup>xi</sup>

The disparities are not limited to the juvenile system. The California Child Welfare Indicators Project—a partnership between University of California at Berkeley and the California Department of Social Services—determined that Native American youth in California were more than five times as likely to end up in foster care when compared to White youth.<sup>xii</sup>

Native American children are disproportionately exposed to violence and poverty, and their communities often lack access to funding for mental health and other support resources.<sup>xiii</sup> The mainstream practice of using census data to determine levels of funding creates a disparity in the provision of mental health services for Native Americans.<sup>xiv</sup> Nationally, reports indicate that 60% of Native people rely on Indian Health Service (IHS) for their health care, including behavioral health.<sup>xv</sup> There are only two psychiatrists and four psychologists for every one hundred thousand tribal members who are in need of these services; and less than 5% of the 1.5 million IHS-eligible tribal members receive mental health and substance abuse services.<sup>xvi</sup>

Data also shows Native American youth are more likely to be a victim of violence and to experience the loss of peers due to violence than any other racial category.<sup>xvii</sup> The Center for Disease Control and Prevention reported that murder is the third-leading cause of death among American Indian and Alaska Native women.<sup>xviii</sup> Native American women and girls experience the highest rates of intimate partner violence among all racial and ethnic groups<sup>xix</sup> and the rate of violence on reservations can be up to 10 times higher than the national average.<sup>xx</sup>

Fifteen percent of American Indian and Native Alaskan youth are involved in gang activity, compared to 8% of Chicanx/Latinx youth and 6% of African American youth.<sup>xxi</sup> Violence, including intentional injuries, homicide, and suicide account for 75% of deaths for American Indian and Alaskan Native youth ages 12–20.<sup>xxii</sup> Their suicide rate is triple the national average among males ages 15–24, and suicide was the second leading cause of death amongst youth ages 10–24.<sup>xxiii</sup>

Nationally, the Native American high school dropout rate is the highest of any racial or ethnic group.<sup>xxiv</sup> Native American students are the only student population without improved reading and math testing scores in grades 4 and 8 from 2005–2011.<sup>xxv</sup> In 2011, only 18% of Native American fourth-graders were proficient or advanced in reading on the National Assessment of Educational Progress (NAEP), as compared with 42% of White fourth-graders.<sup>xxvi</sup> Just 13.3% of Native Americans have undergraduate degrees, versus 24.4% of the general population.<sup>xxvii</sup>

Even when there are community-based agencies to address some of these harms, youth in the juvenile system are typically not a priority.<sup>xxviii</sup> While at first glance these numbers are already bleak, what makes them even harsher is the fact that the Native American population is a relatively young one: The median age for American Indians and Alaska Natives on reservations is 26, compared to 37 for the entire United States.<sup>xxix</sup> In 2017, 38.5% of the Native American population in California was under the age of 25.<sup>xxx</sup> This means these issues impact a relatively larger portion of the total Native American population.

### **THE NEED FOR A DEDICATED STATE FUNDING STREAM FOR TRIBAL YOUTH**

Cuts to critical tribal funding across sectors—housing, law enforcement, child welfare, juvenile system, health care, and education—negatively impact youth in those communities.<sup>xxxi</sup> Because tribes do not have a tax base, tribal systems are largely dependent on inadequate federal authorizations and appropriations to serve youth in their community.<sup>xxxii</sup> As a result, tribes are forced to compete for grant funds to support the most basic components of a juvenile system, and lose critical services for Native American youth when those grants end.<sup>xxxiii</sup> The majority of tribes simply do not have funds available to develop services and alternatives to youth detention.<sup>xxxiv</sup>

As previously mentioned, Native American youth are generally served best when tribes are empowered and have ownership of the programs and resources that they provide.<sup>xxxv</sup> Incorporating cultural elements into prevention programs are important for Native American youth since developing cultural pride may enhance Native American youths' perceptions of their own value, thus motivating them to participate in healthy behaviors.<sup>xxxvi</sup> A fund that would allow tribes to offer trauma-informed, community-based, and health-based services and utilize funding



in impactful ways to address their individual community's needs will result in better outcomes for youth and the community as a whole while providing an opportunity for better data collection to support future efforts.

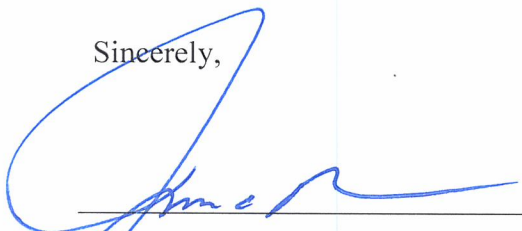
**REQUEST:** Provide one-time funding of \$10 million for Youth Development and Diversion Programs for Native American youth that use trauma-informed, community-based, and health-based interventions. (*Membership in a federally recognized American Indian tribe is treated as a political classification, distinct from classifications based on race, ethnicity, and national origin*). Funding will be distributed by the Board of State and Community Corrections in the following manner:

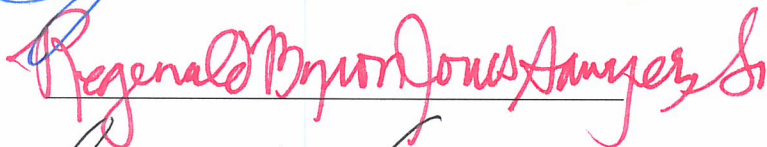
- Funding will be prioritized for programs that address the needs of Native American youth who experience 1) high rates of juvenile arrests, 2) high suicide rates, 3) high rates of alcohol and substance abuse, and 4) average high school graduation rates that are lower than 75%.
- Funding will be prioritized for Tribes who submitted an application in the 2018-2019 budget cycle but were turned away due to a highly competitive granting process.
- Tribes can apply jointly on regional efforts and receive the aggregate amount of funds they would have received (according to the formula or RFP allocation) if awarded independent jurisdictions.

For these reasons, we request your support to fund Tribal Youth Diversion Grant under the *Youth Reinvestment Grant*. If you have any questions, please contact Gavin White at (916)-319-2040.

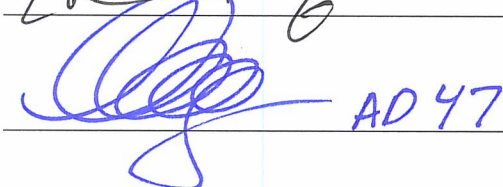
Thank you for your consideration.

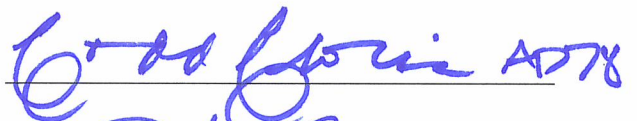
Sincerely,

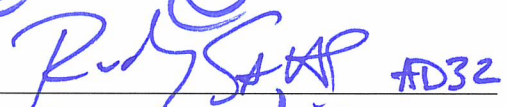
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 AD32

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## ATTACHMENT A

### **CURRENT DATA AND STATISTICS MINIMIZE THE LEVEL OF NEED FOR TRIBAL FUNDING**

Native Americans are the only ethnic group in the United States that must prove who they are based on tools of measurement invented by the federal government.<sup>xxxvii</sup> As explained below, the political aspects of who can identify as Native American, along with underreporting, misclassification, inconsistent categorizations, and jurisdictional complexities have all resulted in data that does not accurately portray the demographics of tribal communities or their needs.<sup>xxxviii</sup>

The U.S. Census consistently undercounts Native Americans.<sup>xxxix</sup> The California Reducing Disparities Project—funded by the California Department of Mental Health—reported that Native Americans from tribes in the United States are often reclassified in other racial categories or in the census category of "other."<sup>xl</sup> Additionally, Native Americans from Mexico, Central America, and South America are usually counted as Latino.<sup>xli</sup> Also contributing to the undercount is the recent reclassification of Indigenous Hawaiians, who are legally Native American, as Asian Pacific Islander.<sup>xlii</sup>

Inconsistent categorizations, such as the inclusion or exclusion of Alaskan Natives, also result in conflicting data about Native American populations. According to the U.S. Census Bureau, "American Indian/Alaskan Native-alone" represented 1.6% of California's population as of July 2018.<sup>xliii</sup> The Office of Juvenile Justice Delinquency Prevention, (OJJDP), a component of the U.S. Department of Justice, provides that 2% of California's population in 2017 identified as "American Indian."<sup>xliv</sup> It is unclear if this representation is due to the different time collection period, the methodology, or the classification.

According to currently available data from the 2000 U.S. Census, Ten California counties are included in the 50 U.S. counties with the highest American Indian/Alaska Native-alone populations, with Los Angeles County (CA) having the largest American Indian/Alaska Native-alone population (76,988) in the United States. In addition to Los Angeles County, San Diego, San Bernardino, Orange, and Riverside Counties are among the top 20 in that group (12 Alpine County has the highest proportion of American Indian/Alaska Native-alone residents (19 percent), followed by Inyo County (10 percent), and Del Norte County (6 percent).<sup>xlv</sup>

Child-serving systems experience a multitude of issues with collecting accurate data. While the Indian Child Welfare Act (ICWA) requires that child welfare notify tribes of status offenses—conduct that would not be a crime if it were committed by an adult, such as truancy and curfew—or contact with its own system, most juvenile delinquency proceedings are not covered by ICWA. This results in children "effectively go[ing] missing" from the tribe when they come in contact with the state juvenile system.<sup>xlvi</sup> Moreover, even where the requirements of ICWA do apply, confirmed problems with underreporting and noncompliance persist.<sup>xlvii</sup>

Issues with national data sets trickle down to the state level and to non-profits that rely on government statistics for their analysis. For example, according to OJJDP, in 2015 only 1% of youth that were placed through the delinquency system identify as Native American.<sup>xlviii</sup> According to the "Kid's Count," only 1% of youth in California's foster care system are identified as Native American youth.<sup>xlix</sup> While the aforementioned statistics may seem proportional to the overall Native American population, that proportionality conflicts with established state data indicating serious disparities for Native American youth in the state foster care system.<sup>1</sup>

Despite the issues with the current data, two things are clear. First, the lack of resources and funding to tribal communities only further harms those youth that are most in need of support and programming.

Second, there is a need for better data collection requirements and protocols to begin to provide meaningful support to tribal communities.

## APPENDIX A: EXAMPLE PROGRAMMING<sup>1</sup>

### **NATIVE EDUCATION RAISING DEDICATED STUDENTS (NERDS)**

Native Education Raising Dedicated Students (NERDS), which works to decrease the dropout rate of Native high school students by improving grades and making up required credits. NERDS claims a 100 percent graduation rate for its youth. In a peer-run summer school, students take online courses to stay on track to graduate. Other programming includes mentoring with sober, educated role models, talking circles and cultural gatherings. NERDS sponsors an annual college awareness and preparation conference (held in 2017 in Jackson, California, for some 250 youth), which is the largest youth-run gathering of its kind in the state. *Cited in attached Generation Indigenous Report*

### **THE LAC COURTE OREILLES TRIBE COMPREHENSIVE TRUANCY PREVENTION PROJECT**

The Lac Courte Oreilles Tribe identified this as a growing challenge among their youth at both their elementary and high schools in their community. Before starting the program, the county issued 147 truancy citations to youth in the community, and 89 of those citations were for only 37 youth. Using a Tribal Youth Program grant from OJJDP a program was created that uses an adapted evidence-based life skills curriculum that focuses on cognitive, social, and emotional skills delivered to identified at-risk students by trained coaches. Many of the students identified for the program suffered from trauma and abuse. coaches were also trained to identify and respond to any safety concerns for these youth. The program has been a big success. By the end of the three-year grant period, the overall truancy rate within the target student population decreased by 72 percent and students receiving three or more citations was nearly zero. In addition, the reduction of truanies has improved other services at the tribe. The child welfare office no longer received truancy referrals after the program, which freed up considerable new resources to handle other child welfare matters. *Cited in 2018 Native Youth Report Generation Indigenous.*

### **SAN DIEGO AMERICAN INDIAN HEALTH CENTER (SDAIHC)**

San Diego American Indian Health Center (SDAIHC) promotes excellence in healthcare, with respect for custom and tradition. It advocates for improved health services at the local, state and national levels, and participates in conducting research on community needs. Through its Youth Center program, SDAIHC also provides leadership training and education to prepare young people for future leadership roles in the community. Their Youth Center provides a unique opportunity to enhance the life of youth through cultural exploration, wellness activities, and social interaction. They encourage youth to stay physically and mentally active while exploring their creativity and Native American heritage in a positive, inclusive, and safe environment

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<sup>1</sup> Studies found that for Native youth strengthening protective factors may be more important than reducing risk factors. For a list of the most significant protective factors in American Indian/Alaska Native populations and an explanation on how they can be incorporated into programming please see the attached report *The Indigenous Lifecourse: Strengthening the health and well-being of Native youth*, NATIVE PHILANTHROPY, (2016), <https://www.nativephilanthropy.org/wp-content/uploads/2015/11/Indigenous-Lifecourse-NAP-Report.pdf>. Other general information about culturally relevant programming can be found in *Generation Indigenous*, NATIVE PHILANTHROPY, [https://nativephilanthropy.org/blog/kb/genindigenous\\_report/](https://nativephilanthropy.org/blog/kb/genindigenous_report/).



where they can develop a healthy cultural self-identity. *Cited in Native Voices Rising A Case for Funding Native-led Change.*

### **KLAMATH RIVER TEEN COURT**

Klamath River Teen Court is an official court of law. Everyone who volunteers to work in Teen Court positions understand the procedures of a court of law, as well as the history of the Yurok Tribe's justice and dispute resolution system, prior to European contact. This knowledge is intended to make participants feel comfortable as well as becoming familiar with the expectations of conduct, as it applies within the Klamath River Teen Courtroom. *See attached Teen Court Guide.*

### **AMERICAN INDIAN EDUCATION CENTER**

The AIEC- American Indian Education Center (formally known as TAMIT) provides educational, leadership and cultural programming aimed at gearing American Indian and Alaska Natives students for success. Program elements include early literacy, tutoring, quarterly events, college conferences, reservation trips, summer camps, family activities, college prep and cultural education. The Education and Cultural Learning Department (ECLD) programs serve Tataviam and urban Native American youth who currently reside on Tataviam homelands. The programs seek to improve the self-concept and sense of identity of American Indian students and adults. ECLD leaders also serve as mentors to Native youth by providing them with tools to succeed in educational institutions and helping them alleviate academic-based stress and insecurities as they pursue their academic goals. ECLD leaders enhance the confidence of Native youth by emphasizing the importance of culture, and intertwines cultural values into its programs. *See attached program flyers.*

## REFERENCES

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- <sup>xxxi</sup> *Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence: Ending Violence so Children Can Thrive*, NATIONAL CENTER FOR JUVENILE JUSTICE FOR THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, 7 (2014), <https://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2014/11/18/finalaianreport.pdf>.
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- <sup>xxxvi</sup> Daniel L. Dickerson & Carrie L. Johnson, *Mental Health and Substance Abuse Characteristics Among Urban Native Youth Living in California*, COMMUNITY MENTAL HEALTH JOURNAL, 1, 5, (2010), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3267929/>.
- <sup>xxxvii</sup> *Native American Strategic Planning Workgroup Report*, CALIFORNIA REDUCING DISPARITIES PROJECT, 8 (2012), [https://cpehn.org/sites/default/files/native\\_population\\_report.pdf](https://cpehn.org/sites/default/files/native_population_report.pdf).
- <sup>xxxviii</sup> *Native American Strategic Planning Workgroup Report*, CALIFORNIA REDUCING DISPARITIES PROJECT, 8 (2012), [https://cpehn.org/sites/default/files/native\\_population\\_report.pdf](https://cpehn.org/sites/default/files/native_population_report.pdf). "Native Americans are the only ethnic group in the United States that must prove who they are based on tools of measurement invented by the federal government." For a discussion on how this reporting has harmed Native American Women and Girls. See e.g., *Missing and Murdered Indigenous Women and Girls Report*, URBAN INDIAN HEALTH INSTITUTE, 6 (2018), <http://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf>.
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- <sup>xli</sup> *Native American Strategic Planning Workgroup Report*, CALIFORNIA REDUCING DISPARITIES PROJECT, 8 (2012), [https://cpehn.org/sites/default/files/native\\_population\\_report.pdf](https://cpehn.org/sites/default/files/native_population_report.pdf).
- <sup>xlii</sup> *Native American Strategic Planning Workgroup Report*, CALIFORNIA REDUCING DISPARITIES PROJECT, 8 (2012), [https://cpehn.org/sites/default/files/native\\_population\\_report.pdf](https://cpehn.org/sites/default/files/native_population_report.pdf).
- <sup>xliii</sup> *California Quickfacts: Population Estimates by Race and Ethnicity as of July 1, 2018*, UNITED STATES CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/ca#>.
- <sup>xliv</sup> C. Puzzanchera, A. Sladky, and W. Kang, *Easy Access to Juvenile Populations: 1990-2017*, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (2018), <https://www.ojjdp.gov/ojstatbb/ezapop/>.
- <sup>xlv</sup> Table 9: *Counties with an American Indian and Alaska Native Alone Population Greater Than Zero, Ranked by Number: 2000 (Aug. 2001)*, U.S. CENSUS BUREAU, [www.census.gov/population/www/cen2000/briefs/phc-t14/tables/tab09.pdf](http://www.census.gov/population/www/cen2000/briefs/phc-t14/tables/tab09.pdf) (as of July 8, 2011).

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<sup>xlvii</sup> *ICWA Compliance Task Force Report*, CALIFORNIA TRIBAL FAMILIES COALITION, (2017) <https://www.caltribalfamilies.org/news/ICWAComplianceTaskForceFinalReport2017.pdf/view>.

<sup>xlviii</sup> M. Sickmund, T.J. Sladky, W. Kang, & C. Puzzanchera, *Easy Access to the Census of Juveniles in Residential Placement*, NATIONAL CENTER FOR JUVENILE JUSTICE FOR THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, (2017), <http://www.ojjdp.gov/ojstatbb/ezacjrp/>.

<sup>xlix</sup> *Children in foster care by race and Hispanic origin*, KIDSCOUNT, (accessed January 30, 2019), <https://datacenter.kidscount.org/data/tables/6246-children-in-foster-care-by-race-and-hispanic-origin#detailed/2/2-53/false/870,573,869,36,868,867,133,38,35,18/2638,2601,2600,2598,2603,2597,2602,1353/12992,12993>.

According to the LAO “KidsCount provides data by state on for youth in foster care by race and Hispanic origin, including the category “Non-Hispanic American Indian.” We note that KidsCount is a non-profit organization and cites a national dataset. However, we have not verified the accuracy of the data they provide. We also note that this data does not fully line up with the CCWIP data. This could be due to a few different factors including measurement periods, sources, and methodologies.” Email from Luke Koushmaro, Fiscal and Policy Analyst, Legislative Analyst’s Office, to from Michael Lucien, Legislative Director at California State Assembly, Office of Assemblymember Reginald B. Jones-Sawyer Sr. (Jan. 22, 2019 10:13 PST).

<sup>i</sup> *CCWIP reports*, UNIVERSITY OF CALIFORNIA AT BERKELEY CALIFORNIA CHILD WELFARE INDICATORS PROJECT, (2019), [http://cssr.berkeley.edu/ucb\\_childwelfare](http://cssr.berkeley.edu/ucb_childwelfare).