



## American Indian Youth and the Juvenile Court System

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### Coalition for Juvenile Justice (CJJ) Position on the Treatment of American Indian Youth:

- All children deserve to be treated fairly, regardless of race or ethnicity.
- Incarcerated youth must have access to high-quality education, life skills training, mental health treatment and rehabilitative experiences.
- Policy makers, police officials, officers of the court and correctional providers must work together to remove racial inequities from the juvenile court system.

### The Facts on American Indian Youth and Delinquency:

- American Indian and Native Alaskan youth comprise 1.1% of the national youth population.<sup>1</sup>
- For some offenses such as running away and liquor law violations, American Indian youth are arrested twice or three times as often as they statistically should be.<sup>2</sup>
- Alcohol-related arrests for American Indians under age 18 are more than twice the national average.<sup>3</sup>
- Nationwide, American Indian youth account for 2% of the total juvenile population being held in custody and 3% of juvenile status offenders in custody. Proportionally, American Indian youth have the highest rate of over-representation in the juvenile justice system.<sup>4</sup>
- More than 60% of incarcerated young offenders under federal jurisdiction were American Indian.<sup>5</sup>
- The U.S. Constitution does not protect American Indian youth from double jeopardy-they can be tried for the same offense in tribal and state or federal court.<sup>6</sup>
- Depression and delinquent behavior can lead to suicide. Suicide among Native American young people, ages 15-24 (37.5 per 100,000), is nearly three times that of the U.S. national rate (13.2 per 100,000).<sup>7</sup>

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<sup>1</sup> U.S. Census Bureau, Public Information Office: *Nation's Population One-Third Minority*, Washington, DC, May 10, 2006.

<sup>2</sup> Office of Juvenile Justice and Delinquency Prevention, *Juvenile Offenders and Victims: 2006 National Report*, Washington, DC, 2006.

<sup>3</sup> Office of Juvenile Justice and Delinquency Prevention, *OJJDP Statistical Briefing Book*, Washington, DC, September 08, 2006.

<sup>4</sup> Office of Juvenile Justice and Delinquency Prevention, *Juvenile Offenders and Victims: 2006 National Report*, Washington, DC, 2006.

<sup>5</sup> Federal Bureau of Prisons, *Juveniles in the Bureau*, a webpage fact sheet ([www.bop.gov/inmate\\_programs/juveniles.jsp](http://www.bop.gov/inmate_programs/juveniles.jsp)), 2006.

<sup>6</sup> [Enlarging the Healing Circle: Ensuring Justice for American Indian Children](#), CJJ, 2000.

### **CJJ Recommendations:**

- Policy makers must ensure that counseling and treatment programs for American Indian youth in the juvenile court system draw upon the strengths of tribal culture.
- Policy makers must support and implement community-based alternatives to incarceration for American Indian young offenders.
- While recognizing American Indian sovereignty, policy makers must work with Tribal Councils to reduce jurisdictional barriers.

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<sup>7</sup> Ibid.