Searching for Justice

American Indian Perspectives on Disparities in Minnesota Criminal Justice System

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"I know my race must change. We cannot hold our own with the White men as we are. We only ask an even chance to live as other men live. We ask to be recognized as men. We ask the same law shall work alike on all men. If the Indian breaks the law, punish him by the law. If the White man breaks the law, punish him also."

-- Chief Joseph of the Nez Perce in Howard and McGrath, War Chief Joseph, 1941.

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Introduction

Racism was firmly entrenched in the social and intellectual stream of Colonial America. Its common mantra of savagism derived from the dramatic differences between American Indians and Whites concerning values that shape behavior, particularly in those aspects of religion, land use, and community life. Thoughts in the social and intellectual stream, however, were accompanied by countervailing political and legal events. Indeed, while social thinking launched a campaign to prove that Indians were inferior, the political stream launched a treaty making process that eventually became a unique British model in government to government relations with indigenous people during the historic period of European imperialism.

Once the Colonies shed themselves from British hegemony, ideas would quickly dominate the process of human relations. Certainly, the British model of treaty making was adopted as a means to avert conflict and to build alliances with powerful tribes. Fledgling academic fields, largely through the influence of Jefferson, made American Indians their guinea pigs: tribal communities became laboratories and tribal gravesites became mining fields as the need for experimental specimens grew. The age of science was led by medicine and anthropology, both of which set out to establish a theory of racism. Bounties were paid so that sufficient samples of Indian crania could be gathered to support a spurious science. This followed a maligned procedure, namely that crania size was the key variable to prove intellectual superiority, and would become the bane to modern anthropology. Once phrenology proved spurious and fruitless, a cultural model was advanced. This was guided by arbitrary criteria that framed Euro-American lifestyles as "civilization" and tribal lifestyles as "savagism." This social and intellectual lens shaped cultural relations throughout the 19th Century and well into the 20th,

including, of course, the social institutions that were charged with the task of civilizing the savage Indians.

Institutional racism gained its impetus in formal political thinking with passage of the Civilization Act Fund. It was limited to agricultural parameters; hence, it did not launch the process of civilizing the savage with a bang. It simply planted the seed. Its passage came only a few years after the British were finally ousted as a threat to the new nation, and of course, after which Indian tribes were no longer needed as military and political allies. Institutional racism's next launching came in the form of land policy during the period of the Indian Removal Act. Even though U.S. Supreme Court decisions supported tribal arguments regarding state powers, the administration opted to wrest land through social engineering and removed tribes to Indian Territory. Removal, of course, was a means to rationalize the inherent separate political status of tribes, but an even more onerous – and equally racist - land policy resurfaced in 1887 with Congress' passage of the General Allotment Act that harbored intentions to civilize tribal people.

Land policy was followed quickly by a formal educational policy that was designed as a model of comprehensive de-culturalization. Its mantra captured its essence: "kill the Indian and save the man." Indian schools yanked children out of families and communities. They deigned to strip children of their tribal languages. They forced conversion to the more acceptable, civilized Christian religion. Indeed, federal Indian law thrust Christianity forward as an essential marker for civilized societies. Unfortunately for Indian societies, God's work did not end with reforms in language, land use, and education. It assaulted another fine-tuned and vital cultural practice: restorative justice.

Indian societies, structured to follow tradition, vested authority in communal practices that turned to elders for guidance. Social cohesion and reciprocity were central to this model of

life; hence, justice not only resolved issues of victim's rights and community safety but also directed attention to the enhancement of social tranquility, particularly regarding the maintenance of personal relationships. Restorative justice, the outcome of which was reached through family meetings with perpetrators and victims, provided a balance between concerns for victim compensation, perpetrator punishment, and community stability. It was not looked upon favorably by the U.S. government or by Christian reformers. In 1883, the U.S. Supreme Court in *Ex parte Crow Dog, (109 U.S. 556, 1883)*, found in favor of a tribe's restorative justice model, but the reform movement would answer this decision with passage of the Major Crimes Act in 1885. In one fell swoop, Congress dealt a major blow to cultural tradition. It stripped away a legal taproot of tribal sovereignty and tore asunder a principal role of elders in Indian societies -- a role that would not be reinstated for almost 100 years with passage of the Indian Child Welfare Act of 1978 that relies upon elders to provide expert testimony in child welfare matters, particularly with regard to cultural standards for child rearing.

Needless to say, tribal communities are still in a process of healing from a century of estrangement during which reformers -- then as well as now -- have encouraged young people to ignore their elders. This report, drawn from testimonials gathered through talking circles, points to residuals of this estrangement as Indians struggle with institutional dissonance inherent in the conflict between American Indian culture and mainstream American practices in the human services. It is, of course, a work in progress because as the testimonials portray a "soul wound," they also capture the strength of Indian communities, i.e., the restoration and revival of cultural practices. This report signals a beginning point for Indians and non-Indians that they must create opportunities to join hands in the healing process.

Background

Mainstream society is challenged by racial disparities in the criminal justice system, especially with respect to American Indians. Since the 1970s, American Indian communities as well as the criminal justice system have noted that far too many Native people end up in juvenile correctional facilities and adult prisons. Yet, both American Indians and non-Indians remain some distance apart as to cures and corrective remedies that could lead to solutions. As a result, racial disparities in the criminal justice system are allowed to flourish.

The American Indian Policy Center (AIPC) was contracted by the Council on Crime and Justice to assess racial disparities in the criminal justice system by:

- Examining causes of disproportionate overrepresentation of American Indian juveniles and adults in the system
- Identifying cultural factors that guide American Indians and contribute to positive choices by individuals
- Articulating the development and maintenance of cultural values and beliefs that contribute to elimination of racial disparities in the system
- Identifying ways police, courts, social workers, and others may use the unique qualities of the American Indian population to decrease the number of American Indians encountering the system at all levels
- Providing recommendations for change to reduce disparities in arrest, sentencing, and imprisonment

Several researchers contributed to the research design, data collection, analysis, and identification of recommendations. Mr. John Poupart, president of the American Indian Policy Center worked over 20 years in criminal justice and eight years as Corrections Ombudsman for the state of Minnesota. Poupart provided direction to the project. Research partners included Dr. John Redhorse, University of Minnesota, Duluth; Dr. Melanie Peterson-Hickey, independent

research consultant; Dr. Fred Smith, technical advisor; and Dr. Mary Martin, professor emerita of Social Work, Metropolitan State University.

Population Data

The U.S Department of Census defines, "American Indian" as people who have origins in America and who maintain tribal affiliation or Indian community attachment. In the 2000 census, respondents were able to indicate more than one race, a change from previous censuses. Because of this change, two approaches are now used to report race data: "race alone" or "race in combination with other races." This study uses "American Indian alone" category. The Census data indicates that American Indians who reported American Indian alone and in combination with another race made up 1.5% of Minnesota's total population. Those reporting "American Indian alone," were 0.9 % of Minnesota's total population.

Another classification of "American Indian" unrelated to the U.S. Census is "tribally enrolled," meaning that an individual is a member of a tribe and is officially on the rolls of a federally recognized tribe. This classification is rooted in the sovereign status retained by Indian tribes and is upheld by the U.S. Supreme Court, Santa Clara Pueblo v. Martinez, 436 U.S. 49, 72 (1978).

Minnesota is home to seven Ojibwe and four Dakota reservations. The percent of American Indian population varies across reservations. At Mille Lacs, 26% of the total population identified themselves as American Indian or Alaska Native alone while 98% of the total population at Red Lake identified themselves as such (Appendix A). Minnesota has one of the largest American Indian populations in the country. In 2000, 54,967 Census respondents reported their race as American Indian or Alaska Native Alone. Only twelve other states

reported a greater population of American Indians (Appendix B). Also as Table 1 notes, over 37% of the total American Indian population reside in the seven county metropolitan area.[1]

TABLE 1
AMERICAN INDIAN POPULATION
Minnesota, 1990 and 2000

	Saint Paul	Minneapolis	Metropolitan Counties*	Reservation Totals	Minnesota
1990 Census Count	3,400	12,335	23,340	26,066	49,909
2000 American Indian Alone	3,259	8,378	20,417	17,107	54,967
2000 American Indian + One Race	2,218	3,347	12,493	1,215	22,743
2000 Categories Combined	5,477	11,725	32,910	18,322	77,710

Source: U.S. Census 2000

Methodology

The American Indian Policy Center uses a reality-based research process to collect and analyze data. Standard research paradigms using quantitative data (surveys, statistics) do not effectively tease out characteristics of American Indians at the community level; this often leads to inaccurate results. Reality-based research allows for insight into the culture, values, norms, and experiences of the American Indian community at the grassroots level resulting in a greater understanding of issues from this perspective. This research method does not attempt to replace other methods. It allows the story to be told from an Indian perspective, and does not always comport with other established research methods. Formal questioning through surveys and focus groups are well-intentioned in the standard research model, but do not relate well to the values and norms of traditional Indian life.

[1] Includes the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

The methodology for gathering information for this report included talking circles and in-depth interviews. These methods were selected because they follow a more time-honored manner for gathering information from American Indian people where standard quantitative or qualitative research approaches have fallen short. The reality-based research approach is necessary because American Indian cultural knowledge and beliefs significantly impact the attitude and behavior of individual Indians. Our methods closely replicate the practice of the oral history tradition and are thus based on the values, beliefs, and practices of Indian people. Talking circles and interviews provide a space where everyone's thoughts and opinions are valued and where respect, trust, and knowledge of Indian ways continue to flow.

Participants sit in a circle and facilitators provide a list of general but important questions for discussion. These questions may be used as a guide for discussion, but they also are useful to facilitate opportunities for casual, informal conversation and story-telling. Talking circles are highly regarded among Indian people because they reflect the circle of life. The circle, in traditional Indian ways, represents that all life is cyclical in nature. In the past an eagle feather, a sacred symbol, was passed around the circle and the person who had possession of the feather could not be interrupted. Sometimes other objects were used. Today the practice is so ingrained in the behavior of Indian people that it is not always necessary to use an object in the circle. The circle is recognized as meaningful in many ways with Indian people, like the changing of the seasons, the phases of the moon, the shape of the world, and the shape of the universe. All things in the circle are equal.

Analysis of talking circles involves a process different from other analytic techniques. While we analyze transcripts for patterns and significant concepts, it is much more difficult to do so. Talking circle transcripts reflect the circular format of story telling and analysis involves

translating this format into a more linear, quantifiable format so that it can be readily interpreted and understood from a non-Indian perspective.

Participants

We included a broad cross-section of Indian people from several different tribes, age groups, education levels in our sample frame. They serve various roles and occupations in the community such as elders, judges, prosecutors, social workers, and former offenders. We also include Indian people who have traditional experiences, live close to our cultural ways and are knowledgeable about Indian community life, history, and cultural beliefs. We used a snowball approach to identify prospective participants through personal and professional contacts of staff from AIPC and other Indian community organizations. We further expanded our sample frame by reaching participants through those that were already included in talking circles.

Participants came from a wide spectrum of experiences and beliefs representative of the population of Indian people residing in the seven county metropolitan area. All the participants in the talking circles were American Indian, but some of the personal interviews included non-Indians with extensive work experience in an Indian community in Minnesota. Talking circle participants were invited to contribute based on several factors: experience with the criminal justice system, experience and knowledge of Indian culture, or professional knowledge and/or experience with American Indian clients of the criminal justice system. Interviews were conducted with other Indian and non-Indian participants who possessed knowledge of the criminal justice system or who had a family member that was a client in the system. In general, four categories of participants took part: Indian elders, Indian ex-offenders, criminal justice professionals, and Indian community members.

American Indians in the Criminal Justice System

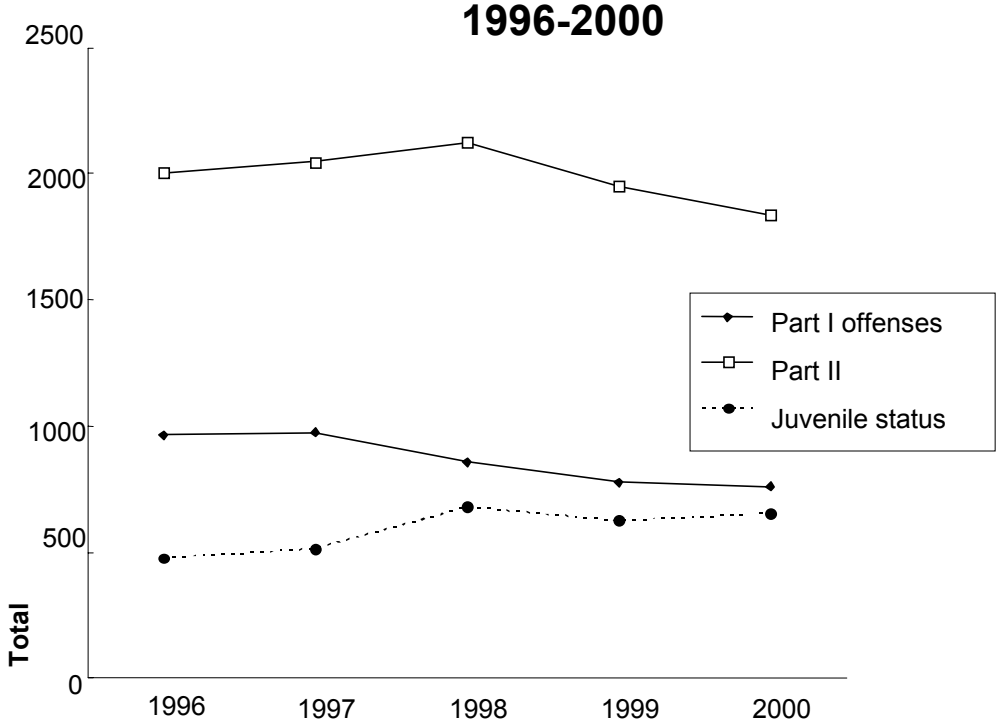
Numerous studies indicate that disparities exist between American Indians and whites in arrest, sentencing, and incarceration rates. An analysis of traffic stop data conducted by the Institute on Race and Poverty reveals some not so surprising results. It found that American Indians were stopped and searched at higher rates than whites, yet as a result of these searches this study found that American Indians are less likely to have contraband as compared to White drivers. Minnesota Planning, the State Demographic Center, also confirms that arrest rates vary by race and ethnicity as well as several other demographic factors. The American Civil Liberties Union of Minnesota notes that while American Indians represent only a small percentage of the total population, some counties have extremely high arrest rates for American Indians. This report indicates that in one county, while American Indians make up only 11.5% of the population, they account for over 50% of the arrest rates.[2]

Figures 1 and 2 show adult and juvenile apprehensions between 1996 and 2000. Since 1996, Juvenile apprehensions for Part I "major crimes" and Part II "lesser crimes" declined slightly.[3] Apprehensions for juvenile status offenders increased during this same time period. Juvenile status offenses (curfew, loitering, school truancies, and runaways) also increased during this same period. In 2000, American Indian juvenile apprehensions were highest for larceny motor vehicle theft for Part I offenses (435). Part II offenses were highest for liquor laws (427), disorderly conduct (190), and other offenses. For status offenses curfew and loitering were highest (504).

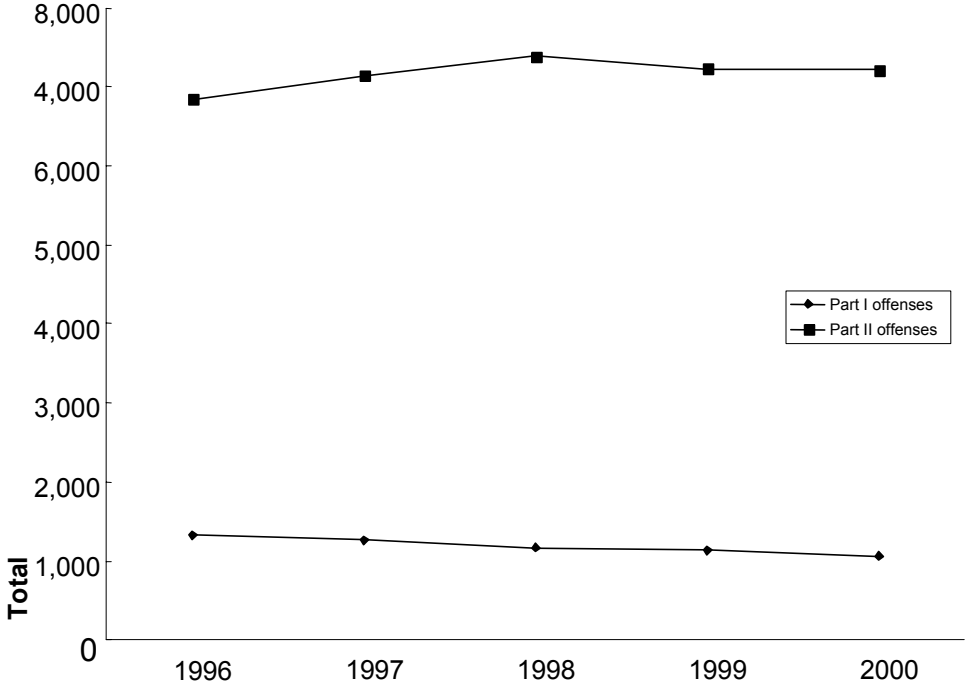
[2] www. Crimeandjustice.org, Profiling Study, Summary of Findings

[3] Part I offenses include murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson. Part II offenses include other assaults; forgery and counterfeiting, fraud, embezzlement, buying, receiving or possessing stolen property; vandalism or destruction of property; violating weapons laws, prostitution and commercialized vice, sex offenses, narcotics offenses, liquor law violations, gambling violations, offenses against family and children, driving under the influence, disorderly conduct, vagrancy, and all other offenses (all offenses other than Part I crimes, juvenile offenses and traffic violations). Race and Ethnicity of Juveniles in Minnesota's Justice System, 2001, St. Paul, MN

Juvenile Apprehensions in the State of Minnesota, 1996-2000



Adult Apprehensions in the State of Minnesota, 1996-2000



Among adults, Part I apprehensions have increased during this period while the number of arrests for Part II offenses have declined. In 2000, the most common reasons for apprehension of American Indian adults were larceny (503) and aggravated assault (292). The most common causes for apprehensions for Part II offenses were driving under the influence (1,186), liquor laws (976), and other offenses (2,094).

Data indicate that in 2003, 14,492 felony offenders were sentenced. This is a dramatic increase from previous reports.[4] American Indians represent 6.2% of felony offenders sentenced. The overall imprisonment rate in 2003 was 24.4%, the highest imprisonment rate since the sentencing guidelines were enacted. Populations of Color, including American Indians, have higher imprisonment rates than Whites.[5] 24.6% of American Indians received sentences to state prison as compared to 22.0% of Whites. A slightly lower percent of American Indians (67.3%) received incarceration in a local jail as compared to 67.5% of Whites. Dispositional departure rates also indicate some differences. Compared to Whites, American Indian cases were more often aggravated dispositional departures: when guidelines recommend a stayed sentence, judges choose a prison sentence. American Indians also had a lower mitigated departure rate: when guidelines recommend prison and judges impose intermediate sanctions.

Incarceration rates since 1985 indicate a gradual increase in the number of American Indian adults in correctional facilities. The number of American Indian juveniles in correctional facilities has remained steady during these same years. Data for the most recent years indicate that American Indians represent 15.7 % of the all juveniles committed to the Minnesota Correctional Facility at Red Wing. This is noteworthy because the Minnesota Community

[4] Sentencing Guidelines Commission Sentencing practices, Annual summary Statistics for Felony Offenders Sentenced in 2003, December 2004, St. Paul, MN
[5] Ibid.

Corrections Act[6] promotes use of local facilities; only those deemed most difficult to manage are sent to the state facility at Red Wing. Moreover, as mentioned previously, American Indians represent less than one percent of the total population in Minnesota. Red Wing, the only remaining state juvenile facility, is widely known to admit offenders only when all other options for treatment have been exhausted. American Indian youth show up in high numbers at juvenile institutions such as the Northwest Juvenile Center at Bemidji, Arrowhead Juvenile Center in Duluth, the Hennepin County Home School, and other juvenile residential facilities or privately owned treatment facilities.

This data presents a multitude of potential causes for overrepresentation of American Indian juveniles and adults in the criminal justice system. Factors that may contribute to disparities include variables rooted in the individual, social environment, and institutional systems. An individual's involvement in the criminal justice system may be the result of life events including people in their life. These precipitating factors include families that may be dysfunctional, education environment difficulties, as well as social workers, police, probation officers, judges, and attorneys who are poorly trained or not culturally competent to work with Indians. It is unfortunate, indeed, that numerous social, historical and cultural factors that are contained in the American Indian experience remain an unknown to the criminal justice professional; these include the effects of abject poverty, historic trauma, racism, mental health issues, long-term effects of institutional colonialism, and the critical importance and influence of culture in their lives.

[6] Section 401, MN statutes.

Finding the Causes of Racial/Ethnic Disparities

Results of this project run parallel with research around disparities in the criminal justice system. Normally, a number of factors contribute to disparities in arrests including sentencing patterns and incarceration rates. Findings indicate that along with bias in the criminal justice system, local policies and practices in conjunction with numerous social factors contribute to disparities at all levels of the criminal justice system.[7] Related social factors that contribute to disparities include limited educational success, poverty, alcohol and drug use, gang involvement, low self-esteem, and lack of positive role models. American Indian communities are affected by many of these social maladies that increase likelihood for their contact with the criminal justice system.

> *"Poverty is a factor, homelessness is a factor, lack of education is a factor, loss of self-respect and dignity is a factor. If you look at that combination you have all these multiple layers of issues going on and we try not to point to one particular issue as being more important that the other."*
>
> Participant

Many community participants were familiar with the criminal justice system because of the significant number of Natives who are or have been involved with the system. Another reason for this familiarity is that the Indian community in the seven county metropolitan area is primarily a cultural community rather than a geographical community. That is, Indian community members frequent many of the same places, host social events like pow-wows, and attend conferences focusing on Indian affairs. Hence, while Indians appear geographically separated, they nonetheless stay in close communication.

Among participants, ex-offenders told the most vivid accounts. They spoke about primarily about the criminal justice systems, but also expressed personal feelings about how they acted or responded to certain conditions within the system. While AIPC is experienced with discussions among policy makers and criminal justice administrators, impressions from ex-

[7] Pope, C.E.; Lovell, R.; Hsia, H.M. "Disproportionate Minority Confinement: A Review of the Research Literature from 1989 through 2001. US Dept. of Justice Office of Juvenile Justice and Delinquency Prevention, 2002.

offenders reflect a very wide gap existing between divergent perspectives. Ex-offenders told about oppressive and regressive real-life situations within the system along with their feelings of personal weaknesses and helplessness. In the system, they lacked any opportunity to utilize their own cultural and spiritual strengths. It seems that a subtle indifference by Indians to criminal justice programming and policy initiatives thwarts attempts to discuss the divergent perspectives. This condition may best be characterized as "historic distrust" which stems from social institutions and non-Indian attempts to change Indians to a non-Indian way of life.

Education - The Road to Success

If the road to a successful future follows a pathway that includes educational achievement, then such a future for American Indian youth is elusive. Failure in the educational system places young Indian people at risk for contact with the criminal justice system. Educational failure means students receive poor grades, are excessively tardy, and experience high absenteeism. Students with excessive absences or tardiness miss out on instruction and guidance. They fall behind and have difficultly recovering through mandated make-up work.

MINNESOTA AMERICAN INDIAN STUDENT FOUR-YEAR ENDING STATUS

	NUMBER OF NINTH GRADE STUDENTS SERVED	GRADUATED	DROPPED OUT	CONTINUED
MINNESOTA				
CLASS OF 1997	1,089	447 *(41.1%)*	413 *(37.9%)*	229 *(21.0%)*
CLASS OF 1998	1,197	520 *(43.4%)*	424 *(35.4%)*	253 *(21.2%)*
CLASS OF 1999	1,252	532 *(42.5%)*	435 *(34.7%)*	285 *(22.8%)*
CLASS OF 2000	1,243	529 *(42.6%)*	428 *(34.4%)*	286 *(23.0%)*

Source: Minnesota Department of Children, Families & Learning
http://children.state.mn.us/datactr/compstu/compstu1.htm

Note: These numbers are drawn from the Department of Children, Families & Learning Completion Studies. These studies track individual ninth-grade students through the next four years of their education. Thus, for example, 34.4% of all Class of 2000 American Indian students who began school in the State of Minnesota as a ninth-grader in 1996/97 (and whose last record of attendance was in Minnesota) dropped out. This data includes those students

Schools have varying policies on how they deal with absenteeism and tardiness, yet these are but merely institutional responses that often overlook important human factors. Talking circles and interviews indicate that the educational system contributes to disparities in apprehension, arrest, and incarceration rates. The educational system is clearly unresponsive to cultural and social needs of American Indian youth. For example, the political mandate for a separation of church and state is often interpreted to disallow Indian spiritual and cultural practices, which may often be seen as religious activity. In fact, spirituality is the foundation on which Native cultures are based. Spirituality provides purpose, balance, and identity to Indian people. Without attention and development of spirituality, a void exists that prevents individuals from developing into well balanced, healthy individuals.

America's education systems also contribute to disparity rates by failing to include Indian history in the curriculum. Much of what is taught in the classroom is irrelevant to the experiences of Indian students. Eventually, as alienation grows, students see involvement in criminal activity an alternative to excelling in school.

> *"So if I find myself with less than high school education which means that the types of jobs that I might be able to get are minimal and they're not going to pay me enough,*

Extracurricular factors also play a role. Mainstream educational systems do not support programs that are integrated into the school's curriculum that are geared specifically to meet needs of Indian children.

> *"I think a lot of the problem is that they don't have anything to do after school. They're just walking the streets and out in parks that are largely patrolled, so they're in police presence. There are not a lot of positive things for them to do."*

Underperforming American Indian students seem to be the norm in K-12 education. Responsibility for this, of course, cannot be placed solely on educators, Indian or non-Indian. It

cannot be placed solely on the student or parent either. As already noted, several factors impact a student's educational experience, but failure, according to participants must also be measured through a systems perspective. This approach does not consider the student solely as the failure but recognize failings of the educational system.

In exchange for the millions of acres ceded to the United States by Indian tribes, the federal government promised to provide education services to Indians, this was a guarantee. This promise emerged as a "Trust Responsibility" doctrine by the federal government. The Trust Responsibility provides assurances that include Indian education, economic development, general welfare, and resource management. The fulfillment of the trust responsibility including the provision of education for Indian people is clouded and controversial, particularly in Minnesota which assumed much of the trust responsibility for education with passage of Public Law 280 (Ibid).

Poverty and Involvement in the Criminal Justice System

American Indians have the highest poverty rate of any racial/ethnic group in Minnesota. In 1999, census figures indicated that 29% of American Indians were living below the poverty rates as compared to 6% of Whites, 27% of Blacks, 19% of Asians and 20% of Latinos. Data indicate that the number of children living in poverty is even greater. Over 35% of American Indian children below the age of 18 years were living below the poverty level while 6% of Whites, 34% of Blacks, 24% of Asians, and 23% of Latino children were living under the poverty level.

Research links poverty with higher rates of crime. Greater proportions of inmates in correctional facilities come from backgrounds of poverty, and most families of inmates have

been recipients of public welfare or other source of public support. This is echoed in research by Jon Powell, who notes that high concentrations of poverty are linked directly to increased crime rates in and around a university community. Powell notes that concentrated poverty also impacts other life factors in communities including such as employment, education, health as well as increased criminal behavior.

One participant described a cycle involving poverty, alcohol, drugs, and hopelessness that he believed led to criminal behavior as well as increased recidivism rates for American Indian young people and adults.

> *"There are no resources that are available for me, and I'm using and abusing. Chances are that because of that I'll be forced to live surrounded by other folks like me who are in the same situation. And we're going to reinforce one another in order to make ourselves feel better … Well this person gets out (of treatment) and one they can't make a geographical change because there's no other place that they can afford to move to, thereby they really can't leave their friends because they don't have the money to do so. So they end up right back in the situation that we just pulled them out of… And I'm fighting to stay sober … but my life isn't getting any better. I still live in a shit run-down apartment, I'm not being able to go out here and get me a goddamn job that will pay me $15 an hour that would begin to give me hope, so what am I doing all this for? After a while the system beats them back down because they don't have any hope."*

Other participants agree that among American Indian youth and adults, poverty is a major factor leading to participation in criminal activity. Economically disadvantaged youth who are impressed by the latest fashions, clothes, fancy cars, and popularity among peers might be most vulnerable to the appeal of material things.

Alcohol/Drugs and Crime

Indian communities are acutely aware of problems associated with a high prevalence of alcohol use. National data indicates that binge drinking rates are higher in the American Indian population as compared to other groups.[8] Indians also experience higher rates of alcohol-related injuries and death.[9] An analysis of national data by the Bureau of Justice Statistics indicates extensive impact of alcohol abuse on crime.[10] This analysis also links alcohol and crime. It found 4 in 10 violent victimizations, 4 in 10 fatal motor vehicle accidents, and 4 in 10 offenders self report that they used alcohol at the time of the offense. It further reports that alcohol and/or drugs are often involved in violent crimes where victims provide data about the offender alcohol use (35%). In situations involving violence by an intimate partner, 66% of victims reported alcohol use by the offender. While arrests and fatal accidents involving alcohol have declined in recent years, DUI and DWI offenses are still significant issues for law enforcement personnel.

Participants indicate that alcohol contributes in numerous ways to disparities in the criminal justice system. Several note that alcohol and drug use was a driving factor to criminal activity and incarceration.

> *"Substance abuse and alcohol is just one factor that I see."*

> *"I think they walk around empty, because it's like our children nowadays have dead eyes, there is no spirit there. And so do our people. I go to Minneapolis and I see so many of our men folks walking around with dead eyes and I see some women with them and they still seem like they are trying ... alcohol is not letting them loose and they can't let it loose ... then I see the women walking around with black eyes and broken teeth and I think to myself, that's what they call Indian love... you can keep it, I don't want it ... but I do believe it is the money the alcohol and the drugs that send our people to prison."*

[8] CDC BRFSS
[9] Women and Substance Use in the Childbearing Years. Minnesota Department of Health, FAS,
[10] An Analysis of National Data on the Prevalence of Alcohol Involvement in Crime. (1998) U.S. Department of Justice

> *"… and as far as going to jail and I remember a lot of the young people, they were a lot older than myself at the time, their biggest problem was alcohol and this was back in the '50s and how they managed to get alcohol they did. … A lot of young men, I remember seeing them walking around and they were drunk and just raising heck all of the time."*

> *"So I know that through statistics, statistically there's a high correlation of substance abuse and alcoholism involved with most American Indians that find themselves incarcerated … American Indians are using or abusing alcohol or substances at the times that they commit a lot of their offenses …I'm not saying that it causes them to do it, but they are under the influence and continue to struggle with alcoholism and substance abuse."*

> *"What drives the criminal arena here is drugs – not the same kind of drugs that were around in the early 70s or 80s. The quantities of drugs are significant. The large dealers are in it purely for money."*

Several participants express the belief that alcohol abuse is likely a residual effect of historical acts of mistreatment perpetuated on their community, as opposed to a personal weakness. From this vantage point, alcohol and drug use are seen as a symptom of a much larger societal issue.

> *"That's goes back to our leaders' years ago, like Sitting Bull and all our leaders. They were having ceremonies to get away from the problems. As time went on, they went to the wrong kind of medicine: alcohol. We call that bad water."*

> *"Nothing but pain. And a lot of people don't even know they're in pain. So they'll never deal with it. They'll always make this guy rich by doing that revolving door, because they're hurting and they're just covering it and their pain with alcohol and the drugs and the gangs – they're lost. They're not alive."*

Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effect (FAE) result from the use of alcohol during pregnancy. These are known to cause birth defects and disabilities that have long-term effects. Children are diagnosed with FAS when they exhibit symptoms resulting from damage to the nervous system including growth delay, abnormal facial features, and

documentation of a mother's drinking during pregnancy. Other alcohol related birth defects include learning, emotional, and behavioral problems that result from damage to the brain or nervous system.[11] The incidence of FAS and FAE for those involved in the criminal justice system, including residents of correctional facilities, remains unknown. It is possible that American Indians, who experience higher rates of alcohol abuse and addiction, also suffer from long term effects of FAS/FAE. This factor could also contribute to impulsive behaviors exhibited by those who find themselves involved in the criminal justice system.

Culture, Spirituality and Involvement in the Criminal Justice System

American Indian cultural practices are distinct to geographical areas and tribal roots. These include a set of core values and beliefs such as respect, honesty, humbleness, and generosity. Spirituality is also a core component of beliefs, values, and teachings that provides the foundation for family, community, and cultural stability.[12] Dysfunctional relationships between families and communities result from disruption in the transmission of cultural ways of knowing. In this scenario, values, beliefs, and traditional ways do not flow smoothly from one generation to the next.

> *"The other glaring fact that came to light to me was the fact that virtually every one of them (at the State Prison at Stillwater) was ashamed that they were Indian. Virtually every one of them would rather tell you how much French he was, than tell you what band of Chippewa he was from. And let me tell you, from my point of view, there's just nothing, there's just nothing worse that can happen to any man than to disown his own people. There is nothing worse than a person who has been disillusioned; who has been punished; who is the product of cultural genocide; who has been brainwashed to believe that "white is right."*
>
> *Excerpt from speech by Eddie Benton-Banai*
> *1st Annual Corrections conference,*
> *April 12, 1973*

Several participants note that the American Indian community has lost many of these important

[11] About Alcohol Related Birth Defects, Minnesota Department of Health, Fetal Alcohol Syndrome Prevention, Maternal and Child Health, 2003.
[12] A Look at American Indian Families in Hennepin County. Part Five, Reclaiming the Spirit. American Indian Families Project, January 2005.

values and beliefs at the expense of individual identity and life-meaning. Without these guiding principles, individuals are more likely to engage in behaviors that lead to criminal activity as well as the abuse of alcohol and drugs.

> *"And we lost a lot of our traditional ways. A lot of our culture is gone forever. Even the traditional ones, like my people, the most traditional ones – we lost almost half of what we have. So, we forget ourselves, and then we start thinking like an American Caucasian, and we forget about who we are and what we are."*

> *"Because, I know myself that there is this medicine man that charges Caucasians $1,500 to put them on the hill [vision quest]. And that they charge them to go into a sweat lodge, they charge them to do ceremonies. Now it's like our people are making a mockery more or less of our ways."*

Here one participant describes his experience on entering a state institution. It is unfortunate indeed that this brotherhood, closeness, association is not a description of life in the community, but rather something that is found upon entering a prison or in the latter, a treatment facility.

> *"When I was there it was like a get-together, you know. You'd sit around, drink coffee, and talk about the outside. We'd help each other out with cigarettes and toothpaste. There was no gang activity there. They had some trouble of the phones and stuff back then, but that happens all the time. But it was a pretty good group. They weren't gonna beat nobody up or anything like that. I thought it was a good thing there. Years ago there was a little gang activity, but not amongst the group."*

> *"(In Treatment programs)… he did strongly express that when Indians gathered together this provided an opportunity where they found strength in each other; most likely because they found someone who could understand and relate to the serious social, emotional and spiritual issues they were experiencing, something they could not find in the professional ranks of social institutions. He was struck by the fact that some of the best chemical dependency counselors he knew were Indians who had been "on the streets" themselves.*

Revitalization of American Indian languages is another strong pattern drawn from interviews and talking circles. Participants articulate several important factors for

revitalizing languages, and many of their ideas are consistent with language revitalization efforts that are currently underway across the country.[13]

Language revitalization assures that American Indian values, perspective, and understanding of the world are preserved, because language retains a vital connection to history and ancestry. Teachers of the language know that there are many words, phrases, and ideas that cannot be interpreted in the English language. One participant notes that the loss of connection between spirituality and language serves as a contributor to involvement in the criminal justice system.

> *"…language loss can destroy a sense of self-worth, limiting human potential and complicating efforts to solve other problems, such as poverty, family breakdown, school failure, and substance abuse.*
>
> *From "Endangered Native Languages: What is to Be Done and Why?"*

> *"The big picture is that they lost their spirituality because they lost their language – their way of life. They lost everything once they lost the language because the language is everything. You can't understand what the meaning is of that ceremony, or the Spirit talking in Lakota or Ojibwa unless you know the language."*

> *"… learn your language … because if you don't know your language you're not going to know your culture, your history or your way of life, or your ceremonies… [it's important to know] I'm a Dakota… I'm a Lakota … I'm Ojibwa… you know."*

> *"So our mind disconnects itself from the heart, and that spirit kinda dwindles, that light starts flickering and grows smaller and smaller until it goes out. And then we're just a head walking around, thinking, and we get ourselves into trouble because we do things to try to suppress that pain that we don't even know why we have it."*

The near destruction of American Indian languages is the result of intentional and systematic efforts to destroy American Indian culture. Indian children were removed to areas far from their communities. Boarding schools were established to "civilize" American Indian children who had been forcibly removed from their families. In school,

[13] http://ourworld.compuserve.com/homepages/

they were punished for speaking the language. In addition, parents and children alike were punished for appreciating and practicing their spirituality. As a result, language and cultural practices went underground.

It is commonly understood by Indians that connectedness to culture, beliefs, and values along with participation in ceremonies reinforces positive identity. Identity for American Indian people is further strengthened, obviously, through connections and interactions with extended family members who provide an environment of strong spiritual beliefs by practicing traditional values of honesty, respect and generosity. Yet many Indian people, particularly those in urban areas, have had a distance between themselves and direct connection with tribal traditions and culture. Many find it difficult or are simply unaware of authentic cultural resources that could provide this important connection. Several participants note that adoption practices may result in identity issues that in turn could be a risk factor for involvement with the criminal justice system.

> *"... 35% of Indians were adopted out, and those are the people who are now raising our children. We don't talk much about adoptees – it's the post-boarding school generation. 25% of Indian children were adopted in 1971. That's huge and it's caused and is causing a lot of problems. ... I interviewed ten adult adoptees, and they all happened to be professionals who came from healthy homes and yet they're struggling, even though they had a better environment."*
>
> *"[Adoptees] find they're not accepted into the Indian community as they had hoped, and so they struggled with fitting in. This is during their early twenties, when a lot of people are trying to figure out who they are, but these adoptees had this added burden of struggling with where they belong."*
>
> *"[T]alking about adoption and foster care and what it does to a family, when you think about how it's never just the one person who's taken out that affected, it's everybody ... __ always talks about not having a sense of belonging, when you don't have that, like he was just talking about that elder, she didn't have a sense of belonging in her culture even though she was there. A sense of belonging shouldn't be just attributed to those who*

> *grow up outside of the culture, there are people on the reservation who don't have a sense of belonging and that's something that has to be identified."*

Concerns about acquiring a strong identity formation is not limited to children or adults that have been adopted into non-Indian homes. Child welfare and foster care practices have made it difficult to locate children once they have been removed from homes. Hence, reinforcement of cultural identity is a reality in most Indian communities because 1 out of 12 Indian children in Minnesota are in an out of home placement.

Historical Trauma and Involvement in the Criminal Justice System

The history of colonization is replete with racism, injustices, and systematic mistreatment of American Indian people. Genocide-type policies clearly illustrate a long history of failed and harmful efforts to decimate Indian people through removal, termination, and relocation. Early on, before the country was fully settled, federal policy forced the removal and relocation of several Indian tribes to selected Indian territories. Later in the 20th century another policy initiative called "Termination," sponsored by the U.S. Congress attempted to end the sovereign status i.e., the nation-to-nation relationship, as well as the federal trust responsibility to Indian tribes. The "Relocation Program," promoted by the federal Bureau of Indian Affairs and beginning in the 1950s, moved Indians from their tribal homeland to urban areas. These failed policies intended to assimilate American Indians into mainstream America, essentially eliminating the need to deal with the "Indian problem." These failed policies, along with violation of the nearly 500 treaties that were negotiated between the United States and Indian tribes provide the foundation for historical trauma experienced by Indian people today. Some participants

describe how the process of genocide-type colonization contributes to dysfunction in communities.

> *"It's useful to look at things in the context of colonization. We need to be working on decolonizing ourselves, and we want to decolonize history. We can't decolonize history but we can use it to build a foundation and use it to keep families strong… we can decolonize this one aspect of the law and make it about respect for Indian communities. We can challenge laws that are oppressive."*

> *"why do Indians go to jai? And that's basically from, that stems from almost three hundred years ago, from the culture. Think, what happened to our forefathers was a really bad thing, and through the generations have been traumas and traumas and traumas that have been carried over and carried over. And then multiplied by the shockwaves that came after that, which hit us bad in the boarding school days. I was from a boarding school myself – we're just now getting hit by that, let alone learning how to float through it, and get past it and deal with it – you know, how are we going to deal with this? What happened to our forefathers and what carried over all the way from them – about 275 years ago to now, and what's happened to us, that's the multiple factor and how are we gonna deal with that?"*

> *"We started out at 99 million and we ended up with two million. See, we're the biggest blemish of America, the United States, that's why they try to cover it. If we'd just kind of evaporated and disappeared, they'd be the happiest people in the world. Because we're the living blemish, you know?"*

> *"Historical trauma. I think that's at the root … people aren't being parented and they're having children and they're not quite sure how to parent … there's a real loss of identity… a real kind of floating around trying to fit in … I think that's where alcohol abuse comes in … drugs, abuse, gangs, trying to have an identity … any way to fit in … some take the right path, the good road."*

Family Roles and the Criminal Justice System

Extended family has historically played significant roles for younger generations. Storytelling, ceremonies, and other cultural customs are ways in which knowledge accumulated over the centuries. These remain as key methods for passing knowledge down to younger

generations. Elders play a significant role as keepers [of] knowledge.[14] Ignatia Broker wrote, "Listen, and you will hear the patterns of life … Children at an early age were taught the importance of listening to the Old Ones; for, as the contemporary storyteller informs her grandchildren: 'it has always been the custom for us to tell what must be passed on so that our ways will be known to the Ojibwe children of the future."[15] Each family member plays an important role in the family, clan, or community, but as a result of historical trauma and racism, the structure that established the role of family members has been damaged. Participants note that young people lack positive role models, mentors, and involvement with elders that normally lead young people to a path that is healthy both culturally and spiritually.

> *"That time has come now. We need to help our own kind. Somebody said to me, 'I don't know how to be a grandmother.' I said you teach, just like we did years ago. The grandparents were the teachers. Now we don't have grandparents anymore."*
>
> *"Did you know many who went to jail? Not when I was living on the reservation. I kind of noticed from moving off the reservation and being in the orphanage that we lost the belief my grandmother was trying to instill in us in the cultural way. But I think we kind of moved that belief to which was the Catholic way and the Bible kind of thing. Because I remember my grandmother talking to us …"*
>
> *"I remember there weren't many people who had cable TV. And now, every home that I have gone to, people have cable TV. And their showing these shows now that show the fabulous life of so and so, and they're seeing these young adults with cars, money, jewelry and all this stuff and that influence simply wasn't there 15 years ago. When you think of how does a grandparent relate to their child now?"*
>
> *I think our family ties were a lot stronger. I don't think that we had, well certainly we didn't have television that corrupted our traditional way of living …"*

[14] Poupart J., Martinez C., Red Horse, J. *et al*. *To Build a Bridge.* St. Paul: American Indian Policy Center. p. 30-31
[15] Broker, Ignatia (1983), *Night Flying Woman: An Ojibway Narrative*. St. Paul: MN Historical Society Press.

Participants also note that involvement in gangs essentially provides some fulfillment for young people who experience a lack of cultural guidance and support from families, elders, and tribal communities. This connection is need of further discussion and analysis.

Criminal Justice System Factors and Disparities

Complex multi-sectored and multi-leveled system factors create and sustain American Indian disparities in the criminal justice system. Criminal justice contains at least four separate sectors; law enforcement, courts, juvenile justice, and corrections. Three sectors of the criminal justice system (law enforcement, courts, and corrections) at the state level are structured in pyramid fashion with an official at the top, one Attorney General, one Chief Justice of the State Supreme Court, and one Commissioner of Corrections. City and county criminal justice systems mirror this structure.

Criminal justice officials are prone to acknowledge issues that occur only in their particular sector. Thus, problem solving in the broader context of the criminal justice system isn't likely to happen. Minnesota does not have a criminal justice coordinating authority charged with observing, reviewing, and connecting its statewide criminal justice system. When addressing racial disparities it is common to hear, "we only deal with what the other system sends us." Ultimately, racial disparities seem to be someone else's problem. This loose relationship of important elements of the criminal justice system does not bode well for those looking for effective ways in which to reduce racial disparities in this system.

Throughout these systems a noticeable void of services, processes, and activities that reflect the culture of American Indians exists. American Indians are born and raised, especially those in the less affluent society, to cling to and relate to their culture; this culture that is not

reinforced in America's educational systems or in the training and education of criminal justice practitioners, administrators, and policy makers.

Law Enforcement

Law enforcement relations with communities of color have been notoriously strained. In particular, relations between American Indian communities and the police have always been difficult. Even when law enforcement officers were of Indian descent (as in the Bureau of Indian Affairs law enforcement on Indian reservations) relations are often tense. Many common reasons for racial disparities in the law enforcement sector derive from "selective enforcement" of laws, racial discrimination, and racial profiling.

> *What do you think drives some of high crime rates? "It can be a lot of things. A lot of our cases come out of Little Earth and I've seen with the non-Native community there, they have a reputation and it's patrolled a lot more. I think a lot of cases come out of that because there's a large police presence. Also, a lot of the Native community isn't educated about their legal rights. The police are able to intimidate them saying that if they don't answer their questions then this is going to happen, you know they'll lie to them."*
>
> *Response to high police presence and people not knowing their rights? "It would be education, tends to do a lot of it, but it needs to go further than that. More agencies need to become involved."*
>
> *"A lot of our cases are juvenile, that's another major problem. The police will go into schools when juveniles aren't around their parents and they use their authority to intimidate them and get them into to talking about certain things."*
>
> *"I mean if you go to a school and they talk to the principle and the principle pulls the kid into the office and you have the cops there and the principle, you have a lot of authority and the kids are by themselves and are pretty scared."*
>
> *"I think another problem with the law is that there shouldn't be anything [hanging from] the rear view mirror. I think that affects the Native community especially because a lot of people have eagle feathers or the Hispanic community usually has a lot of religious things hanging from their rear view mirror. That causes a lot of stops and that can be their*

> *probable cause, but then it leads to arrests for something else. I've been stopped several times for eagle feathers or stickers on the back [bumper].*

Excessive police presence, racial profiling, and intimidation are bolstered by additional factors that contribute to racial/ethnic disparities for American Indians in the criminal justice system. Poverty, joblessness, and housing patterns find offenders living in the most blighted parts of town; hence, social factors such as low academic achievement and dysfunctional families can contribute to these disparities.

Courts Systems and Sentencing

County court systems frequently explain racial disparities by stating that courts have little to do with causing the disparities. They do not generate disparities; they simply deal with cases that law enforcement sends them. American Indians are at a disadvantage upon entering the court system. First, bail or bond is a constitutional right. Yet, few American Indian offenders can make bail because of poverty. Moreover, they have little or no property to put up as collateral for surety bond because they regularly live in sub-standard rental housing. Second, offenders are assumed to have a right to an "adequate legal defense," but such is out of reach for most American Indians.

> *"Can Indians afford attorneys, do you think? "No, they're all court appointed. If you can afford your own attorney, you won't go to prison, maybe they'll put you in a work program or something for you, and they just run you through the system."*

The fact that American Indians live in poverty and cannot afford an adequate legal defense contributes to the dire straits they find themselves in when facing a felony charge. Statistics may reflect that many American Indians "plead out" and receive some prison time.

> *"[Y]ou know a lot of times when you're represented, you get an attorney, and they want you to plead guilty right away.*
>
> *"… over charging means increasing the actual charge with the expectation that the defendant will "plead out" as guilty to a lesser charge. This is, in effect, more convenient to the justice system because the arresting officer doesn't have to appear in court if there is a not guilty plea; the county attorney neither prepares a case nor appears in court if the defendant enters a not guilty plea."*
>
> *"I've also noticed a tendency of Native Americans to plead guilty to charges instead of go to trial. I've had a lot of cases would make really good trials, and a lot of Native members would just plead guilty because of court costs or they can't afford a private attorney because they don't feel the public offenders are really defending them. A lot of problems are having to miss work for court. Trials can take anywhere from one to two or even more. That causes a lot of financial problems. There are many people who have plead guilty when they were innocent of crimes. A lot of it has to do with financial reasons or they don't have child care."*

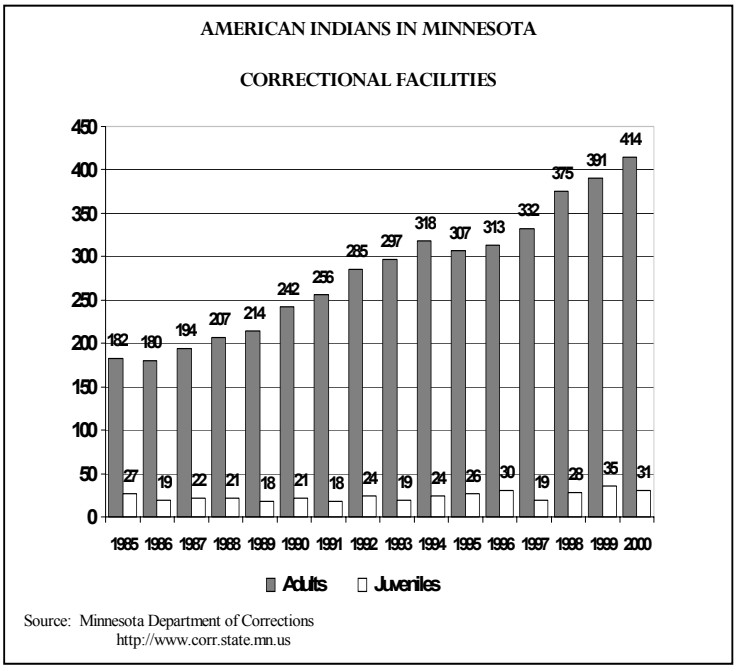
American Indian defendants frequently must rely on the services of the county's public defender. The public defender makes sure that constitutional rights are protected, but cannot provide the kind of legal defense that many affluent defendants receive. Public Defenders simply don't have the time or budget to perform research into Indian life situations or to search for evidence, witnesses, or testimony that could benefit an Indian defendant's case.

> *"American Indians are more likely to plead out when charged with crimes. When serving as a public defender, it was evident that Indians were complacent and it was more common for them to plead guilty than any other ethnic group – they wouldn't ever think of challenging the governments case. But just because you're picked up on the streets doesn't mean that you're guilty – [that] shows problems in the criminal justice system."*

Once found guilty American Indian clients face daunting challenges. Pre-sentence investigations (PSIs) are conducted without cultural competence, yet this is a process where culture ought to play a major role. Professionals conducting these PSIs frequently lack knowledge or experience with the philosophy and/or worldview of American Indians. Nothing

in their education or professional experience can give them this. Yet, the examination of a person's neighborhood, academics, and work record, which represent how a person lives, are all influenced by culture. This dissonance between social orientations of professionals and American Indians is one of the greatest gaps identified by this study's participants.

Corrections



Source: Minnesota Department of Corrections
http://www.corr.state.mn.us

The corrections system is similar to county court sectors in claiming to have no influence over the number of offenders sent to their institutions. They frequently say, "a correctional institution is the end of the line; we simply have to take those offenders sent by the courts." The corrections system exhibits cultural deprivation similar to other sectors of the criminal justice system as well as its own system-centric weaknesses. The training and experience of correctional practitioners and administrators lack cultural education and experience. Social workers, for example, play important roles in the criminal justice system and more than likely are the first in line to connect with young people experiencing some difficulty. Several participants though, note the lack of culturally appropriate training among social workers.

> *"… training in my field on any minority study is minimal. There might be one class that kinda groups all minority groups together and you spend a class on Latino and a class on … the class on Native American was they*

> *might not make eye contact, real kind of general, and it was really poorly done, so most of my learning has been through experience."*
>
> *"Licensure could be dependent on cultural competence – there should be question on the exam about the Indian Child Welfare Act. The ICWA at least provides some standards in that social workers have to justify their actions somehow."*
>
> *"The deficit model is still taught in schools today. In my life as a social worker I can list 5 or 8 non-Indians that became culturally competent to work with Indians. And there are a lot of white people out there. Strength has to come from within us to stand up and challenge."*

Similar to educational systems, age-old traditional and spiritual practices of American Indians are routinely placed under "religious" functions in a correctional institution. A chaplain or other representative of a Christian church makes decisions about American Indian cultural and spiritual matters in prisons. Throughout history Judeo-Christian beliefs never entertained diversity of belief systems, particularly American Indian spirituality which was considered savagism by these same Judeo-Christian faith-based organizations. Nothing in the training and experience prepares a minister to work effectively with American Indian culture and spirituality.

> *"They found out that the European system does not work for us. We have our own values and system. We have our own traditional values that the European society doesn't understand. They have a lot of their rules, policies, regulations and we don't abide by them, well then we're unteachable."*

Even with adequate training, the comparative small number of American Indians in criminal justice professions, i.e., lawyer, judge, probation/parole agent, county attorney, county board member, prison warden, social worker and psychologist/psychiatrist are able to make only miniscule contributions to a system ill-equipped and unprepared to work with Indians.

Programming for offenders

American Indian communities have very little, if any, participation in developing programs in the criminal justice system or in shaping programs to serve as alternatives to incarceration. While the criminal justice system is forced to deal with crime and delinquency in the Indian community, it is a tragic irony that no operational relationships with the community exist. Each sector of the system seems to be self-contained, relying on its own resources, skills, experience, and knowledge to meet its own needs. Almost in clinical fashion the needs of the institutions take precedence over cultural, psychological, emotional, and social needs of an Indian clientele. The reality of the home and community life of these criminal justice clients is not reflected in the system's policies and procedures. Moreover, these clients and their families have very little, if any, involvement in civic affairs and do not participate in the political process. As a result, they have little knowledge or interest in the kind of programming developed by the criminal justice system. Lacking such foreknowledge, the community fails to see how criminal justice operations have implications to their lives.

Education/Training in the Criminal Justice System

Participants have a number of concerns with academic training that prepares criminal justice employees for working with Indians. This includes those professionals such as social workers, teachers, and others who have early contact with young Indian people. Here they note problems with personnel who serve various roles within the system.

> *"I would say the chaplain would be the last person I would want to have a spiritual person go through. But that's the framework of the way it's done. Anything having to do with faith goes through the chaplain, and he's the worst equipped. He's schooled in the holy trinity and Genesis One. That whole power syndrome works opposite of what Indian people believe."*

> *"...I told them, 'don't try to keep the guards away from the pipe. Let them see it, show it to them, be proud of who you are.' That's what we have to do if we want things to change in the system. To bring back the sacred ways, educating people is the key. You know, my lodge is wide open. You need to open your heart."*
>
> *What do they think of the social welfare system: That it's a racist system, Indian social workers don't need the training – it's others who need training working with Indians.*

As a part of this project, American Indian Social Workers participated in two talking circles to discuss the role of schools of social work in the preparation of social workers for culturally appropriate practice with Indians and social work practice with Indian people in the child protection and correction systems.

Native social workers participants had received their Masters degrees from accredited Social Work programs. They spoke of educational experiences that were lonely because of the lack of native colleagues and faculty and inadequate because of the lack of cultural awareness among their faculty and fellow students. One participant spoke of her program as having a "noticeable lack of cultural education." Another described her experience; "My orientation was a video that told about Indian ceremonies. That was my sensitivity training." Another social worker described a required "culture day" which might have impacted her colleagues but which was facilitated in a way that whenever the content became uncomfortable discussion was ended. She also articulated a concern of several participants when she spoke of the way faculty used her presence to compensate for their own lack of knowledge about Indian people.

> *"On certain days I should have gotten half of the teacher's salary because I was the expert most of the time."*

In addition to noting a deep cultural inadequacy and insensitivity in their social work education, the students also have concerns about the curriculum. Participants are critical of their

programs' emphasis on developing clinical intervention skills at the cost of teaching about the advocacy and policy expertise that they consider of greater importance for the Indian community. One participant echoes the statements of others when she spoke of the need "for a change to a social justice focus to spend more time addressing core issues like advocacy, community organizing, political action, and engaging communities, not just individual clients, to promote and create a voice." A participant spoke of being taught a "deficit" rather than a "strengths" model of human behavior. They report that their programs emphasize transmitting information and skill building at the expense of the personal self-assessment and awareness that they saw as essential to the educational process. One participant represented the basic frustration of the others when he stated the following.

> *"We came out with a MSW, it was sort of like a license. We didn't learn anything. In fact, we had to throw away some of our learning to be effective workers … It would really be nice if we could create an ah-hoc commission on American Indian social work education here in Minneapolis to start challenging the Twin Cities campus and Augsburg."*

Another participant states the need for the same kind of monitoring for the BSW programs in the area. The participants also express their concerns about the impact of social work education on non-Indian students.

> *"Culture drives behavior for Indian kids and adults … Some of us understand that, but a lot don't. We may have written some things down about that, but it doesn't get into the libraries and educational system, much less into social work and criminal justice. They really don't know how to work with Indians or relate to Indians."*

Though these talking circles include only those trained or training in social work undergraduate and graduate programs, the issues expressed are relevant for training and educational experiences for workers throughout the system.

Other Contributing Factors

Participants note several other factors that contribute to disparities in the criminal justice system. Included are racism and stereotypes that police, courts, and corrections have about American Indians. In addition, participants note that the expectation of many in the community is that their youth will encounter the criminal justice system, either through involvement with the police or being sentenced to a federal or state correctional facility.

> *" It's not unusual to see a bunch of Native juveniles together walking down the street and they're automatically thought of as gang members."*

> *"I think a lot of it has to do with a lot of racial misconceptions such as all Natives are alcoholics.*

Participants most often point to multiple factors that place American Indian youth and adults at risk to enter the criminal justice system. They believe that factors that place Indian people at risk happen well before any criminal act or involvement with criminal justice personnel. In essence, broad and repetitive system factors such as environment, racism, and poverty, merge with systemic criminal justice factors. These factors have an exasperating effect on American Indians once they commit a criminal or delinquency act and face a culturally insensitive process of profiling and sentencing disparities.

Finding Solutions to Racial/Ethnic Disparities in the Criminal Justice System

Participants were asked to give their perspective about what might work to address the issue of overrepresentation of American Indians in criminal justice systems. Responses varied and often suggest multi-level changes within communities and corrections systems. Several strong patterns emerge from the suggestions such as re-establishing culture and traditions within American Indian communities, providing adequate training opportunities for criminal justice social workers, attorneys, and probation officers, and involving communities in policy development. In addition they encouraged political activity to change the environment and social context in which they live.

Working with Youth

Several participants note a need to focus on prevention by involving young people early. This recognizes most involvement in the criminal justice system happens as a result of early life experiences. The primary theme herein is to work with young people, parents, and community members.

> *"The unfortunate truth is that everyone wants to work with the good kids. But there are a lot more kids who are struggling – not delinquent or bad, but struggling – and nobody wants to touch them."*

> *"So maybe the intervention point needs to be earlier, before incarceration … before we have CD treatment, all that stuff. Cause we're not getting to them soon enough."*

> *"Go back to helping parents parent their children when they're young enough that these kids can develop coping skills. We know that there are some things that aren't gonna change like poverty, the system's not going to change a lot."*

> *"We've got to start dealing with them now – this is the generation where we have to start bringing it out into the open and saying, 'Hey, here's what you forgot, because you're too caught up in trying to balance today, this culture and this time, and we've got to find that line down the middle to walk with."*

One interesting point is that these responses do not mention programming or funding to address the issues, but emphasize the need to involve parents and community in working with young people early in their lives. Of course, from a systems perspective, funding is necessary to sponsor prevention programs.

Change Environmental and Social Stressors Where People Live

Participants note that several social and economic factors lead to involvement with the criminal justice system such as alcohol or lack of cultural resources. In this regard, they note several ways to impact the overrepresentation of American Indians. They recommend improving education opportunity, developing and providing employment opportunities, improving living conditions, providing adequate housing, and making resources available that support a sense of community among Indians throughout the state.

> *"I'm a big believer in that person in the environment theory. You don't focus on changing the person; I was taught to change the environment that is harming the individual."*

> *"… more resources to address some of the causes in terms of raising education level, ensuring people have adequate housing and live in safe neighborhoods, that there were plenty of employment opportunities, that those types of things will have a greater impact on the community."*

> *To keep people out of prison. "Well, if you had better jobs, above minimum wage jobs, better jobs that pay more, that has a lot to do with it. Yeah I think that has a lot to do with it. But if you haven't got a trade or you're not educated, that's all you're going to get is a minimum wage job. Maybe if they had some kind of program, you know, for younger people to learn a good trade when they're young, and they see the money they could make, that has a lot to do with. If they start getting a paycheck every week, they have something to look forward to."*

One participant claims assets within the community could have a positive impact on community members thus, as stated previously, solutions are inside the community rather than outside.

> *"I think one of our strong assets, and where we've had some success is a focus on recovery. We've always know how to heal, how to teach each other, but we have undergone this imposition of social controls… so they're coming up with new terms for what we knew inherently, as Indians. Ecological systems theory, all these new ways to look at problems and to help people (Ecological Systems theory of human development focuses on social context and interaction between systems)."*

Community Empowerment/Community development

On several occasions, participants note that many solutions to cultural issues confronting the criminal justice system could be approached through greater community participation. This could be accomplished by the following:

- Increase the awareness in the Indian community about the debilitating effects of crime on Indian people
- Involve Indian people more actively during policy-making periods, especially criminal justice law
- Encourage criminal justice practitioners to recognize the necessity to become more knowledgeable about unique political and cultural characteristics of American Indians
- Design American Indian training and education curriculum for criminal justice workers
- Identify a cadre of American Indian instructors to develop American Indian training materials
- Employ Indian instructors to teach cultural content
- Establish an American Indian group to monitor progress within the criminal justice

Several participants note a need to get American Indian people involved in political arenas.

> *"We need to de-mystify politics and get rid of some of these fears or the idea that people don't need to be interested in politics."*

They note a need for people in Indian communities to advance from a position of assets and strengths rather than from deficits and problems, particularly since problems within social systems contribute to an overrepresentation of Indians in the system.

> *"There are community-driven, grassroots elements to change, and those are very important to nurture those. Then there's systemic elements, the bureaucracy, those things that just perpetuate themselves for years and are not good for anybody."*

They urge rather strongly, that Indian people from many sectors of the community need to get involved in prevention programs for youth, prevention of recidivism for youth, adults and establishing policy to change a system that contributes and maintains disparities in criminal justice.

Develop Training and Education Programs

Participants note several solutions for inadequate training and education for criminal justice personnel. They suggest increasing the number of Indian social workers in criminal justice professions, increasing the cultural competence of workers, examining curriculum for programs that prepare workers for the criminal justice system, and involving the community in the support of Indians in the social work field. While several of the solutions were gleaned from talking circles with social workers, again these solutions are applicable across the board to schools and colleges that train workers for any role within the criminal justice system. One

participant suggests training criminal justice personnel in an alternative approaches to the current structure of the criminal justice system.

> *"There's the movement called restorative justice. It's basically an alternative to court systems. A lot of it is based on Native American culture. For instance, you can have a juvenile who's a first time offender and even if they're facing a felony, you can get a judge to rule that this juvenile can go through restorative justice instead. But attorneys need to be aware of the option and both sides need to agree on the option of restorative justice. But judges have shown to be open to the idea."*

> *"Behaviorists tend to align more with the corrections approach, that actions equal consequences … the therapeutic model would talk about where's this anger coming from [in a criminal justice setting]."*

In our talking circles with social workers, one of the most frequently mentioned solutions to inappropriate social work interventions with Indians was to increase the cultural competence of non-Indian professionals. Participants frequently mention the need for curricular content on appropriate interventions and resources for Indians. But even more often they note the necessity of non- Indian social workers having direct field experience within the Indian community. Participants suggest that a process be developed by which social workers could be certified as culturally competent to work with native people. It was suggested that such a process would include the successful completion of academic course work and supervised experience with Indian people.

Despite the challenges faced by Native social workers, they are adamant and creative in their recommendations to make criminal justice systems for adults and juveniles more responsive to Indian people. They see the effort as one of asserting "the competence of the Indians" against the cultural incompetence they find in the system. Their suggestions to change the system include:

- Encouraging more Indians to move into decision-making roles in the corrections and welfare bureaucracies;

- Examining hiring practices to ensure access for qualified Indians;
- Calling for more funding and scholarships to ensure that Indians receive the credentials necessary to meet hiring requirements in the systems;
- Use the larger Indian community as a source of support and as a way of building collective understanding of system issues; and
- Creating an Indian social work organization to monitor and influence program policy and interventions in the lives of Indian people.

This final recommendation for Indian social worker advocacy organizations was the most frequently mentioned remedy through out the Talking Circle conversations. Several of these native social workers said that they look to their "strength within" for change. They encourage each other to operate with "cultural integrity" articulating "another way" of approaching the struggles of Indian families in the child protection and correctional systems. As one social worker put it, "we have to ask ourselves if we are seeking to reform the system; it requires a close look at how Indians are treated and sentenced, and we have to do something about that - that's not just a political debate; it's about asserting our sovereignty." (see Appendix C for a complete summary of talking circles).

Culture/Families and Traditions

Revitalizing language, supporting families and family roles, teaching traditions and ceremonies to the next and younger generation, and providing support to build strong Indian identities in the community are primary suggestions provided by participants. Indian people, while living in and adapting to mainstream society, continue to see culture and traditions as critically

> *"What does it mean to be civilized … my grandparents were the most civilized people in the world because they were able to communicate with the animals, the birds, the plants, the trees, nature. That's being civilized, how civilized can you get."*
>
> *Participant*

important. They suggest Indian communities work together to provide cultural resources to learn traditional ways as well as opportunities to participate in cultural activities.

> *"So maybe a recommendation is a calling on people to start … more people to step out like if you come to the Family Center [American Indian Family Center, St. Paul] there are several people who are real well versed … they know the culture but really how many people in the community are taking action and teaching young kids …Can more people, not necessarily elders but those who are knowledgeable, can they step forward and start teaching others …"*

Participants indicate the important role parents have in raising children to know about values, culture, and traditions of their ancestors. Each family member has distinct roles for this transmission of knowledge, and each must be willing to take on these important cultural roles.

> *"Everybody has to do their part. I mean, how hard are you striving today to say, 'Okay, come on kids, let's learn this language here,' or this word, or this part of your tradition, whatever it may be? How hard am I trying? How many people did I talk to about it within the last month or over the last year? See what I mean? That would involve one hundred percent participation, if you want to create a change that's gonna hit the scales and be noticeable."*

> *"[We have to look at] how are we raising our children and our families, and looking at culture, tradition, and language. Language has become a big focus of mine-promoting an affirmative existence and quality of life."*

> *"…we need to get men involved. Young boys need role models…most of these positive programs we're talking about are run by women. Having more adult men – and not just men, but healthy, stable men – having those role models around would make a huge difference… boys are struggling, especially when they get to adolescence, and that's when they run into trouble."*

> *"You don't see men at pow-wows. You see little boys and older men, but between the ages of about 20 and 50, the men don't come to pow-wows. Where are they? Some are in prison, yes, and some don't care."*

Again, language and identity formation are mentioned as solutions.

> *"I'm just thrilled to see the innocence in their faces. As the years go on you see that smile fade, you see the sparkle in the eyes go away and when they get 12, 13, 14 … there's something going on and I'm probably as convinced as I'll ever be that it has to do with your identity and your soul. I wish I could create a model that said stop looking outward for what you need … start looking inward for what you need and looking in the past to project the future."*

> *"The [Indian] language is very important. Once they understand the language they understand what life is about. That's what I always tell the people, language is the powerful thing. I tell my little grandson who's five years old; I tell him that all the time."*

Revitalizing culture, values, and traditions is a critical step for the American Indian community as it may have an affect on the high numbers of Indians in the criminal justice system.

Discussion

American Indians represent only a small percentage of Minnesota's population yet experience significant numbers of arrests, disparate sentencing, and "hard time" incarceration in state prisons. Their involvement in the criminal justice system begins early in life, and many young American Indians generally accept the criminal justice system. The Indian community is quite familiar with the criminal justice system because most Indians know someone who has been confronted by a social worker at school, a local police officer, or has been imprisoned in a state institution. Sometimes this person is a parent, spouse, child, brother, sister, cousin, or another member of the extended family.

There are numerous causes for overrepresentation of American Indians in the criminal justice system. Primarily, participants in this study identify internal as well as external contributing factors such as weak connections with culture, spirituality, values, and beliefs of their ancestors; excessive use of alcohol; criminal justice system disparities in arrests and

convictions; and social environmental factors. Yet no precise factor or combination of factors surfaces because in a circular fashion, each factor contributes to or is caused by another. For example, weak connections to culture, spirituality, values, and beliefs result from historic mistreatment that has defined the relationship between Indian people and the dominant society since earliest contact. Alcohol and drug use is a symptom of the pain experienced by American Indian males because of the disintegration of traditional male roles in the dominant society. As a result of this complex interplay between root causes and precipitating causes leading to disparities in the criminal justice system are difficult to sift through and measure.

In parallel with internal cause factors among Indian people other cause factors lie in the criminal justice system. These two domains function separately from one another; hardly communicating in terms to which each can relate. It is apparent that this gap must be diminished and eliminated. A new and effective method of dealing with American Indian populations is required. Overrepresentation of American Indians in the criminal justice system is a condition that is not isolated to Minnesota, it is in place throughout Indian Country where concentrations of Indian populations might be found. Therefore, the criminal justice system must begin to change its operational approach when addressing these disparities.

The solutions are difficult to describe. Primarily, participants identify community involvement in policy development as a necessary step to reestablish culture and traditions in the community, to develop cultural training for criminal justice personnel and to change operations in the criminal justice system. Unfortunately, the difficulty of identifying root causes as well as the interplay between causes and solutions tend to focus on one area. For example, over the past 20 years the prison population in Minnesota has quadrupled, and the population of Indian inmates has steadily increased. Analysis of this growth points to society's desire to be more

punitive without considering alternatives; keeping citizens safe seems to be the driving force. From a policy perspective, attention to this issue focuses on the rising cost of maintaining the prison system. However, building new prisons is not the way out of this serious dilemma. Nearly 10 years ago the Office of the Legislative Auditor reported on the recidivism of adult felons and stated, "Corrections spending has been one of the fastest growing parts of Minnesota's state budget. The number of felons imprisoned and on probation in the community have grown in recent years, and there has been considerable public pressure to 'get tough' on crime." Recent history shows this condition not changing. Therefore, we recommend a shift away from this rigid thinking and planning and suggest movement toward developing effective culturally competent approaches to address the issue, including effective education and training.

Very little discussion about causes for disparities takes place in any part of the criminal justice system, and even less discussion occurs between systems such as corrections, adult courts, and juvenile justice, law enforcement, and schools. As such, reducing disparities is an overlooked issue. While American Indians in concert with criminal justice system representatives may want the disparities either reduced or eliminated, little concrete planning has occurred. Policy makers tend to be attracted to and driven by statistical information that is historically framed in the scientific paradigm of research; while information that best describes the American Indian human condition can best be obtained through reality-based research methods.

The criminal justice system from police to corrections must develop internally driven, action-oriented steps to upgrade its knowledge of American Indians. For too long this system has focused its attention on the "to protect" end of the spectrum, i.e., public safety and security issues, and spent less effort on the "to serve" end of the spectrum, i.e., human dynamics. The

outcome of this skewed behavior is quite natural; it tends to maintain the system rather than treat the client.

Arrests, convictions, inordinate time served, access to bail, and high recidivism rates are a few tell-tale signs that the system is not working well for American Indians. For many in the mainstream, it is "business as usual." Since the 1950s, when American Indians began to show up in the criminal justice system in significant numbers the condition remains unchanged. This system appears incapable of improving itself. Internally, it doesn't have the knowledge and/or experience to deliver the level of cultural competence necessary to work with Indian offenders.

Recommendations

This report offers recommendations focusing on actions that will bring enhancements to the criminal justice system's effectiveness in working with American Indians. We must be mindful that causes for the disparities in the criminal justice system were neither easily determined, nor will the proposed responses be readily accepted. They are complex and subtle. They are interwoven into all aspects of the system making it nearly impossible for one sector of the justice system to respond adequately.

Recommendation:

Create a criminal justice workforce that represents the diversity of tribes and Indian communities in Minnesota

Strategies

To work with American Indian community members and organizations to:

- Develop a process for identifying applicants and hiring American Indians for positions at all levels of the criminal justice system
- Design a recruitment plan for all sectors of the criminal justice system that promotes and rewards hiring and training of American Indians
- Establish reliable communications with Indian tribes and urban Indian non-profits to identify prospective applicants and hires for the criminal justice system
- Support a pipeline to encourage American Indian young people to enter training/education programs that lead to careers in criminal justice systems

Recommendation:

Educate/train a workforce culturally competent to work with American Indians

Strategies

To work with American Indian community members and organizations to:

- Develop curriculum to teach criminal justice personnel about oral history, language, and ceremonial practices of American Indians
- Develop curriculum to teach criminal justice personnel about law and policy including sovereignty, treaties, Public Law 280, ICWA, and "trust" responsibility
- Develop curriculum about historic events and continuing impact on Indian communities included treaty-making, General Allotment Act, boarding schools, Termination (HCR 108), and urbanization/relocation

Recommendation:

Support American Indian involvement in policy development/political activity

Strategies

To work with American Indian community members and organizations to:

- Provide support for community forums and discussion groups to focus on crime, gangs, and violence in American Indian communities
- Support the implementation of talking circles to develop action plans to engage Indians in policy development/political activity
- Support structured study groups for Indian people to learn about working with legislators and policy-makers
- Develop and support a model that includes experienced volunteers educating Indian community members about the political process

Recommendation:

Support revitalization of language, culture, and values in American Indian communities

Strategies

To work with American Indian community members and organizations to:

- Provide resources to support communities in revitalizing, American Indian language.
- Provide resources and support to teach American Indian youth about their culture values traditions and beliefs
- Provide resources and support to conduct activities and programming that reestablishes important traditional roles of men and all family members in Indian communities

Recommendation:

Utilize the talking circle as an effective means of gathering information about American Indians; especially those in the criminal justice system

Strategies

To work with American Indian community members and organizations to:

- Promote the use of talking circles for American Indians in state institutions
- Promote the use and value of the intrinsic cultural knowledge possessed by American Indian elders
- Recognize the value of oral history to transmit knowledge, values, and skills from generation to generation

Recommendation:

Address the social/environmental factors that place American Indian people at risk to enter into the criminal justice system

Strategies

To work with American Indian community members and organizations to:

- Examine and recognize the environment and living conditions in which Indian people live including poverty, poor housing, economic inequality, educational system policy and other social factors as precursor to engaging with the criminal justice system.
- Work on changing social conditions and inequalities in social environment in order to have an impact on eliminating disparities in the criminal justice system.
- Institutional racism must be addressed in order to changes to occur within the criminal justice system or within the social environment of Indian people.
- Educate and inform broader community about disparities in the criminal justice system.
- Build coalitions within institutions e.g., (social service, business, education) to address the issue of racial disparities.

Recommendation:

Examine historical trauma experienced from the boarding school experience and other traumatic experiences that may have implications for American Indian involvement in the criminal justice system

Strategies

To work with American Indian community members and organizations to:

- Develop a core group of Indian psychologists and others having experience in the area of historic trauma and post traumatic stress syndrome (PTSS) to discuss and develop models for understanding and/or treating PTSS
- Examine current assessments of PTSS in Indian clients for cultural appropriateness.

Recommendation:

Examine possible correlation between Indian student involvement in Truancy Intervention Project (TIPS) and whether this is a factor in number of Indian youth in correctional institutions.

Strategies

To create opportunities and information so that institutional/systemic change is possible.

- Create database specifically on American Indians.
- Employ American Indians in TIPS positions

- Create an Advisory Committee
- Establish a working relationship with American Indian communities.

Recommendation:

Social workers that work with American Indian clients must be adequately trained and educated so that they possess an acceptable level of cultural competence.

Strategies

Education and training curriculum is made available.

- Develop partnerships with American Indian community leadership and School of Social work to review curriculum for application with Indian clients.
- Develop a training and education curriculum for criminal justice social workers and for other social workers on the periphery of criminal justice.
- Examine cultural appropriateness of social work licensure.

Appendices

Appendix A
American Indian Population in Minnesota*

CHIPPEWA	Total Population	American Indian	White	African American	Asian	Two or more races	Some other race	Percent Indian
Bois Forte	657	464	185	-	2	6	-	71%
Fond du Lac	3,728	1,353	2,215	3	4	145	8	36%
Grand Portage	557	322	199	-	-	34	2	58%
Leech Lake**	10,205	4,561	5,278	9	16	311	26	45%
Mille Lacs***	4,774	1,237	3,422	27	6	77	5	26%
MN Chippewa Trust	78	64	14	-	-	-	-	82%
Red Lake	5,162	5,071	61	5	2	20	3	98%
White Earth	9,192	3,378	5,105	7	5	677	20	37%
Chippewa Totals	34,353	16,450	16,479	51	35	1,270	64	48%
DAKOTA	Total Population	American Indian	White	African American	Asian	Two or more races	Some other race	Percent Indian
Lower Sioux	335	294	28	1	-	9	3	88%
Prairie Island	199	166	33	-	-	-	-	73%
Shakopee	338	214	87	1	3	32	1	63%
Upper Sioux	57	47	10	-	-	-	-	82%
Dakota Totals	929	721	158	2	3	41	4	78%
Reservation Totals	35,282	17,171	16,637	53	38	1,311	68	49%

Source: Census 2000 http://www.census.gov

*Population numbers include reservation and off-reservation trust lands

** Leech Lake total population incorporates 4 in the Native Hawaiian Pacific Islander category

*** Mille Lacs population includes Sandy Lake

Appendix B

AMERICAN INDIAN POPULATION
BY STATE

State	Population	State	Population	State	Population
Alabama	22,430	Louisiana	25,477	Ohio	24,486
Alaska	98,043	Maine	7,098	Oklahoma	273,230
Arizona	255,879	Maryland	15,423	Oregon	45,211
Arkansas	17,808	Massachusetts	15,015	Pennsylvania	18,348
California	333,346	Michigan	58,479	Rhode Island	5,121
Colorado	44,241	Minnesota	54,967	South Carolina	13,718
Connecticut	9,639	Mississippi	11,652	South Dakota	62,283
Delaware	2,731	Missouri	25,076	Tennessee	15,152
Florida	53,541	Montana	56,068	Texas	118,362
Georgia	21,737	Nebraska	14,896	Utah	29,684
Hawaii	3,535	Nevada	26,420	Vermont	2,420
Idaho	17,645	New Hampshire	2,964	Virginia	21,172
Illinois	31,006	New Jersey	19,492	Washington	93,301
Indiana	15,815	New Mexico	173,483	West Virginia	3,606
Iowa	8,989	New York	82,461	Wisconsin	47,228
Kansas	24,936	North Carolina	99,551	Wyoming	11,133
Kentucky	8,616	North Dakota	31,329	TOTAL U.S.	2,474,243

Source: Census 2000 http://www.census.gov
Note: Population numbers based on American Indian and Alaskan Native Alone category

Appendix C

Talking Circle Summary

The American Indian Policy Center conducted two Talking Circles with American Indian Social Workers to explore social work as the "hidden variable" for exploring the experience of Indians in the corrections system. The following presents summaries of these conversations in regard to:

1. The role of schools of social work in the preparation of social workers for culturally appropriate practice with Indians and
2. Social work practice with Indian people in the child protection and correction systems.

Participants have a number of concerns with academic training that prepares workers for the criminal justice field and for the training that is available for

The native social workers that participated in the talking circles had all received their Masters degrees from accredited Social Work programs. They spoke of educational experiences that were lonely because of the lack of native colleagues and faculty and inadequate because of the lack of cultural awareness among their faculty and fellow students. One participant spoke of her program as having a "noticeable lack of cultural education." Another described her experience; " My orientation was a video that told about Indian ceremonies. That was my sensitivity training. " Another social worker described a required "culture day" which might have impacted her colleagues but which was facilitated in a way that whenever the content became uncomfortable discussion was ended. She also articulated a concern of several participants when she spoke of the way faculty used her presence to compensate for their own lack of knowledge about Indian people. "On certain days I should have gotten half of the teacher's salary because I was the expert most of the time."

In addition to reporting a deep cultural inadequacy and insensitivity in their social work education, the students also had curricular concerns. They were critical of their programs' emphasis on developing clinical intervention skills at the cost of teaching about the advocacy and policy expertise that they considered of greater importance for the Indian community. One participant echoed the statements of others when she spoke of the need "for a change to a social justice focus to spend more time addressing core issues like advocacy, community organizing, political action, and engaging communities, not just individual clients, to promote and create a voice." A participant spoke of being taught a "deficit" rather than a "strengths" model of human behavior. They reported that their programs emphasized transmitting information and skill building at the expense of the personal self-assessment and awareness that they saw as essential to the educational process. One participant represented the basic frustration of the others when he stated, "We came out with a MSW, and it was sort of like a license. We didn't learn anything. In fact, we had to throw away some of our learning to be effective workers." This same social worker suggested that "It would really be nice if we could create an ah-hoc commission on American Indian social work education here in Minneapolis to start challenging the Twin Cities campus and Augsburg." Another social worker spoke of the need for the same kind if monitoring for the BSW programs in the area.

These social workers were especially concerned about the impact of social work education on non-Indian students. One of the most frequently mentioned solutions to inappropriate social work interventions with Indians was to increase the cultural competence of non-Indian professionals. The participants frequently mentioned the need for curricular content on appropriate interventions and resources for Indians. But even more often they spoke of the necessity of non- Indian social workers having direct field experience within the Indian

community. They mentioned the need for a process by which social workers could be certified as culturally competent to work with native people. It was suggested that such a process would include the successful completion of academic course work and supervised experience with Indian people.

These participants were very vocal and creative in their recommendations for changes in the social work education to better meet the needs of Indians in the corrections and welfare systems. They called for the following:

1. A cognitive shift in schools of social work curricula toward advocacy and policy;
2. More experiential learning with Indians by non-Indians;
3. Credentialing of social workers for practice with Indian people; and
4. The creation of an Advisory Council to BSW and MSW programs.

2. Social work practice with Indian people in the child protection and correction systems

The native social workers who came together in two different Talking Circles saw themselves as continuing in the native tradition of helping and healing. "Helping others is a part of who we are." However, these same social workers spoke of "feeling disdain for [their] own profession" because of its lack of attention to advocacy and its emphasis on social control. They acknowledged the important role social workers play in the lives of Indians, especially of those Indians in the corrections system. "From early child protection even all the way to elderly care, we have cradle to grave social workers." They saw the experience of Indian people in the criminal justice system as an outgrowth of culturally intrusive and insensitive social work practice with Indians at every stage of their lives.

The MSW trained social workers discussed the nature of social work practice from their perspective as native people working primarily "within the system." They struggle to "help and heal" Indian children and families in a system that is dominated by social workers and is the beginning of the road for many to incarceration. They described a system that is staffed primarily

by non-Indians who lack cultural knowledge and sensitivity regarding Indians, who are rarely trusted by their Indian clients and who typically write crucial child and family evaluations devoid of cultural awareness to be used in court decisions.

These Indian social workers spoke of operating in lonely isolation. They spoke of the dissonance of their values and world view in an environment that operates on the assumptions that; 1) "everyone can make it if they tried" and; 2) that it is a straightforward, "either/or" decision to take a child out of its home. Their recommendations regarding future plans for Indian children are often ignored because their superiors think that as an Indian they are "too close to the situation". They see their colleagues as lacking knowledge and/or interest in the Indian programs they could be using and usually sending children to culturally insensitive placements. Summarizing the consequences, one woman stated, " I still think that social work plays a big part in raising kids to go to prison. I really believe that even more now working in Child Protection."

Despite the challenges these social workers find within the criminal justice and child protection systems, they are adamant and creative in their recommendations to make these systems more responsive to Indian people. These social workers see themselves as advocates for change, that in spite of the difficulties of "staying on a justice mission", they intend to do so. They see the effort as one of asserting "the competence of the Indians against" the cultural incompetence they find in the system. Their suggestions to change the system include:

1. Encouraging more Indians to move into decision-making roles in the corrections and welfare bureaucracies;
2. Examining hiring practices to ensure access for qualified Indians;
3. Calling for more funding and scholarships to ensure that Indians receive the credentials necessary to meet hiring requirements in the systems;
4. Use the larger Indian community as a source of support and as a way of building collective understanding of system issues; and
5. Creating an Indian social work organization to monitor and influence program policy and interventions in the lives of Indian people.

This final recommendation for Indian social worker advocacy organizations was the most frequently mentioned remedy through out the Talking Circle conversations. Several of these native social workers said that they look to their" strength within" for change. They encourage each other to operate with "cultural integrity" articulating "another way" of approaching the struggles of Indian families in the child protection and correctional systems. As one social worker put it, "We have to ask ourselves if we are seeking to reform the system. It requires a close look at how Indians are treated and sentenced. We have to do something about that - that's not just a political debate; it's about asserting our sovereignty."