

225002

**Research on Native American Delinquency  
and Juvenile Justice**

**A longitudinal study of delinquency and juvenile justice  
in the Southern Ute Nation**

**Final Report**

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## EXECUTIVE SUMMARY

This project is a community-based collaborative evaluation of the juvenile justice system of the Southern Ute Nation. Four research questions formed the framework of this evaluation:

1. What are the social and legal characteristics of juveniles entering the juvenile justice system in the Southern Ute Nation between 1988 and 1998 inclusive?
2. What are the trends in detention, adjudication, and formal and informal dispositions over this eleven-year period?
3. What is the range of informal and formal outcomes for referrals to Tribal Court and to what extent/in what forms are more traditional approaches to youths incorporated?
4. How has the casino impacted the number and type of juvenile referrals?

Multiple research methods were employed to address these four questions. The Tribal Police Jail Arrest Log between 1988 and 1998 inclusive provided the information to address the first and fourth questions. Tribal Court records of all youths during the eight-year period of 1991 through 1998 were analyzed to address question two. Records prior to 1991 had been expunged as the juveniles involved reached the age of eighteen. The results of face-to-face interviews conducted with eleven community representatives and the aggregate data from a survey of Tribal youth conducted by the Tribal juvenile probation officer were used to address questions three and four.

In regard to the first research question, very little juvenile criminal activity was recorded on this reservation during the eleven year study period. There were 263 bookings of 143 juveniles, less than five percent of all tribal youths living on the reservation, during the study period. Most recorded offenses were nonviolent, status offenses with the most frequent being illegal possession/consumption of alcohol. There were only twenty charges falling into the

assault/assault and battery category and analysis of the Tribal Court files revealed that these charges were the result of either fighting with peers at school or in town, or fighting with siblings at home.

In regard to the second research question, there was minimal use of the formal adjudication process. Only fifty of the 263 bookings resulted in a filed petition. Of the fifty petitions filed, thirty resulted in a plea agreement and a deferred sentence and the remaining twenty were either dismissed or deferred with informal probation.

In regard to the third research question, the interviewees consistently placed the responsibility for dealing with issues facing youths with the Tribe. Several suggestions were made for the enhancement of existing services and the addition of new services and programs to fill existing service gaps, including those approaches informed by more traditional values and practices. More coordination between the Tribal Court, Law Enforcement, and Tribal Social Services was identified as critical if the recent addition of the CHINS category to the Tribal Code is to be successful.

One of the challenges facing Tribal Court and probation officials has been the integration of more culturally relevant programs and services in the face of resistance from youths who do not identify with traditional Southern Ute culture. In addition, the educational requirements of some positions within Tribal Court result in the involvement of non-Indian and non-Tribal professionals who may bring with them approaches to their work that reflect values and beliefs not consistent with more traditional approaches.

In spite of these difficulties, many informants described a juvenile justice system within the Southern Ute nation that is unique in part because of the cultural and social history of the people. As compared to off-reservations trends in the juvenile court, the juvenile justice process in the

Southern Ute Nation is less adversarial, less formal, more focused on addressing underlying causes of behaviors leading to arrest, more individualized, and with recent focus on youths' responsibility to the collective.

In regard to the fourth research question, analysis of the jail arrest log revealed no statistically identifiable change in recorded juvenile criminal activity associated with the opening of the casino. Most of the interviewees indicated that the casino had no impact on juvenile crime. Two informants suggest that the impact of the casino has been positive, to the extent that the facility has resulted in increased resources as well as employment opportunities for parents and family members.

Finally, the research results indicate a need for service improvement and development in the following areas:

- A detoxification facility and residential substance abuse treatment facility located in the community;
- A transitional shelter on the reservation for youths returning home from residential treatment centers;
- Programs focusing on the unique strengths and talents of Southern Ute youths;
- Crisis intervention and counseling services available in evenings and on weekends;
- Additional incorporation of traditional law into current Tribal Code;
- Additional emphasis on prevention and early intervention in tribal programs and additional tribal funding for youth and family services in general;
- Further development of community-oriented law enforcement programs;
- School-based intervention for American Indian and Southern Ute students experiencing alienation, race-based conflict, and other problems at school;

- Increased tribal input into the regular and alternative school curricula and auxiliary services and activities offered at these public schools;
- Development of gender specific prevention and intervention services that address the unique perspectives, experiences, and concerns of girls.



## PROJECT DESCRIPTION

While a recent federal study provides a general overview of delinquency and crime among American Indian peoples off reservations in the United States, our research addresses a need for reservation community-based analyses. This research seeks to place delinquency and juvenile justice in the unique historical, cultural, social, and legal contexts of the Southern Ute Nation. The leaders of the Southern Ute Nation are concerned about their youth and take great pride in their commitment to community development. Tribal leaders want to identify and remedy the issues facing the juvenile justice system within their community. Before this research was conducted, the Southern Ute Nation had no thorough analysis of the community's existing records related to their juvenile justice system. The overarching purpose of this research project is to provide comprehensive information to the Southern Ute Nation that enables the community to more effectively engage in short-term and long-term planning for their juvenile justice system, while addressing the limitations of prior research literature.

Our research combines quantitative and qualitative approaches to data collection and analysis. Using arrest, booking, and tribal court case files, we have generated aggregate data on delinquency and the legal processing of juveniles in the Southern Ute Reservation community over an eleven-year period, 1988 – 1998 inclusive. This longitudinal analysis accounts for the impact of the opening of the casino on the reservation and other changes in tribal resources over time. With the results of in-depth, face-to-face interviews with representatives of the tribal court, law enforcement, social services, and tribal government, we: (1) further analyze delinquency trends; (2) develop a clearer picture of the juvenile justice process in this community; and (3) assess the extent to which traditional approaches to social control and conflict resolution inform juvenile justice in this Nation. Through collaborative research that involves tribal members in all

stages of the process, we present information that contributes to the literature in the general field, while attending to the needs of community members engaged in delinquency prevention and juvenile justice initiatives.

## REVIEW OF RELEVANT LITERATURE

### Introduction

On the cover of the recent Bureau of Justice Statistics report entitled *American Indians and Crime* (Greenfeld and Smith, 1999) is a graph depicting American Indians over 12 years of age as twice as likely to be victims of violent crime than members of all other racial/ethnic categories combined. This report has been widely cited in recent newspaper articles throughout the country as evidence that crime among Indians is out of control. Not included in these newspaper articles is the additional finding that when American Indians are the victims of violent crime, it is most often *non-Indians* who are the perpetrators, and the highest rates of violence are in *urban settings* (Greenfeld & Smith, 1999).

While it is important to recognize the significance and scope of this report, it is limited by the fact that about two-thirds of American Indian people live on or adjacent to largely rural reservations (Armstrong, et al, 1992), candidates for the small population subgroups that the Federal surveys used for this report likely do not measure (Greenfield & Smith, 1999, p. 36). In addition, because the median age for American Indians is eight years younger than the median age for the United States population in general, there is a need for more specific information on youth and crime in reservation communities.

### Review of the Literature

There are two published studies of delinquency and American Indians supplementing federal arrest data with tribal data (Minnis, 1963; Peak and Spencer, 1987). Minnis (1963) examined arrest rates from 1934 to 1960 using tribal law enforcement data to supplement the Uniform Crime Report. Comparing U.S. with tribal data, the author found lower rates of arrest

among Indian people for all but three categories of offense: "personal demoralization (drunkenness, vagrancy, disorderly conduct, etc.)," offenses related to the operation of a motor vehicle ("driving while drunk, traffic, etc."); and juvenile status offenses ("truancy, juvenile mischief, incorrigible") (Minnis, 1963, p. 401).

Peak and Spencer (1987) examined both Uniform Crime Report data from 1976 to 1985, and Bureau of Indian Affairs arrest figures for 207 reservations in 1983. Using the UCR, they noted a rise in illegal activity among Indian juveniles off the reservation from 1976 to 1980 and a decline from 1980 to 1985. While the authors blur adult and juvenile statistics in their discussion of on-reservation findings, their study is one of the most recent and extensive examinations of arrests on reservations. They found that "69% of the actual offenses that were investigated in 1982 involved the use of alcohol or drugs" with public intoxication accounting for almost one-third of all arrests (Peak and Spencer, 1987, p. 401). Arrests for disorderly conduct were the most frequent (45%), followed by drunkenness.

In a more recent study using UCR data, Flowers (1988) found that American Indian youths were arrested at a rate slightly higher than their representation in the United States' population. This disproportionate representation in arrest for American Indian youths was also found in O'Brien's (1977) study of juvenile arrests in Oregon. In Oregon this overrepresentation was explained mostly by higher rates of arrest for status offenses and victimless crimes among Indian youths. These disparities were found by Poupart (1995) to carry through the juvenile justice process when American Indian youths are arrested in off-reservation communities. In her study of one rural county in Wisconsin, "American Indian youths were more likely to receive the more severe outcome" at multiple decision points. "The greatest disparity occurred at the [decision to prosecute]. White juveniles were significantly more likely to have their cases closed

or resolved informally, whereas American Indian juveniles were more likely to have their cases referred to a prosecutor for additional handling” (Poupart, 1995, p. 197).

Other research on Indian delinquency utilizes self-report or survey data from youth living on reservations. Forslund and Cranston (1975) collected self-report data on delinquency from Indian and “Anglo” high school students on the Wind River reservation in Wyoming. This self-report study was a follow up to Forslund and Meyers’ (1974) article in which the authors concluded that “the officially recorded delinquency rate of Indian youth from [this reservation] is relatively high compared to that of the general American population” (Forslund and Cranston, 1975, p. 193). In their self-report study “delinquency” included 29 acts, primarily status, minor and property offenses, and were mostly school-related. In comparing self-reported delinquency between Indian and Anglo youths, they found that school-based offenses (truancy, theft from desks/lockers, fighting) and drug use were most common among Indian youths, and that Indian girls were more likely to have run away from home or committed minor theft or vandalism than Anglo girls. A higher proportion of Anglo males reported drinking alcohol and making anonymous telephone calls.

In a ten-year study involving over fifty Indian reservations, Oetting and Beauvais (1985) surveyed all seventh through twelfth graders in reservation schools regarding their use of alcohol and drugs. Comparing the prevalence of use data on Indian youth with results from a “moderate sized, Western non-Indian community,” the authors found that “a greater percentage of Indian than non-Indian youth are getting drunk” and reporting having blacked-out on three or more occasions (Oetting & Beauvais, 1985, p. 5, 13). They found that “for nearly every category of drug, Indian youth have higher use rates” (Oetting and Beauvais, 1985, p. 17).

In her study of three Seminole reservation communities, Robbins (1985) found that self-reported delinquency was least common on the most rural or isolated reservation. Robbins used a measure of delinquency that included mostly property offenses ranging from theft of something worth less than \$5.00 to taking someone's car without permission. She also included "physically hurting someone on purpose." While she does not delineate which acts youths reported involvement in, Robbins reports that an average of 21 percent of respondents had done one of these things, and 52 percent had done more than one of these things. She concluded that these reservations had "high rates" of delinquency and that on all three "it is only a minority of youth who are not delinquent" [emphasis added] (Robbins, 1985, p. 60).

In some of the only published research on delinquency using tribal arrest and detention data, Bond-Maupin, et al. (1995) examined the arrest and detention of youths by law enforcement in one southwestern reservation community. They found that while all youths arrested were jailed prior to a hearing, the pervasive use of detention did not reflect the severity of offenses for which they were charged. In this community, "74% of the charges for which youths were arrested and jailed were minor delinquency and status offenses" (Bond-Maupin, et al., 1995, p. 7). In this community, "less than 11 percent of the charges...involved serious felonies [sexual conduct with a minor was the most serious charge]...and close to one-third of the 'offenses' ...were non-delinquency charges" (Bond-Maupin, et al., 1995, p. 7).

In a second study, Bond-Maupin (1996) analyzed arrest and detention in the same community after the tribal government assumed control of the detention center under the provisions of the *Indian Self Determination and Education Assistance Act* (Public Law 93-638). She found that even though the tribe had initiated juvenile justice system reform, all charged youths were detained regardless of the severity of their charges. During this study period,

serious felonies accounted for about ten percent (sexual assault was the most serious charge) of the arrests while almost half of detained youths were charged with status offenses.

According to Andrews (2000), violent crime arrest rates for American Indian youths fell 20 percent between 1995 and 1998. However, the number of American Indian youths adjudicated and confined by federal courts rose during this period. American Indian youths comprise 60-70% of the juveniles adjudicated in federal court who are confined by the Federal Bureau of Prisons (Scalia, 1997; Andrews, 2000). At the close of 2000, a reported total of 189 American Indian juveniles were confined in state correctional facilities under contract with the Federal Bureau of Prisons. Using 1994 data, the Bureau of Justice Statistics (BJS) reports that 81% of the 75 American Indian youths confined by the federal government in that year were adjudicated for an offense against a person: sex offenses 32%, assault 28%, negligent manslaughter 20% and robbery 1% (Scalia, 1997, p. 3).

These BJS reports are limited as sources of information in that they do not identify the tribal affiliation of confined youths and do not specify what percentage of those youths whose cases were dismissed or adjudicated in federal court are American Indian. These reports make it impossible to determine whether American Indian youths are more likely to be confined than their non-Indian counterparts in the federal system and to understand their delinquency in the context of a particular community. However, it is these and violent victimization data from off reservations that have prompted federal officials to come to the conclusion that that violence among youths in "Indian Country" is on the rise.

Existing research on delinquency in Indian communities contradicts the notion of a serious juvenile crime wave among Indian youths. Generalizations about Indian delinquency are premature as there are profound differences across Indian peoples and too few studies accounting

for too few of those differences. Armstrong, et al., in their 1992 report to the Office of Juvenile Justice and Delinquency Prevention note this “relative lack of general information and specific research findings on the causes, nature, and extent of...delinquency among Native Americans” (p. 2). While they propose that “the disproportionate extent to which Indian adolescents are involved in criminal and delinquent activities” is a serious problem in Indian communities, they acknowledge that the diversity of language, culture, customs, traditions, and relationship to state and local governments make generalizations difficult (Armstrong, et al, 1992, p. 2). Zatz, et al. (1991), also makes this point in their chapter on the complexities of studying crime in Indian communities. Not only are intertribal comparisons difficult, but “research on a specific Indian population cannot be generalized to members of other tribes” (Zatz, et al., 1991, p. 111).

The 550 federally recognized tribes vary profoundly in the extent to which they rely on traditional systems of social control. Traditional forms of conflict resolution and responses to deviance vary greatly across Indian cultures. Reliance on traditional forms of dispute or conflict resolution is more common among isolated groups on larger reservations, but takes varying forms (Zatz, et al. 1991, p. 102). In addition, not all Indian people view formal, western law and law ways as just or relevant. The extent to which members of Indian communities relate to law enforcement and the courts as “foreign” will also impact reliance on these mechanisms of control reflected in varying rates of reporting crime (Zatz, et al, 1991, p. 104).

Additional factors making generalizations very difficult include the size of the reservation, the extent to which Indian youth are subject to multiple jurisdictions and police forces, the economic stability of a tribe and its relative resources, and the proximity of the Indian community to an urban area. In addition, depending on their proximity to non-reservation communities and their relationship with the state and federal governments, some reservation



residents are subject to surveillance by tribal, federal, city and state law enforcement, while others are subjected only to tribal and federal law enforcement. Indian communities also vary in the operation of Bingo and casino establishments and revenues from settlements in disputes with states and the federal government over land and other natural resources.

### **Limitations of Prior Research and Implications for Current Research**

Most prior research provides little to no information on the legal processing of youths beyond arrest. This profoundly limits our understanding of the juvenile justice process in Indian communities. This lack of information on juvenile justice precludes an understanding of both the formal and informal, or more traditional approaches to delinquency prevention and intervention occurring in Indian communities. While Bond-Maupin, et al. (1995) and Bond-Maupin (1996) address more informal mechanisms of social control in the community they studied, this area of inquiry is underdeveloped.

In most research using arrest statistics, the arrest is the unit of analysis. In addition, the earliest research equated arrests of any type with “criminality.” These methodological limitations resulted in the harmful and misleading conclusion that Indians were the most “criminal” group in society. Research accounting for multiple arrests by the same person will contribute to a greater understanding of delinquency in a given community. In addition, due to the limitations of self-report data on relatively minor offenses and a failure to distinguish among types of arrests in some prior research, there is a need for data that will account for the full range of illegal activity in which youths are involved.

Community-based research must account for the impact of the availability of services and programs on rates and types of delinquency. Bond-Maupin (1996) found that referrals to the tribal Children’s Court tripled during the year that juvenile detention beds became available.

This analysis of the changes in resources in the community should include the impact of tribes assuming operation of legal and social service programs through contracts with the BIA. In addition, research should be able to take into account the impact of a casino on delinquency and community resources.

Research accounting for changes in communities must be longitudinal. Much prior research on delinquency among Indian youths provides a "snapshot" at a particular point in time. Research over time will make it possible to determine the extent to which the idea made popular in newspaper headlines and bylines that juvenile crime among Indians is on the rise applies in a given community.

The relevance, validity, and utility of future research will depend upon the involvement of Indian peoples at all stages in the research process. Community members should be involved in the development of research questions and in the design, implementation, and analysis of the implications of research. To more fully understand the informal and formal mechanisms of control in operation in an Indian community, researchers must be willing to talk with community members. Little prior research builds upon the knowledge of tribal members about delinquency and juvenile justice in their communities. Interview and participant observation data can also provide information regarding the ways that multiple legal jurisdictions are negotiated in a given community, including the ways that concurrent and competing jurisdictions impact the arrests and legal processing of youths.

We were guided by four overarching research questions flowing from these limitations in prior research:

## **Research Questions**

1. What are the social and legal characteristics of juveniles entering the juvenile justice system in the Southern Ute Nation between 1988 and 1998, inclusive?
2. What are the trends in detention, adjudication, and formal and informal dispositions over this eleven-year period?
3. What is the range of informal and formal outcomes for referrals to Tribal Court and to what extent/in what forms are more traditional approaches to youths incorporated?
4. How has the casino impacted the number and type of juvenile referrals?

## RESEARCH SETTING

### A Brief History of Social and Cultural Change in the Southern Ute Nation

While it is beyond the scope of this report to do justice to the rich history of the Southern Ute people and the extensive change in their ways of life over time, it is important to provide some historical and cultural context for our research. Relying heavily on two compilations of the historical record (Osburn, 1998 and Simmons, 2000), we construct an overview of the impact of federal policies toward native peoples on the Southern Utes.

Prior to the creation of the reservations, the seven Ute bands “hunted, fished, and gathered and processed seeds, roots, tubers, berries, thistles, and cactus blossoms. They moved in seasonal migrations, hunting and gathering in the mountains from early spring until late summer and then moving to lower elevations for the winter” (Osburn, 1998, p. 9). Later, the introduction of horses to the region made it possible for some bands to enter the plains areas and hunt buffalo.

The seven bands consisted of small groups of extended families and each group tended to confine its travelling to a particular region with which it became identified. The three bands who traveled in the most southern regions became known as the Southern Utes. There were about 8,000 to 10,000 Ute people in what is now Colorado, New Mexico, and Utah at the first recorded period of contact with European invaders (Simmons, 2000; Osburn, 1998).

In the time before contact, the traditional forms of governance among the Ute people did not include “formal political organizations with coercive power” (Osburn, 1998, p. 22).

Elders could not order a family member to do something, but families valued their guidance. Older relatives presided over family rituals such as rites of passage at birth and puberty. In cases of interpersonal disputes, the aggrieved

party could appeal to the older relatives of the alleged perpetrator or take his or her grievance directly to the individual (Osburn, 1998, p. 22).

With regard to children, Ute culture placed great emphasis on extended family responsibility to children. “In the Ute concept of family, children belonged to all consanguineal lines – each of which contributed to the tasks of feeding, clothing and enculturating the child” (Osburn, 1998, p. 42).

The United States government took control of the homeland of the Utes through the treaty of Guadalupe-Hildago in 1848. During this time the U.S. government, through the Office of Indian Affairs moved toward the creation of reservations. In 1868, the Great Ute Treaty established a reservation covering about a fourth of Colorado territory and the Office of Indian Affairs opened two agencies, one each in the northern and southern regions of the reservation. Over time the land base to which the Utes were given access eroded, in part through additional treaties where land was exchanged for a guarantee of income to the bands “for life” (Osburn, 1998, p. 11).

Between the years of 1887 and 1934, the Office of Indian Affairs sought to bring ‘civilization’ to Native Americans through legislation known as the Dawes Act. Office of Indian Affairs officials believed that Native Americans could be transformed into Christian farmers by breaking up tribal land holdings, granting individual parcels of land (known as allotments) to each family, offering vocational training (farming for men and homemaking for women), educating Indian children in government schools and encouraging missionary activities (Osburn, 1998, p. 3).

The Ute people were divided in their response to the U.S. policies of removal and allotment. Two bands (the Capote and Mouache) agreed to take allotments and they were administered through the Southern Ute agency. “The Southern Ute agency was the scene of the United States’ government’s campaign to assimilate the Utes, and Office of Indian Affairs involvement in every detail of Ute lives was constant and long-term” (Osburn, 1998, pg. 14).

Well into the 20<sup>th</sup> Century, the now Bureau of Indian Affairs “continued to advocate education as one of the tools to economic independence and assimilation into America’s mainstream” (Simmons, 2000, p. 243). Many Ute people resisted this formal, foreign education but some were coerced through the withholding of rations or the forced removal of children from Ute homes and internment in nearby boarding schools.

The Indian Reorganization Act of 1934 reversed the removal and allotment policies of the earlier era. This Act “provided for self-government by Indian tribes through business committees, now usually called tribal councils, composed of elected members and a chairperson. The groups were to function under a tribal constitution and by-laws, which required the approval by the Bureau of Indian Affairs (BIA) before adoption” (Simmons, 2000, p. 254). The Southern Utes ratified their constitution and established their tribal council in 1936.

The most significant movement toward self-government came with the passage of the *American Indian Self-Determination and Education Assistance Act* of 1975 (Public Law 93-638). “Since then, using tribal funds, tribal governments have contracted for specific services such as law enforcement, courts, social services, education, and range credit management” (Simmons, 2000, p. 254). In the Southern Ute Nation today, these functions are tribally-controlled as part of an expansive network of divisions and departments within tribal government. The tribe has also recently opened the Southern Ute Academy, a day school on the reservation serving tribal youths in grades kindergarten through fourth. Academy students have the opportunity to receive instruction in their native language and to receive high quality educational services designed specifically for Southern Ute children.

**Description of the Southern Ute Nation Today,  
Including Key Steps in the Juvenile Justice Process**

The Southern Ute Indian Reservation is in southwestern Colorado adjacent to New Mexico. Tribal headquarters are located just outside of Ignacio, Colorado a small town on the edge of one reservation boundary. The exterior boundary encompasses approximately 818,000 acres of which 301,867 acres are tribally owned and 4,966 are allotted lands. The reservation is rurally situated with the largest city Durango, Colorado of approximately 20,000 located about 25 miles away.

According to the 2000 United States' Census, there were 11,159 people living within the external boundaries of the Southern Ute reservation. Because some of the original reservation land base was sold to non-Indians or became privately owned by tribal members during the federal policy eras of allotment and termination, many areas of the reservation are considered "checkerboard" areas. Of the over 11,000 people living within the external boundaries, only 1,433 of these reported being American Indian.

In 2002, there are 1,305 enrolled members of the Southern Ute Nation. Over a third (38%) of those enrolled are aged 17 or under. Most of these youths (65%) live on the reservation. In 2002, there were 152 enrolled male youths and 169 enrolled female youths living within the reservation boundaries.

Due to recent natural resource legal case settlements, the return of some of the original landbase of the Southern Utes, successful economic development activities, including revenues from the casino, motel and restaurant business operated by the tribe, the Southern Utes have experienced an increase in economic resources. According to the 2000 United States' Census, the median household income among the Southern Utes is \$41,012. The federal poverty rate for the Southern Ute Nation during this period was 10.7%. The relative economic well-being of the

Southern Utes becomes clearer in comparison to the economic status of the Ute Mountain people to the northwest of the Southern Ute Nation. On the Ute Mountain reservation the average household income was \$19,391 in 2000 and 38.2% of the reservation's residents had household incomes below the federal poverty line.

The "checkerboarding" of land ownership within the exterior boundaries of this reservation created by allotment and restoration creates a very interesting law enforcement jurisdiction arrangement. Ten officers from seven different law enforcement agencies are on duty at any given time during the day. Two of the agencies and five of the officers are tribal. The others are a combination of local municipality, county, state, BIA and FBI. There are three officers from the tribal police and two officers with the tribal wildlife unit on patrol at all times. One officer from a small city located within the exterior boundaries of the reservation, one officer from the county, and one officer from the state patrol are also on duty. In addition there is one BIA officer and one FBI officer available at all times. Consequently, there is potentially one law enforcement officer for every 150 reservation residents on duty during any given 24 hour period.

This matrix of crossing jurisdictions could lead to considerable jurisdictional confusion when responding to calls, investigating crime, and making arrests. On this particular reservation there is substantial cooperation among these jurisdictions. All adults and juveniles arrested by any officers from the county, state, BIA, or FBI are originally booked through the tribal jail and are documented on the jail arrest log. When an officer from the small municipality within the reservation arrests an American Indian juvenile from any federally recognized tribe, the officer transfers the juvenile to the tribal jail facility. If a crime occurs within the exterior boundary of the reservation that falls under the jurisdiction of the Major Crimes Act the tribal police begin the



investigation, then notify the BIA officer who in turn contacts the officer on duty with the FBI. If a city, county or state officer makes an arrest or is first upon the crime scene in one of the checkerboard areas, that officer begins the investigation, then notifies the tribal police who proceed as indicated above.

The legal process for juveniles is specified in the Tribal Code. The Tribal Code was modeled after the Children's Code for the State of Colorado and, since the study period, has undergone changes in the areas of dependency and neglect and in the time frame for a trial. Under the code, a child may be taken into custody by any police officer, or other officer of the court, without a court order for a variety of causes including: (1) violation of state, federal, tribal or municipal statutes or ordinances while in the sight of an officer; (2) if there is probable cause that a crime has been committed by a juvenile and the child might flee, destroy or conceal evidence, injure or annoy another person, or damage property belonging to another; (3) protection of the juvenile from others; (4) the child is unable to care for self; (5) violation of the weekend curfew; or (6) when a private citizen with knowledge of any of the above situations takes the child into custody and delivers that child to the appropriate authority. Once taken into custody a police officer is required to immediately notify the child's parent, next of kin, or custodian and the child must be released to the care of those individuals unless it is determined that formal detention is necessary. Juvenile detention beyond 6 hours is not available on the reservation and detained youths are transferred to a nearby reservation or to another county (McKinley) for pre-adjudicatory detention. Intoxicated youths are detained in Durango for detoxification.

If a youth is detained, a petition must be filed with the Southern Ute Indian Tribal Children's Court within 48 hours after beginning detention, excluding weekends and court

holidays. For the youth who is apprehended and released, a petition "should" be filed within fifteen days from the initial apprehension. In this community law enforcement officers are responsible for filing petitions and do so for every youth taken into their custody for alleged delinquency. The tribal prosecutor decides whether or not the case should proceed to trial and coordinates plea agreements. Pleas of guilt or innocence and dismissals of cases often take place during initial hearings in which juveniles are advised of the charges against them, advised of their rights, and are asked by the presiding judge whether they would like to have an attorney appointed to defend them. An admission of guilt is followed by a disposition hearing. A plea of "not guilty" is followed by a pretrial hearing. During the study period, a trial was required within 15 days for youths in detention and within 30 days of filing the petition for youths not detained. The court may dismiss the petition any time during a hearing of an action.

All hearings of children's cases are simple in nature. The public is excluded from the proceedings except for those with a direct interest in the case admitted to the proceedings by the court. The child may request the admission of those desired to the proceedings. Records of court proceedings are kept within the discretion of the court and this record is not admissible in any proceedings in any other court. Juvenile court records are expunged as youths enter adulthood.

## RESEARCH METHOD

We employed multiple methods in addressing the research questions and achieving our research objectives. A small group of community leaders served as our advisors and informants throughout the planning and implementation of the research. These individuals represented the tribal court, tribal government and the Council of Elders, and tribal law enforcement.

Our first research question focuses on the social and legal characteristics of youths entering the juvenile justice system in the Southern Ute Nation. In order to address this question, we analyzed police and court case file data for all juveniles arrested and referred to Tribal Court during the eleven years between January 1988 and December 1998, inclusive. All juveniles arrested for illegal activity within the exterior boundaries of the reservation are processed through the tribal jail. This includes all non-Indian youths, Indian youths regardless of tribal affiliation, and those Indian youths arrested for crimes under the Major Crimes Act and subsequently transferred to U.S. federal law enforcement authorities. Police records on all juveniles taken into custody during the study period contained the following information: the juvenile's age, sex and tribal affiliation, the number and type of charges, whether or not the juvenile was detained, the court of jurisdiction, the outcome of each arrest (formal and informal dispositions), and the individual or agency to whom the juvenile was released. Police records also provided the information required to address our fourth research question regarding the impact of the tribally operated casino on the number and type of juvenile arrests and referrals before and after the opening of the casino.

We analyzed the tribal court records of all youths taken into custody during the study period whose files had not been expunged. Court files were available for those youths who appeared in Tribal Court during the eight-year period between 1991 and 1998 (inclusive). The

Tribal Court systematically expunges a juvenile record as a youth attains eighteen years of age. Tribal Court files provided additional information about the social and legal characteristics of juveniles taken into custody. This included information on prior offenses, length of detention, and arresting officer. Tribal Court records provided the information required to answer our second research question regarding trends in the detention, adjudication, and the range of dispositions of juvenile cases that came before the Tribal Court during this period.

We conducted face-to-face, in-depth interviews lasting around 1-hour each with eleven community representatives. All of the interviews took place in Ignacio, the center of the Southern Ute Nation between February and October 2001. We used a snowball sampling technique, starting with the Chief Judge and Tribal Council Member who identified others they felt it was important for us to talk to, and so on. Those interviewed included tribal law enforcement officers and supervisors (4), the Chief Judge of Tribal Court, the tribal prosecutor, the tribal juvenile probation officer, the Director of the Department of Justice and Regulatory, the Director of Social Services, a mental health official with Tribal Health Services, and a member of the Tribal Council. Most of these individuals were also members of the Southern Ute Nation and had lived in the area most or all of their lives. The interview questions focused on: (1) characteristics, causes and solutions to delinquency, (2) the history of and recent changes to the Tribal Children's Code, (3) the juvenile justice process, (4) services for youths, (5) the impact of larger cultural forces on the community, and (6) the role of traditional approaches to juvenile justice.

The tribal juvenile probation officer conducted survey research during the summer of 2001, and we were given access to the aggregate data along with his analysis. The written questionnaire was given to youths who volunteered to complete it. These youths were enrolled in

the alternative high school program, receiving mental health services, or participating in other community-based youth programs. Questions to these youths focused on: (1) factors contributing to delinquency, (2) the role and availability of alcohol and drugs, peer pressure, family and community support, and (3) the need for additional programs in the community.

The interviews and survey research provided the information needed to address research question number 3 and achieve our objectives of: (1) placing the analysis of delinquency and juvenile justice within the context of the history of the Southern Ute Nation; (2) understanding how delinquency and the juvenile justice system in this community has changed over time; (3) understanding how outside cultural, legal and social forces have influenced delinquency and the juvenile justice system in this community; (4) developing knowledge about the plurality of perceptions of, and attitudes about, delinquency and the juvenile justice system in this community; and (5) identifying other traditional, non-formal, responses to delinquency.

## DATA ANALYSIS

The jail arrest log represents the entire population of juveniles arrested by tribal law enforcement officials. Information from the jail arrest log was converted into a format readable by the statistical software package SPSS<sup>®</sup>. The jail arrest log data were used to create an additional data set representing the individual juveniles arrested. This made it possible to analyze the data at two levels, arrest and individual. These two data sets were analyzed using frequency distributions and measures of central tendency to address Research Question #1 regarding the social and demographic characteristics of those juveniles entering the juvenile justice system within this community, and trends in arrests of juveniles and the number of individual juveniles arrested during the eleven-year study period.

The jail arrest log data were also used to address Research Question #4, how the casino affected the number and type of juvenile referrals. Interrupted time series analysis was used to address Research Question #4 by comparing the trend in the number of arrests and the number of juveniles arrested before and after the opening of the Tribal casino.

Information from the Tribal Court case files was gathered for each juvenile arrested. Tribal Court case files were limited to only those juveniles who had not turned eighteen. The Tribal Court routinely expunges all files of juveniles attaining the age of eighteen. This information was used to address Research Question #2 regarding, adjudication, and formal and informal dispositions over the eleven-year study period as well as the use of detention and length of detention for juveniles entering the juvenile justice system in this community.

Analysis of information contained on official documents was instrumental for addressing three of the four research questions. Although that information reflects the decisions and behavior of police officers, judges, prosecutors, and juveniles, it also reflects the way in which

arrested youth are perceived within the community and the subsequent community response to the behaviors of arrested youth. A variety of factors help shape perceptions of and responses to these youth that are better ascertained through discussion. Using the actual words of these community members and tribal officials, the face-to-face interview data are useful in addressing each of the four research questions. In addition the data from the juvenile survey provided information regarding the perceptions of youth about delinquency, the juvenile justice process in this community, and the availability of services for young people.

## FINDINGS

### Official Record Analysis

This section of the report presents the findings of the analysis of the Tribal Police Jail Arrest Log and the Tribal Court case files.

### **Social and Legal Characteristics of Juveniles Entering the Juvenile Justice System**

There were 263 bookings of juveniles during the eleven-year study period. Juvenile bookings represented ten percent of all bookings (adults and juveniles combined) by Tribal law enforcement. These 263 bookings represent 143 individual juveniles. Of those 143 juveniles, 59.4 percent (N = 85) were male and 40.6 percent (N = 58) were female. The average age of juveniles booked was 16.37, with a median and modal age of seventeen. Ninety-six (66.9 percent) of juveniles booked were Tribal members. Most of the remaining youths, 43, were non-Tribal Indians, and four were non-Indian.

Table 1 displays the charge categories of all offenses represented by the 263 bookings (some bookings involved multiple offenses). The 263 bookings of the 143 individuals included 364 separate charges. The most frequent charges were for: illegal possession/consumption of alcohol (32.97 percent of charges); failure to appear/warrant/contempt (19 percent of charges); runaway and other status offenses (14.29 percent of charges); conduct offenses/disorderly (8 percent of charges); simple assault/assault and battery (5.49 percent of charges); and traffic offenses (5.49 percent of charges). The most serious charge category during the eleven-year period was the simple assault/assault and battery category. This category accounted for twenty of the 364 recorded offenses.

Of the 143 individual juveniles booked during the eleven-year period, 71 (49.7 percent) had only one prior. Seventy-two (51.3 percent) had more than one prior. The mean number of



priors was 2.68. The modal number of priors was one, and the median number of priors was two.

Table 1

Charge Categories for All Offenses, 1988 -1998

N = 364 offenses

<u>Charge Category</u>	<u>Number</u>	<u>Percent of All Charges</u>
Illegal Possession/Consumption of Alcohol	120	32.97%
Drug Abuse	1	00.27%
Warrant, Failure to Appear, Court Hold	51	14.01%
Runaway and Other Status Offenses	52	14.29%
Conduct Offenses	29	7.97%
Minor Property Offenses	14	3.85%
Theft/Breaking and Entering	8	2.20%
Driving Under the Influence	15	4.12%
Assault, Assault and Battery	20	5.49%
Resisting Arrest/Escape	12	3.30%
Disobedience of Court Order/Contempt	17	4.67%
Traffic Offenses	20	5.49%
Other	5	1.37%

Table 2 displays the charge categories by sex. Females exceeded males in three charge categories: runaway and other status offenses, traffic offenses, and other offenses.

Table 2

Charge Categories for All Offenses By Sex, 1988 -1998

N = 364 offenses

<u>Charge Category</u>	<u>Males (%)</u>	<u>Females (%)</u>
Illegal Possession/Consumption of Alcohol	79 (65.8%)	41 (34.2%)
Drug Abuse	1 (100%)	0 (00.0%)
Warrant, Failure to Appear, Court Hold	33 (64.7%)	18 (35.3%)
Runaway and Other Status Offenses	21 (40.4%)	31 (59.6%)
Conduct Offenses	20 (70.0%)	9 (30.0%)
Minor Property Offenses	14 (100%)	0 (00.0%)
Theft/Breaking and Entering	8 (100%)	0 (00.0%)
Driving Under the Influence	10 (66.7%)	5 (33.3%)
Assault, Assault and Battery	12 (60.0%)	8 (40.0%)
Resisting Arrest/Escape	10 (83.3%)	2 (16.7%)
Disobedience of Court Order/Contempt	12 (70.6%)	5 (29.4%)
Traffic Offenses	15 (75.0%)	20 (25.5%)
Other	2 (40.0%)	3 (60.0%)

Table 3 displays the number of bookings and petitions per year. The average number of bookings per year was 24. There was no marked increase in bookings over the eleven-year period.

Table 3

Number of Bookings, Juveniles and Petitions by Year

<u>Year</u>	<u>Number of Bookings</u>	<u>Percent Change</u>	<u>Number of Juveniles</u>	<u>Number of Cases with Petitions Filed</u>
1988	22		16	No Record (NR)
1989	22	0%	18	NR
1990	27	+23%	22	NR
1991	12	-56%	8	1 (8%)
1992	20	+67%	18	2 (1%)
1993	38	+90%	25	3 (8%)
1994	20	-47%	16	8 (4%)
1995	30	+50%	22	9 (3%)
1996	27	-10%	23	14 (52%)
1997	21	-22%	11	6 (29%)
1998	24	+14%	19	7 (29%)
Total	263		198	50

Table 4 displays the age characteristics of the juveniles booked each year of the eleven-year period. There is no definitive trend indicating an overall change in the mean age of the juveniles booked or in the youngest age of a juvenile booked during each year.

Table 4

Age Characteristics of Individual Juveniles Booked by Year

<u>Year</u>	<u>Mean Age</u>	<u>Median Age</u>	<u>Modal Age</u>	<u>Youngest Age (Percent of Youths Booked)</u>
1988	16.60	17	17	14 ( 6.25%)
1989	16.61	17	17	14 ( 5.56%)
1990	16.44	17	17	15 ( 4.55%)
1991	16.40	17	17	14 (12.50%)
1992	16.88	17	17	16 ( 5.56%)
1993	16.33	17	17	14 ( 4.00%)
1994	16.63	17	17	16 (18.75%)
1995	16.00	17	17	13 ( 4.55%)
1996	15.56	16	17	12 ( 4.35%)
1997	16.67	17	17	16 (18.18%)
1998	16.00	17	17	14 (10.53%)

Table 5 displays the distribution of offenses across sex. The number of individual females arrested in a given year exceeded that of males in two separate years, 1992 and 1993.

Table 5

## Sex Characteristics of Individual Juveniles Booked by Year

<u>Year</u>	<u>Males (% of Youths Booked)</u>	<u>Females (%of Youths Booked)</u>
1988	14 (56.0%)	11 (44.0%)
1989	19 (55.9%)	15 (44.1%)
1990	14 (58.3%)	10 (41.7%)
1991	11 (68.8%)	5 (31.3%)
1992	8 (44.4%)	10 (55.6%)
1993	11 (47.8%)	12 (52.2%)
1994	7 (53.8%)	6 (46.2%)
1995	11 (55.0%)	9 (45.0%)
1996	12 (52.2%)	11 (47.8%)
1997	9 (90.0%)	1 (10.0%)
1998	13 (72.2%)	5 (27.8%)

**Trends in Detention, Adjudication, and Formal and Informal Dispositions**

Tribal Court records were available (not expunged) for cases disposed of during the eight-year period, 1991-1998. There were 192 bookings during those eight years. Fifty (26 percent) of the 192 bookings resulted in petitions filed with Tribal Court, an average of 6.25 petitions filed each year.

All youths taken into police custody and booked experienced detention. Detention on the reservation is limited to a six-hour hold. Detention beyond six hours takes place in one of two facilities either one or three hours away. For those youths detained at least 24 hours with petitions filed (N=19) the charge was primarily underage consumption/possession of alcohol (85 percent). Detention characteristics are displayed in Tables 6 and 7.

Table 6

Pre-adjudicatory Detention – All Bookings (N = 364)

Youth Detained for 24 Hours or More	# and % of Bookings
Yes	137 (38%)
No	227 (62%)*

\*All youths taken into custody are booked into detention.

Table 7

Average Length of Stay in Detention (for those detained 24 hours or more)

<u>Juvenile Category</u>	<u>Days In Detention</u>
All	1.67 days
Males	2.06 days
Females	1 day

Table 8 compares the number of days in detention for those detained 24 hours or more between the sexes.

Table 8

Sex of Juveniles Detained 24 Hours or More; All Bookings

<u>Days In Detention</u>	<u>Males</u>	<u>Females</u>
24 hours	35	24
2 days	9	1
3 – 4 days	9	1
5 – 7 days	10	1
8 – 10 days	7	1
11 – 14 days	5	1
More than 14 days	4	3

Characteristics of petitioned charges for youth detained 24 hours or more are displayed in Table 9. Underage consumption/possession of alcohol is the most frequent charge.

Table 9

Petitioned Charges for Youth Detained 24 Hours or More

<u>Charge Category</u>	<u>Number and Percent of Charges</u>
Underage Consumption/Possession of Alcohol	16 (85%)
Theft	1 ( 5%)
Trespass	1 ( 5%)
Gaming Violation (Underage gaming)	1 ( 5%)

Tables 10 and 11 display information regarding bookings and plea agreements contained in Tribal Court records. There were fifty bookings with petitions filed from 1991 through 1998 (cases prior to 1991 were expunged due to the juvenile attaining the age of eighteen). Of the fifty bookings with petitions filed, sixty percent (N=30) resulted in a plea agreement and a deferred sentence involving probation. The other forty percent (N = 20) were dismissed or the adjudication was deferred with informal probation. Dismissals resulted from failure to properly petition, insufficient evidence, inability to locate subject, off-reservation arrests, or prosecutor decision not to proceed. Sixty percent of the bookings were of males and forty percent were of females.



Table 10

Court Data for Bookings (Arrests) with Petitions Filed, 1991-1998 (N = 50 Cases)

<u>Plea Agreement</u>	<u>Number (%) of Cases</u>	<u>Probation Revoked</u>
Yes	30 (60%)*	Yes 3
No	20 (40%)**	No 27***

\* All of these cases received deferred sentences involving probation.

\*\*All of these cases were dismissed or adjudication was deferred.

\*\*\* These cases either successfully completed terms of deferred sentence or aged out.

Table 11

Offenses Resulting in a Plea Agreement (N = 40 offenses in 30 cases)

<u>Offense</u>	<u>Number &amp; (%) of Offenses</u>
Illegal Possession/Consumption of Alcohol/DUI	29 (73%)
Conduct Offenses (Disorderly Conduct, Disturbing Peace)	5 (13%)
Minor Property (Trespass)	2 ( 5%)
Theft	2 ( 5%)
Assault and Battery	1 ( 2.5%)
Disobedience of Court Order	1 ( 2.5%)
Total	40 (101%)*

\*Rounding error

## The Impact of the Casino on the Number and Type of Juvenile Referrals

The Tribe opened a class III gaming casino in 1993. In the five years since the opening of the casino, there was one referral of a juvenile for illegal (underage) gaming and no other referrals of any type originating from the casino. The casino operation has not contributed to underage alcohol consumption because there is no alcohol served at the casino on this reservation. Interrupted time series analysis of the Tribal Jail Arrest log detects no statistically significant effect of the Tribal Casino on numerous juvenile crime variables. Table 12 displays the results of the interrupted time series analysis where Casino is measured as a dummy independent variable (Before Opening = 0; After Opening = 1). The constant measures the average level of the measured variable before the casino opened. The constant value added to the slope coefficient equals the average level of the measured variable after the casino opened if the slope coefficient is statistically significant ( $p \leq 0.05$ ). If the slope coefficient is not statistically significant the effect of the opening of the casino on the measured variable is not statistically significant.

Table 12

### Interrupted Time Series Analysis of the Effect of the Casino Opening on Juvenile Crime

<u>Dependent Variables</u>	<u>R<sup>2</sup></u>	<u>Constant</u>	<u>Slope Coefficient</u>
Age of Juvenile Booked	.326	16.40*	-0.43
Youngest Age of Juvenile Booked	.031	14.60*	-0.43
Number of Juveniles Booked per Year	.089	16.40*	2.93
Total Bookings per Year	.227	20.60*	6.07
Number of Priors per Juvenile Booked	.007	2.73*	-0.09

\* $p \leq 0.05$

## **Results of Interviews and Youth Survey**

This section of the report presents the results of our face-to-face interviews and the survey conducted by the Tribal Juvenile Parole and Probation officer. The interview data are organized around the three primary themes of the questions: (1) community members' perceptions of delinquency, its causes and solutions; (2) available services and dispositional alternatives for referred youths; and (3) the integration of more traditional approaches with youths and struggles with the dominant model of juvenile justice. The survey data are organized around the questions as asked on the survey instrument (Appendix 1).

### **Community Members' Perceptions of Delinquency: Causes and Solutions**

Informants were asked whether they or other community members perceived there to be a youth crime problem in the Southern Ute Nation and to describe "what people are talking about when the subject of kids getting into trouble comes up." They were also asked about ways in which this problem has changed over time, causes of this problem (including the impact of the casino and influences from the larger society), and what changes or action might contribute to a solution to youth crime.

All of those interviewed identified underage consumption of alcohol to be the primary illegal activity among youth in the Southern Ute Nation. Some felt that the extent of underage drinking on this reservation was "no worse than non-Indian communities." Others identified alcohol consumption as increasing among younger juveniles. Most informants also identified vandalism as a more recent problem, particularly school-based vandalism. Most informants indicated that there was no problem with youth violence "like some other reservation

communities.” Some indicated that delinquency in this community was sporadic and occurred mostly on summer nights.

Because of recent damage to public school and tribal property by juveniles, our informants indicated that there was a perception in the community that youth crime is escalating. They also indicated that community members perceived the problem of delinquency to be concentrated within a relatively small number of families, mostly living in or near town in “local housing areas” and with “one or no parents in the home.”

One informant indicated that the court tends to deal with two categories of referred youths: “the first time offender who is experimenting” and is unlikely to come back to court, and those who, due to “family dynamics” continue to get into trouble. This theme of family and parental problems emerged in most informants’ discussion of the causes of delinquency. They described these issues in these ways: “Some parents are too busy taking care of their own lives to worry about their kids. They’ll have their 12-year old watch the younger siblings.” “Sometimes there is drug and alcohol abuse in the home and kids are trying to find a way to cope.” Some youths suffer from “post-traumatic stress disorder due to multigenerational sexual abuse.”

While some pointed out that these problems in families are also found in non-Indian communities, others identified family problems as rooted in the disruption of extended family life that came with forced boarding school attendance. “We have generations of some families who don’t know how to parent.” “The boarding schools severed the lines of how kids are raised.” “Boarding schools disconnected the thread of parenting and teaching.” “The uncle role of the [traditional] family structure has been taken over by courts and social services.”

For some, the disruption caused by boarding school education was closely linked to other forms of cultural change that contributed to problems like delinquency. “We have experienced a loss of culture, traditions and spiritual beliefs [like the] guiding principals on the red path. When we lose our spiritual selves, we lose touch with the creator and with our heritage.”

Influences from the larger society were also identified by informants as contributing to delinquency in this community. Much of this influence was indicated to come through mass media and from non-Indian youths in the surrounding areas. “Whatever the current fad is, we see it here. What is popular in big cities is popular here. We have ‘wannabe’ type gangsters.” “[One source of influence is] Latino kids from Durango who consider themselves gang members.” “We see ‘wannabe’ gangsters [coming from] influences from Farmington who get into fights.”

One informant said that she felt that outsiders involved in the illegal drug economy had recently identified the reservation community as a “good market”. She indicated that tribal money provided to members of the Southern Ute Nation “was creating a generation who are dependent on the tribe and can afford drugs.” The availability of tribal monies to youths was also identified by another informant as creating a “sense of isolation” between tribal youths and “Hispanic or Anglo” youths in the community with fewer resources.

Problems at school were also identified by those interviewed as a cause of delinquency. Adolescents from the Southern Ute Nation must attend public school in Ignacio or Durango. These schools were described as being characterized by racially-based conflict resulting in fights. “At school there are fights between native and non-native kids. The cowboys tend to be a problem.” “There are many issues at the public school. Depending on who is in charge, there may or may not be services available for native students.” “Vandalism at school is an expression of frustration with the school.”

Those students who are suspended from regular school attendance attend an alternative school. Informants indicated that alternative high school students receive fewer hours of instruction than regular students and experience more unsupervised time, increasing their likelihood of offending. “Those who have trouble at school are put into the alternative school, and they have too much free time.” “The alternative school students are in school for too few hours (four per day) and they lack structure.”

Most of those interviewed expressed little concern about the impact of the casino on the type or number of juvenile arrests or referrals. Most felt that the casino had no negative impact on youths and some felt it to have a positive impact through the creation of summer jobs for young people. Informants clarified that there was no alcohol served at the casino and this prevented potential problems for youths. Two informants expressed that the casino may negatively impact some youths whose parents spend “a lot of time” there and are not at home as a result.

Many of the solutions to delinquency suggested by informants focused on the development of additional services and programs. Those will be dealt with as we examine informants’ assessment of existing services later in this narrative. Other solutions included the desire for increased collaboration and joint training among all of the agencies with youths as clients. A wrap-around approach to service delivery “which looks at all aspects of the underlying causes” of a young person’s problems was recommended and is apparently in development through a grant funded project spearheaded by a professor at the University of Utah. Some felt that agency representatives and change agents in the community were preoccupied with infighting and tribal politics. “We need to get beyond personal pride and tribal politicking.”

Two informants also spoke of the importance of “avoiding labeling” troubled tribal youth as a solution to continued delinquency that might result from being identified as a troublemaker in the community. Others identified parental/family intervention and education as necessary for curbing delinquency.

Law enforcement officials described changes in their approach to policing and their role in the community as important in combating youth crime. “We need to educate and work with the community so that law enforcement is fully integrated in a positive way and not just [viewed as] the negative enforcers.” “We continue to work to change the image of law enforcement through providing mentor-type guidance and not waiting until kids get into trouble.”

### **Services and Dispositional Alternatives for Referred Youths**

Informants were asked what range of pre and post-adjudicatory services were available for youths referred to the tribal court. They were also asked what services or programs were needed.

In May, 2001 the Tribal Council of the Southern Ute Nation approved changes to the Tribal Children’s Code creating a Children in Need of Care or CHINS designation. This change in the code was the result of collaboration between Tribal Court and Tribal Social Services and was accompanied by the allocation of tribal funds to Tribal Social Services for intervention with youths and their families when CHINS petitions are filed. This provision is geared toward youths referred for underage drinking, curfew violations, incorrigibility, and other status offenses. It creates a mechanism for intervention with the entire family and was indicated to be important especially for those youths whose illegal activities are related to problems in their homes.

Some informants expressed concerns about the very recent implementation of the CHINS program. “I’m concerned that the money budgeted for CHINS isn’t going to really be used in a

way that will help. Tribal Social Services is not committed to being there after hours and don't report back [to the Tribal Council] how funds are being used when people are sent off the reservation for treatment." "Truancy and curfews can't be enforced through CHINS because Tribal Social Services doesn't respond at night as it should." "Underage drinking is still coming to court as a delinquency petition. The Tribal Prosecutor would have to file these as CHINS cases. [Another problem is that] Tribal Social Services [responsible for CHINS services] programs are available only to tribal members."

On the reservation and in the surrounding community, the primary services for youths referred for delinquency are mental health evaluation and counseling, and drug and alcohol evaluation and out-patient drug and alcohol treatment through tribal mental health services (SUCAP) and the Peaceful Spirit program in Ignacio. Peaceful Spirit is a not-for profit agency providing a variety of services to residents of the Four Corners area. The primary program utilized by the Southern Ute Nation is the American Indian Youth Program. Most youths in this program are referred from the local schools, with a small group referred through tribal court. This program provides youths with various tribal affiliations with mental health evaluation, individual and group counseling, Moral Recognition Therapy or social responsibility training, and prevention activities emphasizing health and sobriety.

Another alternative available to the court in the local area is diversion to Teen Court, created in 1999. Teen Court is located at the public school in Ignacio and is operated by the school board. Teen court is available to both tribal and non-tribal youths with no prior referrals that agree to admit guilt and participate in the program. In cases involving Indian youths, the Tribal Court retains jurisdiction until completion of the Teen Court program. "If they don't comply with Teen Court, we will deal with them back in [Tribal] court."



In addition to diversion through Teen Court, the majority of delinquency petitions is disposed of through deferred adjudication or deferred sentencing. Deferred adjudication occurs when a youth has not had an opportunity to enter a plea due to relocation since the arrest. In many of these cases, the prosecutor decides not to pursue the petition through trial. Deferred sentencing occurs when juveniles plead guilty. This is a form of probation and is often combined with a deferred sentence of detention. The detention time is used if the juveniles fail to comply with the conditions of their probation. Juvenile trials (formal adjudication proceedings) are very rare in this community. “If you can get the same thing from a plea, then why go through the process? Sometimes juveniles don’t want to testify against their friends or give up their drug or alcohol sources [and this is an incentive to enter a plea of guilty].”

The juvenile probation officer with the Tribal Court is responsible for the supervision of youths on deferred sentences of probation and those rare cases where adjudicated youths receive a disposition of probation. Over a given year, his caseload ranges from a low of ten youths to a high of 25 youths.

Off of the reservation, shelter, detention, and residential treatment services are used for a few referred youths. Shelter services are available in both Durango and Towaac, Colorado. Detention is available by contract in Towaac, Colorado and Gallup, New Mexico. The primary source of residential treatment for tribal youths is Cinnamon Hills in St. George, Utah.

Informants also discussed recent initiatives in the community designed to improve services to referred youths and their families. The new CHINS provision in the tribal Children’s Code has created an additional mechanism for “getting kids into treatment” and for requiring that parents participate in treatment. A teen drop-in center was opened in Ignacio and the Southern Ute Nation is in the process of building a state-of-the-art recreation and community center on the

reservation. A family-preservation grant from OJJDP has funded two therapists through Tribal Social Services who are available around the clock. Tribal Social Services has also been at the forefront of establishing a multi-agency treatment team (MATT) involving representatives from education, social services, probation, teen court, adult drug court, housing, and Peaceful Spirit. The MATT holds regular collaborative staffings on those youths and families involved with multiple agencies who agree to have their cases staffed.

Many informants identified increased coordination among social and human service agencies in the community as of utmost importance. “We are trying to make collaboration and wrap-around services a priority. Individual conflicts make it difficult.” Some community members indicated that additional follow-through from agencies and more feedback to the courts would help facilitate collaboration. In addition, informants identified a need for the following approaches to services and programs for youths in the Southern Ute Nation.

### **Recommendations from Community Members**

- (1) *A detoxification facility and residential substance abuse treatment facility located in the community.* Currently detoxification takes place at home, in the juvenile holding cells, or in one of the few detoxification beds available in Durango. Youths who are mandated to substance abuse treatment must leave the reservation to receive these services. Some informants felt that any local programs in development should also offer gender-specific services to girls.
- (2) *A transitional shelter on the reservation for youths returning home from residential treatment.* Informants felt that additional aftercare for these youths would help them make the most of what they accomplished in treatment when they returned to the

community. They also felt that the family members of youths who receive residential treatment should receive simultaneous intervention in order to help facilitate a more successful transition back home. In addition, informants felt that there needed to be additional resources devoted to supervision/care of all referred youths (including the creation of a second juvenile probation position).

(3) *Programs focusing on the unique strengths and talents of Southern Ute youths.* For example, one informant discussed a tribal youth arts program building on youths' interest in art and as an opportunity to connect them to Southern Ute culture through traditional arts.

(4) *Programs that teach referred youths a sense of responsibility and connection to the larger community.* Some recommended the development of more services and programs that are traditional in orientation and are more "Native-American specific," including healing ceremonies for troubled youths and families by tribal medicine men, circles for youths, and vision quests for young people.

(5) *Crisis intervention and counseling services available in evenings and on weekends.*

Informants indicated that this could prevent families who are trying to comply with court-mandated treatment from losing their employment when employers will not cooperate. It might also reduce the number of calls to the police after hours related to family conflict. In an attempt to increase use of existing programs, informants also indicated a need for tribal agencies to provide transportation services when needed.

(6) *Additional incorporation of traditional law into current Tribal Code.* Informants indicated that this could include a peacemaking court with mediation services and should

transcend the current provision for banishment (which has lost some of its meaning with changes in interdependence among tribal members).

*(7) Additional emphasis on prevention and early intervention in tribal programs and additional tribal funding for youth and family services in general.*

### **The Integration of More Traditional Approaches with Youths in the Current System and Struggles with the Dominant Model**

Those community members who participated in interviews were asked about the ways in which juvenile justice in the Southern Ute Nation was different from off-reservation systems. Specifically, they were asked about the ways in which more traditional Ute approaches to the social control and upbringing of youths influence the juvenile justice process in this community. Informants were also asked about the ways in which more traditional social and legal forms were at odds with the dominant court and justice models.

Some of those interviewed said that traditional Ute ways had little to no influence on juvenile justice given that many of those involved had little knowledge or understanding of traditional culture. "It is hard because we are assimilated. Everyone has their own beliefs, even about what is traditional." "Most people coming before the court don't appear aware of traditional culture." "Kids [who come before the court] feel that traditional ways are out of date. The history books teach them a version of history focusing on treaties, not culture."

The involvement of non-Indians and less traditional community members in the juvenile justice system was also identified as a barrier to the integration of more traditional approaches with youths. "Because our associate judges are required to have a law degree, we have white associate judges." "Sometimes the white attorneys from off of the reservation are taken aback at our more informal approach." "Even [one community member working for the court] may not

completely understand our culture and doesn't speak our traditional language." "Anglos work [in the court] and they structure the way things are done. Even tribal members try to be like the Anglo model."

Others identified ways in which the juvenile justice process was unique to the Southern Ute as an Indian nation and a small community:

- (1) *Minimally adversarial relationships in juvenile court proceedings and similar perspectives among officials on the characteristics of a just outcome in court.*
- (2) *Emphasis among decision-makers on the underlying causes of illegal behavior and the retention of community members.* "No one is anonymous and people don't leave town – so cure is important."
- (3) *Commitment to relative informality in juvenile court proceedings and building on a shared knowledge of family histories and dynamics.* "We allow family members to speak up and express what is on their minds during proceedings. We give everyone in the family an opportunity to have their say even though they aren't legal parties. We talk to youths [in court] and try to get more involved with the process than just passing judgement."
- (4) *Smaller caseloads; more individualized intervention and flexibility in work with youths.*
- (5) *Holding youths responsible to the collective through the development of programs for adjudicated youths emphasizing service to the community and communication between young people and tribal elders.*

Some of those interviewed discussed aspects of traditional Ute approaches to child rearing that they would like to see emphasized with children in the community. For these informants, the reintroduction of these practices is an important step toward restoring "balance" in the

community and raising healthy young people. These community members discussed the importance of the cradleboard and the sense of security this gives infants, birthing and naming ceremonies, coming of age ceremonies for adolescents, traditional teaching through stories, and of the responsibility of the extended family circle, especially the uncle in children's lives.

Some informants felt the formal tribal court and juvenile justice systems to be at odds with traditional approaches to problem-solving. This conflict was linked to challenges to the legitimacy of the tribal court and juvenile justice system as social institutions. "The court is an adversarial process. There will be winners and losers." "People come to court for legal advice from tribal representatives. They want the court staff to help them. We have to refer them to an attorney. They don't understand this." "Traditionally, families give their kids more time to get problems straightened out, but the court wants results in a very short time span." "Court officials are very controlling. Families perceive the court to be very Anglo and unfair." "Our committee of elders meets regularly but they don't have much influence. Agencies are supposed to seek out and act on their input, [but they don't]."

### **Youth Survey**

During the summer of 2001, the Tribal juvenile probation officer conducted a survey of juveniles in the community. The survey document contained questions focusing on factors contributing to delinquency, the role and availability of alcohol and drugs, peer pressure, family and community support, and the need for additional programs in the community. Information was obtained from a non-random sample of twenty-seven juveniles from the Ignacio Alternative School, Teen Drop-In Center, Multi-Systemic Family Therapy Team, Tri-Health Fitness Center, and Peaceful Spirit Youth Services. The responses of these youths to the questions on this survey appear below. Duplicate or similar answers appear only once.

**What are the major factors contributing to juvenile delinquency and juvenile crime in this community?**

- Alcohol and drugs.
- Not enuff [sic] activities, young adults have no place to go.
- [There is] no one who cares at home.

**How much of a role do alcohol and/or drugs play in juvenile delinquency and juvenile crime in this community?**

- Drugs are not as important as alcohol; alcohol = 100%.
- I think alcohol and drugs play a big part in this community, especially alcohol, no one can handle what they drink.
- [It is easy to get alcohol] because I know older people who will get what I want.
- I think drugs and alcohol play a big role in this community.

**Are illegal substances, such as drugs, easy to obtain by a young person in this community?**

- Yes they are easy to obtain because most of the adults drink too.
- They're very easy for anybody of any age to get.

**How much of a factor is peer pressure?**

- There is a lot of peer pressure because there is nothing here really to do so they peer pressure them to drink.
- Doesn't fase[sic] me.
- A lot ... to fit in.
- ... just to be like the grown-ups.

**Is community support available to a young person in need? Do you feel you have family support?**

- Family doesn't really understand. Community support, no ... friends give support.
- No not really, but if you get caught yes cuz [sic] it's court-ordered.
- Yes, but it's rarely used.
- Yes, there are a lot of good programs for juveniles who have problems.

**What types of programs, facilities, etc. do you feel could benefit our community's young people and combat some of these problems?**

- Drop-in, outdoor pursuits, tri-health fitness.
- A one-on-one counseling facility.
- Programs that listen to the juveniles, not just talk to them.
- Sports complex.
- I would like to see all the races come together.

**What are other things that need to change?**

- People need to use their common sense.
- Programs that listen.
- People to talk to.
- Changing negative attitudes.



## DISCUSSION

The information gathered during this research project provides considerable insight into the experiences and needs of juveniles within the Tribal juvenile justice system. The information also provides insights into the perceptions of community members regarding juvenile crime and the community response needed. Discussion of the findings is organized around the four research questions guiding the research project.

### **Research Question #1 – What are the social and legal characteristics of juveniles entering the juvenile justice system in the Southern Ute Nation between 1988 and 1998, inclusive?**

There is very little recorded criminal activity, and no identifiable increase or decrease during the eleven-year study period, among juveniles on this reservation. Analysis of the jail arrest log reveals that there were 263 bookings of juveniles during the eleven-year study period. Juvenile bookings represented ten percent of all bookings (adults and juveniles combined) by Tribal law enforcement. These 263 bookings represent 143 individual juveniles, less than five percent of all tribal youths living on the reservation. This is significant given the level and intensity of law enforcement surveillance on the reservation. Of those 143 juveniles, 59.4 percent (N = 85) were male and 40.6 percent (N = 58) were female. The average age of juveniles booked was 16.37, with a median and modal age of seventeen. Ninety-six (66.9 percent) of juveniles booked were Tribal members. Most of the remaining youths, 43, were non-Tribal Indians, and four were non-Indian.

Interview data support the Jail Arrest Log analysis. Most informants indicated that there was no problem with youth violence “like some other reservation communities.” Some also indicated that delinquency in this community was sporadic and occurred mostly on summer nights.

Even though there is very little criminal activity among youth on this reservation, as represented by the Jail Arrest Log, one characteristic is particularly noteworthy. Females represent 40.6 percent of all individuals arrested during the eleven-year study period. This is substantially higher than the expected representation of females among those arrested in most communities across the nation. Noting this, some community members indicated a need for gender specific services in the community.

The offenses committed by juveniles in this community are primarily nonviolent, status offenses. The most frequent charge is illegal possession/consumption of alcohol. The next most frequently occurring charge category is runaway and other status offenses; followed by the category of warrant, failure to appear, court hold. Many of the latter category offenses are associated with one of the prior two charge categories. There were only twenty charges (5.49 percent) falling into the assault/assault and battery category during the eleven-year study period. Analysis of the Tribal Court files revealed that these assault/assault and battery charges were either fighting with peers at school or in town, or fighting with siblings at home.

In the interviews and the juvenile survey violent crimes were not mentioned as a problem on the reservation. Underage drinking on the reservation was consistently identified as the primary problem associated with juvenile crime. A more recent problem identified by some informants was vandalism, particularly, school-based vandalism as representative of an escalation in juvenile crime. The arrest data do not indicate that this activity represents an increasing trend. Other informants support this conclusion indicating that recent damage to the public school has resulted in a heightened awareness of the illegal activities of juveniles.

As they spoke about delinquency, informants distinguished between youths with multiple arrests for alcohol use and other offenses, and those experimenting with alcohol use or other

illegal activity. In explaining the delinquency of youths who have been in trouble with the police more than once, informants spoke of low levels of parental involvement and other serious problems in youths' homes. Delinquency was identified in part as an attempt to cope with family issues. The issues facing families were attributed by some informants to social and cultural change caused in part by forced boarding school attendance at the turn of the last century. Informants also identified the influence of images of youth in mass media and youths from nearby towns as contributing to delinquency among Tribal youths. School-based problems, especially race/ethnic-based conflict among students and too few hours of instruction for students who had been suspended or expelled were also discussed as resulting in the arrests of youths.

Surveyed youths also identified alcohol consumption as the primary issue facing youths who get into trouble with the police. Alcohol use was also identified by these young people as contributing to other forms of delinquency in the community. Youths identified alcohol as readily available especially through adults who model drinking and supply alcohol to young people.

**Research Question #2 - What are the trends in detention, adjudication, and formal and informal dispositions over this eleven-year period?**

The use of the formal adjudication process during the study period was minimal. For example, only twenty-six percent (N = 50) of all bookings recorded in the Jail Arrest Log resulted in a filed petition, an average of only 6.25 filed petitions per year. Thirty of those fifty bookings resulting in a petition resulted in a plea agreement and a deferred sentence involving probation. The remaining twenty bookings were either dismissed or deferred with informal probation.

Two of the informants spoke of the importance of “avoiding labeling” troubled Tribal youth, expressing concern that continued delinquency might be the outcome. The tendency to avoid the formal adjudicatory process may also reflect the fact that the adversarial culture of the formal court process is not perceived as the better venue for addressing juvenile crime. Some of those interviewed expressed concern about the lack of traditional culture in the formal system. “Because our associate judges are required to have a law degree, we have white judges.” “Traditionally, families give their kids more time to get problems straightened out, but the court wants results in a very short time span.” Consequently, “... [f]amilies perceive the court to be very Anglo and unfair.”

**Research Question #3 – What is the range of informal and formal outcomes for referrals to Tribal Court and to what extent/in what forms are more traditional approaches to youths incorporated?**

The community members who participated in our interviews placed the responsibility for dealing with the issues facing youths with the Tribe. In addition to describing existing dispositional alternatives, they identified ways in which these services could be improved and agencies could better coordinate their activities for the benefit of youths and their families. They also had many important suggestions for additional services and programs to fill existing service gaps, including those approaches informed by more traditional values and practices.

Surveyed youths identified a need for supportive services in which youths have the opportunity to be heard (rather than spoken at). They also mentioned additional recreational opportunities as important to addressing delinquency.

With regard to the research question, informants discussed the recent addition of a CHINS category in the Tribal Code and the difficulties of implementing this new Tribal

program. The CHINS designation was created to address referrals for underage consumption and other status offenses (the bulk of arrests of youths in this community) through social services to the entire family, based on an understanding that these offenses are symptoms of deeper issues within families. Tribal Law Enforcement officials perceive this as taking the “teeth” out of curfew and truancy prohibitions. The prosecutor is apparently not filing CHINS petitions in response to underage consumption arrests. These informants and other Tribal representatives expressed that for the CHINS program to be effective, additional coordination between the Tribal Court, Law Enforcement, and Tribal Social Services was necessary.

Informants also described Teen Court as a significant dispositional alternative in the Southern Ute Nation. This program was considered diversion from Tribal Court and is used for youths facing their first referral who agree to both plead guilty to the charges against them and participate fully in the program. Beyond diversion to Teen Court, dismissal, deferred adjudication, and deferred sentences following guilty pleas were the result of nearly all cases referred to the court through petition. Most deferred sentences involved a period of probation and a deferred period of detention as a mechanism for compelling youths to comply with the conditions of probation.

In this community, probation caseloads allow the probation officer to closely supervise youths on probation and to tailor his intervention with youths to their unique lived experience and needs. One of the challenges facing Tribal Court and probation officials has been the integration of more culturally relevant programs and services in the face of resistance from youths who often don't identify with traditional Southern Ute culture. In addition, the educational requirements of some positions within the court result in the involvement of non-

Indian and non-Tribal professionals who may bring with them approaches to their work that reflect values and beliefs not consistent with more traditional approaches.

In spite of these difficulties, many informants described a juvenile justice system within the Southern Ute Nation that was unique in part because of the cultural and social history of the people. Informants also indicated that some of these characteristics were associated with the small town environment of the reservation. As compared to off-reservation trends in the juvenile court, the juvenile justice process in the Southern Ute Nation is less adversarial, less formal, more focused on addressing underlying causes of behaviors leading to arrest, more individualized, and with recent focus on youths' responsibility to the collective. There was disagreement across informants, however, in the extent to which the Tribal Court was perceived as relevant and responsive to the needs and concerns of tribal members.

**Research Question #4 – How has the casino impacted the number and type of juvenile referrals?**

All individuals participating in the face-to-face interviews were asked about the impact of the Tribal Casino on juvenile crime. Most of the participants responded that the casino had no impact. Two informants suggested that the impact of the casino has been positive, to the extent that the facility has resulted in increased resources as well as employment opportunities for parents and family members.

Analysis of the official records reinforces this community perspective. There was only one juvenile arrested for underage gaming since the 1993 casino opening. No other referrals originated from the casino. In addition, the interrupted time-series analysis finds no statistical relationship between juvenile crime and the casino.

## CONCLUSION AND IMPLICATIONS

### Current Results in the Context of Prior Research

Our study addresses the limitations of prior research on the delinquency of American Indian youths and their experiences with the juvenile justice system in that it is focused on one reservation community and: (1) is longitudinal, (2) examines youths' experiences beyond arrest, (3) includes both the artifact of arrest and the individual juvenile as units of analysis, (4) is informed by the perspectives of community members themselves, and (5) places the analysis in the historical, political, and social context of the community.

Prior research on delinquency and juvenile justice among American Indians found that while these youths had higher rates of arrest and self-reported delinquency than their non-Indian counterparts, their delinquency was comprised almost exclusively of alcohol possession and consumption, conduct offenses, school-related offenses, and status offenses. Regardless of the severity (or lack thereof) of the offense, researchers also found that Indian youths had a higher likelihood of being prosecuted and formally-processed in off reservation systems and much higher rates of detention in on reservation communities with detention centers.

The results of our case file analysis are supportive of prior research. In the Southern Ute Nation, alcohol possession and consumption, conduct offenses, status offenses, and traffic offenses accounted for well over half of the charges for which youths were arrested. During the study period, the most severe offense for which a juvenile was arrested was simple assault. According to court records, all of the simple assaults and batteries among youths during our study period consisted of fights among peers or between siblings.

The relative non-seriousness of the offenses for which youths are arrested did correspond to the rate of detention in this community. The majority (85%) of those youths held in detention

beyond the 8 hour hold (for 1 day or more) were charged with underage possession and consumption of alcohol. Youths in this community are much more likely to be detained for underage consumption than their non-Indian counterparts off of the reservation.

Most of those cases resulting in a petition to the tribal court were also for underage consumption. However, a relatively small number of arrests resulted in a petition. Only 26% of the bookings during our study period resulted in a court hearing. In addition, all of the cases that went before a tribal judge resulted in dismissal, deferred adjudication, or deferred sentencing (informal probation and a deferred term of detention). The tribally-operated casino does not serve alcohol and its presence in the community has had no statistically significant impact on underage drinking or delinquency in the Southern Ute Nation.

Very little prior research on delinquency and juvenile justice in American Indian communities examines gender-based differences in charges and the legal processing of youths. That which does finds that in reservation communities, girls are represented at a much higher rate in the tribal juvenile justice systems than in off-reservation systems across the nation (see for example, Bond-Maupin, et. al., 1995 and 1996). This prior finding was reinforced in the current research. Girls and young women represented 41% of those youths taken into custody in the Southern Ute Nation, while nationally, girls represent approximately 25% of the arrests of youths.

While girls in the Southern Ute Nation are more likely to experience arrest, their charges reflect national trends in the types of arrests of girls. On the Southern Ute Nation, as is true across the U.S., girls are more likely than boys to be taken into custody for running away and other status offenses. This is the only specific charge category in the Southern Ute Nation for which girls have a higher representation than boys.



## **Identified Correlates and Causes of Delinquency in the Southern Ute Nation**

Informants in the Southern Ute Nation linked delinquency to social and cultural change resulting in the erosion of extended family support in childrearing, the infusion of alcohol into the community, and cultural-based conflict at school. Delinquency was of particular concern to community members during the interview period because of recent costly acts of vandalism of tribal buildings by tribal youths.

Informants frequently explained the illegal behavior of youths as a symptom of a relatively low level of parental support, involvement, and responsibility. Some discussed the limitations of the nuclear family model and lamented that for some youths who get into trouble with the police, social services and the court serve the functions of guidance and social control more traditionally provided through extended family involvement.

Community members identified alcohol use by minors as a direct and indirect source of delinquency referrals for youths. Alcohol use was discussed as a common charge for which youths were taken into custody, and was also described as contributing to other forms of delinquency of increasing concern to the community such as vandalism.

School-based conflict and the alienation of Indian students at the public high school was also identified as leading to delinquency in the form of fighting and alcohol abuse on campus. Some informants identified problems with the alternative high school, especially its limited hours of instruction as contributing to delinquency by failing to provide students with constructive activities during the day.

## Implications for System Change in the Southern Ute Nation

Clearly, the relatively low number and level of seriousness of referrals of youth in this community indicate that tribal members and officials are doing a great deal right. However, officials in the Southern Ute Nation have clearly identified areas in need of improvement in their social service and juvenile justice systems. There are innovations already in development addressing identified needs for additional inter-agency coordination (the MATT, for example) and the expansion of services beyond traditional hours and approaches. The creation, ratification, and funding of a CHINS program through Tribal Social Services creates an opportunity for family-centered intervention for youths referred to the tribal court. Given that unresolved problematic family dynamics were identified as causing multiple referrals for youths, intervention at the level of the family was identified as crucial to preventing delinquency in this community.

Informants also identified a need for the following changes or improvements to the juvenile justice and service delivery system in this community (these are discussed in more depth above):

- A detoxification facility and residential substance abuse treatment facility located in the community.
- A transitional shelter on the reservation for youths returning home from residential treatment.
- Programs focusing on the unique strengths and talents of Southern Ute youths.
- Programs that teach referred youths a sense of responsibility and connection to the larger community.
- Crisis intervention and counseling services available in evenings and on weekends.
- Additional incorporation of traditional law into current Tribal Code.

- Additional emphasis on prevention and early intervention in tribal programs and additional tribal funding for youth and family services in general.

The interview data also support the further development of community-oriented law enforcement programs, including legal education, drug abuse prevention, mentoring/coaching, and alternatives to arrest for underage alcohol consumption. These might include a first-time offenders diversion program focusing on alcohol abuse or citations (deferred arrest) including mandatory counseling, for example. Peer educators and counselors, youths talking to youths, could also strengthen and lend additional credibility to diversion and community-policing programs in this community. While federal law enforcement had no involvement with juveniles during the study period, opportunities for collaboration with BIA law enforcement officials and federal funding for these initiatives may be available due to shifts toward community-oriented policing and crime prevention at the federal law enforcement level.

The research results point to a need for school-based intervention for American Indian and Southern Ute students experiencing, alienation, race-based conflict and other problems at school resulting in referrals related to excessive unstructured time, underage consumption and fighting. Increased tribal input into the regular and alternative school curricula and auxiliary services and activities offered at these public schools seems crucial.

The number and type of referrals of girls in the Southern Ute Nation indicate a need for the development of gender specific prevention and intervention services. The connection between neglect and victimization at home and referrals for running away is well-documented in the research literature. These connections need to be explored in the Southern Ute Nation and services created that address the unique perspectives, experiences and concerns of girls.

Finally, concerns about the implications of the erosion of the extended family point to an opportunity for mentoring and family support programs that provide surrogate extended family members to youths. Tribal juvenile probation and law enforcement officers seem to identify their work partly in the image of the prior roles of uncles and aunts in traditional Southern Ute society. Further developing and strengthening this approach to include additional tribal members and service to the community may increase the identification of youths with the larger tribe and reduce vandalism of tribal property and other offenses.

### **Implications for Future Research**

Future community-specific research on delinquency and juvenile justice in the Southern Ute Nation and in other American Indian nations could shed light on a variety of questions raised but not answered in this study. These questions include:

1. What are the patterns in the alcohol use and abuse, and what are the precursors and correlates to alcohol use among community youth?
2. In what ways are emotional, physical, or sexual victimization at home related to delinquency? And in what ways does this vary by gender?
3. To what extent are the educational, social and cultural needs of tribal youth being served at local public schools and what opportunities exist for parental and tribal involvement?
4. What is the impact of the CHINS provision and program on delinquency referrals?
5. In what ways can tribal court and tribal law enforcement officials increase their collaboration with the tribal population at large?
6. What is the influence of non-tribal youths and trends in delinquency off-reservation on delinquency in this community?

Future research should include the voices and perspectives of tribal youths themselves and of their parents, and build on the foundation of knowledge and experience of the tribe by exploring their questions and concerns in ways that protect and honor their sovereignty as a nation.

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