

Children are Sacred

Fact Sheet for Juvenile Justice & Courts

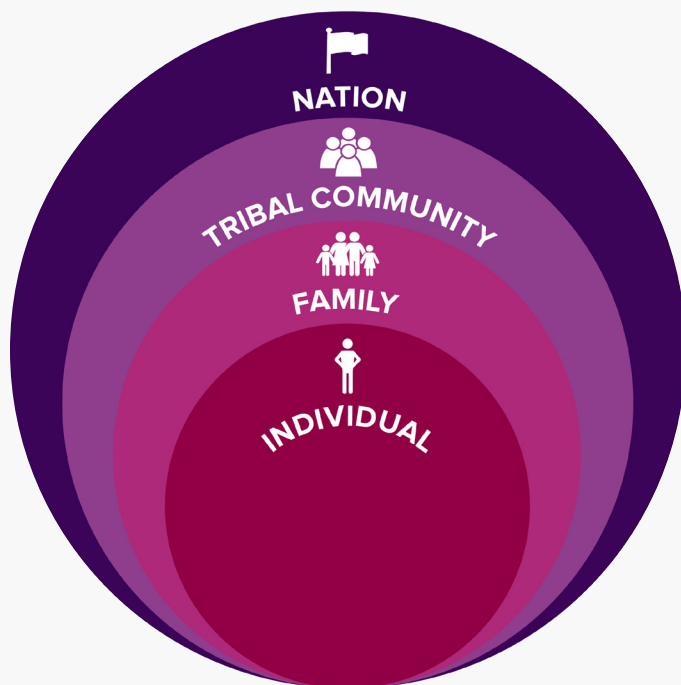
Much of Native culture is based on the Circle of Life. Culture teaches us that we are all relatives to all things in creation. Some of the threads in the Circle have become broken. Law enforcement can help mend the Circle by understanding the needs of youth and families.

Problematic Sexual Behavior (PSB) is youth-initiated behavior that involves sexual body parts in a manner that is developmentally inappropriate and potentially harmful.¹

Role of Juvenile Justice & Courts

The juvenile justice system addresses youth who need rehabilitative approaches because they have failed to follow required law and policies. Often child protective systems also are involved. Both systems overlap to

provide services for youth with PSB and their victims. Involvement varies but general includes a report, investigation, arrests, and decisions to prosecute, defer prosecution, divert, or use other triage pathways. Some cases will involve a trial, adjudication, hearing and sentence. Investigations may include interview/testimony, medical exam and victim services. Youth with illegal sexual behaviors thus may be arrested and a decision to proceed with adjudication may be made. Depending on the crime, context, responsivity, risk, needs and protective factors, other triage pathways may be utilized (e.g., deferred prosecution and referral for treatment).²



NATION - Empirically based and developmentally appropriate policies, laws, codes, registries, statutes



TRIBAL COMMUNITY - Supporting healthy relationships and behavior through schools, I.H.S., MDTs, law enforcement, BIA, social services, courts, behavioral health, State Department of Social Services, CPS, Boys and Girls Clubs, juvenile justice, tribal health, Tribal Child and Family Service, Child Assessment Center, tribal protocols, resolutions, procedures, registries



FAMILY - Teach, supervise, ensure privacy, address technology and pornography, address trauma, support healing, drug- and alcohol-free environment, rites of passage, coming of age ceremonies, culture, values



INDIVIDUAL - Healthy relationships, normal behaviors and sexual development, respect for other persons and boundaries, roles in family and community, spirituality

Information - Empirically informed knowledge improves decision making

Attitudes & Beliefs - Healthy beliefs that are trauma informed

Access - Empirically based and developmentally appropriate policies and services

Culture - Culturally Congruent and Respectful Approaches

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Protocols & Procedures

- Establish and follow policies and procedures for PSB cases and the following topics:
- Triage and response protocols for youth with PSB.
- Protocols that outline risk and protective factors.
- Protocols for response to youth under age of culpability and arrest.
- Protocol for communicating among parties and managing confidentiality.
- Protocol for tribal court prosecutors.
- Protocol for referral and access to treatment with levels of care based on risk, need and responsivity.
- Protocol for data sharing and tracking cases across systems.
- Protocol for mandatory reporters, kinds of information to include, and to whom to report cases.
- Be familiar with jurisdictional issues and who to contact with questions including tribal and state law P.L. 280, P.L. 93-638 or self-governance status, major crimes act and Indian Country Crimes Act.

Juvenile Justice & Courts Resource

How the Justice System Responds to Juvenile Victims: A Comprehensive Model

www.unh.edu/ccrc/pdf/CV62Bulletin.pdf

Law Enforcement Response to Child Abuse, Office of Juvenile Justice and Delinquency Prevention

www.ncjrs.gov/pdffiles/162425.pdf

Community Laws on Sexual Offenses Vary

www.smart.gov/juvenile_offenders.htm

Reports from Indian Country

www.smart.gov/indiancountry.htm

Sexting Laws in America

www.cyberbullying.org/sexting-laws

U.S. Department of Justice Jurisdictional Summary

www.justice.gov/jm/criminal-resource-manual-689-jurisdictional-summary

U.S. Department of Health and Human Services Child Welfare Information Gateway on state and Tribal laws and policies

www.childwelfare.gov/topics/systemwide/laws-policies/state/?hasBeenRedirected=1

Dispelling Misconceptions About PSB

Myth 1

“Youth with PSB have been sexually abused.”

Fact 1

Many youth with PSB have no history of sexual abuse. There are a variety of other risk factors that may have contributed to PSB, such as coercive environments, exposure to sexualized materials and individual factors. PSB may start as curiosity or impulsive behavior that becomes concerning or harmful.

Myth 2

“Youth with PSB are at greater risk for becoming sex offenders.”

Fact 2

When youth receive evidence-based interventions, their risk of future illegal sexual behavior is extremely low, with recidivism rates around 3% to 5%.

Juvenile Justice and Courts Fact Sheet References

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4. Finkelhor, D., Ormrod, R., & Chaffin, M. (2009). Juveniles Who Commit Sex Offenses Against Minors. Office of Juvenile Justice and Delinquency Prevention, Juvenile Justice Bulletin, December 2009. Available online from: <https://www.ncjrs.gov/pdffiles1/ojdp/227763.pdf>
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6. Caldwell, M. F. (2016). Quantifying the Decline in Juvenile Sexual Recidivism Rates. Psychology, Public Policy, and Law, 22(4), 414.