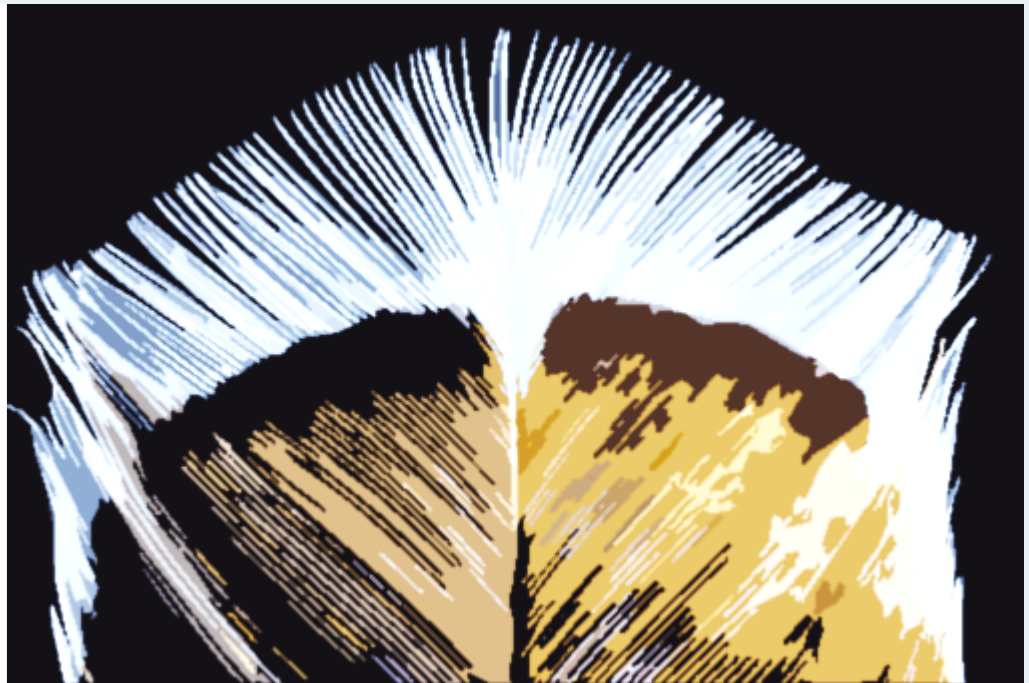




# TRIBAL JUVENILE CODE AND LEGAL POLICY DEVELOPMENT

OFFICE OF  
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Creative Strategies for Revising or  
Developing Your Tribal Juvenile Justice Code

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# Tribal Juvenile Code and Legal Policy Development

## CREATIVE STRATEGIES FOR REVISING OR DEVELOPING YOUR TRIBAL JUVENILE JUSTICE CODE

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There are many reasons why a community may choose to update or revise their tribal codes and legal policies. Here are just a few reasons that may or may not apply within your tribal community:

- **Reflecting on Results:** Outcomes and occurrences within the juvenile justice process indicate necessary changes to current code or policy.
  - **Considering Trends:** The community wishes to incorporate practices supported by updated or recent youth developmental research and evidence.
  - **Incorporating Ideologies:** In some communities legal codes and policy do not reflect the values of the community, rather they may have been written to mirror external state, county, or municipal codes, which do not account for specific community values, and beliefs. The community may wish to update the code to reflect tribal specific traditional healing and reconciliation practices.
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Why is this process challenging for tribal communities? Let's take a look at a few of the challenges that we know occur within tribal communities. We know that code development processes can be:

- **Time Intensive:** Code development processes involve taking the time to analyze the current laws and ordinance, known outcomes of judicial processes utilized to serve tribal youth, and the future expectations and hopes of the community. This type of analysis of the code may necessitate a historical review of legislative intent, tribal legal policy and past experiences of the community. Some communities may not be equipped with supplemental personnel to support this process. Leaving staff to balance job duties with the code development process. Further, in some communities, code and tribal policy revision can be impeded by complex administrative or legislative procedures.
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- **Labor Intensive:** Code development and revision processes should involve a group of informed community stakeholders. This may include judicial service providers, elders, community members, partners and even youth. In some tribal communities, this group of stakeholders may cross-over from other existing bodies of lay advocates. Availability, timing and involvement of a group such as this may be onerous to convene within smaller communities. In remote communities, travel may be a barrier to gathering together. In larger communities, the available stakeholders may not be representative of the broader tribal population.
  - **Capital Intensive:** Due to the time and labor intensive processes involved, the process can be expensive when a community purchases time for professional services to support code or policy development.
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**So what can tribal communities do to overcome some of the challenges to a successful code revision process? Let's explore some creative strategies that can assist your community:**

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- **Employ Existing Resources:** Approaching current advisory committee members for other tribal programs and reaching out to organizationally involved stakeholders may be helpful in getting the process underway. Connecting with the community through prior planned events is also an efficient approach to garner interest the cause and gather committee members. Using technology as a tool is also a great way to stay connected with the community and within the advisory committee.
- **Enact Over-Arching Policy and Codify Concepts:** Transformative impact can be made with overall conceptual changes to the tribal code. For example, the tribal community may choose to incorporate the use of traditional kinship terms, increase traditional or other lay person advocacy processes, or enact other tribal familial-oriented court processes. The codification of traditional justice practices can produce far-reaching results within a tribal judicial system. As well, the incorporation of concepts such as Trauma Informed Care, a Strengths-Based Perspective, and/or

Goal-Oriented processes can bring about wide-spread change within the juvenile justice system.

- **Identify Select Portions of the Code:** As opposed to tackling a complete overhaul of an entire tribal juvenile code, the Tribal community may wish to focus on a small section of the code and submit select portions of revised code to the governing body. By focusing on smaller portions of the code, the advisory committee will have increased time to review and to engage in meaningful dialogue regarding proposed amendments. As well, by focusing on specific sections of the code, judicial system providers may be able to evaluate the impact of the modified statutes.
  - **Get Technical:** Your technical assistance provider can assist you with a wealth of resources, support, material and guidance related to the code revision project. By accessing useful resources, the advisory team can get a head start on the process of revising the juvenile justice code.
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*What creative approaches will your team utilize to support youth justice practices?*



*For more information, resources or support please contact the OJJDP Tribal Youth Training and Technical Assistance Center. Email us at [TribalYouthTTACenter@ouhsc.edu](mailto:TribalYouthTTACenter@ouhsc.edu) or call us at 405-271-8858.*

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