



# WHERE ARE OUR CHILDREN?

## A DATA SCAN OF NATIVE YOUTH INCARCERATION IN MINNESOTA



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## A Data Scan of Native Youth Incarceration in Minnesota

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### **Primary Author**

Jeremy Braithwaite  
Tribal Research Specialist  
Tribal Law and Policy Institute

### **Contributing Authors**

Stephanie Autumn (Hopi)  
Director, Tribal Youth Resource Center  
Tribal Law and Policy Institute

Sina Ikkicu Win (Takes the Robe Woman)  
Ethleen Iron Cloud Two-Dogs (Oglala Lakota/Crow)  
Technical Assistance Manager, Tribal Youth Resource Center  
Tribal Law and Policy Institute

Pat Sekaquaptewa (Hopi)  
Juvenile Healing to Wellness Courts TTA Manager, Tribal Youth Resource Center  
Tribal Law and Policy Institute

Heather Valdez Freedman  
Deputy Director  
Tribal Law and Policy Institute

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Grace Carson (Yavapai/Chiricahua Apache), Skadden Fellow, Skadden Foundation  
Jacob Metoxen (Oneida), Tribal Healing to Wellness Court Legal Specialist, Tribal Law and Policy Institute  
Nan Benally (Diné), Former Employee, Tribal Law and Policy Institute  
Immeke Schmidt, Legal Intern, UCLA School of Law Summer Public Service Program  
Will Avery Paisley (Navajo/Blackfeet), Legal Intern, UCLA School of Law Summer Public Service Program  
Junhyeong (Mark) An, Undergraduate Intern, UCLA Center for Community Engagement  
Julie Tran, Undergraduate Intern, UCLA Center for Community Engagement

Cover photo design by Mytia Zavala (Navajo, Laguna-Pueblo, Fort Peck Sioux, Grand Ronde)



Tribal Youth Resource Center,  
Tribal Law and Policy Institute  
<https://www.tribalyouth.org>  
[www.home.TLPI.org](http://www.home.TLPI.org)



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## Executive Summary

This publication examines the current state of data collection and reporting related to Tribal youth involvement in Minnesota’s juvenile justice system. Despite the growing recognition of the need for targeted interventions, there is a significant gap in the availability of comprehensive, accurate, and consistent data on Native youth in the justice system. The absence of this data impedes effective policymaking, program design, and the ability to track the outcomes and needs of this vulnerable population.

We adopted a case study approach to conduct a data scan on incarcerated Native youth, focusing on a single state to develop a manageable and replicable search strategy. This approach allowed for a deeper examination of data pathways and the refinement of a methodology that could be adapted for broader national studies. Minnesota was chosen based on several factors: its high population of Native youth; the state juvenile justice system’s problematic history of engagement with Tribal communities, which offers a meaningful context for studying existing data gaps; and the jurisdictional complexity which involves federal, state and Tribal justice systems, allowing us to study intersecting systems. Additionally, Minnesota’s recent efforts at criminal justice reform and addressing racial and ethnic disparities created a supportive environment that facilitated this inquiry.

Key data scan questions guided the process, including the number of incarcerated Native youth, types of offenses, age ranges, length of detention, and tracking of Tribal affiliation by juvenile detention centers (JDCs). The research focused on secure and non-secure detention facilities, including regional and county JDCs, as well as the state-operated Minnesota Correctional Facility—Red Wing. The data scan process included extensive outreach to JDCs via phone and email to obtain de-identified data, with an emphasis on collaboration with facility staff to gather accurate information. However, challenges included delays in response and difficulty locating the appropriate contacts at some JDCs. Ultimately, data was collected from four out of ten targeted JDCs, which was used to perform composite descriptive analyses.

Key findings include the following:

- **Age Distribution of Justice-Involved Native Youth:** The average age of detained Native youth was 15.74 years, with 17 being the most common age at intake. This suggests that the peak age for juvenile detention involvement is in late adolescence.
- **Variation in Length of Stay:** The length of detention for Native youth varied greatly, with most youth (mode = 1 day) having short stays, but a small subset facing much longer periods of confinement, with an average stay of 46.46 days.
- **Tribal Affiliation Tracking is Inconsistent:** Most JDCs do not systematically track or document the Tribal affiliation of Native youth. However, the Northwestern Minnesota Juvenile Center does report Tribal affiliation for youth from nearby reservations, using self-reports or information from Tribal workers when available.
- **Absence of Formal Tribal Notification Policies:** Juvenile detention facilities generally lack formal, standardized policies for notifying Tribes about detained Native youth. Some facilities, like the Northwestern Minnesota Juvenile Center, rely on counties or Tribal workers for notification, while others, like Arrowhead Juvenile Center, have limited agreements such as an MOU with the Fond du Lac Band of Lake Superior Chippewa.

This publication concludes with a series of recommendations aimed at improving data collection, fostering interagency collaboration, and developing policies that better serve the needs of Tribal youth. These include:

- **State of Minnesota:** Recommendations call for improved Tribal data collection on Native youth incarceration, including establishing Tribal notification protocols for juvenile justice proceedings and expanding the use of Tribal data in the justice system.
- **Federal Government:** Encourages the creation of policies for states to track Native youth in the justice system, and the establishment of a dedicated Tribal Youth Justice Specialist to support coordination, data collection, and culturally relevant services.
- **Tribal Leadership in Minnesota:** Advises Tribal leaders to address the justice involvement of Native youth, pursue partnerships with detention centers, and implement strategies to reduce justice involvement by addressing root causes.
- **Researchers:** Focus on understanding the pathways of justice-involved Native youth, improving data segmentation, and conducting qualitative research to better understand their experiences and inform systemic reforms.

This publication is intended to inform stakeholders—including state and Tribal leaders, policymakers, and juvenile justice professionals—on the current state of Native youth involvement in the justice system and to guide the development of more effective, culturally appropriate, and data-driven policies and programs. It provides a crucial starting point for addressing the disparities faced by Native youth and ensuring that their needs are met through a coordinated, inclusive approach.



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### **I. Introduction**

Tribal youth are central to the future of their Nations, playing a crucial role in the preservation and transmission of language, traditions, and customs for future generations. Historically, Indigenous communities engaged children and youth in ceremonies marking transitions from childhood to adulthood and eventually Elderhood, each stage accompanied by teachings and ceremonies to instill responsibilities. The ultimate goal was to nurture children into healthy Elders who would become sources of strength for the community.

However, colonization and historical trauma have disrupted these cultural processes.<sup>1</sup> Many Tribal youth no longer have access to the cultural and spiritual opportunities that facilitate these transitions. Instead, they are increasingly caught in cycles of trauma and violence that lead to disproportionate involvement in systems such as child welfare, foster care, and juvenile justice.<sup>2</sup> Despite the high rates of involvement of Tribal youth in these systems, a significant data gap exists regarding their incarceration. This lack of data hinders the development of effective policy, advocacy, and interventions. Understanding the scope of the problem and addressing the data gap is critical for creating prevention and intervention strategies that support the healing and well-being of Tribal youth.

#### *How to Use this Data Scan*

The data scan offers critical insights into the unique challenges and needs of Tribal youth involved in Minnesota's juvenile justice system, revealing gaps in data collection and service coordination. Readers can use this information to advocate for improved data practices,

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<sup>1</sup> Numerous sources, including oral histories, testimonies, and other traditional and ceremonial knowledge from Tribal communities, as well as empirical studies, highlight the relationship between colonization, historical trauma, and disruption to Indigenous culture. For example, the National Centre for Truth and Reconciliation (NCTR) maintains an online digital archive with audio and video recordings of sharing circles, sharing panels, special events, and mini-documentaries featuring Indigenous people impacted by residential boarding schools and other assimilation policies (National Centre for Truth and Reconciliation, "Records & Resources," accessed November 7, 2024, <https://nctr.ca/records/preserve-your-records/share-your-stories/>). See also Brave Heart, Maria Yellow Horse, et al., "Historical Trauma Among Indigenous Peoples of the Americas: Concepts, Research, and Clinical Considerations," *Journal of Psychoactive Drugs* 43, no. 4 (2011): 282-290.

<sup>2</sup> National Indian Child Welfare Association (NICWA), *Time for Reform: A Matter of Justice for American Indian and Alaskan Native Children* (Portland, OR: NICWA, 2007). This report discusses the disparities Native youth face in the child welfare and juvenile justice systems, with a particular focus on the historical and systemic factors that perpetuate these inequities.

targeted interventions, and culturally responsive support structures for Native youth. Additionally, stakeholders can leverage these findings to inform policy discussions, foster interagency collaboration, and prioritize resources aimed at reducing Native youth incarceration and enhancing outcomes within the justice system.

## II. Identifying and Addressing the Data Gap in Incarceration of Native Youth

A significant data gap exists in tracking Tribal youth within justice systems, stemming from the lack of a centralized, comprehensive data source. This issue is compounded by scattered, inconsistent, and incomplete data across federal, state, and Tribal systems, along with unreliable state-level data and misidentification of Tribal youth, making it nearly impossible to accurately assess how many Native youth are incarcerated and for what reasons. The following issues characterize the gap:

- There is **no centralized, complete data source** that tracks Tribal youth across all justice systems (federal, state, Tribal), making it difficult to form a full picture of how many Native youth are incarcerated and for what reasons.<sup>3</sup>
- Data on Tribal youth in federal, state, and Tribal systems are **scattered, inconsistent, and incomplete**. For example, federal jurisdiction involves contracted private juvenile facilities for Tribal youth, but there is no publicly available data on these youth.
- **Misidentification and inconsistent identification methods** of identifying and classifying Native youth across different state level justice systems leads to **unreliable and likely undercounts**. Various agencies may classify Tribal youth differently (e.g., self-identification, visual classification, or based on documentation), resulting in inaccurate data.<sup>4</sup>
- The absence of standardized and accurate record-keeping across all phases of the justice process (arrest, adjudication, and confinement) makes it **impossible to track individuals throughout the system** and properly assess how many Tribal youth come into contact with justice systems.

This data gap stems from a complex intersection of historical and contemporary injustices faced by Indigenous peoples and nations. The legacy of colonial practices such as erasure, exclusion, and misrepresentation has contributed to the marginalization of Indigenous communities within institutional systems, including the justice system.<sup>5</sup> Fragmented and inconsistent data collection methods across federal, state, and Tribal jurisdictions further reflect this legacy. These systems often lack standardized practices for identifying Tribal youth, and Tribal sovereignty in data governance remains limited. The following factors highlight the key challenges contributing to this persistent issue:

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<sup>3</sup> U.S. Gov't Accountability Office, Gao-18-591, *Native American Youth Involvement in Justice Systems and Information on Grants to Help Address Juvenile Delinquency*, 5, 89 (2018), <https://www.gao.gov/products/gao-18-591>

<sup>4</sup> Ibid, at executive summary and 5.

<sup>5</sup> Marie Battiste, *Reclaiming Indigenous Voice and Vision* (Vancouver: UBC Press, 2011).

- **Complex jurisdictional issues** in Indian Country create significant barriers to collecting and tracking data. Criminal jurisdiction is fragmented among federal, state, and Tribal authorities, which overlap depending on factors like the location of the crime, the type of crime, and who committed it.<sup>6</sup> This complexity creates obstacles to gathering consistent data on incarcerated Tribal youth.
- **Limited Tribal sovereignty** and restrictions imposed by U.S. federal and state governments further hinder Tribes' ability to maintain control over their justice systems and, by extension, the data on Tribal youth involved in those systems.
- Historical factors, including the legacy of colonization and **assimilation-based policies** like boarding schools, have contributed to intergenerational trauma and disconnection from cultural resources, exacerbating the challenges faced by Tribal youth and the systems meant to track and support them.
- Federal and state justice systems largely do not have mechanisms in place to **adequately track or notify Tribes** when Tribal youth are involved in these systems. This leaves Tribes unable to advocate for their youth or address the harm caused by their incarceration.

### III. Importance of Filling the Data Gap

Despite recent reports<sup>7,8</sup> highlighting the need for better data collection on Tribal youth in the juvenile justice system, the absence of reliable, disaggregated data on Native youth in detention persists, preventing a clear understanding of their overrepresentation in the justice system and hindering the development of culturally responsive interventions. Without this data, policymakers and service providers are unable to craft effective solutions that address the root causes of Native youth incarceration, such as historical trauma, poverty, family disruption, and systemic discrimination. Additionally, Tribal leaders lack the information they need to advocate for their youth in the criminal justice system and to create alternatives to incarceration that are rooted in community traditions and restorative justice principles. The current crisis reflects the long-standing effects of colonization, including assimilation policies, the removal of Native youth from their communities (e.g., through boarding schools<sup>9</sup>), and the subsequent erosion of cultural support systems.<sup>10</sup> The criminal justice system has become a modern continuation of these historical traumas.

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<sup>6</sup> Robert N. Clinton, *Criminal Jurisdiction over Indian Lands: A Journey through a Jurisdictional Maze*, 18 ARIZ. L. REV. 503, 504 (1976).

<sup>7</sup> National Congress of American Indians, "Tribal Juvenile Justice: Background and Recommendations" 7 (2019), [https://www.ncai.org/attachments/PolicyPaper\\_ccwGDMldAvBayJkCdZbHJqsgBuMCvDUCglWCopnXKgzXGaAvUge\\_Juvenile%20Justice%20-%20View%20File%20.pdf](https://www.ncai.org/attachments/PolicyPaper_ccwGDMldAvBayJkCdZbHJqsgBuMCvDUCglWCopnXKgzXGaAvUge_Juvenile%20Justice%20-%20View%20File%20.pdf).

<sup>8</sup> "A Roadmap for Making Native America Safer: The Indian Law and Order Commission Report," 2012, xxvii, [https://www.aisc.ucla.edu/iloc/report/files/A\\_Roadmap\\_For\\_Making\\_Native\\_America\\_Safer-Full.pdf](https://www.aisc.ucla.edu/iloc/report/files/A_Roadmap_For_Making_Native_America_Safer-Full.pdf).

<sup>9</sup> US Indian Boarding School History, "The National Native American Boarding School Healing Coalition," <https://boardingschoolhealing.org/education/us-indian-boarding-school-history/>.

<sup>10</sup> Schlabach et al., "The Unique Problems Facing Native American Youths in the Criminal Justice System," 2020, <https://slate.com/news-and-politics/2020/10/native-american-youths-criminal-justice-system.html>.

Filling this data gap is critical not only for improving outcomes for Native youth but also for ensuring that their legal rights are fully recognized and upheld. Accurate, robust data can inform evidence-based interventions that meet the cultural, social, and developmental needs of Native youth, ultimately helping to reduce recidivism and support positive life outcomes. Moreover, it can guide reforms to create a justice system that is more equitable and responsive to the needs of Tribal youth.

#### **IV. Data Scan Process and Methodology**

We employed a case study approach to conduct a data scan aimed at collecting credible and comprehensive data on incarcerated Native youth. While the absence of centralized data is a national issue, we chose to focus our efforts on a single state to develop a manageable and replicable search strategy. This approach allowed for a deeper analysis of existing data pathways and enabled us to refine a methodology that can be adapted for broader national studies. By concentrating on one state, we aimed to uncover insights that can inform data collection efforts in other states facing similar challenges.

Minnesota was selected as the focal point for our case study based on several key factors. First, the state has a high population of Native youth, making it an ideal site for examining the complexities of data collection related to this population. Additionally, Minnesota's juvenile justice system has a problematic history of engagement with Tribal communities, offering a meaningful context for studying existing data gaps. Furthermore, Minnesota benefits from established partnerships between state agencies and Tribal entities, creating a collaborative foundation for addressing the unique needs of Native youth in the justice system. Lastly, the jurisdictional complexity of Minnesota, which involves federal, state, and Tribal justice systems, reflects the broader national landscape, allowing us to study these intersecting systems in a microcosm.

Focusing on Minnesota also aligned with recent policy momentum in the state, particularly in the areas of criminal justice reform and addressing racial and ethnic disparities. This supportive environment facilitated our research and provided opportunities to contribute to ongoing policy discussions. By narrowing our scope, we were able to produce specific, actionable findings while laying the groundwork for replicating this data scan methodology in other states facing similar jurisdictional and data collection challenges.

##### *Data Scan Questions*

The following questions guided our data scan, shaping our approach to gathering and analyzing information on incarcerated Native youth in Minnesota:

1. **How many Native youth serve time in juvenile detention facilities (including secure detention, non-secure detention, or residential treatment) for either non-status or status offenses in Minnesota?** This question aimed to quantify the number of Native youth incarcerated as a result of a delinquency proceeding.



2. **What offenses are Native youth in custody at Minnesota juvenile detention centers (JDCs) charged with?** This question sought to categorize the types of offenses, distinguishing between violent crimes, misdemeanors, and status offenses, in order to better understand the specific legal issues Native youth face.
3. **What is the typical age range of justice-involved Native youth in detention in Minnesota?** By identifying the most common age ranges, we hoped to uncover patterns in youth involvement in the justice system, such as whether certain age groups are disproportionately represented.
4. **What is the average length of detention for justice-involved Native youth in Minnesota?** Understanding the average length of detention for Native youth was important to assess how long they remain in custody. This information helps provide insight into whether certain offenses or facility types correlate with longer periods of detention and can inform future policy or intervention efforts.
5. **How is Tribal affiliation/membership tracked by juvenile detention facilities in Minnesota.** We explored the extent to which JDCs identify and record Tribal affiliation and, for those that do track Tribal affiliation, how this is done to ensure accuracy. This is often crucial for supporting culturally appropriate interventions and services.
6. **Do juvenile detention facilities in Minnesota have formal policies or procedures surrounding Tribal notification?** This question examined whether facilities follow protocols to notify Tribal authorities when a Tribal youth is detained, an important aspect of respecting Tribal sovereignty and fostering communication between justice systems and Native communities.

### *Mapping the Minnesota JDC Landscape*

According to the **Juvenile Residential Facility Census Databook**, Minnesota had 26 juvenile detention facilities in operation in 2022, comprising 15 public and 11 private institutions. These included 13 detention centers, 6 shelters, 1 diagnostic center, 8 group homes, 5 long-term secure institutions, and 13 residential treatment facilities (the total count exceeds the number of facilities due to some being categorized under multiple types).<sup>11</sup> However, since 2020, several youth detention centers in Minnesota have ceased operations.<sup>12</sup> Identifying currently operating facilities was a critical first step in this research, focusing specifically on those that house youth as a result of delinquency proceedings. This scope is limited to secure and non-secure institutions.

While youth adjudicated for status or non-status offenses may be remanded to shelters, group homes, and residential treatment facilities, these institutions also serve a broader population that includes youth entering through non-delinquency pathways (e.g., mental health referrals,

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<sup>11</sup> Puzanchera, C., Hockenberry, S., Sladky, T.J., and Kang, W. (2024). "Juvenile Residential Facility Census Databook." Available: <https://www.ojjdp.gov/ojstatbb/jrfcdb/>

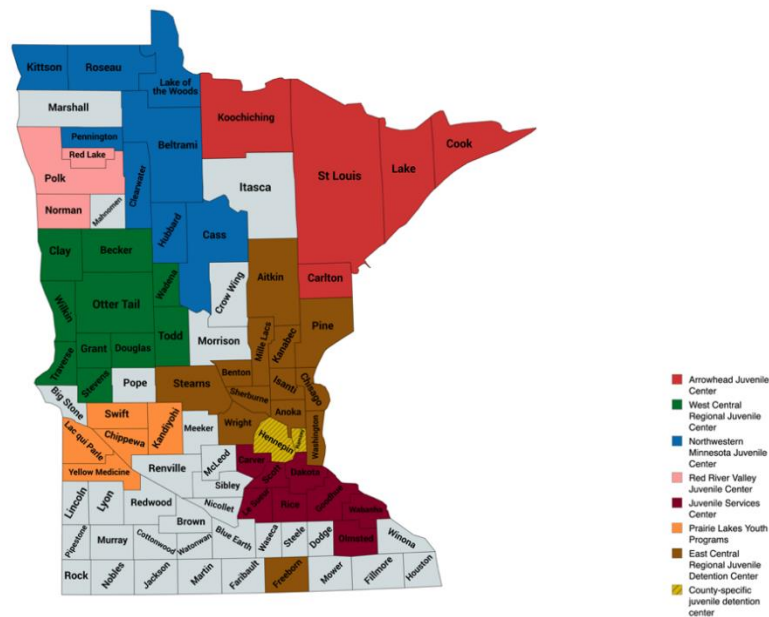
<sup>12</sup> Liz Sawyer, Chris Serres, and Maryjo Webster, "Nowhere to go for Most Troubled Youth," *Star Tribune*, October 27, 2022, <https://www.startribune.com/juvenile-justice-system-minnesota-youth-help-detention-centers-closing/600219179/>.

child welfare interventions). Given that the primary focus of these institutions is therapeutic rehabilitation rather than punishment and containment, our research specifically targets facilities housing youth involuntarily due to criminal offenses.

To our knowledge, there is no comprehensive central listing of all secure and non-secure juvenile detention facilities in Minnesota. Extensive online research was conducted to identify these facilities. We employed a combination of Boolean search terms, including “juvenile detention centers,” “juvenile detention facilities,” “juvenile correctional facilities,” “secure juvenile facilities,” and “non-secure juvenile facilities.” This approach allowed us to pinpoint facilities operated at the county, regional, and state levels. Ultimately, we identified 10 facilities: seven regional JDCs, two county JDCs, and one state facility (Minnesota Correctional Facility—Red Wing, MCF-Red Wing).

Figure 1 below illustrates the geographic distribution of these facilities. Most of Minnesota's JDCs operate at the regional level, serving member counties—those that maintain a formal partnership with the JDC and benefit from reduced service rates. For example, the **Arrowhead Juvenile Center** has five member counties: Koochiching, St. Louis, Lake, Cook, and Carlton. However, this does not imply that Arrowhead exclusively serves only these five counties; non-member counties lacking cooperative agreements with regional JDCs can still send youth offenders to these facilities as needed. Non-member counties are generally charged higher per diem rates for placing youth, as they do not contribute to the ongoing operational costs of the facilities. Hennepin and Ramsey Counties, the two largest counties in Minnesota by population, operate their own county-level JDCs. The only state-operated facility for youth is MCF-Red Wing, located in Goodhue County (Goodhue County is also a member county of Juvenile Services Center, depicted in maroon in the map).

**Figure 1: Minnesota JDC Landscape**



## *Outreach Methods*

After mapping the JDC landscape, our next step was to establish a clear process for engaging with regional detention centers, county-level facilities, and state offices to gather de-identified data on the incarceration patterns of American Indian and Alaska Native youth in Minnesota. We took the following steps in our outreach approach:

### **1. Contact Identification**

- We first identified key contacts at each facility, prioritizing JDC staff responsible for data collection or administration. In most cases, where such roles were unavailable, we reached out to high-level administrators (e.g., superintendents) who could direct us to the appropriate personnel.
- Contact details, including email addresses and phone numbers, were logged in an outreach spreadsheet to track interactions and responses.
- For certain JDCs (such as East Central Regional Juvenile Center, Hennepin County Juvenile Detention Center, Ramsey County Juvenile Detention Center, and MCF-Red Wing), specific data request protocols were found on their websites. We followed the outlined procedures for these JDCs.

### **2. Initial Phone Outreach**

- For facilities without predefined protocols, we initiated contact via phone.
- Using a prepared script, we introduced our project and explained the data we were requesting.

### **3. Follow-Up via Email**

- If we did not receive a response from the initial phone outreach, a follow-up email was sent. This email reiterated the data request and provided additional context about the project's objectives.

### **4. Additional Follow-Ups**

- Further follow-ups were conducted through both phone and email, emphasizing the importance of the request and offering opportunities to clarify or discuss any concerns.

### **5. Outreach Documentation**

- All outreach activities were thoroughly documented in the outreach spreadsheet. This included logging the date of each contact, any responses received, follow-up actions, and newly identified contacts. Figure 2 illustrates the number of outreach attempts and the final status for each JDC.

**Figure 2: Outreach Attempts and Final Disposition**

Juvenile Detention Center	Total Outreach Attempts	Final Disposition
Arrowhead Juvenile Center	Phone Calls: 4 Emails: 1	Received data via email on September 19, 2024
East Central Regional Juvenile Center	Phone Calls: 4 Emails: 1	Latest request submitted October 9, 2024; Receipt of request not acknowledged, and no data received
Juvenile Services Center	Emails: 2	Received data via email on April 29, 2024
Northwestern Minnesota Juvenile Center	Phone Calls: 1 Emails: 2	Received data via email on August 29, 2024
Prairie Lakes Youth Programs	Phone Calls: 3 Emails: 4	Latest request submitted September 6, 2024; Receipt of request acknowledged, but no data received
Red River Valley Juvenile Center	Phone Calls: 2 Emails: 1	Received data via email on August 7, 2024
West Central Regional Juvenile Center	Phone Calls: 2 Emails: 3	Latest request submitted September 4, 2024; Receipt of request acknowledged, but no data received
Ramsey County Juvenile Detention Center	Phone Calls: 1 Emails: 1	Latest request submitted August 9, 2024; Receipt of request not acknowledged, and no data received
Hennepin County Juvenile Detention Center	Phone Calls: 0 Emails: 2	Latest request submitted September 3, 2024; Receipt of request not acknowledged, and no data received
Minnesota Correctional Facility—Red Wing (MCF-Red Wing)	Phone Calls: 1 Emails: 4	Latest request submitted October 9, 2024; Receipt of request acknowledged, but no data received

*Data Collection Successes*

Our data collection efforts yielded several notable successes. For the JDCs that provided data (n=4), the information was delivered in a disaggregated format using Microsoft Excel, which required minimal data cleaning. This allowed us to efficiently combine datasets from various JDCs and conduct composite descriptive analyses with ease. Additionally, once we established contact with the appropriate staff members responsible for data requests, they were highly responsive, promptly answering our questions and fulfilling follow-up requests. A standout example of collaboration came from one JDC superintendent, who participated in a virtual Zoom meeting with our team. During this session, she walked us through the dataset, clarifying nuances that greatly facilitated the harmonization of data from other sources.

## *Data Collection Barriers*

Despite these successes, we encountered several barriers during the data collection process. One significant challenge was the lack of responsiveness from many JDCs, requiring multiple calls and emails before receiving any reply. Additionally, locating the correct staff member responsible for processing data requests was often difficult. Initial outreach attempts were frequently rerouted multiple times before reaching the appropriate contact, leading to delays. Ultimately, we were able to obtain data from only four of the ten JDCs in Minnesota, which limits the scope and implications of our analysis since less than half of the state's JDCs are represented.

## **V. Results and Lessons Learned**

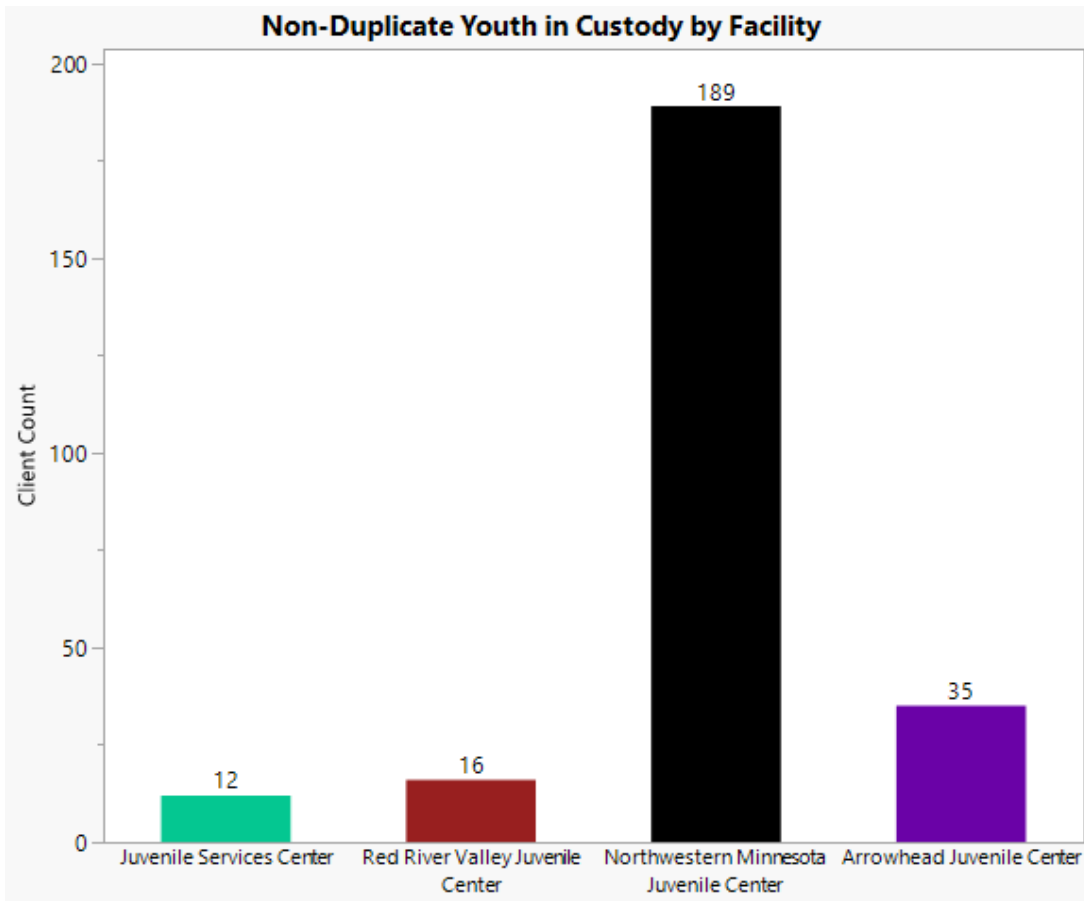
The following section presents the key findings from our data scan on the involvement of Native youth in Minnesota's JDCs during Calendar Year (CY) 2023. We employed basic descriptive and cross-tabular analysis to address data scan questions 1-4, which explored the number of Native youth detained, the nature of their offenses, age distribution, and length of stay. Data scan questions 5-6 were informed by JDC staff descriptions of their data systems, focusing on how Tribal affiliation is tracked and whether formal policies exist for notifying Tribes when Native youth are detained. In addition, we conducted exploratory analyses to examine relationships between variables that we found potentially significant. These results offer critical insights into the justice profiles of Native youth and highlight gaps in Tribal engagement within Minnesota's juvenile justice system.

### ***Data Scan Question 1: How many Native youth are incarcerated in JDCs in a given year?***

During Calendar Year 2023, 252 unique Native youth spent at least one day in custody at a juvenile detention facility. As illustrated in Figure 3, the majority—75 percent (n=189)—were detained at the Northwestern Minnesota Juvenile Center in Bemidji, MN. Fourteen percent (n=35) served time at Arrowhead Juvenile Center in Duluth, MN, six percent (n=16) were detained at the Red River Juvenile Center in Crookston, MN, and five percent (n=12) at the Juvenile Services Center in Hastings, MN.



**Figure 3: Non-Duplicate Youth in Custody by Facility**

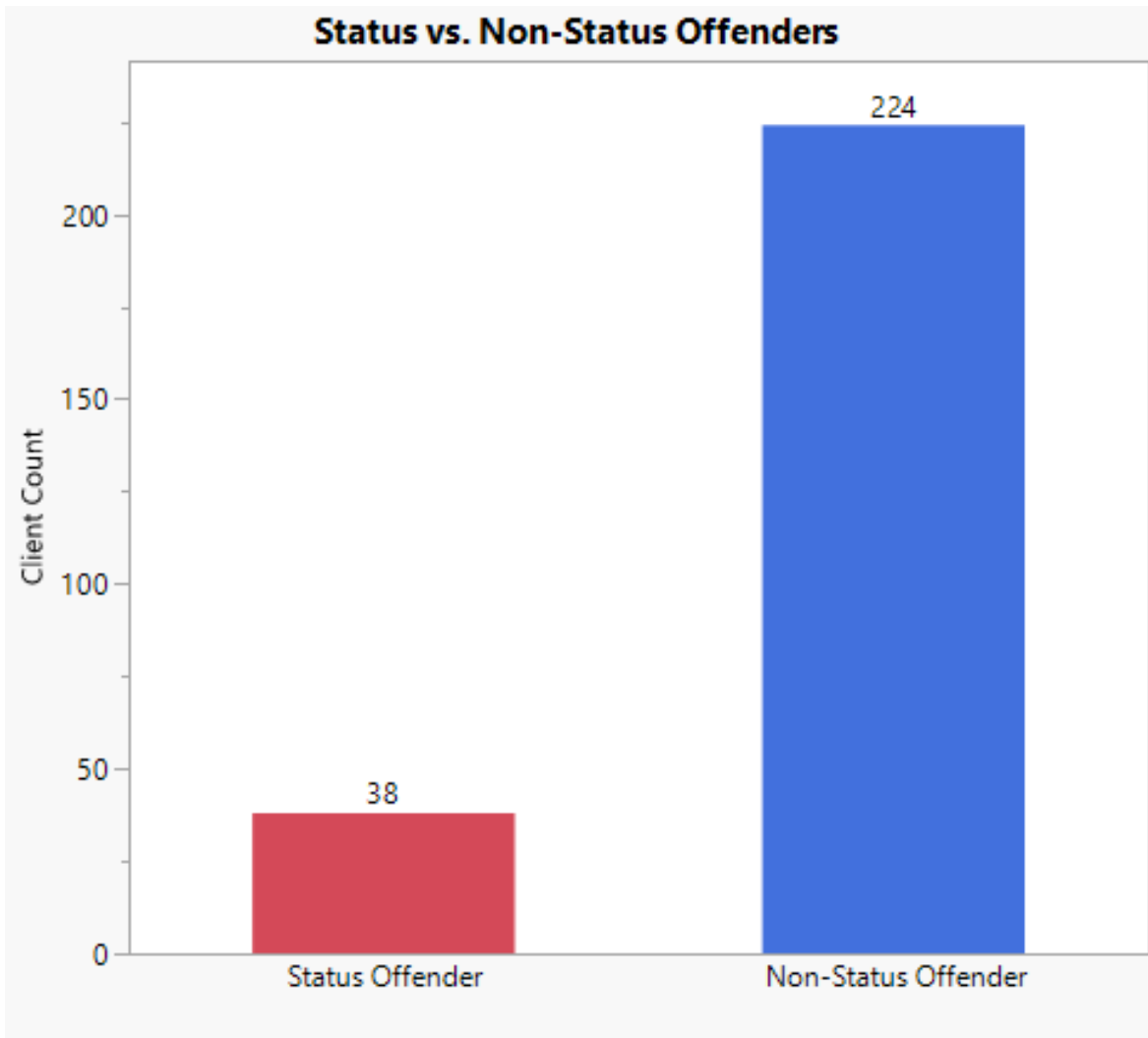


**Data Scan Question 2: What offenses are Native youth in custody at Minnesota JDCs charged with?**

Figure 4 displays the distribution of status and non-status offenses among youth detained in juvenile facilities during Calendar Year (CY) 2023. The majority (n=224, 89%) were detained for non-status offenses (this included violent offenses, such as assault and battery, as well as property offenses, such as retail theft, motor vehicle theft, and burglary) while 15 percent (n=38) served time for status offenses (including running away, truancy, and minor consumption of alcohol).<sup>13</sup> The total number of offenses exceeds the 252 youth because ten individuals were incarcerated multiple times during the year, with sentences for both status and non-status offenses.

<sup>13</sup> It is important to note that for some JDCs do not detain youth for status offenses unless the offense constitutes a violation of probation.

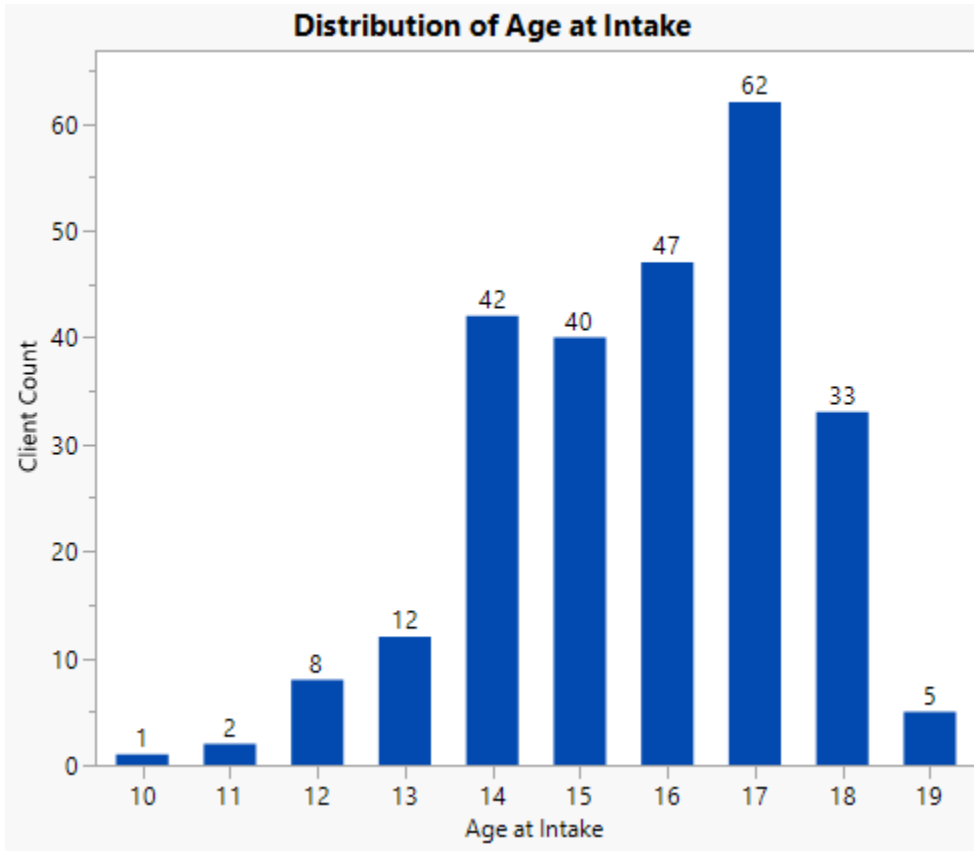
Figure 4: Status vs. Non-Status Offenders



**Data Scan Question 3: What is typical age range of justice-involved Native youth incarcerated in Minnesota?**

During CY2023, 252 youth served time in juvenile detention facilities, with their ages at intake ranging from 10 to 19 years old. The average age at intake was 15.74 years, with a median of 16 and a mode of 17, indicating that the most frequent age of intake was 17. The standard deviation of 1.73 suggests moderate variability in ages, with a variance of 2.99 reflecting the spread of ages around the mean. Figure 5 displays the distribution of age at intake.

Figure 5: Distribution of Age at Intake



**Data Scan Question 4: What is the average length of incarceration for justice-involved Native youth in Minnesota?**

For the 252 youth who served time in juvenile detention facilities during CY2023, the total days in custody ranged from 1 to 537 days. On average, these youth spent 46.46 days in custody, the median was 7 days, and the most common length of stay (mode) was 1 day, indicating that a significant number of youth had relatively short stays. The standard deviation of 83.37 days and the variance of 6951.25 show that there was considerable variability in the length of time youth spent in custody, with some cases involving much longer periods of confinement. Figure 6 displays the distribution to total days in custody.

Figure 6: Distribution of Total Days in Custody

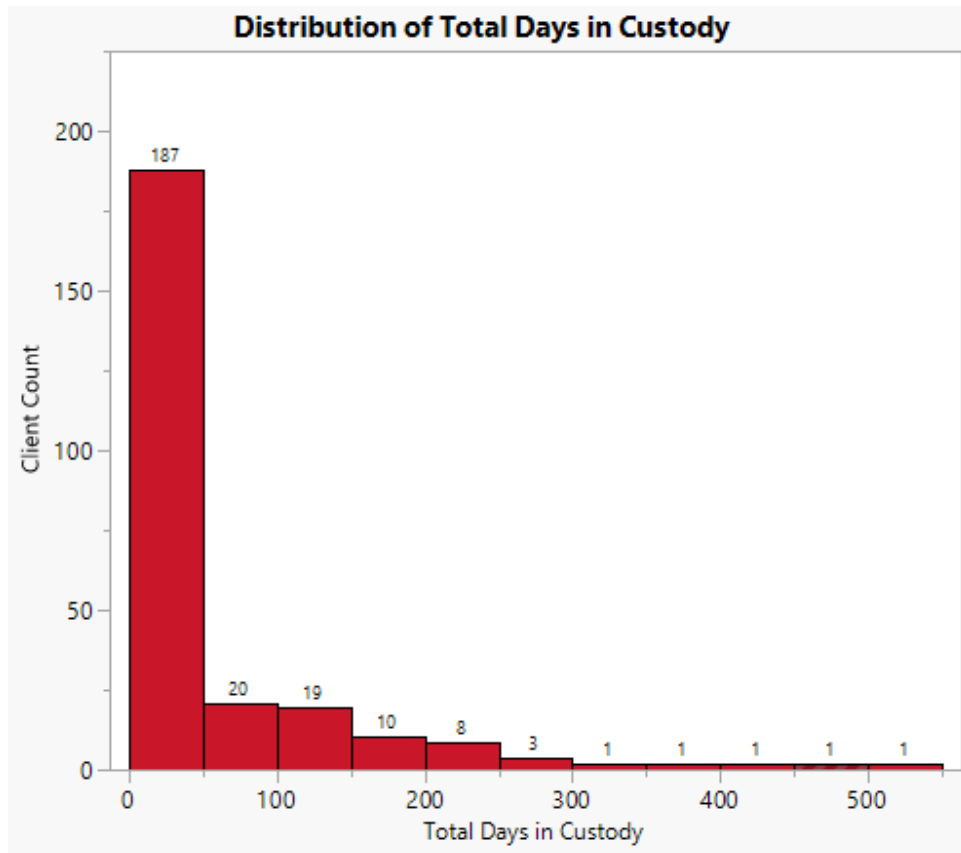
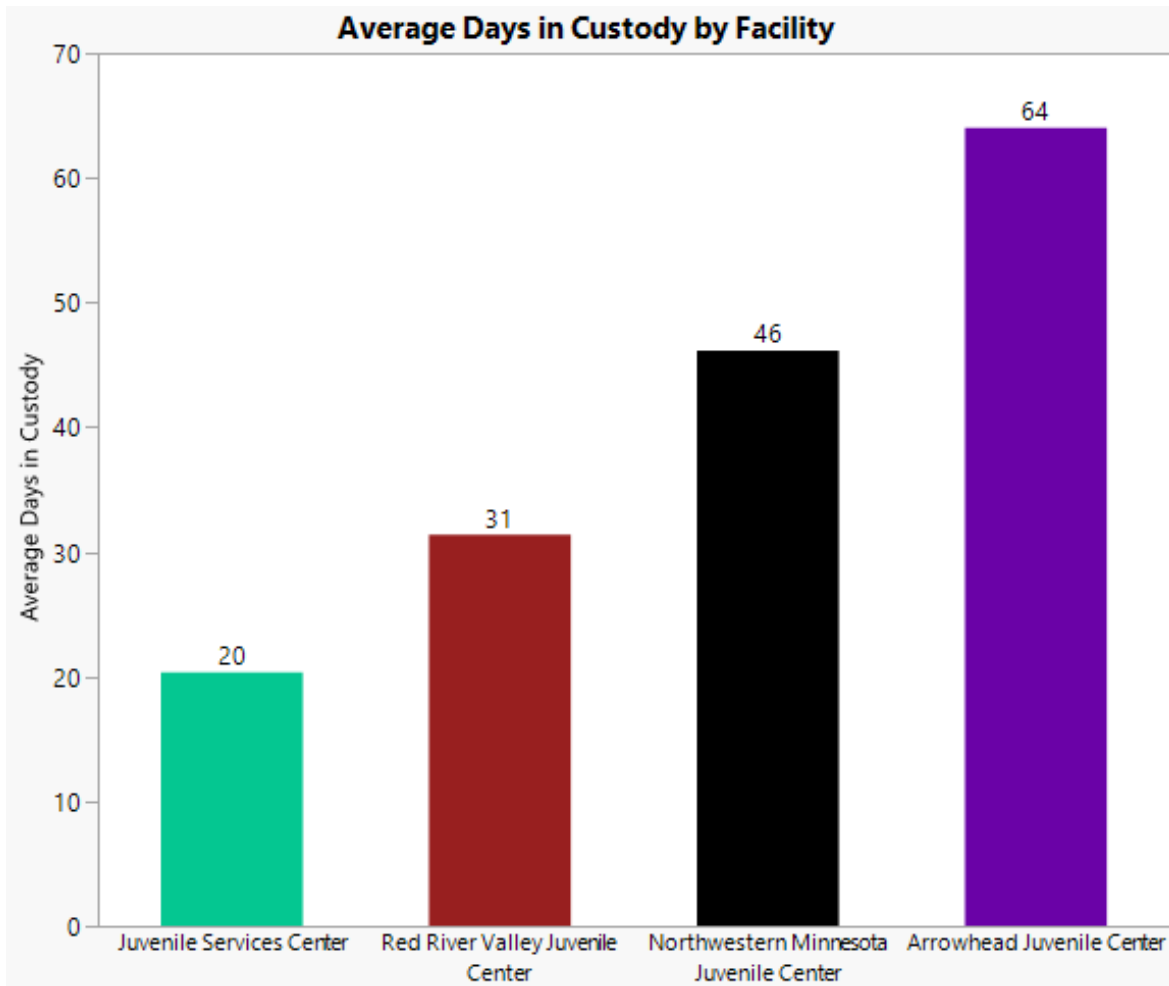


Figure 7 presents the average number of days youth spent in custody at four JDCs during Calendar Year 2023. The average duration of detention ranged from 20 days at the Juvenile Services Center to 64 days at Arrowhead Juvenile Center, representing the shortest and longest average stays, respectively.

Figure 7: Average Days in Custody by Facility



**Exploratory Analyses**

Figure 8 shows the average number of days in custody by age at intake during Calendar Year 2023. Youth aged 10 and 11 had the lowest average time in custody, with an average of 2 days for both age groups. In contrast, youth aged 12 had the highest average time in custody, with an average of 63 days.



Figure 8: Average Days in Custody by Age at Intake

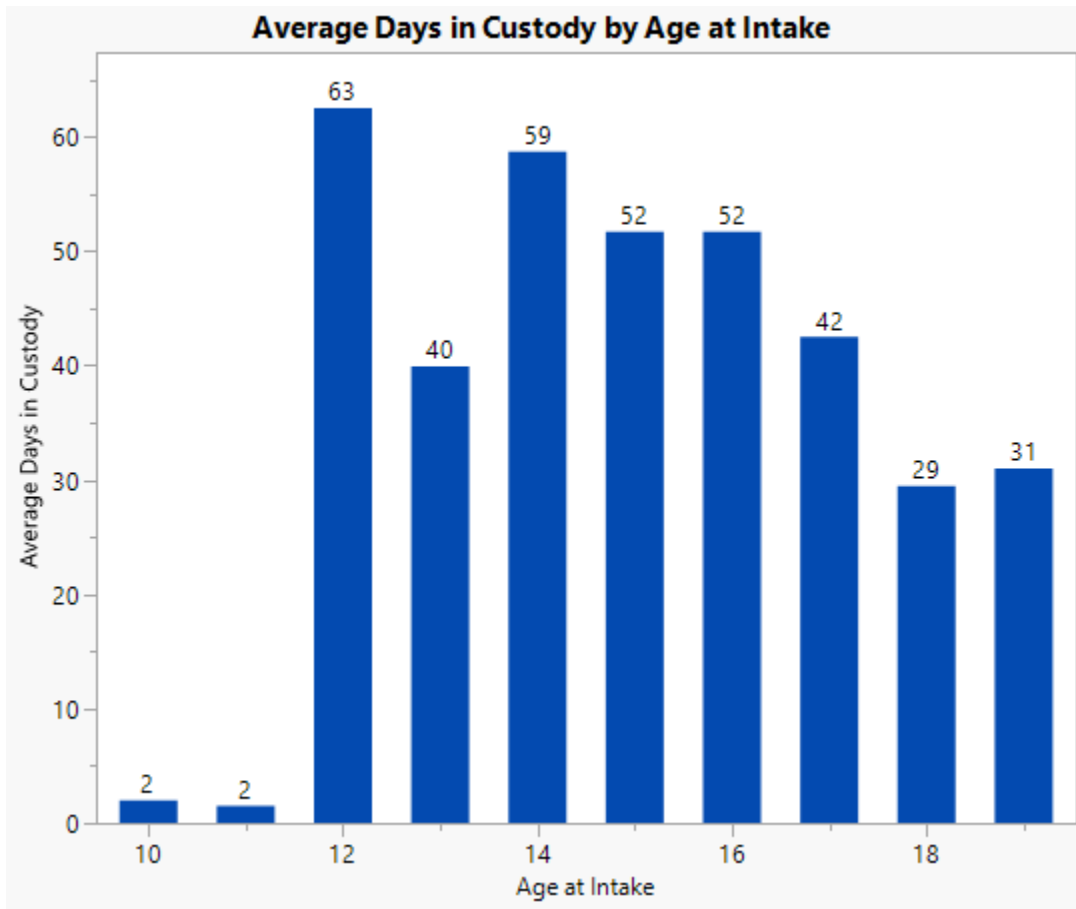


Figure 9 illustrates the variability in total days spent in custody by age at intake, complementing the average values presented in Figure 6. While Figure 6 shows that youth aged 12 spent an average of 63 days in custody, Figure 7 highlights the distribution within this age group. Most 12-year-olds served fewer than 50 days in custody (represented by dark x's), but a smaller subset of youth in this age group spent nearly 500 days in detention, indicating significant variation.

Figure 9: Variability in Days in Custody by Age at Intake

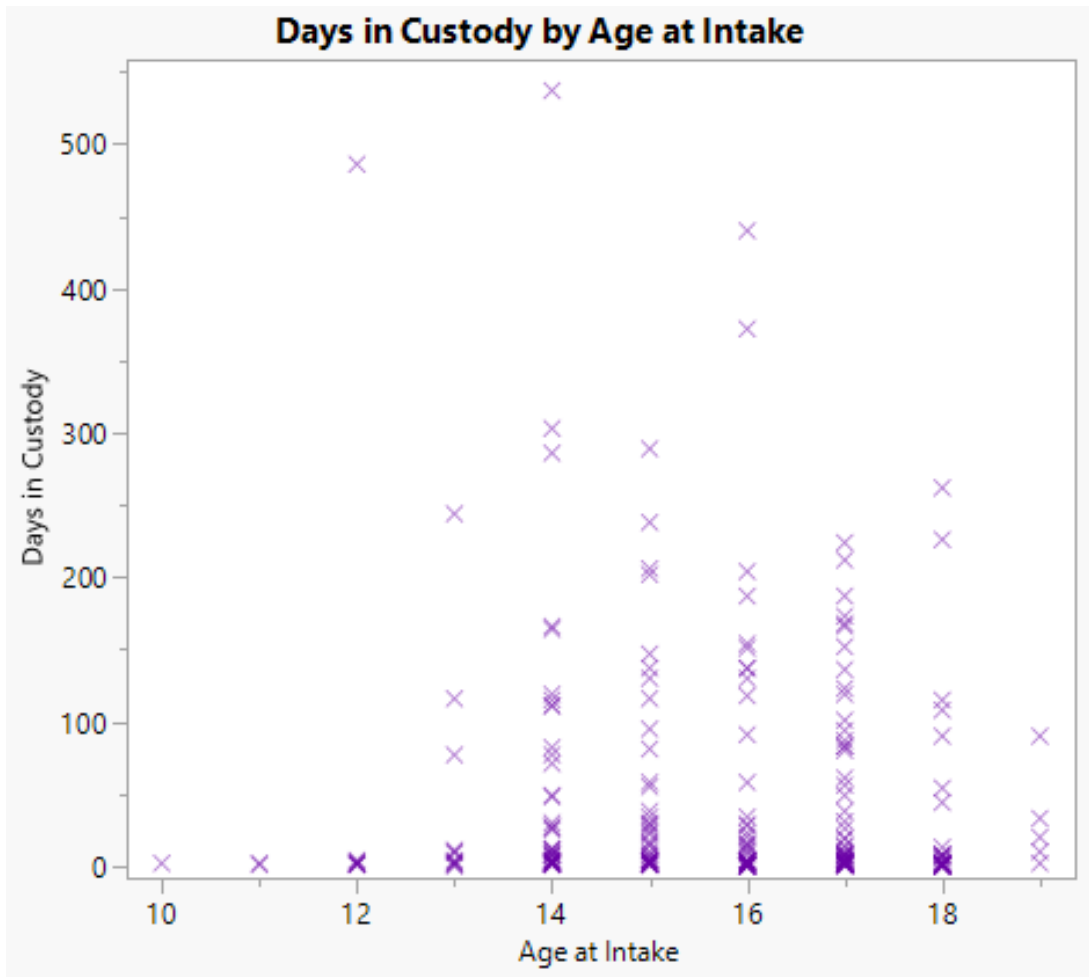


Figure 10 compares the average number of days in custody for youth detained for status offenses versus non-status offenses. Youth detained for non-status offenses spent, on average, nearly 5.5 times more days in custody compared to those detained for status offenses.

Figure 10: Average Days in Custody by Client Status

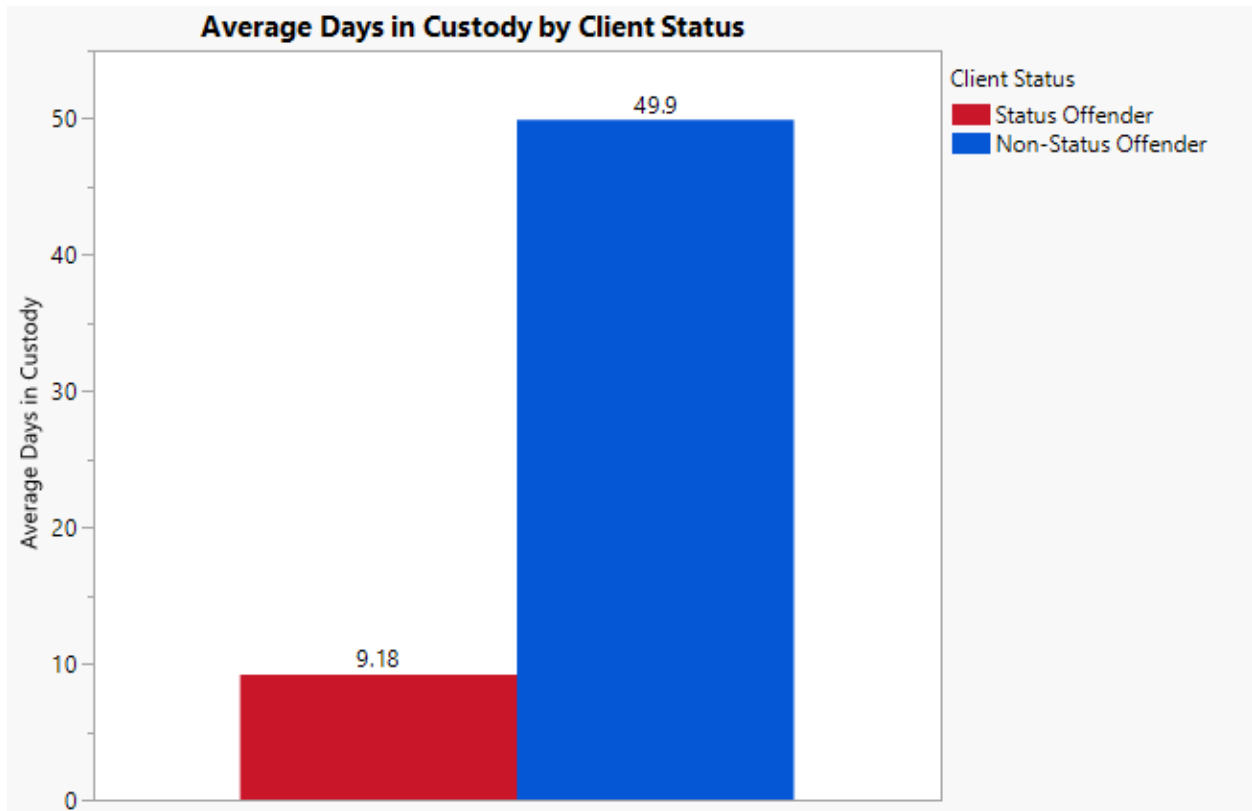


Figure 11 presents the distribution of counties of arrest for the 252 Native youth incarcerated in juvenile detention centers during Calendar Year 2023. In some instances, youth were not referred to detention centers through a county but through child welfare agencies, such as Red Lake Reservation Children and Family Services or White Earth Indian Child Welfare. In these cases, youth may have been referred through a Tribal order if they were involved in a child protection case.

Figure 11: Distribution of County of Arrest

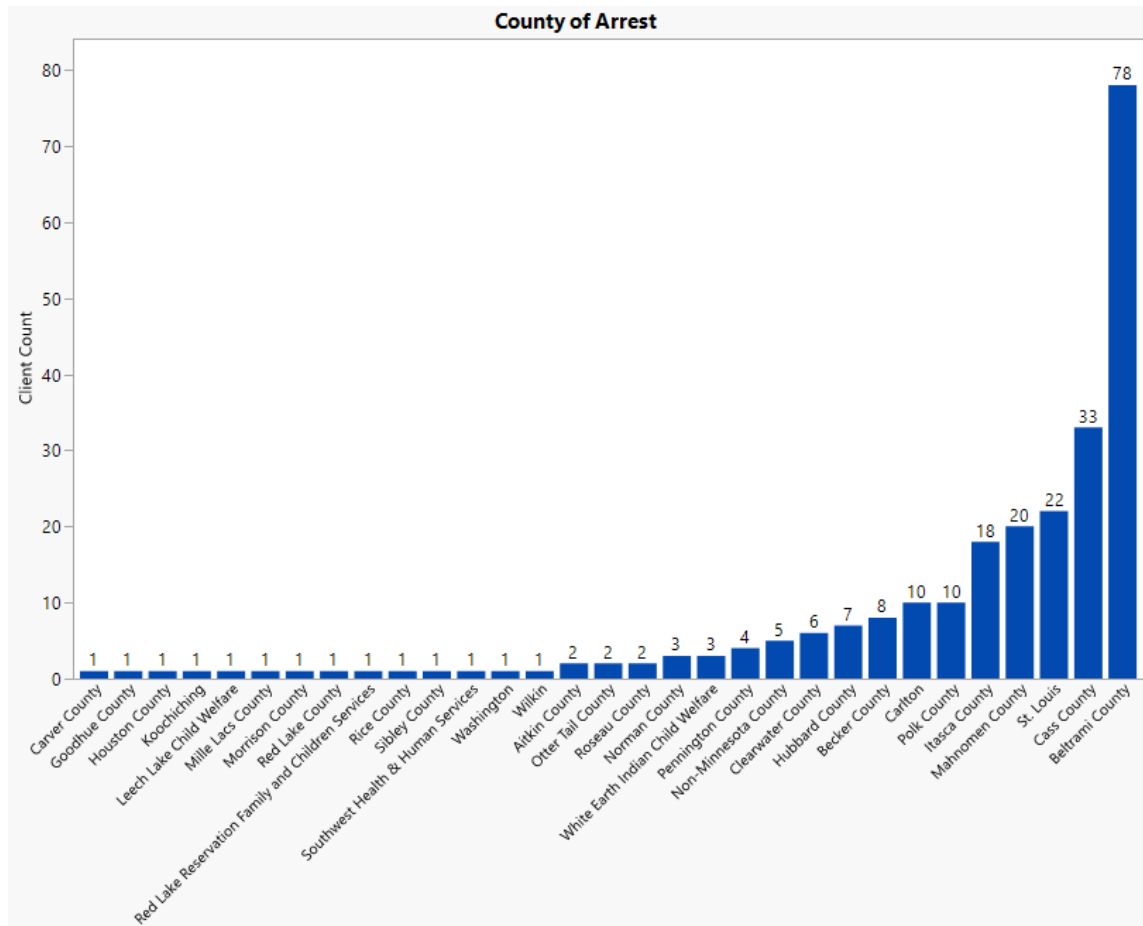


Figure 12 illustrates the variability in age at intake across different referring counties. The ages at intake differ significantly among the arresting counties. This chart reveals that the youngest youth were arrested in Wilkin and Polk counties; in contrast, the oldest youth were arrested in Mille Lacs, Morrison, and Rice counties.

Figure 12: Variability in Age at Intake by County of Arrest

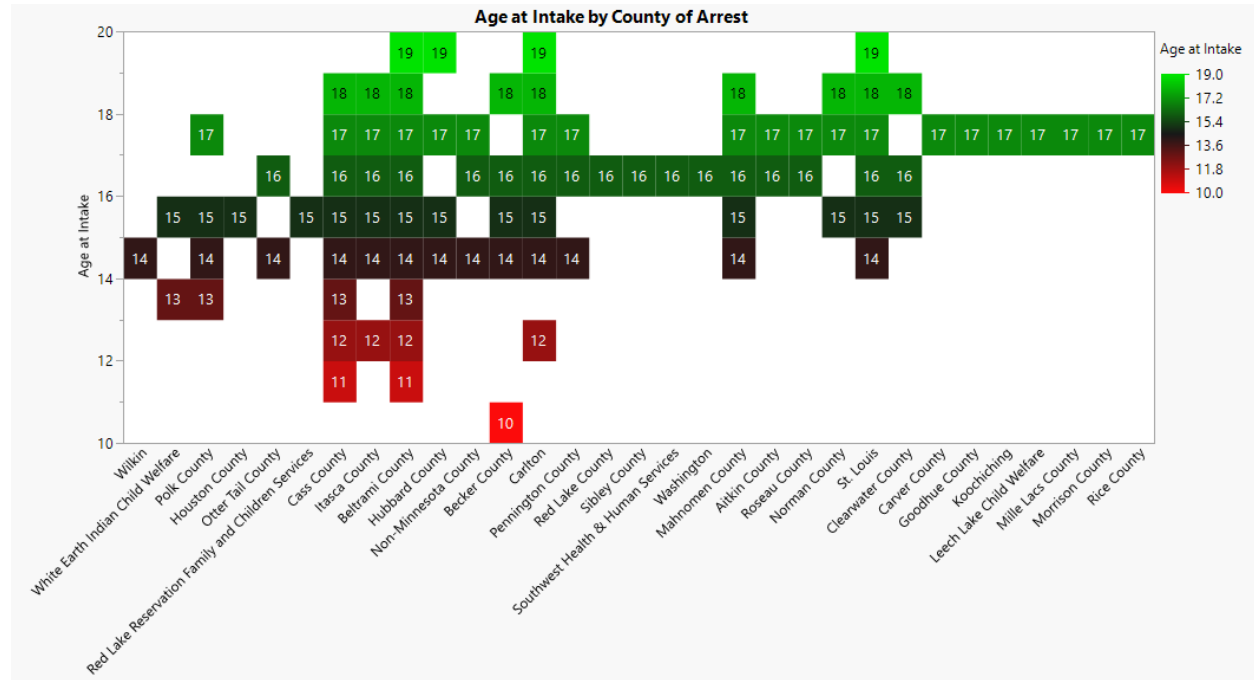


Figure 13 presents the average number of days in custody by county of arrest. Youth arrested in Roseau, Red Lake, and Mille Lacs counties spend the shortest average duration in custody, while those arrested in Aitkin County have the longest average confinement periods.

Figure 13: Average Days in Custody by County of Arrest

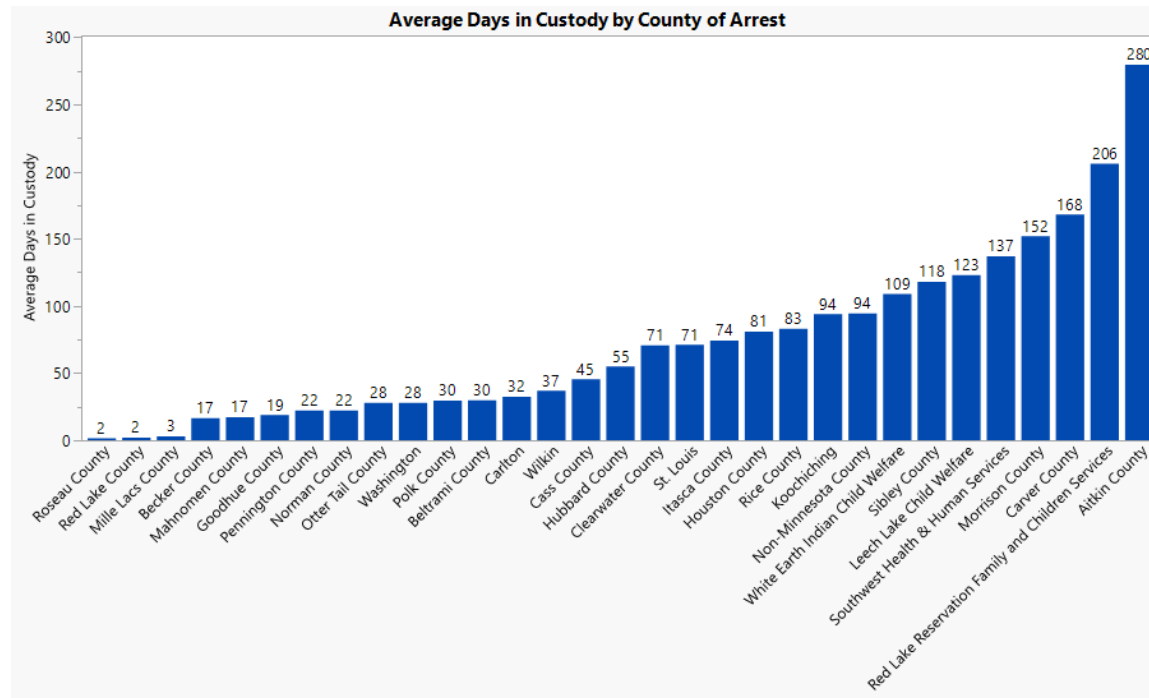
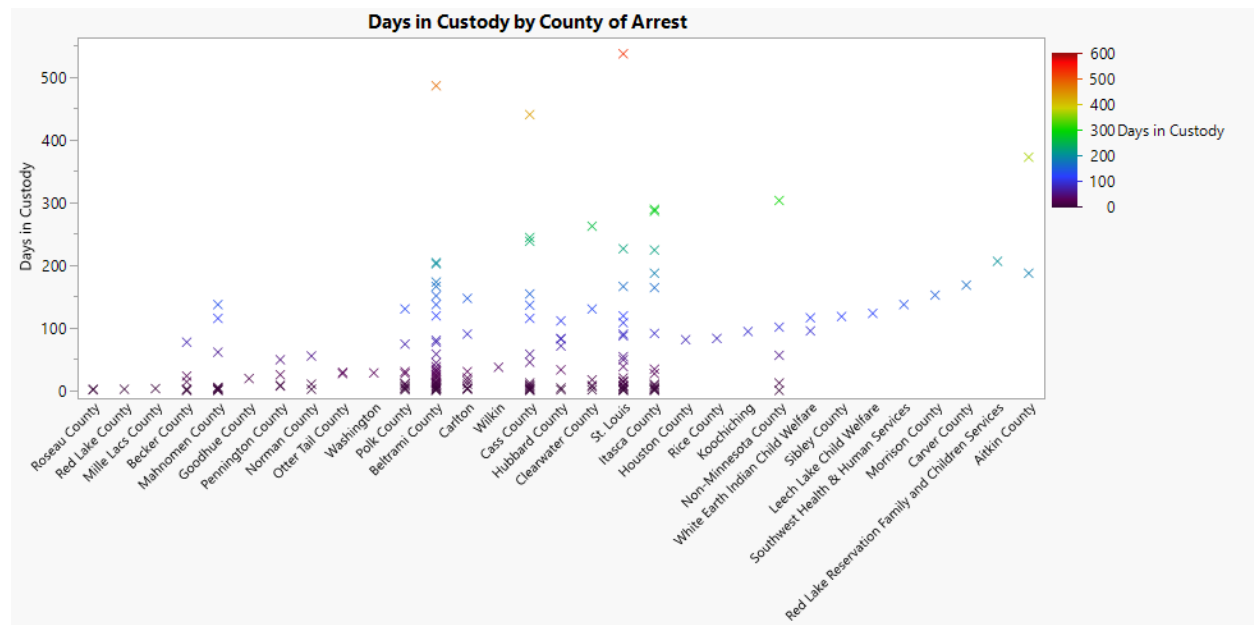




Figure 14 illustrates the average number of days in custody by age at intake, highlighting the variability in total days spent in custody for each arresting county. In some counties, such as Otter Tail, Washington, Houston, and Rice, there is little to no variability in the total days in custody for youth. Conversely, other counties, including Beltrami, St. Louis, and Itasca, exhibit considerable variability in custody durations.

**Figure 14: Variability in Days in Custody by County of Arrest**



**Data Scan Question 5: How is Tribal affiliation/membership tracked by juvenile detention facilities in Minnesota?**

Tribal affiliation/membership is not systematically tracked or reported by the majority of JDCs in Minnesota at present. Of the four JDCs that provided data, three—Arrowhead Juvenile Center in Duluth, Juvenile Services Center in Hastings, and Red River Juvenile Center in Crookston—do not have consistent processes for tracking or documenting the Tribal affiliation of the youth they detain.

However, the Northwestern Minnesota Juvenile Center in Bemidji does track and report Tribal affiliation for youth from the surrounding Reservations (Red Lake Band of Chippewa, White Earth Band of Minnesota Chippewa, and Leech Lake Band of Ojibwe). This information is primarily collected through youth self-reporting during the intake process. Additional methods include documentation provided by Tribal workers, such as when a youth is placed by a Tribal court order, or when a youth’s parent or guardian is enrolled in a Tribe. In some cases, the involvement of a Tribal social worker or an Indian Child Welfare worker may also provide insight into the youth’s Tribal membership. While self-reporting is the primary method, a combination of sources may be used to ensure that the youth’s Tribal affiliation is documented.

***Data Scan Question 6: Do juvenile detention facilities in Minnesota have formal policies or procedures surrounding Tribal notification?***

Juvenile detention facilities in Minnesota generally lack formal, standardized policies for Tribal notification. For example, the Northwestern Minnesota Juvenile Center does not have its own formal notification procedure but relies on the county<sup>14</sup> that arrested or placed the youth to notify the appropriate Tribe. If the youth is working with a Tribal worker, that worker is also informed of court hearings.

At the Arrowhead Juvenile Center, there is no formal notification policy in place for all Tribes, but the agency has an MOU with the Fond du Lac Band of Lake Superior Chippewa. Under this MOU, the agency notifies the Tribe via email when one of their youth is in the facility, and a community liaison from the Tribe works with Indigenous youth at the agency. It is unclear if similar agreements exist with other Tribes in Arrowhead's service area, such as Bois Forte Band of Chippewa or Grand Portage Band of Lake Superior Chippewa.

## **VI. Conclusion and Recommendations**

Addressing the data gap in Native youth incarceration is crucial to understanding and ultimately reducing the disparities and challenges these youth face in the justice system. Currently, the lack of consistent, accurate data across federal, state, and Tribal jurisdictions makes it difficult to track how and why Native youth enter the carceral system, limiting the effectiveness of interventions and obscuring systemic issues. This data gap is rooted in a long history of erasure and exclusion, and it perpetuates barriers to culturally appropriate support for Native youth, Tribal advocacy, and Tribal sovereignty over justice matters involving their youth. Closing this gap would enable Tribal leaders, policymakers, and service providers to make informed decisions, establish transparent and equitable practices, and address the unique needs of Native youth in ways that honor their communities and identities. The following recommendations outline targeted actions to address these challenges.

### *1. Recommendations for the State of Minnesota*

#### Short Term

- 1.1. State Department of Corrections (DOC) and Public Safety Tribal Liaisons **should meet with the leadership** of the 11 federally recognized Tribes in Minnesota to discuss the complex issues and needs of Minnesota Tribal youth that have been and are currently justice involved/justice impacted.
- 1.2. State DOC and Public Safety Tribal Liaisons **should meet with Minnesota Department of Corrections (MN DOC) Commissioner** to share the complex issues and needs of

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<sup>14</sup> This could be at the level of law enforcement, juvenile court, juvenile probation, social services/child welfare, via court order, etc.

incarcerated Native youth in Minnesota with the starting point being the lack of data that is being collected by the MN DOC on Native youth incarceration.

- 1.3. State DOC and Public Safety Tribal Liaisons should **communicate and advocate** within MN DOC, Minnesota Tribal State Relations Office and with the Minnesota Indian Affairs Council that the root causes of Native youth incarceration must be discussed, addressed, and remedied.

#### Medium Term

- 1.4. Juvenile detention centers in Minnesota should **collect and track Tribal affiliation data** as a general part of intake. The method for collecting this data should be developed in consultation with the 11 federally recognized Minnesota Tribes. This data should be made available to requesting Tribes.
- 1.5. Juvenile detention centers in Minnesota should enact institutional level **policies and protocols requiring Tribal notification** (similar to Oregon) when Tribal youth are detained/incarcerated.

#### Long Term

- 1.6. The State of Minnesota should **formally expand Tribal notification** pursuant to ICWA to cover all juvenile justice proceedings involving Native youth<sup>15</sup> using lessons learned from the New Mexico Juvenile Justice Tribal Notification Policy Research Project (2015), including:
  - 1.6.1. Implement policies and procedures to **identify Native status** (determine if the child is a tribal member or is eligible for tribal membership) at intake.
  - 1.6.2. Provide annual updates to **maintain tribal contact information**, including names, titles, and email addresses to help **ensure the accuracy of contact information** and expediency of delivery.
  - 1.6.3. Administer **notification at early stages** - at petition, or even during preliminary inquiry.

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<sup>15</sup> In child welfare proceedings, the Indian Child Welfare Act (ICWA) recognizes that tribes have unique rights that must be preserved regarding the placement of their children. ICWA defines "child custody proceedings" to include all out-of-home placement of Indian children unless the placement is part of a divorce proceeding or "based upon an act which, if committed by an adult, would be deemed a crime." Thus, proceedings based upon status offenses are covered by the act. The failure of state courts to apply ICWA's protections to Native juvenile status offenders who have been removed or who are at risk of being removed from their homes undermines the rights of tribes as sovereign nations and the rights of youth and families recognized in the act. The act provides safeguards for Native youth who may be placed outside of their home by mandating tribal notification in those proceedings, recognizing a tribal right to intervene and request a transfer to tribal court. However, where the juvenile act constitutes a crime, these safeguards do not come into effect under ICWA. Consequently, New Mexico has expanded the ICWA tribal notice requirement, under state law, to cover juvenile justice proceedings involving Native youth, at the disposition stage. See: N.M. Stat. § 32A-2-5, as amended by New Mexico Laws 1993, Chapter 77, Section 34.

- 1.6.4. Include Tribal leaders in a **joint tribal-state process** to address how legislation and implementation should be drafted and implemented.

## 2. *Recommendations for the Federal Government*

### Short/Medium Term

- 2.1. As a condition of states receiving Title II Formula grants, pursuant to the Juvenile Justice and Delinquency Prevention Act (34 U.S.C. 11133 (a)), **states should be statutorily required to submit a state plan for carrying out its juvenile programs, project, and activities**, which includes a plan for collecting, tracking, and reporting data on Native and Tribal member youth entering the state juvenile justice system, secure detention, and through reentry.
- 2.2. The Bureau of Justice Statistics should **develop a Tribal youth data collection and reporting plan**, in consultation with Tribal governments.
- 2.3. Federal funding for state/county juvenile justice systems and programs should require that **states engage in and support meaningful and consensual consultation with Tribes** on the design, content, and operation of juvenile justice systems and programs to ensure that programming is imbued with cultural integrity to meet the needs of Tribal youth and that the process of referral, diversion, and/or transfer to Tribal Courts (e.g., Youth Healing to Wellness Courts and programs) is negotiated in good faith through State/County-Tribe MOUs or MOAs.

### Long Term

- 2.4. The federal government should **establish funding for a Tribal Youth Justice Specialist (TYJS) position** in states with significant Tribal youth representation in the juvenile justice system. This position would provide essential support and advocacy for Tribal youth at risk of or already involved in the justice system. The role of the TYJS would include:
  - 2.4.1. **Immediate Youth Support and Diversion Coordination:** The TYJS would be immediately notified when a Tribal youth is arrested or detained in a JDC. They would serve as the primary liaison among the youth, their family or guardian, juvenile court, and JDC, coordinating access to resources and services to support youth in the least restrictive environment. This coordination would include legal representation, educational support, and mental health/emotional wellness services.
  - 2.4.2. **Data Collection and Reporting Oversight:** The TYJS would manage data collection and reporting related to Tribal youth justice involvement, ensuring that accurate information is maintained on service coordination, justice outcomes, and youth needs. This data would help identify gaps and inform improvements in Tribal youth services, supporting transparency and accountability.
  - 2.4.3. **Federal Oversight and Independence from JDCs:** The TYJS position would be federally funded and operate independently of JDCs, with federal oversight to ensure unbiased coordination and alignment with national standards. This

independence would help protect the rights of Tribal youth and uphold culturally informed, needs-based service delivery.

- 2.5. The Indian Child Welfare Act should be amended to provide that when a State court initiates any delinquency proceeding involving an Indian child for acts that took place on the reservation, **all of the notice, intervention, and transfer provisions of ICWA will apply**. For all other Indian children involved in State delinquency proceedings, ICWA should be amended to require notice to the Tribe and a right to intervene.<sup>16</sup>

### 3. *Recommendations for Tribal Leadership of 11 Federally Recognized Tribes in Minnesota*

#### Short Term

- 3.1. Tribal leadership should prioritize addressing the complex issues of their Tribal youth that are justice involved/impacted, including specifically: 1) **identifying resources** and supports that are currently available for these youth and their families within the Tribe (includes youth with incarcerated parents) and 2) **identifying current gaps in services** for these youth and their families.
- 3.2. Tribal leadership should **outreach to the MN DOC Tribal Liaison** to discuss the needs of their Tribal youth that are justice involved/impacted and request that these needs to the attention of the MN DOC Commissioner, Minnesota Tribal State Relations Office, and the Minnesota Indian Affairs Council.
- 3.3. Tribal leadership should **outreach to the MN DOC Commissioner** to discuss and address the complexity of issues and needs of incarcerated Native youth in Minnesota.
- 3.4. Tribal leadership should **inform the Minnesota Governor and Lt. Governor** that addressing the high rate of incarceration of Native youth in the state of Minnesota is a **priority for Minnesota Tribal Leaders and the Nations** they represent.

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<sup>16</sup> Note that this recommendation is adopted from the Indian Law and Order Commission Report, page 173, recommendation 6.12. Full report available at:

[https://www.aisc.ucla.edu/iloc/report/files/A\\_Roadmap\\_For\\_Making\\_Native\\_America\\_Safer-Full.pdf](https://www.aisc.ucla.edu/iloc/report/files/A_Roadmap_For_Making_Native_America_Safer-Full.pdf).

Similar recommendations have been made in other reports, including the Attorney General's Advisory Committee on American Indian and Alaska Native Children Exposed to Violence: Ending Violence So Children Can Thrive Report, page 122. "4.6: Congress should amend the Indian Child Welfare Act (ICWA) to provide that when a state court initiates any delinquency proceeding involving an Indian child for acts that took place on the reservation, all of the notice, intervention, and transfer provisions of ICWA will apply. For all other Indian children involved in state delinquency proceedings, ICWA should be amended to require notice to the tribe and a right to intervene. As a first step, the Department of Justice (DOJ) should establish a demonstration pilot project that would provide funding for three states to provide ICWA-type notification to tribes within their state whenever the state court initiates a delinquency proceeding against a child from that tribe which includes a plan to evaluate the results with an eye toward scaling it up for all AI/ AN communities." Full report available at:

[https://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2015/03/23/ending\\_violence\\_so\\_children\\_can\\_thrive.pdf](https://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2015/03/23/ending_violence_so_children_can_thrive.pdf)

### Medium Term

- 3.5. Tribal leadership should **pursue MOUs with Minnesota state/regional/county juvenile detention facilities** detailing Tribal notification procedures.

### Long Term

- 3.6. Tribal leadership should prioritize and create a plan to **identify and remedy the root causes** of their Tribal youth becoming justice involved/impacted with the goal of reducing the number of Native youth in Minnesota that are justice involved/impacted.

## 4. *Recommendations for Researchers*

### Short Term<sup>17</sup>

- 4.1. **County and Entity-Specific Pathway Analysis:** Prioritize future research on counties and entities with high involvement in Native youth cases, including Aitkin, Carver, Beltrami, Cass, St. Louis, Mahnomen, and Itasca counties. Research should include reviewing statutes, court rules, and case law to support mapping procedural pathways and decision points within these counties and entities.
- 4.2. **Pathways to Detention:** Given the data's indication of multiple pathways that Native youth in Minnesota take to reach detention, research should map these procedural pathways within both the Minnesota juvenile and criminal justice systems and relevant Tribal juvenile and child welfare systems. Developing a process flow map for each pathway will help identify decision points where minority youth, including Native youth, are disproportionately contacted or otherwise adversely impacted.
- 4.3. **Analysis of Legal Challenges in Minnesota Appellate Case Law:** Research Minnesota appellate case law to understand how the juvenile and criminal justice systems have been challenged concerning Native youth, identifying specific policies or practices that have been legally contested. This can highlight procedural or structural issues that warrant further data collection and improvement to reduce disparate impacts on Native youth.
- 4.4. **Process Mapping for Tribal Identification and Notification:** Conduct a comprehensive process mapping study of the Tribal identification and notification procedures currently in place within Minnesota JDCs. This research should examine how Tribal affiliation is identified for justice-involved Native youth, track where and how this data is recorded and stored, and document the steps involved in notifying Tribal nations. Understanding these processes and identifying gaps will inform improvements in data handling and strengthen coordination between JDCs and Tribal nations.

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<sup>17</sup> These recommendations will be the focus of the Tribal Youth Resource Center's continued data scan inquiry in FY2025.

## Medium Term

- 4.5. **Enhanced Tracking of Tribal Affiliation and Notification Procedures:** Develop standardized methods to track Tribal affiliation across Minnesota's JDCs and ensure consistent notification processes for Tribal nations. This research should also evaluate the effectiveness of existing Memoranda of Understanding (MOUs) between JDCs and Tribal nations, supporting better coordination and advocacy for detained Native youth.
- 4.6. **Pre- vs. Post-Adjudication Data Differentiation:** Investigate methods for segmenting data between pre-adjudicated and post-adjudicated Native youth, as current systems lack efficient mechanisms to track this distinction. This understanding would support assessments of detention's influence on case outcomes, aiding Tribes in advocating for alternative resolutions.
- 4.7. **Understanding Rehabilitative Services and Supports:** Conduct research to evaluate and understand the rehabilitative services and supports that are available to justice-involved youth, both those in custody and those in diversion programs. This research should examine key areas of service, including mental health support, educational and vocational training, substance abuse treatment, cultural programming, and family reunification initiatives, and include both quantitative and qualitative data to capture diverse perspectives and experiences.

## Long Term

- 4.8. **Qualitative Insights on System Involvement:** Conduct qualitative studies to capture the experiences and needs of justice-involved Native youth and their families, directly gathering insights from Tribal communities. Such research would deepen understanding of systemic barriers and cultural impacts Native youth face, informing holistic and culturally responsive approaches.
- 4.9. **Impact of Detention Duration on Native Youth:** Examine the short- and long-term effects of detention duration on Native youth, with particular attention to variations by age, county of arrest, and offense type. This would support Tribes and policymakers in developing culturally relevant interventions that reduce detention time and support rehabilitative outcomes.
- 4.10 **Jurisdictional Data Coordination:** Explore ways to improve data sharing and coordination among federal, state, and Tribal justice systems, addressing gaps created by jurisdictional complexities in Indian Country. This will allow for a more comprehensive understanding of Native youth involvement in the justice system.
- 4.11 **Data Scan Replication:** To broaden understanding and support effective interventions for Tribal youth in justice and carceral systems, it is recommended to replicate this data scan methodology in states with high Tribal youth involvement, such as South Dakota, Montana, Arizona, and New Mexico. By implementing similar data scans in these states, researchers can compare and identify patterns, jurisdictional challenges, and decision points that may be contributing to disproportionate Native youth contact within justice systems nationwide. This approach would also provide a consistent framework to assess procedural pathways and inform targeted reforms, ultimately supporting a national

strategy, as well as Tribe-state agreements, to address disparities affecting Tribal youth. Additionally, cross-state comparisons would enable policymakers and Tribal leadership to share best practices, enter into intergovernmental agreements, advocate for culturally responsive programming, and enhance data governance for Native youth in diverse legal and geographic contexts.