

Juvenile Justice & Tribal Youth: What Judges & Attorneys Need to Know

(Live Recording on April 27, 2022)

Transcript

Slide 1

Amanda Morris: Recording has started.

Marshal Galvan: Good afternoon, everybody. Thank you for joining us we're going to take another 15 to 20 seconds to allow folks to come in, then we'll get started. [Pause in discussion] Alright, so again good afternoon, my name is Marshall Galvan Jr I'm a first year Masters in Social Welfare student at UC Berkeley and I'm also an intern in the Tribal/State Programs Unit at the Judicial Council of California. I'm a descendant of the Chippewa Turtle Mountain Nation.

Slide 2

Marshal Galvan: We would like to acknowledge our presentation is brought to you today from the original current lands of the Ohlone people in the San Francisco Bay Area, where the Judicial Council California Office is currently located. We thank the Ohlone ancestors and present tribal communities as well as the tribal lands and communities from where our presenters are speaking from. Welcome everyone joining us today. We're thrilled to have you. We will be featuring juvenile justice issues and tribal youth, what judges and attorneys need to know in today's webinar. If you have questions during the webinar, please write them in the chat box to our panelists and we'll be answering your questions throughout today's presentation. Please refer to the email with instructions recently sent to you by Amanda Morris if you would like CEUs. Now let's meet our panelists. We have joining us today, Judge Ana Espana, Presiding Judge, Juvenile Court Division Superior Court in San Diego. Judge Devon Lomayesva, Chief Judge, Intertribal Court of Southern California and Veronica Miramontes who will go by Ronnie for today's presentation, a restorative justice champion from MILPA Collective. Panelists, welcome. Next slide please.

Slide 3

Marshal Galvan: Here you will see the objectives for this training today, and they are also included in your PDF of material sent to you. In today's webinar, we are going to provide the connection between intergenerational trauma equal within the juvenile justice system and how you can make positive changes within your agency or court. Next slide please.

Slide 4

Marshal Galvan: So, we'll begin today's webinar highlighting some federal and California specific history, laws, and policies that continue to impact tribal communities into the present. Next slide please.

Slide 5

Marshal Galvan: Here in this slide, we wanted to feature list of significant federal laws and policy eras. We urge you to research further about the continue about that continue to impact tribal communities into the present. Vida you can you please put into the chat link our resources of these eras. First contact with Europeans initially began with a self-imposed entitlement utilizing the doctrine of discovery to steal land from tribal communities by forcible removals and overthrowing the long-established tribal governments and communities. Each of these eras have the commonalities of land and resource taking, assimilation into the first European ways followed by American ways, family separation and issues we'll begin further discussing next slide please.

Slide 6

Marshal Galvan: Prior to first contact in California, tribal communities thrived in healthy and nurturing family and community centered villages and similarly throughout our continent. Tribal communities have established governments were elder women often held significant positions. We had tribal healers for an array of issues, problem solving or justice systems that resemble today's restorative justice practices, economic systems and spiritual beliefs and practices that were connection to nature and the community. Next slide.

Slide 7

Marshal Galvan: In the late 1700's, the Spanish Government, Father Serra and the military led expeditions from Mexico to what is now known as California, to establish the mission system pueblos and presidios. The gold rush in the mid 1800's, which was a result of Western westward expansion and Manifest Destiny further changed California landscape and tribal communities. Each era resulted in family separation, trafficking, forcible removals, overthrowing already established tribal governments and communities and genocide by way of violence, murder, and disease. Next slide please.

Slide 8

Marshal Galvan: At the height of the gold rush the general attitude in society was to eradicate tribal communities all together. And as we see from Governor Peter Burnett, who was California's first governor and his initial State of the State address in 1851 he declared "that a war of extermination will continue to be waged between the races until the Indian race becomes extinct must be expected". Next slide please.

Slide 9

Marshal Galvan: The items in this slide feature a glimpse into the laws and policies in place during the mid-1800's that authorized and condoned kidnapping of tribal people, as well as enslaved and violence or murder in an effort to reap monetary compensation. We encourage you to read more about this time in California history with the resources available that Vida will drop some links for you into the chat box. Next slide please.

Slide 10

Marshal Galvan: From the late 1800's into the 1900's Indian boarding schools were created as an assimilation tactic by the US Government to sever the ties between tribal communities and their children in an effort to save the child. These were not Ivy league schools that provide a great care

or stellar academic instruction. These schools are meant to force Christianity. Children were taught menial labor skills and minimal academic skills. Families were forced into relinquishing custody of your children often not being told, or their children were taken to. They weren't allowed to participate in ceremony or speak their language and many endured violence by boarding school staff and a large number of children died during this time. Next slide please.

Slide 11

Marshal Galvan: So here, you have the map on the left that shows the original territories of tribal communities and the map on the right features, the present a landscape of federally recognized tribal communities in California. As you can see, by these numbers in the middle column, historically, there was a drastic change in population from first contact with Europeans and now has altered significant. Next slide please.

Slide 12

Marshal Galvan: Here are the terms and definitions of historical trauma and historical unresolved grief created by Dr Maria Yellow Horse Brave Heart. Historical trauma is defined as a cumulative emotional and psychological wounding over the lifespan and across generations emanating from massive group trauma experiences. It is important for you to understand these terms and meanings when you work with tribal communities and families, especially with tribal youth interfacing in the juvenile justice system, because it bridges, the gap between the histories of the past and present-day challenges and barriers continue to occur with these you. Next slide.

Slide 13

Marshal Galvan: And just an extension of that is “Post-Traumatic Invasion Syndrome”, which was created by Dr. Andrew Jolivette. “Post-Traumatic Invasion Syndrome” or PT is defined as the unnatural genocidal disruption of entire indigenous systems of cultural knowledge, practice and self-determination through military, political, religious exploitation and oppression. And the subconscious transference of invasion sickness and indigenous nihilism as practicing and perpetuated against native peoples to their own descendants. From the early colonial period of the 15th century until the present present settler colonial movement of the 21st century. Next slide please.

Slide 14

Marshal Galvan: Next slide please.

Slide 15

Marshal Galvan: So, this slide describe describes a brief introduction into how ICWA is applied in delinquency cases. Our ICWA webpage contains a wealth of information on this topic. Vida, can you include some links for our viewers into the chat? You also have information related to this slide with your materials for this webinar. Next slide please.

Slide 16

Marshal Galvan: In this slide, I want us to consider how racism, colonizing and stigmatizing approaches to substance abuse treatment, and poverty attributes to incarceration for youth and tribal communities. When we start to examine disparities in the child welfare system or impoverished communities, we see a common theme of Native Americans over-represented. So, in real time we were talking about challenges with law enforcement involvement with communities and schools. As well as the ways in which we engage with youth who are experimenting are chronically using substances or alcohol. The data shows tribal youth have higher rates of underage drinking in any other ethnic group, which means it should be treated as a mental health crisis, rather than criminal with criminality, but also understanding on Native American Communities have the highest poverty rates in the United States. All these things overlap each other and certainly contribute to youth interfacing with the juvenile justice system. Next slide please.

Slide 17

Marshal Galvan: And here we can see a couple of tables depicting this over representation of tribal youth incarcerated with the juvenile justice system. 60% of the population represented in juvenile and juvenile facilities nationwide or tribal youth they make up more than White, Hispanic, and Asian populations combined. Next slide please.

Slide 18

Marshal Galvan: and, specifically, looking at California, we see here the trends tribal youth incarcerated is an extension of those national numbers in California tribal youth have lower intake rates than White youth and are three times as likely to be detained adjudicated to court or serve harsher sentences. Next slide please.

Slide 19

Marshal Galvan: So now we're going to get into our Q & A which you all are here I'm sure to weigh in on and so let's get right into it. Judge Lomayesva and Judge Espana I'm going to direct these these next couple of questions towards you. Either one of you can start first. Has your personal background or experience influenced you in the ways you deliver justice in the courtroom?

Hon. Ana Espana: Right well, thank you Marshal on maybe I'll go ahead and give this one to go. Prior to my appointment to the bench, I represented children and youth in the juvenile court for about 25 years. So, I talked with kids, I got their story, I heard this story and I delivered their story to other judges every day. And I think that experience helped me to better understand the kids that come before me and their challenges and and I think, and I hope that it makes me a better juvenile court judge. But also, I appear to find many judges obviously my 25 years but there was one judge why period of final who became really my role model. She was strength-based trauma informed she talked to the youth, she cared, you can walk into a courtroom and sit at the council table with a client the youth and you felt that caring all throughout the courtroom. She was just simply amazing, and I appeared in front of many years she inspired me in the ways that I do live with justice today in the courtroom and thank you.

Marshal Galvan: Judge Lomayesva, do you want to hop in.

Hon. Devon Lomayesva: Well, thank you, gotta love that mute button. Good afternoon, everyone, and thank you Marshal for bringing us here today and the rest of the committee that put this together. I'm excited to see these topics out there for everyone to kind of take away some things on how we can do better for our Native youth that are in the system, and with this question, I mean I grew up in a family in a community where um people going to jail and juvenile hall were the norm and my family immediate family was really impacted by the system so that's what inspired me to go to law school and do the work that I do in the tribal communities and specific to youth. Just reflecting on my own experiences and looking at, wow I wish this would have been the way they approached these proceedings. I wish this would have been the way that things were offered to the youth that I saw go through the system. And so that stays with me constantly um when I'm presiding over cases with youth and with anyone frankly coming through the court and I think that experience has enabled me to put a little bit more of a person to person and not a judge to an offender, and so I hope that as um our court develops more programs that are geared towards addressing the problems, instead of putting band aids on them and, as we increase our collaboration with Judge Espana, her staff, and all of our partners that we can collectively make those experiences better.

Marshal Galvan: Thank you, and actually I want to come right back to Judge Lomayesva, but can you please elaborate on how judges can ensure youth involvement in court processes gauge their understanding of language used in the court and why incorporating their voices matter.

Hon. Devon Lomayesva: Yeah, I mean, I think the first thing is to just treat them like people. We so often undervalue how smart and insightful our youth are and it's the culture of do as I say, not as I do, speak when spoken to, and while that is appropriate in some circumstances, um if our goal here is to not have the youth come back and for them to um be good people and we live good and productive lives, then we need to treat them like people, and we need to greet them and say good morning how's your day not bring them in you know in check off the box, you know I've been practicing in state courts and tribal courts for over 25 years and you can really see the difference that a judge can make that county counsel you know probation any of those key players in in the fate of this youth, you know. A simple good morning, or how are you can make such a difference and that's something that you know I think just absolutely have the power to do within their courtrooms is to treat people like people um because most of the kids that come in their self-esteem is already so low just because of the exposure and the circumstances. Um, one thing that our staff has consciously done in our design of our new peer court, is to make sure that we're putting in everyday language in our informational packet and our guidelines getting rid of the Latin and using things that just can make sense to people. So, it's not daunting so that when parents are looking at something they're not immediately intimidated by language that you know just doesn't make sense and so I think in that respect we're really trying to be conscious about how we put the information out there, and you know, instead of making 150 pages long book and giving it to someone to make it something for because words are important, so that's all I have on that.

Marshal Galvan: Judge Espana, do you want to answer that question?

Hon. Ana Espana: Sure, thank you um I think first we have to recognize the anxiety and stress that court participants feel just simply walking into the courtroom right. I mean go into court,

even going to traffic court can bring anxiety to just anybody who's having to go to traffic court in here or court proceedings about that, and so you have to recognize first everybody coming in, is going to have some degree of stress and feel the youth in the family. I think it's very important to make eye contact. I really do try to make the effort to do that when they're walking into the door and present that sense of calm and that sense of welcome into the courtroom um, talking with the youth is so important, talking with family members who are there perhaps using motivational interviewing techniques like asking open ended questions, and listening listening to the youth and the family so very important. Um, when I'm reading probation officer reports, I am looking for what are the positives for every youth that come before me, because for every user is a positive. What are their strengths and what are the things they like to do what are their achievements and I'll note that in every case um and we talk about that really with the lawyers, as well as let's talk about the good things, what are the strengths of read to the children and youth have come before us and have the user struggling you know I'll talk to us about that and ask the youth, how can we help, what are the additional services and support I put into place to help you succeed. I'll, let the youth know what my expectations are and as to you sometimes repeat those those expectations back just to be sure that they understand what it is that I'm going to be looking for next time I see them in court and why does incorporating their voices matter well the court hearing is about them right and their lives.

Marshal Galvan: Thank you, thank you Judge Espana. This next question I want to come right back to you, um, given the population we're discussing right now, can you describe the value of incorporating tribal participation and connection to culturally appropriate services for tribal youth?

Hon. Ana Espana: Well, it's very important, in addition to youth and family voice, hearing from the tribes is just so important, they can inform the court of culturally appropriate services that can be incorporated into a probation youth case plan. By integrating culturally appropriate services, I believe there is more youth/family buy in, it's more meaningful and relevant to the youth and family and just frankly a matter of respect as well.

Marshal Galvan: Thank you. Judge Lomayesva, do you want to hop in?

Hon. Devon Lomayesva: Yeah, I think that, you know, most of our Native youth are never taught, even those few slides that you serve us this morning in school um and if they are it's oftentimes slanted while there's been efforts for decades to try to better curriculum in the schools um, they're not taught about them and what we found is that when you don't know about your own history and yourself and most of times your family's telling you these things, and you know, that usually, is part of that trauma been passed down so when you're not learning about who you are, where do you get that empowerment and that self-esteem and self-identity? So, by having youth that are in the system have that tribal support whether it's from the tribal leadership or tribal social services, youth groups, whatever it may be, um, you're bringing in a component that they're familiar with and that right there contributes to them having a much, much easier way to identify with kind of their surroundings, um and it really will improve their self-identity to know that hey this is something that makes sense for me this is um, whether it's diversion or it's the treatment facility they're going to, to have that Native input or that service that speaks to them it's only going to help them feel more grounded and having self-esteem

promotes self-worth. Many of the youth that come in that are troubled they're down on themselves they're depressed um because of all these things, so by bringing in something that's particular to them having a setting that's appropriate um and that's why we love having the tribal court available on the reservation. It's in a setting they're familiar with, but we know that that's not always going to be the case. We're always going to be partners with our counties and so, in the counties as Judge Espana said you know, having that same mindset, where you know if it can't be within the tribe than it needs to setting what people know that you need to take a little bit more time and to make sure that those services, um, you know what does it mean to be culturally appropriate um know something about the tribes that you serve. You know, you need to know the tribes that are in San Diego if you're in San Diego. To not pronounce the names of the tribes right, to not know where the youth's reservation may be located those kinds of things are going to close you out and so that training and that history on those things um are just as important as the actual services that are offered so.

Marshal Galvan: Thank you for that. In this next question, kind of really piggybacking off what you all already stated, um, but just to drive the point home further and either one of you can jump in sometimes you may feel criticized or looked down upon by the court, and I know that I certainly have in my experiences or professional working with them, how should judges and other juvenile court professional view a youth and re offender?

Hon. Devon Lomayesva: Well, I think you know, when you go through your systems it's very rare that someone's going to go through once and then miraculously everything's great that they're over their addictions they're over the trauma it just doesn't work like that, so I think that you have to expect, in our system today that there's going to be people coming back and it's not necessarily even going to be, because there was anything wrong with their services or things provided that's just part of feeling is that you have to keep at it, but I think that's also why it's so important to have um that restorative justice approach because you're getting at the core of what's bringing them there um you know they're not tagging you know police cars, because they just don't like police. There's something more going on there it's recognizing that trauma their family situation um and that's why, with the peer court model that we're doing here at the tribal court um its recognizing that they have something to learn from their peers and being held accountable in that way um that you know going through the regular system, yes there's so many different players there, whether it's you know the judge or probation or you know, health and human services, but in the peer court setting, the focus is more on us holding youth accountable, so I think it depends on your system, but certainly um ensuring um that you're looking at them again, as the person and you're looking at what it is that they are here for and really try to peel that back, that's the way that I think you bring that kind of um hesitancy and reduce the the feeling that they are being looked down upon by the court, that we're in this together.

Hon. Ana Espana: I think we have to recognize that first of all that they're teenagers, young adults right, we need to be mindful of what it is we know in the literature in the research about adolescent brain development. We know that behavioral and neurological evidence show that youth are still developing their ability to regulate their behavior, to consider consequences of their actions and to resist peer pressure. The brain, as we know, does not fully mature until the age of 25, so that's one thing, being mindful of adolescent brain all over when we're dealing with the youth offender. Two as digital, as mentioned most of our youth are impacted by trauma. So,

when they're struggling struggling, we should work with them with care, with empathy and with optimism, or what are the things that we can do to help you be successful we know you can be successful, you have the power in your hands to make it happen, but we're here to help support you. What is it that we can do? And then the other thing, I think we need to remember is that longitudinal studies have shown that the majority of adolescents will commit crimes as they mature into adulthood right, very small percentage research tells us maybe 5 to 10% become chronic offenders or continue offending during adulthood, but most young people stop.

Marshal Galvan: Thank you, both for answering those questions, um, we will come back around to you. Um, I want to shift gears and asked Ronnie a couple of questions. Um, so, Ronnie, can you explain to the audience, the importance of understanding how intergenerational trauma impacts a youth's life and in what ways can professionals recognize and respond with cultural humility to the symptoms of this trouble?

Veronica "Ronnie" Miramontes - MILPA/RJ: Yeah absolutely. I want to first say thank you for having me today and I really enjoyed hearing the voices from our judges and giving that impact, I think it's really important for us to hear as well. Yeah, I mean I'll start off with maybe like the definition of what I understand into intergenerational trauma is really about, it is sometimes referred to trans-generational and multi-generational trauma um and it's different as a trauma that gets passed down from those who directly experienced an incident from following generations and intergenerational trauma is like a collective drama affecting the larger community whether its cultural racial ethnic um or other larger groups of population kind of like the historical trauma you mentioned earlier Marshal. Um, and actually, intergenerational trauma was really first identified among the children of the Holocaust survivors, um but researchers also identified that also being connected to the Indigenous populations here on turtle turtle island and Australia. Um, but yeah, I mean the impact of colonization also just have been ongoing for over 530-year-old years and the tribal youth and their families that by our communities that live here today. The impact they have is like a lot of verbal and emotional psychological, physical and even sexual violence um that comes from that colonial mindset, so the violence construction a youth's life in so many ways um including poverty, racism, discrimination and um prosecution from law enforcement, so I think it's really important for us as professionals and as a community to do a great service to our youth, by providing them with culturally responsive healing um like talking circles and the use of cultural medicine. Things that they can connect and relate to compassion is huge, but the the juvenile justice system, you know really wasn't first upon our community, so it goes against a lot of our very own nature. As Indigenous folks to not hold our children in a lock up and have in a place where they can grow and heal right, um so just our youth need to be called in and taught their cultural ways um by just healthy role models, who want to push them forward into the future.

Marshal Galvan: Thank you for that that was extremely thorough greatly appreciated. Um, and so, building off of that um I know that you work with MILPA collective out in Monterey County, um can you tell the audience about your role there and um and maybe about the MILPA Theory of Change Model that your agency utilizes, um how is it implementation impactful when working with Indigenous communities?

Veronica "Ronnie" Miramontes - MILPA/RJ: Yeah, absolutely, um well MILPA stands for motivated individual leadership um for public advancements and we actually are currently undergoing a revamp and elevation of our theory of change, so I'm actually really excited to to share that more at a later time, but basically, it's really essential to talk about that we are really focused on motivating individual leadership by engaging through culture consciousness and movement building, so we do use a lot of cultural healing leadership development, um building healthy relationships within ourselves as well as our community members and our families, but um that there are changes just it's impactful because we're returning and reclaiming and reconnect into our indigenous ways and for me that was even difficult because I'm still learning how to understand my indigeniety being you know being born in California and understanding those imposed borders right and how that really does matter mean something to myself. But yeah, just I want us to continue to just embrace our safe spaces and encourage um Indigenous people to come back to their ways of their ancestors and explore life before the arrival of colonization that's a lot of things that we do at MILPA and we talk about that and talk about how that fits in society today, um we also use individuals to heal each other, they can um develop their leadership through the work that we're doing, um we also create need for relationships to build movements that will end mass incarceration. We're really focusing on dismantling the school to prison pipeline and bring about people power, but my role at MILPA is a finance and operations manager so after close 10 years of career in nonprofits I've done a lot through restorative justice, mediation training circle keeping, volunteer management as well, and now, finance and operations, so I definitely use all of my expertise to support what we do here at MILPA to do the work. We make an impact and cultivate for change, it's really important as well. Another thing, I just wanted to point out, as also is that I'm the first Latina to be appointed and elected for the Monterey Peninsula Grade School Board of education so with that I'm a host sister for Class 2021, a mom of three, being a senior, one of them being a senior in high school, um a wife, a soccer coach, a sister and auntie, all that those hats shape me of what I do in my work, and I think a lot of us even on this panel can relate on that we do so much and that's how we bring it into the the work we're doing now for our youth.

Marshal Galvan: that's awesome that's awesome man congratulations to that milestone and um just piggybacking off the work that you do with the you in what ways does your agency engage with those youth in the community and how have these efforts, contributing to legal systems involvement?

Veronica "Ronnie" Miramontes - MILPA/RJ: Yeah, I mean, MILPA offer programs to steer you away from systems involvement for it's a positive youth development and healthy role models, as I mentioned. We do have programs like [inaudible portion] leadership academy all of these are designed and provide it to guide us to heal heal their cultural teachings again developing those leadership skills and movement building as well. We definitely try, to teach about the warmth of family and encourage the youth to love themselves and see each other, as sacred. Our facilitators ourselves themselves have been either formally incarcerated, system impacted through foster care or have had a family who have been incarcerated, so they can really connect with our youth through this experience. Um, but yeah, we definitely provide guidance to our youth, so they can learn and grow. Um and then also provide like our youth to receive gifts and stipends for their participation as well. We definitely work within multiple counties right now in California so Monterey, Santa Cruz, and so on to the school districts. BJJ and the youth centers

like righteous yellow here in Monterey County, but we have also supported um, youth with families through prop 47 funding as well, so in the offers basically a free record reduction and dismissal service did a prop 47 and 64 just to support to reduce to eliminate some felonies and misdemeanors for families.

Marshal Galvan: Thank you Ronnie, thank you so much, and thank you to the panelists for answering all those amazing questions with such wealth of knowledge and expertise and including your personal stories um in what you do. Can you get to the next slide please?

Slide 20

Marshal Galvan: So, we're going to do a little little bit of a twist here, um, we're going to discuss juvenile justice system through the lens of lived experience, which would be myself and I'm going to become the panel and the panelists will become the moderator, um, so if we can get to the next slide.

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Hon. Devon Lomayesva: Alright, so we are now as Marshal said, going to become the moderators, so I have the pleasure of asking him the first question myself. Can you tell us and talk about your experiences with interfacing in the juvenile court system?

Marshal Galvan: Yeah, sure so, for me, my story goes as this, I entered into the foster care system when I was four years old, on a dv call, domestic violence, um police responded, they came out and essentially what happened was myself and my sisters and my parents all got arrested right, and then the early 90s, um I guess it was a practice that children went to um went into the system in the back of police cars, or at least that was my experience with my siblings and it was very traumatic, um, but what what preceded that was a lot of different interactions with social workers, different interactions with placements, um just a lot of change in turnover in the early years of my life um and then, when I was 7, you know my parents had the parental rights terminated, so I was now ward of the court until I was 18 years old, um where I emancipated into homelessness, but when I was 17, and this is what I want to focus on is when I was 17 I had an experience in one of my group homes, where I was in a lot of emotional distress right, I mean you can imagine all the years of different experiences that I've had up to this point and um and at 17 in this group home, I had a an incident that happened with myself in a staff member and basically the police showed up and they took me to juvenile hall. I went to juvenile hall with no shoes on. When I left juvenile hall I left with no shoes on you know and during the process of that we're going to get into it, I think, with the next question, but during the process of that, um, I I really was clueless as to what was going on. In general, all I know, is looking back on it, um I reflect there was a lot of unhealed trauma there right and how this experience amongst all the experiences I had in dependency in delinquency system further that arm and reinforced it.

Hon. Ana Espana: [Inaudible] Marshal alright, my next question, So, how could your Juvenile Court experience been better? I'm taking notes so.

Marshal Galvan: [Laughter] I appreciate that and honestly if I would have had judges, like you, both in in my case things probably would have been a lot um better. I certainly do believe that, but nothing is black and white, and I acknowledge that as well um. I think the first thing is just a

due diligence, to ensure that, in speaking, you know I am tribal right I'm Chippewa Indian. My father is an enrolled member of that tribe, um and you could imagine how and why ICWA was not applied in my case is beyond me, um but I think just doing a due diligence, you know, to ensure that tribes are aware of the youth that are involved in the system. Right, I often reflect on my own experience, and I kind of there's that missing piece there well if my father's an enrolled member of a tribe, why was, I never protected under the laws under ICWA and how that disconnect Ronnie kind of talked about how that um learning of of culture and heritage and all that now where did all that go, then, um and then a commitment to connecting these youth to their tribal ancestry um again drawing on my own experience, you know I didn't have that chance right, for whatever reason, um and I think that any youth that identifies um in the tribal community tribal identity should have that chance and it definitely makes an impact, most certainly, um and then make sure that you are aware of what is happening in court, again, even in dependency court right, I know we're talking about um delinquency court, but even in both courtroom settings you know um really having that awareness of what's going on with their case, especially as they get older and to the teenage years you know, we have brains they work right and we should be allowed to have a voice in what's going on with us, we should be allowed to um stand as a as an expert opinion in our own lives and so um part of that is ensuring that youth understand core processes um and then you know I reflected on this about that experience I had with juvenile hall and how punitive placement should never be the goal or option, you know, um there should be more of a trauma informed lens right um and, and that kind of response to my unhealed trauma and my emotional distress putting me in a cage really um and then from there going into the children's shelter and then from there going into another group home, um we should bypass the incarceration part of it, and really see um how we can bridge that gap from a mental health services in those moments.

Hon. Ana Espana: Thank you Marshal, well, let's talk about judges and so what recommendations, do you have for judges who preside over cases involving youth and the court?

Marshal Galvan: I think, the biggest thing here that I really want to highlight is um well, with everything that was said and, um, in addition to all of that pre and post follow ups, I think, is something that was really missing um during the the process of going in and out of courts um and I feel like um if if I was to have um you know, like prior to going into the courtroom having a couple meetings with a social worker or with um anybody related to my case right uh about what's about to happen what's going on, what would you like to happen, would you like to be involved in this process um things like that, and then, after the core following up hey Do you understand what just took place? Um, how do you feel right let's check in with your mental health let's let's check in with all of these things um. In my experience, through that entire process has been that um almost never did a judge look at me right, almost never did. Um, whatever I said to a social worker, be taken into account, um and I can only speak from my experience um and and all of these things matter right and so um, the biggest recommendation would be to ensure that, and you all have talked about this right in your court rooms, to ensure that youth understand that they are a person first right and that um, to put their lives into context um and where they are what they're going through what their history is what their um um ancestral history is right and how all of that plays into the big bigger picture um in that present moment. So that's that would be the biggest thing.

Hon. Ana Espana: Thank you Marshal. Well let's talk now about services. What services do you think could have helped you when you were going through the juvenile justice system?

Marshal Galvan: Um, I think exposures to different kinds of opportunities, um you know college exposures to college opportunities exposures to um trade school opportunities um exposures to mental health practices right um just independent living skills, um all of these things we know, but when they're actually practiced and implemented and um really driven home to the youth um who's actively going through a crisis, they need those outlets, they need those um uh um. I don't want to say interventions, but they need those kind of preventative um options, that can take them on a different path such was the case for me much later in my life. After I had got done going to jail and I had you know got got got into acceptance about my life and where it led and where it was with my addiction, etc., and so forth, um but all of that could have been avoided in my teenage years had someone took the time out to really walk me through these processes, and I think that that's something that um is is missing um in a lot of ways and, and so one thing could be like cultural mentorship right. I didn't have that. I had a CASA worker, but that CASA worker wasn't privy to my case. They weren't privy to my culture, um they weren't privy to to anything except hey let's go out and get an ice cream and talk about your experience. You know and there's a time and a place for all of that, and I agree, but at the same time, I think that um really making those efforts to intertwine the youth culture in all of the in in the professionals that come into the lives. Um having that competency and that humility to be able to help further. Bring that you're closer to their you know their culture.

Hon. Ana Espana: So it sounds like you've answered my question I have is, if you have a mentor or significant support person with you during the court process and, if not would somebody like that have been helpful to you? And so you talk about a cultural mentor, um somebody who's who you can relate to better um that you didn't have that kind of person, but you had a CASA is there anything else that you wanted to speak to with regard to having support persons in their lives.

Marshal Galvan: Well, going back to like the exposure part of it, I think um one of the things that really helped me in the latter part of my life that I didn't have when I was a youth was uh positive influential role models. A role model being a man, being a father, um being a productive member of society being someone that has already had experience in college right um. You know just all these different things. Um and the things that a lot of our youth are lacking now is having those positive outlets those positive influential role models in their communities, and so I think um if we take a deeper dive it's, how do we, how do we heal our communities, how do we train people in the communities to um afford those opportunities for the youth right, so I think that that would be how I would answer that question.

Hon. Ana Espana: Thank you Marshal Thank you, I think Ronnie has a question for you.

Veronica "Ronnie" Miramontes - MILPA/RJ: Yes, absolutely um. So, Marshal, just given your experience to restorative justice practices, how could it and have been useful for you and your past?

Marshal Galvan: I think that's a great question and before I get into this, I would like to go to the next slide.

Slide 22

Marshal Galvan: Next slide please.

Slide 23

Marshal Galvan: Um you know restorative justice practice, surprisingly, is something that is new, for me, within the last few years of my collegiate education I've been learning about restorative justice, um which goes to show you know how important it is right um that we begin to school our young people on this topic when they're young um and so I really want to just introduce take this time to introduce this idea of a brave space um and it's defined as a co-created space, which is informed by agreements adopted by the collective so who's ever involved in this space um is who creates this agreement and then it's a restorative justice approach for collaborative meetings, and if we can go to the next slide please.

Slide 24

Marshal Galvan: On this slide right here it it really highlights how we can co-create these spaces together to answer Ronnie's question. If the structure was closely followed in interactions I had growing up as a young teenager, engaging in delinquent behavior, I believe outcomes could have been drastically different while implementing these spaces, we are able to promote accountability, inclusion of all voices and an awareness of power and privilege at all times and how that awareness can support or hinder rapport building. The next thing is to acknowledge that in these spaces, we are all learners, we all make mistakes, and no solution is perfect and finally owning intent and impact and knowing what that looks like this is done by validating experiences, recognizing that meaning well doesn't always translate to doing well, and where there are deficiencies being brave enough to sit with uncomfortable feelings together, so all this to say that context matters and um how we show up with the youth is relevant to finding solutions. Next slide please.

Slide 25

Marshal Galvan: And so, right here just some positive and a negative-indicators, checks and balances, if you will, a working list um I won't go into it, but uh they're definitely um in part of the slide presentation here, if you want to review them further um. Next slide please.

Slide 26

Marshal Galvan: And so let's jump right into solutions and collaborations you can go to the or we can stay here that's fine so Judge Espana, I want to come back to you again, thank you for um waiting patiently, can you tell us what inspired you to create your standing order, and can you describe the changes it will instill for San Diego County?

Hon. Ana Espana: So, thank you Marshal, um I did want to just go back um there was uh I think a question about our structuring the courtroom physical appearance in ways that reduce trauma. Did you want to get to that first?

Marshal Galvan: Oh yeah absolutely. Absolutely.

Hon. Ana Espana: All right, um so I'm happy to speak to that um. You know our courtrooms look like a typical courtroom, but what I do do is add youth art and youth poetry in my courtroom and if you come into my courtroom you'll see art that reflects diversity that's hanging in my courtroom and poetry that young people have written or or and actually in all the art in my courtroom is is is by youth. So that's part of what I do to really try to help make people comfortable when they come in, is um make that courtroom be as comfortable, as I can, with the youth art and poetry, as I said. I think when interacting with us. I use the youth's name. I use the youth's name. I ask the attorneys, and the probation court officers to use youth friendly language. So, a few years ago, just speaking to that our probation court officers will announce who's in the courtroom, and so I asked the court officers change the word, the verbiage from before where they would call the ward is present, the ward is present and changed it from the word ward to youth um. I required our bailiffs I mean it wasn't even a big ask because I've been very fortunate to have some amazing bailiffs who were very trauma informed and love working with kids but that my expectation is that they are respectful to the youth and to the family and respect to family members it's not just mom and dad but it's Mr and Ms you know and their name and trying to bring some sense of comfort and warmth into the courtroom experience.

Marshal Galvan: Thank you um, Judge Lomayesva, so do you want to chime in?

Hon. Devon Lomayesva: Yeah, I apologize if there's noise in the back I'm going to talk a little bit louder um. So, as far as the physical appearance of the courtroom, I think, in our case, the most important thing is that we are on one of the local reservations, we are in the tribal community, so I think that's for us the most important aspect of bringing youth here, or to make them feel more comfortable that they're in a setting that's familiar um. Youth that are from our local reservations, most of them have probably been to every reservation in the county because our family are so extended out and if it's not for family it's for a gathering or Indian Health or some other needs so there's that familiarity there um and it's interesting because right now we actually um have some funding to reduce some of our courtroom and aside from the basics of priming and paint on you know we're really thinking about you know how can we make it a setting where you know, it's not purposely intimidating and scary but at the same time when we are putting together our youth peer court, we thought about the different models that you had looked at on in the Native and non-Native community of peer courts and it's it's important to create a balance, where you're not intimidating and trying to scare people into submission by you know, keeping that you know personality and being personable to people and asking them how they are and calling them by name, many things Judge Espana was talking about, but it's still also important to keep in mind that it is a court and it's a proceeding and there's um a purpose for being here and that there needs to also be a semblance of authority and that's something we heard directly from our tribal leaders that have partnered with us in our peer court is that kids need to know that they're coming to court. So, you have to really find that balance and what works for you, I mean our obviously our courtroom, um before we started thinking about moving things around there's lots of Native face pictures and things like that, but I think really the most important thing you can do is in your actions and um that really speaks to me, then, you know the most, but I have to tell you a going into many dependency and delinquency court rooms. When you go in the one where there's nothing on the walls and it's just the walls and the judge sitting up there, um I'd rather be in Judge Espana's courtroom any day. There's another judge that I know that has stuffed animals everywhere and little pez and bobbleheads and she offers

kids, no matter what age, one of these. One has a superhero theme. So, it does make a difference and it helps settle people a little bit, um and I think it helps settle the attorneys and the social workers too because it's intimidating for everyone when you have a courtroom that just it's all about business and we're about getting you in and out the door and and on to the next place, um so thank you.

Marshal Galvan: You and forgive me, I was so excited that I wanted to jump right into the solution and collaborations um. We will get to that, but I want to backtrack a little bit and ask Ronnie um. Is a talking circle possible for courtroom setting?

Veronica "Ronnie" Miramontes - MILPA/RJ: Thanks for the question, Marshal um. Yeah, I definitely it is you know the courtroom setting is you know originally designed for an imbalance of power and a circle setting allows everyone involved to to be at the same level in a safe space if structured correctly um. They can see each other, honestly and openly and just like restorative justice practices, um it would be a voluntary process so for it to work, like everyone would have to agree that I want to give a circle to try um and then you can dive into the dialogue and the conversation and talk about what happened, how it made you feel and how to make it right so you're still holding people accountable, the shift is just that it's just structured differently. Youth can still come into the space and and those that want them to feel like you know they're being held accountable can it's just really about having that space um redesigned. So, I see it, promoting you know really accountability, repairing harm and acknowledging empathy and all of this is within our Indigenous practices and has evolved into like the term the restorative of values um and studies even have found like a reduction in recidivism when systems do shift to meet the community and cultural needs so it's something I definitely believe could happen, I think it just has to be very intentional um and practiced and and giving it a try, you know we won't know until we try, thank you.

Slide 27

Marshal Galvan: Awesome so we're going to, I see I'm acknowledging the time here it's one o'clock we're gonna jump right into the next section, if you can go to the next slide please we're going to jump right into the solution and collaboration next slide.

Slide 28

Marshal Galvan: So, Judge Espana, can you tell us what inspired you to create your standing order, and can you describe the changes it will instill for San Diego County?

Hon. Ana Espana: Yes, thank you, Marshal, and and Vida maybe while I'm presenting, if you want to attach it or add it to the chat I should have had it right available on my desktop to share, but if you could do that um just for our audience, so they have a copy of our standing order, so we have youth on probation for whom ICWA does not apply and this special order recognizes the importance of the tribes participation in those court proceedings. I wanted our local tribes to know that their voice is important to us, that we encourage, and want their participation, and that by their involvement, they can help us better serve our probation youth. So, the special order not only expresses his value, I mean expresses its value, but not only to my colleagues on the bench, but to our justice partners, including the law offices and um probation so the order is signed, I

signed it, this last Monday and has been posted on our website and distributed to all of our justice partners.

Marshal Galvan: So awesome, thank you for that and Judge Lomayesva and Judge Espana, this next question is for you both. Can you describe your recent collaboration, um the San Diego Justice Collaborative and let us know of any future changes, you would like to make in the collaboration?

Hon. Devon Lomayesva: So, the collaborative, um wow where to start on this one, um the collaborative is a San Diego effort between the juvenile court, with Judge Espana and myself, with the tribal court and the tribal leadership and essentially stakeholders in San Diego that um have a say in what happens with our Native youth that come into the system, whether it be delinquency or dependency. So, this is kind of a spin off from some larger statewide efforts to address essentially compliance with the Indian Child Welfare Act, but what we really ended up doing here was really trying to focus in on San Diego specific and what are the things that the court, San Diego juvenile court could do in reaching out to our tribal communities, and putting our tribal court and our tribal social services or Indian Health services to make better outcomes for our Native youth and it sounds simple, but really there's a lot. Um, one of the first things that we tackled was data collection by probation and I'm going to leave that for Judge Espana to talk about a little bit more, because she was really the one that got that ball rolling um, but you know that was one thing we wanted to start with, because you need to know the population you're working with um and in order to better serve them so other things that you know I don't know if we want to see necessarily changes in the collaborative, but it's just what are the next topic what's the development going to bring so I'm hoping that we can tackle things like um you know, recognition and enforcement of tribal court orders um, tribal customary adoptions under um state law that involve tribal action and many tribes come to the tribal court for that that order that action for travel customer adoption. So, we have a long list of things and we're trying to take it one step at a time. We're growing and growing our listserv and it's great to see that interest sparking. So, I just I see really great things coming so I'm going to turn it over to Judge Espana.

Hon. Ana Espana: Thank you, Judge Lomayesva, um when I first came in as juvenile presiding judge, one of my first priorities was to work to strengthen the relationships and increase communication between San Diego juvenile court and our local tribal leadership and so was very early on when Judge Lomayesva and I kind of met halfway and had lunch and started talking about our collaboration and work together and, as she described we brought together leaders from our local tribes and from our public agencies. We started slowly, as she said with gathering data from child welfare services and probation and we've been meeting for the past two years. From my view the effect, I think, on the juvenile court and probation process has been significant. First of all, we've made efforts to improve the identification of tribal youth. So, I can tell you, as a court, we were not complying with requirements of Welfare and Institutions Codes sections 224.2(c), which requires the court to inquire about Native American membership at the initial hearing. We just simply weren't doing that. We are now doing that and um the question that we are asking um for every initial hearing is, is the youth and where the parents and more members of a tribe and we're living on a reservation and, and if so, what tribe, what reservation and this question that that I worked to develop, came in great part from the feedback from our tribal leaders um, during the conversation early on, so, so the court is making the inquiry.

Attorneys are asking their clients about um Indian membership and make it as part of their script when they're arraigning their clients. So, if I forget to ask the question, for example, the attorneys as part of their script asked that question and then, when arraigning and entering denial confirming the appointment of counsel and your honor have inquired of youth regarding any Native American heritage and he or she has none or has some and member of this tribe, and so they'll let me know early on, so if I'm missing it, they've got it in their missing it we've got, so um we've been doing just a much better job with identification of our tribal youth. Also, probation now requires that youth, who are admitted in the juvenile institution, who are put in custody, that the inquiry is made at the time that they are booked in, and for kids who are out of custody, probation is making that inquiry at first contact for those youth again, who are out of custody. Probation once again, will make the inquiry um when interviewing and using the family for purposes of preparing the social study, and starting very soon probation will be requiring, and I just learned this, actually, as they continue to work to improve their processes that they will be requiring ICWA-010 and 020s in every case, so that they have documentation, with regard to any tribal membership. With the identification of tribal youth, then our probation officers are investigating probation officers notifying tribes and have a communication with tribes, and in regards to services. As part of their probation processes now, when there was a change of probation officer, new probation officer will again confirm the information with regard to tribal membership. Our probation court reports, and social studies continue information and probation is in the process right now actually, of training of probation officer about the importance of the Indian Child Welfare Act and the importance of spirit of ICWA for those kids from whom ICWA does not apply, and starting later this year, they're going to be collaborating with Tribal STAR and start making visits to reservations. So, all of this really started, with Judge Lomayesva and I having lunch, and then her first question or meeting, so how many do we have and it on probation and then the child welfare side and that just really just inspired a whole lot of conversation um, and so we've been working to improve our efforts here, um certainly with probation and I have to applaud the agency, it has been quite extensive and impressive over these last 7 months.

Marshal Galvan: Wow, thank you, thank you for that. So, Ronnie and Judge Lomayesva, are there some tips that you can provide for our audience about how to create good relationships between tribal communities and system agencies and how meaningful those collaborations are and can be?

Hon. Devon Lomayesva: Go ahead Ronnie.

Veronica "Ronnie" Miramontes - MILPA/RJ: Thank you Your Honor. Yeah, I mean with tribal communities, and I feel like this for ourselves as well, we're experts have our own individual lives, and so are they so trusting to know what who they are, and how they live is really important to respect that um. In the building the relationships, so learning about their culture and etiquette as well as very important. I know, um within the tribal communities up here, we built that relationship we offer tobacco, we know what's how to come on to a space in a good way and to make sure we're invited as well um that's always very, very important um. When I think that continuing of staying connected and being consistent is important too, because you don't want to just be seen as another system of power that's just there because it's on a piece of paper or you are like required to go and make a site visit or something of that sort. So, just

making sure that there is a continued relationship building within that is really important, I think in regards to systems of agencies, as a balance there as well, and a lot of it also has to do with communication uh and being able to really understand the requirements of systems through their policies and laws and start unfolding and presenting aspects of potential future changes and maybe planting those seeds on like how this could you know work or shift, and I know for me as a board member and in another seats of policies or political, like a city council, for example, it's really great to come and share public comment and share your concerns, but I feel people hear more once you also connect that with the sharing a story of someone who's impacted because of this policy or law and then also following up with some ideas and solutions and shifts to changing that, because if you ever do want to take something away it's very important that we replace it with something that's better um. So, I think those things it's just a really important balance to understand when you're speaking to tribal communities and with system that agencies.

Hon. Devon Lomayesva: I'll just add on that you know get to know the community I can't underscore that enough that you need to know the history of the communities that you're working in. You need to know, um what those tribes went through. Who are those tribes related to? You know in San Diego, our tribes, have a lot of gatherings and events that are for the most part, open to the public and um a lot of them have informational booths and tables available. So, isn't it better to see someone in a in a good environment and meet them for the first time, than when it's going to be an adversarial? So, make it so that you've been out to the community that you create some familiarity for yourself, and you introduce yourself, and um that way, you're going to get to know as Ronnie was talking about, you know those specific um differences between each of the communities. You know we have, you know, 17 reservations in San Diego, and all of our tribes, operate differently. There's a lot of similarities, but they are all different and simple things like you know going straight to someone's home as opposed to checking in at the tribal office course there's safety emergency situations, but for the most part, you know get to know the protocol get to know the community in a way before it gets to the point where it's well before you get into the situation where you're talking about removal or arrest or difficult situations, and that will really go a long way. I think in developing those relationships and its reciprocal you know tribes on you know I know we've you know also participate in some of the county events and other than the collaborative projects Judge Espana and I participate in um there's also several other groups and entities that come together and those are important because that's when you can have those conversations and learn from each other about how things work so thank you.

Marshal Galvan: As we wrap up here and these last couple of minutes. In closing, can each of you highlight some best practice examples you have seen, either locally or nationwide with restorative justice?

Veronica "Ronnie" Miramontes - MILPA/RJ: I don't mind going first, um MILPA is a part of initiative that was created and lead by ourselves and our partnership with the [inaudible] Institute of Justice, it's called restoring promise. So this is a nation, a national wide initiative in the focus of um creating housing units grounded within prison systems that are focus on dignity dignity for young adults and we are core values are race, equity, community and family partnership and culture healing and restorative justice. So, we started, just as a really big part of what we do um across the multiple states we're at so we're in Connecticut, Colorado, Idaho, Massachusetts, North Dakota and South Carolina um working with units and really our big biggest goal is to um

end mass incarceration and that's just something that's you know driven within our nation. So, um holding workshops in healing circles, getting doing data collections as well, has actually founded and provided support through restorative justice and this initiative is something where institutions have to apply to be a part of so we don't seek them they seek us and we make sure that they are qualified enough to to do the work and do the work right so um. I just wanted to mention that it's something that can happen with adults as well and its things that we're doing right now on a national level.

Marshal Galvan: Thank you.

Hon. Ana Espana: I'll add in San Diego there are cases that with for which there is agreement between the district attorney and the defense counsel, for particular youth to engage in in a restorative circle, restorative um practice with a local program a victim definitely has to be you know willing to participate in that and so, the youth participate in a successful than then it can result in the case being dismissed in court so that's a good thing and then um the San Diego Diversion Program, they incorporate restorative practice practice as well and to that program and the nice thing about the diversion program is because wherever you can divert kids from the system, you want to do that and there's a lot of science and support for diversion programs. But the San Diego diversion program can actually take low level felonies. So, under California law felony arrest or mandatory referrals to the DA's office there's no other ability to divert those in the community, but the San Diego DA's office can divert them, and this program is about um not quite a year old yet and many been diverting a number of kids including kids were arrested for felony um arrest and again incorporate as part of their program of restorative practices as well.

Hon. Devon Lomayesva: From the tribal courts, you know perspective we're just starting out our youth peer court, and you know from what we see and what we've learned from the different programs that we visited is that you really are trying to create a wraparound of services for the youth and one of the primary things is to not forget the family involvement, the parents, the guardians, that extended family and Native families, you know. Your sixth cousin can be like your auntie you know, and so a lot of times people think of the immediate family and for tribal communities, it can be very different so, including the family, um whether it's for that input or it's because they need services and having those partnerships within whatever restorative justice system, you have is vital to have partners to refer to mental health services or drug and alcohol treatment um. You know, whatever it may be, and then same time addressing like Marshal was talking about, you know tell me about things for my future. Tell me about college or a trade or give me some real skills. Show me how to write a resume or how do I get my driver's license because a lot of these kids are in a situation where their home life isn't great and they're pretty much you know doing these things on their own, or with a few people helping them here and there, so we really tried to develop a program where it's bringing in you know those immediate needs, for your mental and physical health, but also on integrating their peers that you know, have introduction to college courses to learn about tribal government um and we don't call them jurors them peer decision makers, so having that youth component and talking about higher education or trades and then having to do life skills, like you know, making dinner with your family, having chores, doing community service, and and letting them have a say and those things that they choose to do as part of the consequences that are are given to them by their peers

and so you know with that we hope that having choice, but also having structure is going to be something that, for our restorative justice model for successful for our community.

Marshal Galvan: Awesome, and if we can go to the next slide.

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Marshal Galvan: That concludes our panel discussion today. Thank you so much to the panelists for taking your time out to just share your wealth of knowledge and expertise with us all um. I certainly am grateful. And thank you for attending today's webinar to everyone that attended. We hope that you've enjoyed this great discussion on juvenile justice issues and tribal youth. If you have any comments or questions, please feel free to reach out, and I could provide feedback to our panelists or connect you directly. For CEUs, please refer to the email recently sent by Amanda Morris for directions and with that have a wonderful day.

Hon. Devon Lomayesva: Oh, thank you everyone.

Hon. Ana Espana: Everybody Thank you.