

**Locked Up: Fear, Racism, Prison Economics, and the Incarceration of Native Youth
[Abstract]**

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Native youth are disproportionately incarcerated, often for relatively minor offenses. One potential solution is to move more Native youth out of federal and state courts and invest in tribal juvenile justice systems. Tribal systems are assumed to be less punitive than nontribal ones, so greater tribal control should mean less incarceration. Little is known, however, about the role of incarceration in tribally run systems. This article examines available information on Native youth in tribal juvenile justice systems from 1998 to 2013. At least sixteen new secure juvenile facilities were built to house youth under tribal court jurisdiction, with federal investment in incarceration far outpacing investment in alternative programs. The total number of juveniles housed in these facilities remained constant or declined, suggesting that new construction was not driven by a need for more bed space. Of the juveniles incarcerated in these facilities, a minority had committed violent offenses, suggesting that incarceration was used by tribes as a tool to address drug, alcohol, property, and other nonviolent offenses. By critically examining the central role played by incarceration in tribal juvenile systems and situating it against the backdrop of the national trend toward mass incarceration, this article seeks to help tribes avoid replicating mistakes made by other jurisdictions.

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