

## **From Tom Sullivan's March 1, 2012 Report**

The briefing material you folks prepared describing ACF programs and their relevance to Indian Country will be of some use during the Tribal Consultations.

There are, however, other issues which have been raised in prior Tribal Consultations in Region 8 and which I expect will continue to be raised until we develop an effective response to them.

Two years ago at the consultation here in Denver, practically every Tribal Chair and Council member who spoke said that child sexual abuse and child/youthful suicide were major problems in their communities.

Since then I have seen nothing to suggest that these problems have changed or lessened. I was unable to attend last year's Tribal consultations in Las Vegas and Rapid City because eye surgery prevented me from flying. For that reason I do not know whether anyone attempted to provide a response to these concerns from the earlier Tribal Consultation.

I do know from my extensive contacts in Indian Country that there is no basis of any kind to suggest these problems have become less burdensome to American Indian communities or are being addressed in an effective manner.

On February 2, 2012 the New York Times reported on conditions on the Wind River Reservation in Wyoming, in the following terms, "Wind River has a crime rate five to seven times the national average and a long history of ghastly homicides .....Unemployment is estimated to be higher than 80%.....Child abuse, teen age pregnancy, sexual assault and domestic violence are endemic and alcoholism and drug abuse are so common that residents say positive urinalysis results on drug tests are what bar many from working at the state's booming oil fields."

Wyoming human services and law enforcement leaders who have spent enormous amounts of time on this Reservation were displeased with the lack of any positive reporting on the community as well as with some of the sensational aspects of the piece – unfavorably comparing life expectancy on the Reservation with that of Iran and the Reservation unemployment rate to Zimbabwe's. Those same leaders, however, agreed that the article, despite these shortcomings, was essentially accurate and that it documented the need for additional resources to meet the many unmet needs on the Reservation.

Less than a year ago the Associated Press ran a lengthy article in The Great Falls Tribune on the declaration of a Suicide Emergency by the Fort Peck Reservations Tribal Council after five young children, one reported to be only ten years old, committed suicide. In that article AP reported;

“The problems of the Reservation are already pronounced in the schools. Poplar (a small community of less than 1,000 and in which is located the IHS health clinic as well as the chambers for the Tribal Council) school officials told the federal health team that more than a third of middle-school students tested positive for sexually transmitted diseases, at least one third of 5<sup>th</sup> graders drink alcohol weekly and 12 percent of high school girls are pregnant. The dropout rate is 40 percent.....Children at Fort Peck Middle School cite bullying and peer pressure as big factors in the deaths of their friends and they say those issues continue as a daily struggle.”

On October 22, 2007 Minnesota Public Radio News reported that;

“studies from the Centers for Disease Control show the fetal alcohol rate among American Indians is 30 times higher than for whites.”

The recently retired Fort Peck Tribal Health Director reported that he had received an opinion from an expert in Fetal Alcohol Spectrum Disorder who said that as many as 25% of the 8,000 enrolled members living on that Reservation are effected by Fetal Alcohol which is widely recognized as the leading cause of preventable developmental delay.

In the July 3, 2006 issue of Pediatrics, Drs. Murphy and Elias report;

“The National Center of Child Abuse and Neglect has reported that children with disabilities are sexually abused at a rate that is 2.2 times higher than that for children without disabilities.”

Other researchers have reported significantly higher rates of sexual abuse of children with developmental disabilities. The US Department of Justice reported that 68% to 83% of women with developmental disabilities will be sexually assaulted in their lifetime and that less than half will seek assistance from legal or treatment services.

The Family Violence Resource Center on the Fort Peck Reservation has been, for the last 18 years, investigating every reported case of child sexual abuse/statutory rape and, using rigorous standards, have confirmed on average two cases of child sexual abuse/statutory rape per week for every week of those eighteen years. That works out to an average incidence rate per year of 1,600 confirmed cases of child sexual abuse/statutory rape per 100,000 children 16 years of age or less. The average incidence of rape in this country is 30 per 100,000 women. Considering that, according to most estimates as few as one in ten cases of child sexual abuse/statutory rape is ever reported to authorities, the seriousness of this situation cannot be overstated.

If past experience holds true, almost two-thirds of those Fort Peck children who have reported their sexual assault and whose reports have been confirmed will receive no therapeutic or rehabilitative services to assist them to recover from that trauma. Children who are sexually assaulted and who receive no services to assist them to deal with the trauma are likely to develop significant self-destructive behaviors. The public

cost of dealing with the aftermath of untreated sexual abuse is substantial. The human cost of our failure to provide these needed services cannot be estimated.

On October 25, 2011, the Inter-American Commission on Human Rights (part of the Organization of American States) held a hearing in Washington, DC on violence against indigenous women in the United States.

Testimony was provided by several people including Lisa Brunner, Executive Director of Sacred Spirits First Nation Coalition and an enrolled member of the White Earth Band of the Ojibwe Tribe. She said;

“We asked in our youth group what would you do if you were raped? A 14 year old said, ‘My Mom and I have already talked about that. When I am raped, we will do nothing about it because nothing is ever done and we don’t want to cause problems for our family.’ When the issue in Native communities becomes a matter of preparing our daughters to be raped, the United States has failed its trust responsibilities to our tribes.”

The same point had been made three years earlier on the November 14, 2008 Bill Moyers Journal relying on FBI data;

“The most recently available FBI arrest numbers are ..... staggering. In fiscal 2006, on reservations where the federal government handles felony prosecutions, 658 rapes were reported, only 7% led to arrest. For aggravated assault, the figure drops to less than 4%. Lesser crimes are virtually ignored altogether. Of 4, 565 burglary cases just 16 were referred for prosecution.... The overall result is that this system of justice functions very, very badly, to the extent that many Native Americans just don’t expect it to work at all.”

As you know my office working in conjunction with the National Center for the Prosecution of Child Abuse and the Coalition of Sioux Tribes, United for Children and Families put on a three day Collaborative Training in early October in Rapid City, SD focused on Tribal representatives but open to federal, state and county law enforcement representatives as well who were also invited.

Average daily attendance was 40 – 50. Among those in attendance were 4 Tribal Judges, 4 Tribal law enforcement officers, 3 Tribal Council members, 5 Tribal ICWA Directors, 1 BIA program Manager, 1 Deputy State’s Attorney, 1 Assistant US Attorney, 2 FBI Agents, Program Managers from LOWO, ONTRAC, Native Women’s Society of the Great Plains and the State’s chapter of Children’s Advocacy Centers as well as a large number of people concerned with the welfare of children.

The major conclusions agreed to by all of those in attendance at this Collaborative Training were:

1. We have a huge problem with our children. Our children are in a state of emergency as evidenced by epidemic levels of child sexual abuse, suicide, alcohol and drug use/abuse and domestic violence.
2. Addressing all of these problems is complicated by all of the following:
  - Inadequate resources. Federal funding is always only enough to scratch the surface but not enough to really accomplish anything substantive.
  - Political interference in the work of Tribal Prosecutors (one fired when a case was filed against a Tribal member who was politically connected); Tribal police and CPS worker (both threatened with firing since they were arresting or filing charges against some who were close to the Tribal Chair or Council, or
  - Political interference in the work of Tribal Prosecutors (one fired when a case was filed against a Tribal member who was politically connected); Tribal police and CPS worker (both threatened with firing since they were arresting or filing charges against some who were close to the Tribal Chair or Council, or filing a case for gang rape against the son of a Tribal Chair).
  - Inadequate understanding of the depth and breadth of the abuse to which American Indian children are being subjected. A Tribal Judge described the horror with which her Tribal Chair received the story of the sexual abuse suffered by a young child on their Reservation. The Tribal Chair said he believed this was a singular case. When the Tribal Judge told the Tribal Chair these kinds of crimes, sexual abuse of children, were widespread he reacted with surprise, shock and horror.
  - Unwillingness to enforce the laws by the Tribal Chair and Council against:
    - 1) a white man living on the Reservation who was sexually abusing American Indian children and who could be permanently banished from this Reservation;
    - 2) a 50 year old school bus driver who kept his job after he groomed a 15 year old bus rider and had a child with her after two years;
    - 3) elementary school kids who are coming to school drunk;
    - 4) 12 year old girls who are mothers with no charges filed against the adult fathers;
    - 5) 50 year old guys who are having sex with pre-teens;
    - 6) huffing by both children and adults

- All of this grows out of and is attributable to the widespread child abuse and neglect to which our children are subjected. There were more than 1,400 cases of child abuse during the last nine months on one South Dakota reservation. There were 284 cases of child abuse on the same Reservation during the last month.

Those in attendance at the Collaborative Training in Rapid City in early October also made several sensible recommendations for addressing and resolving these problems. They include:

1. We need to collaborate, we need more meetings of this kind with even broader representation from our communities, especially from Tribal Councils.
  2. We need to have all of our Tribal programs addressing these problems. Their representation and participation in future meetings should be encouraged.
- We need to emphasize Prevention in all that we do if we are ever to stop these problems.
  - We need to stop the sniping and back-biting, none of us have clean hands in dealing with these problems. We need to focus on what we can do to improve the situation.
  - We need to have much more public discussion about these problems, including child sexual abuse, suicide, alcohol and drug use and abuse, gangs and domestic violence.
  - We need to have a broad understanding of these problems and their high public cost.
  - We need to start cooperating with one another no matter how limited the resources available to us may be. For example, this conference took almost nothing from our Coalition's limited budget after Tom Sullivan contacted us to see if we would be interested in having this program put on. It took a lot of effort but no money.
  - We will convene periodic meetings to address specific issues. Participation in these meetings will be invited from all of those who attended the Rapid City October, 2011 meeting.
  - Meetings will be held in or near Reservation communities all across the state of SD.

- Meeting agendas will focus on changes required to resolve problems and the development of strategies to achieve those goals in a systematic fashion. Best practices will be identified, written up and distributed as appropriate.
- Progress in addressing these problems should be tracked on a monthly or on some other regular basis.

A recent DHHS report said there were 66,000 confirmed cases of child sexual abuse during 2009. The USDOJ estimated in a 2008 study that there were 285,400 children who were victims of sexual assault. According to the FBI only 1 – 10% of sexual assaults on children are ever reported to authorities. This may partially explain the greater than four-fold difference between the confirmed case count by DHHS and the estimate by DOJ. Work is required to develop more solid numbers.

On October 27, 2011 the Minnesota Indian Women's Sexual Assault Coalition published a research report entitled, "Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota". The authors reported that 79% of the native women interviewed had been sexually assaulted as children by an average of 4 perpetrators.

According to renowned child sexual abuse researcher, David Finkelhor, "Most prostitutes have been sexually assaulted as children. This abuse leads to feelings by the victims of betrayal, powerlessness, stigmatization and the sense that sex is a commodity. These feelings often make children vulnerable to victimization, including child prostitution."

Two-thirds of prostitutes were sexually abused from the ages of 3 to 16 (the average age of victimization was 10).

According to a 1995 National Institute of Justice report children who are sexually abused are 27.7 times more likely than non-victims to be arrested for prostitution as adults.

According to a report in the July, 2000 issue of Pediatrics both men and women who were sexually abused as children were at a 90% increased risk of being diagnosed with an STD.

The Centers for Disease Control and Prevention in a report released on January 31, 2012, show that the child abuse which took place in 2008 in the United States will cost the nation \$124 Billion over the victims' lifetimes. The researchers who prepared this report freely admitted that this cost estimate was understated due to the limits of the data available to them. "No child should ever be the victim of abuse or neglect – nor do they have to be. The human and financial costs can be prevented through the prevention of child maltreatment." Said Linda C. Degutis, Director of CDC's National Center for Injury Prevention and Control.

Much has been made about a recent National Public Radio report on the disproportional representation of American Indian kids from South Dakota, not only in foster care but also in non-Native foster care.

A member of the Rosebud Attorney General's staff, Natalie Stites, at the end of December, 2011, wrote in "Taking our Children Back", "In South Dakota 53% of the children in foster care are American Indian, while American Indians are less than 10% of the general population in the state.

However, those are children blessed or lucky enough to survive infancy: American Indian infants account for 18% of all births but 36% of all infant deaths in the state. Rates of poverty, health outcomes, education outcomes and incarceration are similarly disproportionate."

Ms. Stites continues, "...try explaining to the 5 year old boy who hasn't eaten a meal in two days or a beaten 8 year old girl caring for an infant and a toddler like she's the parent, or a 15 year old youth who faces and eventually joins his addicted parents and the drunken strangers they bring home to party every night.

Try explaining to these children why family members, social workers, policymakers, police, courts, schools, health care providers cannot protect them even after their own parents fail them or abandon them or hurt them. Who takes responsibility for this? We must"

If you have any questions, please let me know.

Thomas F. Sullivan