

*Ned Norris:*

We can do better. We must do better. And we need your support. Let me start by providing some background on the breadth of the issue on the Tohono O'odham Nation. Today there are more than 600 O'odham youth involved in welfare cases. There are currently 160 active cases in the nation's courts. We only have three case workers to handle these cases, which can often involve multiple children.

There are 210 current active child welfare cases in state courts involving Nation citizens. 98 in Pima County, 55 in Maricopa County, and 32 in Pinal County. The overwhelming majority of child welfare are interventions on the Nation. At least 75% of cases involve children that have been directly exposed to violence or abuse. We know from experience that providing culturally appropriate services for youth plays a significant role in helping get our youth on the right track.

However, the Nation has far too few services to assist our children. We currently have a co-ed home for young children and a group home for girls. But we do not have a boys' home. We have a few foster homes. But many of our youth are transported to group homes and facilities in the Phoenix area and other places. The homes on the Nation have O'odham language, community activities that have been very successful.

We have seen this success many times with our youth that have transferred from state homes back to our Nation. Unfortunately, we do not have the professional people, medical or behavioral health, that can address the cultural differences while providing services to the youth in need. Additional funding for better funding and facilities is required, so that we can provide all these services on our own.

With the Nation's size and the rural makeup, many other issues arise in which we need additional support. For example, basic transportation services to move these youth so they can receive services is an ongoing problem. Our Nation is larger than the state of Connecticut. And we do not have public transportation. Many of our members do not have vehicles. Do not have cars.

The Nation has been able to provide only a few vans to provide transportation for hundreds of children. We also continue to have major challenges in integrating our efforts with the agencies and resources of the state of Arizona. For example, our child welfare department does not have access to parent locator services, something state agencies have access to.

As a result, in a great many cases we cannot even locate the parents. As you can imagine, the inability to even contact parents can provide a great number of challenges. It would be helpful if the Nation and other tribes could have access to these databases that can tap into the Arizona Department of Economic Security, utilities, and other services, to locate these parents.

The Tohono O'odham Nation is attempting to finalize an intergovernmental agreement with the state. But this is being held up by issues surrounding cultural sensitivity and the Title IV-E federal funding issues. This is a prime example in which we need to work together to understand issues unique to Indian Country, so that we can take care of our children.

When it comes to cases on the Nation, however, we have been able to make significant strides, despite the lack of resources, by working aggressively with partner organizations to develop a successful coalition approach to crimes against children. Under this approach, the Tohono O'odham Police Department acts as a facilitator that involves every relevant agency from the moment that a crime against a child is reported to the very end of that process.

For example, as soon as an incident is reported to officers, our police department contacts the Nation's child welfare department, who assigns an investigator to work together with the detectives throughout the process. A monthly meeting brings together staff from our police department, our child welfare department, the tribal prosecutor, the U.S. Attorney's office, the FBI, and nonprofit support organizations from within the community.

Each month these meetings review the status of each

agency's role in every case. These updates keep everyone current on the situation and allows the entire team to hold each other accountable and stay motivated. The meetings also allow the federal prosecutors to familiarize themselves with a case long before it ever reaches the prosecutorial stage.

And most importantly, it ensures that the status of each child is kept front and center. The Nation's disciplinary coalition has proven so successful that it was recognized by the U.S. Attorney's office in 2011 as a model program for Indian Country. But, despite high morale, the limited resources leave all involved overworked. The coalition also remains a work in progress, as the various agencies continue to search for ways to better coordinate and streamline their efforts.

Despite positive steps, the system remains broken. At the federal, state, and tribal level, we all must work to better serve the children in Indian Country. It starts with embracing the spirit of cooperation and working together to find solutions, as the Nation has done successful through our coalition with federal and community organizations.

But without proper support from every level of government, no amount of partnership and creative thinking can deliver the level of services that our children need and deserve.

I'd like to thank the committee for inviting me to speak here today. I'm happy to answer any questions that you may have. And as I mentioned earlier, I will expand my testimony in written form later on. So thank you to the committee.

*Byron Dorgan:*

Chairman Norris, thank you very much for your testimony. [APPLAUSE] We will entertain—if anyone has questions of Chairman Norris, be happy to entertain any questions. And if there are no questions, we will let him take his leave to be able to attend that funeral. But are there any questions of the task force? All right. Chairman Norris, thank you very much. Thanks for your leadership. Thanks for being willing to share your advice and thoughts with us here today.

*Ned Norris:*

Thank you, Mr. Chairman. Thank you.

*Byron Dorgan:*

Next we will hear from Governor Mendoza. Governor Mendoza is the governor of the Gila River Indian Community. And I was fortunate and privileged to visit with him in his office yesterday, in Gila River. He has dedicated his life to work on these issues. And it's interesting, what I came away with yesterday was his deep commitment and long commitment on youth issues, starting when he was a very young man on the very reservation that he now presides over.

I want to thank you, Governor, for being with us here today on the Salt River Reservation. And know that you attended the youth summit that we did yesterday on your reservation, and no doubt have some thoughts about that. Thanks for helping arrange that and thanks for your hospitality to this task force yesterday. Governor, why don't you proceed with your statement, following which we will see if there are some questions.

*Gregory Mendoza:*

Good morning. First of all, I want to thank our (Native language) @ 41:09 – 0211B) to the north, Salt River Pima-Maricopa Indian Community for hosting this meeting today. (Native language) in our language is "family." I also want to thank Chairman Norris of the Tohono O'odham Nation as well. Chairman Norris and his people are (Native language) as well. Our family.

But good morning. I am Gregory Mendoza, the governor of the Gila River Indian Community. I want to thank the advisory committee for providing me with an opportunity to testify today and to share with you what actions my community is taking to minimize our youth being exposed to violence. I also want to thank the advisory committee for visiting our youth yesterday.

Yesterday was a meaningful opportunity for our youth to be able to share their views on the issue of violence. And I want to thank the advisory committee for doing that. A lot of times the adults don't take time for our children. And I think yesterday was a perfect example of you allowing them to be heard. Thank you.

The Gila River Indian Community is comprised of the Akimel O'odham and the Piipaash tribes. We have over 20,000 enrolled members. Approximately 12,000 of these members live on the reservation. The reservation is roughly 372,000 acres, located in the Phoenix metropolitan area, just south of cities of Phoenix, Tempe, and Chandler.

Our reservation has been prone to violence for the past few decades. I think this is in part because our land is expansive, adjacent to an interstate highway, located within the metropolitan area, and between Phoenix and an international border. Unfortunately, a 2003 report from the U.S. Department of Justice listed my community as having the most violent crimes per capita in all of Indian Country.

Worse, the problems of domestic violence, child abuse, and gang violence are becoming intergenerational and cyclical among many of our families. We had a situation where three generations of women in the same family were victims of domestic violence. Yes, it was not until abuse was levied upon the granddaughter—the youngest child in the family—which anyone spoke against, which was becoming a tradition of violence.

The community has recognized the problem of our children being exposed to violence. We have undertaken a dramatic overhaul of our justice system over the past 30 years, to better address this issue. In addition, we have utilized our most recent gaming revenues to establish a more support systems for our youth, to ensure their safety and well-being. More needs to be done, but we have come a long ways.

With respect to our justice system, we have established a system to try crimes involving youth in a way that promotes the child's well-being. This system also relies on services that offer meaningful outlets for education, social services, and youth-based activities for the victims. In the area of juvenile offenders of crime, the community has established a multi-tiered children's court that promotes the rehabilitation instead of punishment.

Our children's court was established in the mid-1980s to address the problems of domestic violence and child abuse. The court has expanded to include two judges, who exclusively deal with three types of cases involving minors: juvenile cases, status offenses, and child abuse cases. The children's court now includes the drug court, teen court, truancy teen court, and family drug court.

These courts are also part of the community's diversion program. The diversion program for juveniles is built around education, community, and cultural awareness. The diversion program consists of three courts: group education meetings, peer mentoring, and community services. Each option within the diversion program presents an opportunity for treatment, rather than going through the justice system.

These alternative forms of treatment and education are generally used for an offender's first, second, third, and fourth violation. These options may be prescribed by a children's court, in addition to or instead of probation. All youth participating in the diversion program also receive treatment through the community's behavioral health department. This treatment begins with outpatient therapy, but may be extended to inpatient care on or off the reservation.

Youth who commit more than four violations of the children's code are likely to be placed in the community's juvenile detention center or inpatient treatment, depending on the severity of the violation. The community also has the largest detention facility in Indian Country. It is a tribal facility that is operated with community and Bureau of Indian Affairs funding.

The number of juveniles in the facility has steadily dropped since 2007, largely due to many of the diverse diversion programs that I've discussed. Now the facility usually has 15 juveniles—inmates—who stays for an average of 12 days. The juveniles in our facilities are put through school and culture education during their entire stay. In addition to reading, writing, arithmetic, the gain experience in working in a traditional garden and participate in other cultural activities.

The children's court also adjudicates cases involving child abuse and domestic violence. The court refers to these as "child in need of care" cases. Those cases will only go through the children's court if r is involved. In these cases, the parent is a party and must respond to a petition to appear before the court. Once the court deals with allegations of abuse, the focus turns to the well-being of the child.

Many times the case goes through the children's court, but the parents are never charged in criminal court, because of the lack of resources. Nonetheless, parents still may be charged in extreme cases. Something that the community has developed to specifically deal with these cases is the child-in-crisis team. This specialized team, which is just forming now, will deal with children up to the age of five who have been exposed to violence or maltreatment.

Another initiative we have undertaken to assist children exposed to violence has been through revisions to our children's code and criminal code, which are a larger part of the Gila River Indian Community's code. Specifically, the definition of "child maltreatment" or "domestic violence" in the community's code were drawn to capture the widest range of situations where children are exposed to violence or maltreatment.

These crimes have been defined in our criminal code broadly to include endangerment, physical assault or abuse, interference with custody, or disorderly conduct, among many acts involving the exposure of children to crime. Importantly, the children's code separately identifies emotional and mental injury, repeated withholding of care, certain forms of physical punishment, and exploitation of a child as grounds for criminal charges, too.

The broad definitions of these crimes are crafted to make sure that individuals are held accountable wherever children are exposed to violence or emotional and mental trauma. In addition to developing a justice system that focuses first on rehabilitation, the community has also increased the support

services for youth who are exposed to violence and maltreatment.

The community has a Crime Victim Assistance Office; a social services program, which includes Child Protective Services; a youth council; we have two Boys and Girls Clubs; a residential program for youth; and a domestic violence shelter.

The social services program and the Child Protective Services is connected to the community's court system. They are usually called to investigate or remove children from home because of abuse, neglect, or activities that endanger the well-being of a child. Referrals can come from law enforcement, schools, relatives, or community members, among other individuals.

The social services program has instituted a system to track all referrals that involve children, so that they can identify and manage situations involving patterns of abuse and maltreatment. This includes tracking the type of abuse alleged, whether substance abuse is involved or whether the referral involves a reoccurring issue.

The residential program for youth provides emergency short-term and long-term housing for youth up to the age of 17. The goal of the residential program is to provide an immediate safe haven and nurturing environment for youth who have been removed from their homes due to suspected neglect, abuse, or exploitation. The program strives to provide each child with the individual social and life skills that they—that will enable them to become self-reliant.

It is also intended to provide much normalcy and support for the youth as possible. The current facility has the capacity to care up to 24 youth. A larger facility is currently being constructed, utilizing tribal dollars. And we will be able to house 80 youth. The new facility is scheduled to be finished this month.

The community recently constructed a domestic violence shelter, which was completed in March of 2013. The shelter

houses women and children, but its maximum capacity fluctuates depending on the composition of current residents.

Youth placed in the residential program or domestic violence shelter immediately become part of the community's youth programs. These youth receive treatment through the Gila River Behavioral Health Department and are provided mentoring and are connected with our youth council and our Boys and Girls Clubs.

Our Boys and Girls Club is an outlet for our children, of all backgrounds. Whether or not they have been exposed to violence. However, our clubs are particularly useful when used in coordination with the residential program or domestic violence shelter, because it removes youth from a setting that might remind them of their troubles.

Youth also have access to the community's Crime Victim Assistance Office. This office plays an essential role in enhancing the community's response to victims and survivors. Beyond basic training or counseling, the office provides services to victims of crime in a variety of areas, such as finding emergency housing, court preparation, and access to basic resources, such as transportation.

The office focuses on direct services to victims, advocacy between community-based offices, and community education and awareness. It provides ongoing support to victims of violence beyond the simple removal from an abusive home and transcends to the justice system.

Lastly, I want to mention the Akimel O'odham Piipaash Youth Council or the Gila River Youth Council. The advisory committee met with our youth council yesterday as part of a listening session. This youth council was founded in 1988. I served as one of the co-founders of the organization. The youth council was formed by young people who felt that youth were falling victim to cycles of violence and crime in our community. And it was not viewed as a priority in the community at that time, in 1988.

The intent was to create a grassroots organization to redefine youth and establish a voice for the youth. The youth council pulls in young people from all backgrounds and allows them to be the resources to each other, as they navigate life. The youth are encouraged to find issues that affect them and to work to bring awareness to that issue.

Often the issues that the youth work on relate to... violence. Whether it's an initiative to address violence in schools, or in their home districts on the reservation. In closing, I want to say thank you to the advisory committee for the opportunity to testify today. As a young tribal leader—you probably are not aware, I am the youngest governor of the Gila River Indian Community.

And I strive to make that the issues affecting our children remains high on my agenda and for our tribal leadership. I think our community has taken a unique and proactive approach to addressing the issues of youth being exposed to violence. These efforts aim not only to provide relief and support for victims, but to identify trouble youth offenders and put an end to the intergenerational cycle of violence within our community.

Thank you for bringing this important matter to us. And thank you for your leadership. Thank you.

[APPLAUSE]

*Byron Dorgan:*

Governor Mendoza, thank you very much for sharing that information with us about your tribe and your leadership and your goals and plans. So we appreciate the testimony very much. Anita Fineday.

*Anita Fineday:*

Thank you, Governor Mendoza, for your detailed information about your tribal courts and your diversion programs. It's really helpful for us to hear about programs that are successful and that are working.

I want to follow up maybe a little bit on Senator Dorgan's question that he left us with. And just say that, you know, the establishment of comprehensive programs like yours sound

very impressive. And I'm wondering—and you may not be able to answer this—but I'm wondering about funding streams and where the funding comes from to keep this broad array of services that you have operating on your reservation.

*Gregory Mendoza:*

Okay, thank you for that question. With our community, of course, with any tribe—any tribal government—we always look for those grant opportunities, of course. But the community has also been very supportive as far as supplementing these types of program, through tribal funding, of course through gaming revenues, to help support these programs for our young people.

But I think Gila River has been able to cover a lot. Cover our own. And of course in some cases we do supplement our fundings with federal funding, as well as others. So, again, thank you for that question.

*Byron Dorgan:*

Governor, you cited a 2003 study indicating the Department of Justice listed in 2003 the Gila River Indian Community as having the most violent crimes per capita in all of Indian Country. When people mention the Gila River tribe to me, because I've visited there many times now and I've been acquainted with your business plan and the success of all that you're doing out there, I've always described your tribe as one that is really on the move, in terms of a very progressive business plan and development of revenue sources.

So if there were a study today, rather than a 2003 report from the Department of Justice, do you think the more affluent capability from your business plans would have created a study that would not have you at the top of this issue of most violent crimes per capita?

*Gregory Mendoza:*

Thank you, Senator, for that question. And 2003 was how many years ago? And times have changed within my community. I have to say—and you probably noted—that we are progressive in a lot of areas. And I take pride in my administration, my staff, for carrying through with all this work.

As I've described in my testimony, we have taken some measures. We've improved in many areas. Of course, as I stated, you know, our community is very close to the interstate highway. Of course our community is located adjacent to the metropolitan area. You know, I have to say that our community has improved since 2003. Through our gaming revenues, we're able to use those funds to develop programs, as I described.

If I were to say—if we were to develop a new report for 2014, I mean, the problems still exist. But I'm just saying that I think we've definitely improved in many areas. Particularly in the justice system. As I described, we have a drug court. We have a teen court. We have a teen truancy program—court. And then we have a family drug court. You know, we didn't have these before.

But again, utilizing those resources to help our community, even with the facilities we have. As I've described, we have a domestic violence shelter. We have a new youth home. We have Boys and Girls Clubs. We didn't have any of that before. But again, we've made some tremendous strides in addressing all of these areas. I have to say that report would be totally different. Thank you.

*Byron Dorgan:*

Other questions of the governor?

*Dolores Subia Bigfoot:*

Thank you for all that information. And we thank you again for allowing us to be in the presence of the youth that were there yesterday. That was very wonderful. I'm just curious about all the programs that you have described, which are quite ideal. How are you tracking the improvement in services and how are you tracking how you came to decide to build a bigger facility? And what were the findings? How did you get those findings and how did you make these decisions to say, "These are the things that we need more or less of?"

And in terms of your population that you're serving that have these kinds of needs—the domestic violence, the shelters, and stuff—what percentage of your population do you

serve? How many domestic violence cases do you have? Are those things that you're able to track?

*Gregory Mendoza:*

Thank you for that question. And yes. As I stated, you know, I have to rely on my staff to provide that information. Of course, with any type of opportunities to develop programs, you know, we have to measure that by something. Data. So I believe my staff has provided information not only to me, but to the leadership, and also the evaluation process with regard to this.

But from time to time our staff does do that. Provide that information to me. Of course, it has to be well justified, particularly if we're going to ask for additional dollars to support a program, it needs to be justified to include this information. But my staff do provide analysis with regard to some of these critical areas of need for the community. I have to rely on them.

Of course, we evaluate any type of grant that we get through the community. We do have a compliance office that works with a lot of the grants that we've received. And also to communicate with those funding agencies out there, to provide that needed information as far as reporting on some of the findings regarding some of these issues, some of these social problems, within our community.

But again, I have to rely on that information from my staff. And I believe we have provided that information. Thank you.

*Byron Dorgan:*

Yes, sir.

*Eddie Brown:*

Yes. Cultural services. Given the impact of the surrounding area on youth and other diverse groups, what is being done, as you've put together this broad, expansive system, to address the cultural needs of the youth?

*Gregory Mendoza:*

Thank you, Dr. Brown, for that question. I just delivered my third State of the Community address last Wednesday. And I think the highlight of my address was education. We are very fortunate to partner with—and, again, it's because of our proximity that we have all of these educational institutions at

our door. We have partnered with Arizona State University, most recently with South Mountain Community College, to begin to develop a cohort to begin to grow our own.

When I say "grow our own," that means begin to develop our own teachers. And we're beginning that phase. And we started a new cohort this year, in partnership with these institutions, to begin to grow our own. Our teachers. To teach the culture, the language, and to also work in line with the Arizona State Department of Education so that these could be certified teachers within our school systems.

We are moving in that effort. Another exciting endeavor that we're working on—and I made this announcement during my State of the Community address—is also our partnership with ASU, we're looking at creating a degree in the area of Akimel O'odham studies, which is very unheard of. But we've begun to establish a program that our people can be very proud of.

Of course, our tribal members would benefit tremendously from this. But again, those relationships to keep our culture alive, and of course my platform with education being the top priority for me and the administration, of course I'm a firm believer that our education is so important to our young people. And to be given those opportunities to teach within the school systems about who they are as Akimel O'odham or Piipaash, that we're moving in that direction. But thank you, Dr. Brown.

*Byron Dorgan:*

Well, Governor, we are advantaged by having your testimony and we appreciate very much your willingness to come and be part of this task force day here in Arizona. So thank you very much.

I will mention as the governor takes his leave that Erma Vizenor, the chairman of the tribe in Minnesota, White Earth Nation, was scheduled to be here, and then problems arrived that prevented that. I have visited White Earth a couple of times. Erma Vizenor is a remarkable indeed leader, and we miss her not being today. But I know that her testimony will become a part of the record as well.

**[END PANEL 2]**