

Anita Fineday: At this time, we're going to ask those persons who are providing public testimony to come forward and take a seat at the panelist table. And the names that I have who will be providing testimony are Steve Henry from law enforcement at Rocky Boy; Stacey Reed from the National Alliance for Drug Endangered Children; and Vera M. Gibson-Dawsey. Okay, I think we'll go ahead and get started. And I thank you for coming forward at this time to provide this testimony. We're going to start with Mr. Henry from law enforcement at Rocky Boy. Thank you.

Steve Henry: Thank you. Can you hear me okay?

Anita Fineday: You might want to move it up.

Steve Henry: Okay, thank you. Never thought I'd say five minutes isn't much time to speak, but having said that, I'll try to get through this in five minutes. I've written it down and I'll just read from that. My name is Steve Henry. I'm an enrolled member of the Chippewa Cree Tribe on the Rocky Boy's Reservation. I'm Lieutenant of Operations for Chippewa Cree law enforcement. I've been in law enforcement for 13 years, 10 with Chippewa Cree law enforcement. I'm a trained school resource officer, (great @ 88:56_APR160945PM) instructor, and have sat on the tribe's child protection team on various occasions. I did leave law enforcement for one year and worked as a tribal prosecutor, which gave me a better perspective of the court's side of our justice system.

Chippewa Cree law enforcement is a small, tribal police department. Currently, on the Operations side, we have twelve sworn personnel: two sergeants, six police officers, two criminal investigators, Lieutenant of Operations, and the Chief of Police. We are usually the first point of contact with our troubled youth. We work with several other tribal departments such as White Sky Hope Center, tribal courts, social services, and our victim advocacy programs.

The Rocky Boy's Reservation is located in north-central Montana with the census population listed at 3,600 people. I

believe this number is lower than the actual population at the time the census was taken and there continues to be people returning to the reservation to live on a weekly basis. The population continues to grow and, as a result, we have a huge housing shortage. As is the case with most Indian reservations in Montana, unemployment rate is high at about 80%. Alcohol use is high and the increase in drug use and drug-related crimes is climbing at an alarming rate. These social ills affect every person on the reservation, but the impact on children and juveniles in particular are devastating. They result in co-occurring disorders and which the effects can last a lifetime. We have a large population of juveniles who are lost. They have no direction. The graduation rate of our juveniles continues to decline.

In 2010, our tribal council applied for and received funding through AURA to build a new detention facility with the emphasis on rehabilitation. We understood that it makes no sense to simply lock someone up and throw away the key. If you don't address the underlying issues that get most people sent to jail, you're not helping them and will likely see them back again. In August of 2012, we opened the doors to this facility. It's a beautiful building, like the Hilton in comparison to the old facility we were in. It has everything needed for education, awareness, counseling, exercise. The logistics required more staff to operate this building and, as a result, one of the added benefits was the creation of several jobs on the Corrections side. The facility has both adult and juvenile sides. Unfortunately, due to lack of funding, only the adult side has been in operation since we've opened the doors. And even the funds for that are sorely lacking. We are only receiving roughly 25 – 30% of the funding requested to operate it. The juvenile side has never been opened. It's never been funded. It sits idle.

It is very hard to provide the services to our troubled youth in our current situation. We have a large number of repeat offenders in the juvenile system in dire need of these services and yet they do not receive them simply because they refuse to attend them voluntary as part of a probation requirement. They are in a vicious cycle of abuse and violence and, in so many instances, it's all they've known

and even accept it as normal. We need our juvenile detention facility opened. I'm not saying locking up our youth is the answer, but it does need to be an option at some point when there is a pattern of self-destructive behavior and the only way to initiate services needed for so many of them is in a controlled environment. This may be the best way to begin a recovery process.

We have a juvenile court system that is understaffed and underfunded and, as a result, lacks the training needed. The courts have had success with grant-funded programs but when a grant ends, there is no base funding for the sustainability of these programs to continue and build on the positive strides they have made and, in a lot of cases, the courts lose good people. Our juvenile court has no teeth to its probation system as there is no local detention facility available for immediate incarceration under circumstances that would normally warrant it and there are very limited funds to pay for detention elsewhere. Juveniles are aware of this as well and most know what will and won't get them sent to a juvenile detention center. This lends to a behavior pattern where they continue to abuse drugs and alcohol and get in trouble, but just not enough for detention. We have an alarming number of juveniles with numerous alcohol-related offenses who have never received any adequate substance-abuse counseling, education, or awareness.

In my years on patrol there have been several occasions where you could hear one juvenile telling another to behave because if they'll behave, they'll just be cited and taken back to their home. Most of them know where the line is and where to stop to avoid attention. One of the things I've always found troubling is that we would pick up a juvenile offender, cite them, and release them back into the same environment from which we picked them up; release them in the same physical and mental state in which we found them, even without temporary detention to allow time for detoxification. We have juveniles walking a path of self-destructive behavior with no immediate consequence and they know it. There are many occasions where the same juveniles are picked up on a consistent basis and, in some cases, more than once in the same night. We have literally

dropped off a juvenile at home and then called back to the residence before we could reach the end of the block to where they're physically fighting with a parent. Without even temporary detention, a lot of simple status offenses are compounded when they are repeated and begin a pattern. By the time the juvenile begins to receive the services they need, the problem has grown and is more difficult to treat because it has gone so long without being addressed.

One example I was reminded of by U.S. Attorney Michael Cotter just yesterday while we were talking is that of a young man who had 28 MIPs or alcohol-related offenses as a juvenile. This young man didn't get any early intervention and when he turned 18, he was the driver of a vehicle in which he was at fault in a serious crash resulting in serious bodily injury. He was charged criminally and he is now in federal prison. I believe this is a perfect example of something that may have been avoided if we had a juvenile facility available that could have provided some education, counseling, and intervention.

I hate that it always comes to money but, due to lack of funding, a youth has to commit a serious offense and have a history of offenses and noncompliance with probation to be placed in a detention facility off of the reservation. When they are finally sentenced to a juvenile detention center, we send our youth 90 miles away to Cascade Juvenile Detention Center in Great Falls, Montana, at a cost of more than \$200 a day. The facility and staff there does nothing to address the social ills of our community and they are not sensitive to our culture. In fact, I had heard directly from a juvenile female who was placed in their facility for more than a week that one of the staff referred to Natives as prairie niggers—excuse the language. If a juvenile is to be held for more than a few days, they are sent to Busby, Montana, which is a seven-hour drive for any family member to visit and most families in our community cannot make that trip due to lack of reliable transportation and no money to pay for such a trip.

If and when the day comes that we are adequately funded to operator our own juvenile detention center, we would have a

centralized place to initiate the services needed. This would allow family to visit and even be a part of the process of healing and recovery. This facility would not only benefit the Chippewa Cree Tribe, but also be available to neighboring reservations in the same situation as our own and it could be used as a regional facility for Indian Country. The majority of these programs and services that would be used are already in place, but again, as I've stated earlier, the motivation to attend these as a requirement is not there for most juvenile offenders. The recidivism rate is high and, in large part, because most juvenile offenders understand that they will not be sent away until they have pushed too far and left the court no choice. Right now the juvenile court system is a revolving door where each time a figurative finger is wagged at the youth with more stipulations being placed on their probation that they already are not abiding by.

As a local juvenile detention facility, we would have the mandatory services and continued services once the youth is released. I believe the continued outpatient treatment and counseling would be more successful with both the courts and youth knowing there is an immediate consequence available for noncompliance. The services would be mandatory in the beginning. This intervention would be a good start in the education and awareness of our youth on the effects of substance abuse, violence, and coping with trauma. They may begin to understand the life that they have lived to this point is not normal and that continuing, they can make poor choices; maybe the biggest obstacle to them doing anything positive and becoming functional, productive members of their community.

In addition to local a detention center, I believe a group home would be extremely beneficial to the troubled youth of our community. There is a large population of youth who have grown up in broken homes where the adults suffer from addiction and suffer from some sort of abuse or traumatic events in their own personal history. The children growing up in these homes have never had the benefit of being shown a positive role model. All they have known is addiction and abuse and, sadly, come to accept it as normal unless they are shown different. We are what we are taught.

I sincerely believe we have several kids who would strive and thrive in a structured environment where they would receive positive attention and guidance. This group home would be the next step for a youth in need where placement back into a broken home will not work.

I apologize if I'm repetitive and taking so much time and may sound negative sometimes, but it is hard not to become jaded working in law enforcement. We usually only see people at their worst. I always joke that I have never been called to a residence to see a family getting along and sitting down to have dinner together. The reality is police officers see firsthand the devastating, ugly effects of drugs and alcohol from fatal crashes to victims of abuse. One of the things I have to remind myself from time to time and I always tell new officers is to remember most people we encounter, when they are not under the influence of drugs and alcohol, are good people who have made bad decisions. Along those same lines, when I have conversations with other people we work with at other tribal departments, we have to remind ourselves of the positives. We get so caught up in how much still needs to be done, we forget to stop and take note of the progress that we've made.

Having said that, I understand and I know that things have gotten better in Rocky Boy. When I first started many years ago, we didn't have a victim advocacy program and there was very little communication with other departments. We had to refer victims to programs being offered off the reservation in Havre more than 20 miles away. Our communication collaboration with other departments such as tribal courts, White Sky Hope Center, and social services is better than it's ever been. These programs and others are doing good things, as Mr. Gerald Small pointed out earlier. Our communication with the federal justice system is better than ever and they have been very helpful in continuing to provide training. In law enforcement we have made efforts to be more active in the community policing, being present in schools, holding community presentation, holding community meetings to organize a neighborhood watch program. Unlike in years past, all our officers are academy-trained before we ever put them in the field. One of the messages

that I have made a point to try and get out to the community as often as I can is that, in my years in law enforcement, the great majority of police officers I have ever worked with are good people who take the job for the right reasons. They want to make a difference.

For our adult prisoners we are offering jail-based treatment programs, anger management, and cultural-based batterers' intervention programs. We will have a sweat built in the near future and will also be offering online education programs as well. We have met with elders to bring in culture and education in our own history and to provide some of our males with a self-starting point for their own identity if and when the day comes we can offer all these programs and more for our juvenile detention center. In Rocky Boy we have a long way to go. As individual departments we will always have room for improvement but collectively, as a tribe, we are moving in the right direction. Progress is never as fast as any of us would like, but it is there. I do see it. Thank you for your time.

[APPLAUSE]

Anita Fineday:

Thank you, Mr. Henry. Next we'll hear from Stacey Reed.

Stacey Reed:

Thank you. I have to start with thanking everyone for being here and allowing me this opportunity and also thanking Mr. Edward Reina. I agree with everything that he said and it's a great lead into, I think, talking about our organization and the work that we have done and the things that we have seen in the tribal communities around the nation as well. So thank you for that.

My name is Stacey Reed. I'm with the National Alliance for Drug Endangered Children, or what we call National DEC. We are a national organization that has been honored to work in communities, both tribal and nontribal, across the nation. It is our mission to break the cycle of abuse and neglect in drug-endangered children by empowering practitioners and communities to work to transform the lives of children exposed to substance abuse and the effects of substance abuse. Our goal is a hundred percent healthy,

happy, safe children. And I think you heard that earlier today as well.

I know you're probably thinking that we are here talking about violence, not substance abuse. But if we do not address substance abuse, we will never truly conquer violence to our children. The causes of children's exposure to violence are numerous, but it is through my over-16 years' experience in child welfare and in also working with Native Americans that I have learned that this violence is often caused by familial substance use, possession, distribution, manufacturing, and cultivation, often times related or associated with multigenerational or historical trauma. It is also my experience that solutions that help to identify, protect, and serve these drug-endangered children are also effective to diminish the violence to these children.

Training is often minimal in Indian Country and it is usually not ongoing. When a child welfare worker says to me, "It is only recreational meth use," that's a problem. Not for the worker, but for the family and to especially the child. What an Indian child welfare worker says to me, "I don't know the signs to look for because I've never been trained," that's a problem. When an Indian child welfare worker has never had a drug or substance abuse training that is a problem. When tribal law enforcement says, "We have no idea what Indian Child Welfare does," that is a problem. We say we collaborate, but we only speak the words and do not understand what they truly mean and what that really looks like. When our disciplines that have contact with children and families are not trained, children are the ones that miss out.

I have not seen firsthand the atrocities that Native Americans have experienced, but I have seen the many effects of these atrocities. I have seen the sadness and the tears and I've heard the stories of Native Americans and Native-American children. I have seen the broken bones, the shaken babies, the parentified children who take care of their siblings, the neglected children that are not fed or loved or cared for due to substance abuse by their caretaker or parent. And this makes my heart very sad on so many levels because our

children deserve better. But I have also seen that Native Americas are strong people who are rich in tradition and rich in culture. They are spiritual and they are passionate. They respect their elders and they respect their children. They heal in different ways and have beliefs about healing and helping each other. Native Americans want their children to grow up safe and strong.

A solution being implemented by National DEC and our national network is a comprehensive, collaborate, multidisciplinary approach that trains and engages each discipline to assist children who are living in drug environments or in households faced with substance abuse and, in turn, trauma and violence. This collaborative approach effectively changes working relationships of professionals in the field and how they view and treat these cases. It engages communities and tribes and it encourages change. It respects that each community and tribe is different in many ways. It focuses on the identification of these children, the risks to these children, and the long-term impact and needs of these children. Recognizing that these children are in need of early identification by all disciplines and different intervention is the first in changing the trajectory of these children's lives. It recognizes that we need to focus on wholistic and a cultural approach that focuses on the life of the child and not a moment or a snapshot. This can open up opportunities of greater understanding and insight that focus on resiliency and recovery.

As a result of the DEC movement and efforts of our network, we have seen many successes. In Nevada, all 27 tribal nations have joined in a statewide Tribal DEC Alliance. They have signed MOUs, are making DEC protocols, and have a resolution in place. In May I am providing a DEC training for around 500 tribal and nontribal child welfare and law enforcement and prosecution professionals together in the same room. In Wisconsin, five of the tribal nations have joined in a DEC Alliance that also includes nearly thirty counties. In Nevada, we have one tribe that is using what we call DECSYS. It's a tracking system, a database that connects law enforcement information and child welfare

information. And they are loving it and they're obtaining data that we've never obtained before. National DEC provides training and technical assistance to the tribes across the country whenever it is needed. We have trained and certified over a hundred members of the tribal community on core drug-endangered children issues.

But even with successes, we have a long way to go, many folks to train, many people to educate and train, many Indian children to reach, many Indian families to heal, much work to be done. So with that being said—and I know I'm out of time—my professional recommendations with National DEC are for training for disciplines such as tribal law enforcement and child welfare agencies regarding substance abuse and its effects on families that include violence and maltreatment to children so disciplines identify these children in need of interventions at an earlier time and, therefore, hopefully providing earlier intervention to children and families in order to break these cycles. Better data regarding substance abuse in homes of Indian children so we can really address these issues and know the gravity and the effects. Better collaboration and the sharing of information and data between disciplines—between law enforcement and child welfare, tribal and nontribal, probation, parole, schools, prevention, treatment, medical—so we can, for once, be on the same page and really understand what is happening to families so interventions can be appropriate and culturally responsible. A personal recommendation that I have is that there be better training for state and county nontribal child welfare workers in agencies around the Indian Child Welfare Act. What it means, why it is important, and that there are devastating consequences to Indian children when ICWA is not followed and adhered to.

We must work to break the generational cycle of substance abuse as well as the cycle of abuse and neglect for all of our children: my children, your children, and our children. A good friend who is the chief of police of the Seminole Nation once told me, "You are strong and you are making a difference." And I remember looking at him with tears in my eyes and saying, "I cannot do this alone." So we need everybody in our communities, both tribal and nontribal, to

join together and do what is in the best interest of Indian children. Thank you.

[APPLAUSE]

Anita Fineday:

Thank you, Miss Reed. Next we'll hear from Vera Gibson-Dawsey.

Vera Gibson-Dawsey:

I think my testimony is a little longer than both of theirs so I'm going to try to condense it a little bit. And as she said, my name is Vera Gibson-Dawsey. I am one-half Absentee Shawnee and I come from a small community in Oklahoma, which used to be predominantly Native American—used to be. In Oklahoma we don't have reservation-al boundaries so a lot of the tribes have little communities where they all are. And ours is where most of our tribe lives. In trying to convince this, this is supposed to be what the Indian children go through and what they do when they're exposed to all kinds of violence. And I hear both of the people up here talk about law enforcement. We need more law enforcement. We need more training. Yes, we do; but at the same time, we've got to figure out where all of these children came from. It's not something that just started with them. It's something that started generations back.

My family, for instance, my mother's mother died when she was seven years old. She watched her father beat and sexually, aggressively deal with her mother all the time. So when her mother died at the age of seven, he started the same thing with her and her sister. Her sister had cerebral palsy. She ended up having a baby by him and the baby ended up dying a few months later. There was no explanation as to why the baby died. But these are things that the children are going through. This is where we need to start. We need to start with the grandparents, the family, the mothers, the fathers.

I have four daughters and they are very dysfunctional. My brothers and sisters are dysfunctional because we all went through the same thing. It's something that's great. The police officers and these other programs, yes, they do help. But at the same time, you have a lot of repetition. A lot of

the people that they grew up with, they're in the same boat, same area. I always said that I would never raise my children the way my mother raised me. My grandfather molested me and my sisters when we were growing up. My stepfather molested me and his own daughters. And my mother said, "Well, that's your stepfather, you have to expect that." That's not true. There are so many parents that believe that this is the way life is because that's the way their life was. And that is not true. They don't have to accept it. And that's what a lot of these children accept. So when they see their parents drinking and getting into drugs and everything, they think, okay, that's the way life is.

My children's father, I was 13 years old when I got with him and he was 19. I had my first daughter when I was 17. All he ever did was drink and beat on me, but that's the way I thought life was because my mother, I watched my mother go through the same thing. I have twins that are 32 years old. They're very dysfunctional for the simple reason that their father also molested them. This was a man that I thought was going to help me raise my children better? No. But this is something—and this is all in here. It's just like I said, it's just a little too long for me to read. But one of my daughters, she has gone through several men. She does drugs, she drinks. Due to her size and everything, most men don't dare punch her. But when they do, they regret it because she just whales on them. But that's not the way life should be. And I try telling her that. I've got her into counseling, got her on medication, but she refuses to take it. So these are things that the children have to look at. I'm raising her three children. I try very hard to teach them that this is not the way life is.

What we need to do is start with the children's grandparents, start with the family, start with the community. What I am trying to get going in our community is we're doing culturally-based programs. We're trying to include all of our families and children, do community things like women's lunches, grandmothers' lunches, anything we can do to get the family together to show them that this is not the way things are. Because, currently, everybody still believes the way it is. And I know it's not just that way in our community. It's that

way everywhere no matter what color. I worked as a housing authority police officer on the Section 8 housing in Tulsa, Oklahoma. I saw the same thing there that I'm seeing where I came from. There was 13 generations of one family that were there and the grandmother always took care of the children. Because the family themselves—the mothers and fathers—most of the girls didn't even know who the father was of their children. But grandmother always took care of them. Grandmothers can't do this on their own. They don't have the resources. They don't have the homes. We need help in funding. We need help in counseling. Just trying to help these families. And don't just start with the children. Go back. Go back as far as you can in helping the people. Get everybody interested because this is not something that's going to go away with just police departments and the programs that these—and I agree with these two. These are things that are really needed, but we've got to start further back. This is not something that is going to go away that easily. It's a generational curse that just keeps circling and circling.

Thank you for letting me speak on this because it is something that's very passionate in my heart. Two of my programs are domestic violence and Indian child welfare. I know I'm getting a little emotional up here, but if you'd seen some of the cases that I've seen, you would understand why. Thank you.

[APPLAUSE]

Anita Fineday:

I thank the panelists for their testimony. I don't know if there are any questions. Does anybody have any questions?

[BEGIN PUBLIC OPEN MICROPHONE]

I think we're ready to move into our Public Open Microphone portion of the hearing. And so we have time, at this point, for anyone in the audience who would like to come forward and make public testimony at the front of the room. And I would also take this opportunity to remind everyone that you can submit your written testimony via email. And the email address is simply testimony@TLPI.org. And that's the Tribal

Law and Policy Institute. You can submit any written testimony that you have to that email address. So do we have anyone who would like to come forward at this time for the Open Microphone section? No? Okay.

[END PUBLIC TESTIMONY]