

## Panel 1: An Overview of Alaska Native Children Exposed to Violence in the Home, the Community, and Juvenile Justice System Response

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*Joanne Shenandoah:* Okay, for Panel 1 our first four witnesses will provide a general overview of current research on Alaska Native children exposed to violence in the home, community, and the juvenile justice system. This panel will set the stage for the hearing providing a range of examination of issues concerning Alaska Native children exposed to violence. I just said that, didn't I? All right. Sorry. It's on here twice. The panel will include, with a presentation concerning the Alaska specific findings and recommendations affecting Alaska Native youth exposed to violence in the Indian Law and Order Commission Report, and the Alaska specific statistics and data.

The scheduled witnesses for Panel 1 are the following.

We have Gloria O'Neill, President and CEO of Cook Inlet Tribal Council. Would you raise your hand? Thank you.

Andy Teuber, President/CEO of Kodiak Area Native Association—thank you—and Chairman/President Alaska Native Tribal Health Consortium. Excuse me.

Sarah Hicks Kastelic, Deputy Director, National Indian Child Welfare Association.

And Troy Eid, Chairman, Indian Law and Order Commission.

I think we have several other witnesses here that will be on our Panel 2 as well. So we want to keep in mind that we have 15 minutes to testify, as we are running just a hair late right now. But thank you so much for your testimony and we would like to have you proceed, CEO O'Neill, please. Thank you.

*Gloria O'Neill:* Thank you. It's so good to be here. I love walking into a room and seeing friends. Jefferson. Good to see you, Valerie. Again, my name is Gloria O'Neill. And I think my most important role is I'm a proud mother of a 19 year old who just returned from her first year at college, and she got through okay, "pshew."

[LAUGHTER]

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*Gloria O'Neill:*

And secondly, I'm a proud member of the Alaska Native Community and have served as CEO for CITC for about 17 years.

If my voice starts to go out... I've had several presentations over the last two days and so I'm starting to lose it. But I've been drinking water and sucking on some of these hopefully special lozenges to help my voice. And I don't know how you do it, Senator, Dorgan, when you're in political season.

So CITC, Cook Inlet Tribal Council, appreciates the opportunity to testify before the Attorney General's Task Force on Alaska Native and American Indian Children Exposed to Violence, and Senator Dorgan and Miss Shenandoah's unwavering commitment to improving circumstances for Alaska Native children.

As you will hear in a few moments from Sarah, the NICWA's testimony, we want to go on record to let all know that CITC fully endorsed NICWA's testimony and offers the following as supplemental information.

For 30 years CITC has been the primary social service provider for Alaska Native and American Indian people in the Anchorage area. Through comprehensive wraparound services and employment training, education, recovery services and child welfare services, CITC has been successful in accomplishing its mission to work in partnership with our people to develop opportunities that fulfill their endless potential. CITC has also served as a primary prevention provider against the disproportionate child welfare experiences of Alaska Native children in the state.

Violence against Alaska Native children, as we all know, is a multilayered and nuanced issue, expressed in both the complexities of the child welfare system as described by NICWA and in other domains. Alaska Native Children are more likely to be reported, more likely to be substantiated and much more likely to be placed in out of home care than other children in the child welfare system. Each of these

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circumstances increases the likelihood of further harm to Alaska Native children caught up in the system, and long term damage to future Alaska Native children.

Alaska's child sexual assault rate is six times the national average. And Alaska Native children experience this trauma disproportionately to the rest of the state. There are 11 centers around Alaska that serve as children's advocacy centers, including the Alaska Care Center at Providence Hospital in Anchorage, and locations in Kodiak, Fairbanks, Juno, Dillingham, Nome, Bethel and others.

Statistics collected from these agencies in 2012 indicate that nearly 1600 children, age zero to 18, were served for sexual abuse, physical abuse, neglect, witness to violence and drug endangerment, of whom 646, or 40 percent, were Alaska Native children. In Anchorage, where the largest population of the Alaska Native people resides, the disproportionality between Alaska Native children in the child welfare system as compared to the number of non-Native children is also greatest, whereas Alaska Native people comprised 12.3 percent of Anchorage population. They have consistently, over decades... Over decades they have consistently represented more than 60 percent of the children in out-of-home custody in Anchorage. As NICWA indicated, nearly 60 percent of the Alaska Native children are in non-Native placements. In Anchorage that percentage is even higher.

Alaska Native children also face multiple Adverse Childhood Experience exposure, or what we call ACEs, that contributes to risky behavior such as substance abuse, suicide, school disengagement and makes them more vulnerable to interpersonal violence and victimization. Many of our program participants have six or more ACEs indicators, six or more ACEs indicators, contributing to intergenerational violence and harm. However, Alaska Native people are strong and resilient and find strength in family and culture when used to remove barriers to success.

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So what are we going to do about...what have we done about it? CITC's actions to improve outcomes: Our Child and Family Services Department is dedicated to promoting, safe, secure and healthy families, who nurture future generations by learning new skills to improve relationships and establish healthy practices. In the last three years we have engaged more than 1,000 families and over 1600 children and services to improve child safety and family wellbeing. CITC launched the innovative Alaska Native Family Preservation Unit as an integrated unit of social workers from the Anchorage Office of Children's Services, the Native village of Eklutna and CITC, focusing on placement prevention. This model was developed on the success of CITC's Intensive Family Preservation Program that serves a small number of families per year, typically 25, and maintains a prevention placement rate of 90 percent.

CITC's child, family and tribal TANF services have developed a coordinated service model to screen and engage families who are receiving tribal TANF benefits and are at risk of child abuse and neglect. Over 50 families have been served in the last two years to prevent OCS involvement and to expedite a return home. And that's out of, on an average basis, about 600 cases that we manage every month.

Supervised visitation promoted reunification of children in state custody through direct visitation, case management and a coordination of services. A critical focus of this program is identifying relative supports as potential preference placements to mitigate the trauma of separation from home and community. CITC's Father's Journey Program successfully increased father contact with children through its dynamic peer model. In the past five years the program has engaged nearly 700 fathers or related caregivers in education, mentoring and support to improve safety. Over 90 percent of the father's experience increased contact in the first 90 days of participation, and consistent and continuous contact occurs during and after the program period. In the last six months 34 were successful in reuniting with their children who were out of their care. In addition, the program focuses on concrete care

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and support through the relationship with CITC's employment services. This translated to 71 caregivers achieving employment. And of those 71 fathers achieving employment, 11 of them transitioned off of tribal TNAF to a livable wage job.

CITC has developed innovative partnerships to specifically address the traumatic effects of children exposed to violence, through partnership with DOJ. This project is a colocated partnership among Cook Inlet Head Start, and Anchorage Community Mental Health. Specific trauma informed training is provided to teachers and support staff to identify and support children in the classroom who have been affected by violence. This coordinated response can prevent unnecessary OCS involvement and improve retention and early education.

We are proud that, for more than a decade, and without initial funding, CTIC has placed an ICWA specialist inside the Office of Children's Services to assist with family contacts and ICWA compliance. And we recently expanded to Wasilla and Kenai. Liaison activities primarily focused on tribal licensing and Native foster care recruitment to improve ICWA preference placements and reunifications. As we know, the hard realities in Alaska Native villages give rise to the great concern for Alaska Native children. A lack of effective law enforcement, behavioral health specialists, adequate teachers and supportive services also creates an environment that often leads to danger and violence for Alaska Native children.

Thus, there is a complicated interweaving of needed services and responses to address these issues. Villages and regions across the state are developing important and effective measures that need to be supported by the federal and state governments, not through temporary three or five year grants. I'll repeat that. Not through temporary three or five year grants; but ongoing, sustainable funding, allowing Native communities to take responsibility for the health/safety of their children, families and communities.

Final recommendations: Federal agencies, including DOJ and HHS should require that states measure and document

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responsiveness to Alaska Native children's issues by requiring that the Child and Family Services Reports, or as you know them the CFSR, the adoption and foster care analysis and reporting system, and the court improvement programs demonstrate that Alaska Native children are placed in Alaska Native homes, and that active efforts have been made to prevent removal.

Federal agencies should require accounting from states for funds that are distributed for services to Alaska Native and American Indian people, and more importantly, should directly fund Alaska Native and American Indian entities rather than relying on states that often have problematic relationships with the Native community.

Increased federal support for subsidized guardianship to help children leave foster care and live permanently with relatives, where adoption is inconsistent with cultural norms; remove burdensome matching requirements for child welfare programs that preclude tribes and tribal organizations from operating their own programs; and remove barriers to the implementation of Public Law 102-477, the Indian Employment Training and Related Services Demonstration Act, that allows tribes and tribal organizations to consolidate funds from different agencies and engage in preventative workforce development activities that create safer homes and families for Alaska Native and American Indian communities.

And lastly, please support full funding for the National CASA Program. We believe this is an important resource and a critical tool in supportive Native children who are in the system. Thank you.

*Joanne Shenandoah:* Thank you, President O'Neill, for your testimony.

Please proceed, President Teuber.

*Andy Teuber:* Thank you for the invitation to provide testimony to this committee. My name is Andy Teuber and I serve as the

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Chairman of the Tangirnaq Tribe, one of hundreds of tribes here in Alaska. And I also serve as the CEO of the Kodiak Area Native Association, as well as the Chairman and President of the Alaska Native Tribal Health Consortium.

I have the great pleasure to work with Valerie Davidson, and so I understand the accolades that have been piled on her today as I do so regularly. And it gives me some semblance of assurance knowing the weight of the burden that we all carry in addressing this issue, that if there are things that omit or my fellow panelists omit, that Valerie is fully capable of articulating the needs and the challenges that Alaska Native people face. And so my heart goes out to you, Val, for assuring that my testimony is meaningful today, and that the absence of those points that need to be made will be made by you.

I appreciate your commitment of resources and attention to this issue. I recognize how difficult it is and what courage is required to listen to and confront the truth of how exposure to violence is damaging our children. More so, I appreciate the willingness of the Attorney General and Department of Justice to stand with us as we struggle to find solutions to the greatest among our many challenges.

The prevalence and devastation of violence are difficult to measure. We have all seen the statistics and we already know that even if one child were being harmed they would be too many. But in attempting to gauge the magnitude a behavioral risk factor surveillance system has shown that 31 percent of Alaska Native children personally witnessed physical domestic violence. It's a number that warrants immediate action. It means our children are at far greater risk for a wide range of problems, including physical injury and diminished health; and among them anxiety, depression, aggressive behavior, addiction, and both cognitive and academic difficulties.

Exposure to violence and other adverse experiences in childhood is indisputably linked to increased risk for chronic disease and early mortality. We know that Alaska's rates of child maltreatment, domestic violence, sexual assault and related homicides are consistently among the highest in the

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country. And among these rates, Alaska Native children's rates are much higher.

The statistics clearly understate the problem, and they also confuse it and make it more difficult to find a solution. 31 percent seems remarkable, especially when compared to the 17.9 percent which is the national average that's been recently reported by the Department of Justice. It may, in fact, be hard to believe or to adequately convey the number could be as high as 31 percent. But I find the estimate hard to believe for different reasons. I'm challenged why only 31 percent of the Alaska Native people in the study shared with us that they witnessed or experienced violence as young people. I'm not confident I would be able to identify even one Native person who has not experienced or witnessed physical violence, or worse, as a child.

Historically shelters, crisis centers, victim's advocacy and related services emerged to fill gaps in a system that treated sexual and family violence as a private matter and beyond the concern of law. They provided a safe haven for people facing life-threatening situations and who sometimes needed a place to hide. Even when police were present and willing to help, they were often unable prior to the...prior to a crime being perpetrated. At its best this approach provides sporadic, short term intervention and only to the few who can access help at just the right moment.

Children exposed to repeated incidents of violence in the home typically rely on one of their parents to protect them. Adults on average who attempt to escape violence in their home must do so seven times before they succeed and oftentimes fail to take their children with them. That is, six out of seven times, the system fails. And it fails precisely when it is most needed, at the height of danger. And if it works it often means that people merely survive and that they'll make it to another day. It's simply not good enough for any of our children or our families. But it's far worse than that in rural Alaska. And you've begun to understand the scope

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and magnitude of the challenges, having had traveled recently.

The system is not simply inadequate or under-resourced, it is ill-suited and unresponsive to the conditions here in Alaska, rendering it virtually nonexistent. As it was described it was designed to intervene in isolated and irregular incidents of violence. For these rural Alaska Native children exposure to violence is not uncommon or sporadic, it is a constant. Two-thirds of Alaska Native people live in rural and often very remote areas. We cannot count on a few agencies which have limited funding themselves to augment existing protections because the protections aren't there in the first place.

Our rural communities do not have the same things as other communities, and they do not work in the same ways. We often say that rural Alaska lacks basic public and safety...public health and safety infrastructure. We say that it is not fully transitioned to a cash economy. But seldom does this manifest itself as an understanding of the reality.

First it means violent threats against a member of one's family won't trigger a response from law enforcement. Why? Well, it could be a lack of communication to infrastructure, for rural parts of the state simply lack that resource. It could be that there are no public safety officers in their community, or, that if there are, they're unavailable after hours. It could also mean that under ideal circumstances these offices, known as village public safety officers, who are often alone in their capacity within the community, lack the tools or training to intervene. It also means that following an incident you cannot take your children to a shelter for temporary housing, or use vouchers for food or even go to the Laundromat.

This is not because the shelter is already full or because there's no public transportation between the shelter and your work or the

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children's school. It's not because the Laundromat is on a busy street where you might be seen.

It's because there is no shelter, no store, no Laundromat. There are many communities in rural Alaska which have only one community washateria where running water and flush toilets exist. The community may be so small that there is literally nowhere to go where you won't be seen. If people are injured in a violent incident they each might attempt to access care which is only available from one single roomed clinic and from the community's only health aide. Or there may not be any health care available at all in the community. It can mean leaving the community is an impossibility because the cost sporadically...of sporadically available transportation in communities where roads don't exist can be prohibitive. Alaska can be a harsh place and weather can prevent travel for days and sometimes weeks. Further, other basic legal, health and social structures that the model presupposes simply don't exist.

As Native peoples we have been able to preserve or renew some traditional methods of governance, but they are often and actively undermined by federal and state governmental agencies which deny legitimacy or even jurisdiction. While this is bad enough, these very same agencies are, they themselves, under-resourced and ill-equipped to provide the assistance needed.

We're still, Alaska Natives, feared to call for help. They fear that instead of receiving genuine assistance, they might lose their children to the state welfare system that too often does not comply with the Indian Child Welfare Act. Federal and state agencies try to help but the conditions they place on assistance can be so onerous as to make it practically unworkable if not unavailable all together. In other places people seek equal protection of the law. In many Alaska Native communities there is no protection of the law.

Violence affects many Alaska Native children but these forms of violence are not part of our traditions as Alaska Native people. Our ancestors strived to create safe and nurturing environments for children, and to support families to live

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peacefully. They were able to intervene when needed to ensure safety for our children. We cannot do this today with current resources in today's environment.

I don't mean to suggest that we do not need more services, because we certainly do. I don't want anyone to doubt my appreciation for the people who devote their lives to helping our children. And I have the great privilege to work with them, a great number of them. No measure of appreciation would adequately recognize their work or self-sacrifice. But there are simply not enough of them. We struggle to meet overwhelming need with scarce resources and we do it with tools that were designed for completely different cultures and environments.

We hear more and more how important personnel...personal responsibility and behavioral choices are, but people cannot make better choices unless they have information and options. We need to address the root cause of the violence, not simply find better ways to respond to it after it has occurred. We need to begin using empowerment models such as My Brother's Keeper and Half the Sky. Our tribal health services are adapting to more collaborative and trauma informed care models to better meet our children and families' needs.

We are seeking ways to soothe the intergenerational effects of violence that continue to affect us all. For health and social services, we find that help from the government is far more effective when it recognizes and facilitates our ability to find our own tailored solutions. Our experience consistently shows that innovative and comprehensive community based approaches will yield far superior results than several small grants ever could. We need the flexibility to break down and avoid traditional silos that impede genuine cooperation and progress. The Department of Justice and sister agencies, such as SAMHSA, IHS and the BIA have a lot to offer, but the impact would be exponentially greater if we had a way to bring together all of these resources without unnecessary restrictions.

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We believe most Alaska Native children have exposure to violence and we know the consequence. Some children will need individualized assessment and services, but we already know that most of our children have had direct exposure or indirect exposure to violence and therefore may not benefit from individual screenings. Professionals and advocates have their own perspectives about how different problems are related to one another. The relationship between substance and alcohol abuse and violence is a key example. Many families struggle with both addiction and violence. If the family receives assistance only for violence, addiction continues to undermine progress. Where still, if services are provided only for addiction, the levels of violence often increase. Whatever the precise relationship, we know they cannot be addressed independently but they need to be addressed now and not when research finally catches up.

Increasing use of multidisciplinary teams is a step in the right direction. We need the flexibility and resources to effectively deliver the full range of the right services at the right time in a way that works for each community, even if that requires something different than what people in Juno or DC think is ideal. Our children need more than small, unresponsive piecemeal efforts.

What has worked best for Alaska's tribes so far is collaborating with the federal government on a government- to-government basis through the Indian Self Determination and Education Assistance Act. It has not always been easy and there's still room to improve, but it has been the most effective way to give tribal communities both critical resources and the ability to use them in a way that is more responsive to their needs. For example, this law has provided the framework to enable us to expand and adapt the Community Health Aid Program, which was originally developed by the Indian Health Service to combat the tuberculosis epidemic. The Community Health Aid Program now enables us to provide a wide range of direct health care services, including dental and behavioral health services, to those who would otherwise go without. It also provides a way to deliver specialized services to those who

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need them, often without leaving their community. We are able to train local people already familiar with the culture, language and community conditions to provide services close to home more effectively than highly skilled professionals who can then be more effective at operating toward the top of their certifications in education.

We need to focus this level of autonomy, collaboration and creativity on identified needs. People cannot make better choices unless they have options. We need to find a way to give our communities, families and children those options. The Indian Child Welfare Act is one example. States struggle with ICWA compliance for a variety of reasons, some understandable, some others less so. The Department of Justice is responsible for enforcing ICWA but has yet to do so meaningfully. This causes the missed opportunity to diminishing the threats associated with assistance in Alaska, the fear of losing our children to the state system. Once children are in the system they are lost, not only to their parents, but to their extended families and communities.

ICWA is designed and intended to prevent this. The Department of Justice can decide today to commit resources that would allow tools within the act to work. The Department of Justice can decide today to provide states and tribes with more technical assistance and support. The state can be compelled to decide today to devote resources to training staff and providing its agencies and employees with the resources to comply with ICWA. These simple steps would increase choices for us too. With existing resources we can make better choices to use improved methods for evaluation, like adverse childhood experience surveys, and better care coordination models like the multidisciplinary team approach. With existing tools we can make better choice – we can make the better choice to work together more collaboratively on a government-to- government basis to do something genuinely responsive to the problem. We could decide to stop using competitive grants that are unresponsive to our needs and which promote micromanagement. We can make the better choice of allocating resources that are sufficient to the gravity and extent

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of the problem, the level of violence that is devastating our children, our families and our communities.

We all want something better for our children. Let's make better choices. Let's create a better range of options for our people so they can make better choices too. Thank you.

*Joanne Shenandoah:* Thank you, President Teuber. Now we can proceed, please, with Miss Kastelic. Thank you.

*Sarah Kastelic:* [speaking NATIVE LANGUAGE @ 01:23:46\_1001]. Good afternoon. My name is Dr. Sarah Kastelic. I'm Alutiiq, an enrolled citizen of the Native Village of Ouzinkie, and the Deputy Director of the National Indian Child Welfare Association, or NICWA.

I'm honored by the opportunity to speak before you this afternoon and I would like to dedicate my testimony to the memory of my paternal grandmother, (Glafira Pearl Caulfield @ 01:24:13\_1001) who was born out of Afognak in 1929, to Katie and Willie (Lukeen @ 01:24:10\_1001). I'd also like to acknowledge my mentor, Dr. Eddie Brown, without whom I would not be where I am today. I'd also like to thank this task force and its chairs, Senator Byron Dorgan and Joanne Shenandoah, for their leadership on these very important issues.

NICWA is a 30 year old national Native nonprofit organization located in Portland, Oregon. Our mission is to ensure the wellbeing of American Indian and Alaska Native children and families. NICWA is the nation's most comprehensive source of information on American Indian and Alaska Native child maltreatment, child welfare and children's mental health issues.

The focus of today's hearing is Alaska Native children exposed to violence in the home, community and the juvenile justice system. My testimony will cover, one, data on the violence Alaska Native children face in their home; two, how current federal child welfare program financing perpetuates child maltreatment; and, three, recommendations on how to

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protect Alaska Native children from abuse and neglect, and from the trauma they face in the child welfare system.

My written testimony provides more detail on these topics, as well as a description of NICWA's experience working on affective, tribally driven, collaborative responses to child abuse and neglect in Alaska. Nationally, American Indian and Alaska Native children in state child welfare systems make up a slightly higher percentage of substantiated reports of abuse or neglect than their percentage in the general population. In Alaska the data for Alaska Native children are more concerning. Nationally, American Indian and Alaska Native children, approximately 9 percent, .09 percent, of all the children in America were about 1.2 percent of substantiated reports of children physically abused, sexually abused and neglected in 2012.

In Alaska, Alaska Native children were 50.1 percent of substantiated reports of children physically abused, sexually abused and neglected in 2012. In contrast, Alaska Native children make up 17.1 percent of the state child population. In Alaska, Alaska Native children were 50.5 percent of alleged reports of child maltreatment in April 2014, two months ago. Yet they were 56.5 percent of substantiated reports of child maltreatment.

Notice that the alleged cases of child abuse and neglect were disproportionately substantiated. There's a six percent rise in these numbers. This data illustrates how Alaska Native families may be prone to biased treatment in the state child welfare system. Bias is noted as factor in disproportionate substantiation of maltreatment in Native families in state systems nationwide. And this evidence, this data shows evidence of its presence in Alaska as well.

Although maltreatment is the reason that children and families enter the child welfare system, Native children placed in foster care face additional violence and trauma in the system in the form of removal. I know from personal experience that well-meaning systems can do real harm to children and families.

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Family is the single most important survival mechanism of Native culture. It follows the Indian Child Welfare practice should focus on the home and family as its most important point of intervention.

Removal is extremely traumatic for Native children and families, and should be the last line of defense, after all other attempts have been made to strengthen the family so that a child can remain in his or her own home. However, this is not the practice in state systems, and specially the Alaska state system, for a variety of reasons, including current federal funding mechanisms. Added to this equation is the legacy of removal that Native peoples, and specifically children, have faced. The historic trauma that systematic removal has generated in Native societies makes each removal of a Native child from her home, family and community a unique form of violence.

Unfortunately Native children are disproportionately represented in foster care at rates that exceed all other populations of children in the United States. This is a problem of particular significance here in Alaska. Nationally, when comparing the percentage of Native kids in the foster care system to those in the general population they're represented in foster care at 2.1 times their rate in the general population in 2011.

New data was just released last week that shows that things are getting worse, not better. The 2012 data shows that Native children were represented in foster care at 2.4 times their rate in the general population. In Alaska, in 2011, Alaska Native children made up 51.1 percent of all children in out of home placements in the state, a disproportionality rate of 2.9. In April 2014, just two months ago, Alaska Native children were 1,319 of the 2,106 children in out of home placements. This is 62.3 percent of the foster care population. It is clear that the disproportionality rate for Alaska Native kids in Alaska has risen in recent years, as the percentage of Alaska Native children in foster care has increased by more than 10 percent in those years.

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As I've described, Alaska Native children suffer abuse and neglect at elevated rates. Violence in the home is a problem that Native women also face, and one that often traumatizes children who are unsuspecting witnesses. In Alaska, Alaska Native women suffer from forcible sexual assault at the highest rate of any population in the United States. An Alaska Native woman is sexually assaulted every 18 hours. In the general population we know that partners who engage in violence against each other are more likely to perpetrate violence against their children.

Unfortunately, the jurisdictional framework in Alaska leaves many tribal communities without the ability to protect their women and children. The status quo is unconscionable. Presently the federally recognized tribal governments operating within Alaska Native villages are not able to carry out local, culturally relevant solutions to effectively address the lack of law enforcement and prosecution in villages that allows perpetrators to slip through the cracks. Indian tribes and tribal organizations within the state of Alaska would be more responsive to greater local control, local responsibility and local accountability. And policy must change to support this.

I'll turn now to how federal funding exacerbates some of the problems I've mentioned. Federal child welfare policy plays a central role in the capacity of tribes and states to meet the unique needs of Native children and families in care. The current system incentivizes removal and underfunds primary and secondary prevention efforts. This system is, not only inconsistent with our values as Native people, but it's also ineffective and inefficient, and very expensive. With current funding heavily weighted towards removal, the child welfare system will not be able to reduce the flow of children into out of home care without substantial reform and financing.

As the nation discusses child welfare finance reform, the needs of tribal child welfare systems and Native children in state systems must be taken into consideration. For example, here, in rural Alaska where the cost of removing a child from their home including transportation costs and foster

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care maintenance payments can be substantially higher than in most states. Providing a family with in-home services will not only be a much less traumatic experience for the child, but also a more effective and less expensive option.

As this example illustrates, many tribes are in a position to make significant reductions in their foster care populations, because of the intimate knowledge they have of the families in their communities and the resurgence of their culturally based services. But the federal funding to integrate this knowledge in tribal child welfare systems and support more effective culturally based services is in very short supply. Unfortunately tribes have limited access to federal programs that support services to prevent child maltreatment and strengthen families. Further, there is significant problems with the level of funding available for programs to which tribes do have access, which I detail in my written testimony.

While congress has yet to take up child welfare finance reform, there is a growing number of organizations, advocates, policymakers and experts in the field asking for change. As I discussed, Native children continue to be at greater risk of being placed in out-of-home care than any other population. This is a national problem but with specific implications here in Alaska. A balanced federal child welfare finance system could change these dynamics. It could help both states and tribes provide more effective responses to mitigate risk for child abuse and neglect, prevent unnecessary out-of-home care, and bring healing to Native victims.

With this backdrop, I offer several of the concrete recommendations from my written testimony.

One, provide additional support and flexibility in federal child welfare programs for the use of tribal cultural practices, by both tribes and states with Native children in their care.

Two, increase incentives for states that reduce the number of Native children in out-of-home care by safely returning them to their families. This should be coupled with the creation of

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incentives which are provided to those states showing improvements in ICWA compliance.

Three, assist tribes and states in their efforts to address the barriers to reducing the number of Native children in state foster care through in-depth technical assistance and demonstration grants.

Four, advocate for comprehensive federal child welfare finance reform that creates a balanced and sustainable funding base for tribes and states to support child abuse and neglect prevention, treatment services for children and parents to address substance abuse and trauma, and in-home services that help strengthen families to reduce the need for out-of-home placements and help children return safely home.

Five, take a more active role in monitoring and enforcing federal laws that concern tribal children. In instances where the federal government provides the funding for specific state programs, the implicated federal agency and DOJ should actively work with the state to better understand the relevant federal laws and the state's obligations under them. In addition, in litigation in which the interpretation of ICWA is an issue DOJ should take a greater role in submitting amicus briefs.

Six, affirm, by a memorandum with the DOJ that tribal courts in Alaska have the same standing as tribal courts in the rest of the country.

Seven, swiftly amend the Violence Against Women Act to recognize the jurisdiction of Alaska Native tribes over certain crimes of domestic violence, and expand jurisdiction to include child abuse and neglect. The existing special rule for Alaska contained in Section 910 of VAWA must be repealed and the powers of Alaska Native tribes to protect their most vulnerable members be affirmed.

Eight, increase tribal youth voice in decision-making efforts to better inform systems change in the child welfare system.

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[speaking NATIVE LANGUAGE @ 01:37:24\_1001] Thank you for your time and attention. Addressing this issue is urgent. Our children cannot wait.

*Joanne Shenandoah:* Thank you, Dr. Kastelic, for your testimony and your dedication to children.

Next we will hear from Mr. Eid.

*Troy Eid:* Thank you, Madam Co-Chair and Chairman Dorgan, great to see you. By the grace of God and your appointment, here I sit. And it's proof of the fact that bipartisanship is alive and well in this country, and could be alive and well in Alaska. I did invite my friend, Attorney General Garrity to join me today when I met with him yesterday, and I'm hoping he's coming soon. And I encourage all the state officials to be here. I'm sure they'd have a chance to talk. I'm sure this task force would welcome them if they were to come, as I hope they will. What an honor it is to be with this panel and to be with such a distinguished task force and thank you for your great work.

I want to thank Assistant Secretary Washburn, who has been such a leader and a friend for many, many years, and is doing a great job, and Associate Attorney General West who has also been a tremendous leader and I know will do great things in the years ahead. And I want to thank especially Commissioner Jefferson Keel, who I was privileged to serve with and learn from. Every day I get up I want to be more like Jefferson. I'll never look that good but...

[LAUGHTER]

*Troy Eid:* ...he lends credibility to everything he does and his service to our country. And it continues now, both in the military and now in what he does in so many fields of endeavor. So, thank you, Governor Keel. It's always great to see you.

The Indian Law and Order Commission Report which was the brainchild of Senator Dorgan is done. We released it. It was not the 20 pages the Senate Committee of Indian Affairs told me they were expecting. It's 324 pages. And we did not get

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paid by the word. All nine of us were volunteer. And I would really appreciate it if you would please continue to read it and study it, and also, if you think it's good in some fashion, if you'd endorse it or endorse part of it, or whatever you want. And all of that helps. And then please continue with the process of respectfully asking the Office of Management and Budget to cost it out, which is something that we have requested that has been discussed but I hope will continue and I think with your emphasis could really help so we can see what these things cost.

In very general terms, we focused in these six chapters on a number of issues that were consistent with the statute that Chairman Dorgan and his colleagues enacted in the Tribal Law and Order Act. There is a whole chapter some of you know about, Chapter 2, on Alaska. And there is also a chapter, Chapter 6, on juveniles. And it's important to understand that they interoperate together they reference, and all of it is a whole. And I think the most comprehensive look at these law and order issues since at least the 1920s. And so we were happy to be involved in that process.

But, to try to bring it home, in our country, one out of every four Native youth suffers from Post Traumatic Stress Disorder. And that is the same percentage as returning combat vets from Afghanistan and Iraq. And it is unacceptable. It is unconscionable in the state of Alaska that those numbers, as has been expressed, are undoubtedly higher. And it does not take an expert to document every fact and figure. You just have to get on a caravan and go out and take a look, or get on the snow machine, or go to villages like commissioners did. And we spent a total time of a month in Alaska in our course of our work to listen to women tell you, as some did, that we would go to villages where every woman had been raped in that village. We were told every single woman had been raped. And it's the United States. Native men should not die at age 56, on average, which they do throughout our country. And the lifespan is lower here. We should not be competing with places like Haiti for how do we have the lowest lifespan on

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the continent for groups of people. And it's just something that we have to get beyond.

And the federal government is largely to blame. It tolerates what happens here in Alaska. And let's just be clear about it, you can't just blame ANCSA, one of the most amended statutes in my lifetimes. It's been amended – practically the first 30 years it was amended almost every year. So who knows exactly what ANCSA means? It's the toleration of the system that is unacceptable. And that sets the tone. And I appreciate what this administration is doing to try to bring a brighter spotlight on the injustices here, but we have a national civil rights crisis. It affects every single American. And we can't be quiet about it.

Now, who the heck am I? My dad came from Egypt with 100 bucks in 1957. So to all the Native people here, thank you for the chance to live in the United States. God bless you. Every day that we're in the United States, as my father said before he passed away in 2006, is a great day. And I'm happy to be here and I thank all of you for the chance to be here and to live in this country. And I'm proud of this country.

Secondly, I love Alaska. What a great place. And the cab driver who I saw up in Fairbanks when I went to Tanana Chiefs in March recognized me from my last visit in Alaska and said, "How many times are you coming up here?"

[LAUGHTER]

*Troy Eid:*

And, you know, I said, "As long as they keep inviting me." But I actually don't think that's right. I think I'll just keep coming anyway because I like it so much. And I think there's a lot to do up here. I think we can help out. And that's the spirit that I offer, is just to try to help. You know, I'm not an Alaskan but I respect what everyone here is trying to, Native and non-Native. But I think it starts with that federal tone and then it goes to the toleration in some cases/instances of what the state gets away with. And what do I mean? We need to have a system in Alaska where the governor unequivocally commits that he will recognize all Alaska Native nations on a government-to-

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government basis. It needs to happen. It's not a question of having too many and all the things I've heard in these meetings that there are many excuses given for why this is hard to do. I know there are 230...229, recognized federal nations here. But it can be done. And if it's something you want to solve, it can be addressed. And it starts with that respect. You send a message as a state when you don't respect the governments where people live. And the federal government in our constitution says this is how it is, these nations have been here since time immemorial and the state needs to respect that. And when you don't respect it, not only are you breaking the law, which they are in my opinion, but they also, they treat people with a lack of respect too.

I think that it secondly shows a lack of respect for Native women in Alaska, and actually everywhere in our country, when the state exempts Alaska women from the equal protection of the laws. And Section 910 has been much talked about but those kinds of exceptions generally need to end. Now, respectfully, we have asked both US senators to commit now, which they can do today. No more exemptions from Alaska for anything. Alaska, by the way, is not that different. I know I'm from Colorado and our marijuana laws are different and I'm...I think we based them on Alaska, by the way. But it's really not that different. And actually it's an excuse when you're talking about the equal protection of the laws.

Every Native person, every person, should have the same level of respect. And so when the Tribal Law and Order Act exempted Alaska as it did, when the latest proposal to deal with the Carcieri Fix and the whole debate over taking land in trust which is so important for territorial integrity to do law enforcement and policing and self-government, when those exempted routinely and the presumption is that that's the way it is because it's Alaska, no, it's not. It does not have to be that way. It's not just about Section 910, although that has to change as well.

Now, what's happened, and what's so exciting is that just in the last six months now we have both US senators from Alaska

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vowing to reverse Section 910. So change can happen. But it has to be broader than just one piece of legislation; because it tells every person otherwise in those villages, in those nations, that we're somehow not entitled to the full range of protections that all Americans get. And that's just not...that's not true. It's not legal. It's not what we should allow, any of us, as Americans.

The third thing is to stop treating Alaskan Native nations as colonies. They're not colonies. They should not be ruled from afar. Their protection orders, their legal proceedings should be built up and not torn down. They should not be ridiculed. They should not be degraded. They should be built up. Where we do not have the wraparound serviced – and our report talks a lot about this. One women's shelter in the bush? No juvenile shelters? You know, I just got back from Israel on a trip about a year and a—or, about a week and a half ago, and they were describing to me—some of the veterans from the '48 war who I was privileged to spend time with for Independence—were describing how the refugees were in Israel in the '50s. And how, in the course of about seven years, they got everybody out of refugee camps and got them into a home. They had no money. [SHORT LAUGH] And these are people who came from all over the world, as we know. Why can't we put shelters in the bush? Why can't that be done? And the answer is it actually could be done.

I'm betting that, if the state sits down on government-to-government basis and works with the leaders in this room, that that money can certainly be found. There are all sorts of funds in this state. I've noticed that some of them have a lot of money in them. I've noticed that Alaska flares is more natural gas in a day than provides the entire state of California's population with power. Do you know that? They flare, they burn, more natural gas a day in this state than all the people in California use in a day. There has got to be a way to put some mobile trailers in the bush for shelters for women and children in 2014. And so I just say, we need to fill in those gaps. And it starts with treating people and nations with respect.

And then the fourth thing is quit suing your citizens.

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[LAUGHTER]

*Troy Eid:*

No state—no state, according to my research, and my free labor of my law students at the University of Colorado where I adjunct teach. No state spends more money suing its own citizens than the state of Alaska. They sue for everything. Kevin Washburn tries to have a hearing, which he successfully does, on taking fee into trust, having new regulations. You do realize the state of Alaska went to federal court and they tried to get an injunction in the District of Columbia district court. You know they—I hope everybody knows, they—hired lawyers. They went there the day before yesterday to stop this hearing. Did you know that? Your tax dollars at work, Alaska citizens.

They tried to stop a hearing so that we could have a public comment session on taking land into trust, a recommendation in this report. And it's absurd. They should not be suing their own citizens. It makes no sense to resolve everything by a lawsuit. Even lawyers who get paid by the case should be ashamed. [SHORT LAUGH] It's not what this state is about or what the country is about. So make the commitment to treat people with respect. I really think that if that begins, I don't think it's that difficult, with all due respect. If the tone were different and if the issues were on the table... Even take an issue, and I'll close with this, we talk a lot about the unconscionable breakout of Alaska with a Section 910 of the VAWA exclusion. We said it's unconscionable. And it is. But just take that issue. All right, we've got two US senators now saying they support doing/having Alaska in. Senator Begich was okay on that issue from the get-go. Senator Murkowski has had a change of heart which certainly I welcome and I think is fantastic, and I support her position. With that in mind, it begs the question: What is the territorial area of each of the Native Nations where that 910 authority over non-Indians who are brutalizing women, what is that going to be?

What I suggested yesterday when the attorney general was gracious enough to meet with me, was that there should be a dialogue right now, government-to-government, with all the Native Nations here, and outside this room. Figure out, "All

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right, this is coming, get ready for it. Let's come up with some boundaries." Don't fight endlessly over land status for that purpose. Those fights will continue no matter what. We know that. But start to come up with credible boundaries. And within those boundaries say the Native Nations will have jurisdiction there, 910 will apply to that area for a period of time, whatever it is until the other claims are resolved. But understand that this is coming. And think of the engine that that will be for reform, once the state sits down and says, "Okay, this is our position." And then each Native Nation can weigh in and say "This is our position." Let's come up with that territorial integrity because we're going to have to police it, we're going to need resources. The state can help "here and here." We need to do these things on our own too, whatever it is that people work out. Just look ahead and think of the great things that can happen. I think that if the tone is a little different.

And, finally, don't give up. Chairman Dorgan is a great example of someone who didn't give up. How many times was the Tribal Law and Order Act just dead and not going anywhere? How times was VAWA? He tried to do VAWA early on. I hope everybody knows that. He was trying to do that for years. And then we got VAWA. And the future is open thanks to all the hard work of the people here and beyond. So we can get these things done. Don't be discouraged by all of this.

So as long as I get invitations, or even if I don't, I'm going to come up here. And the rest of the commission will. And I really want to thank you for the great work that you're doing. If we can be helpful at all, I could be helpful, glad to do it. Thank you for the chance to be here. Madam Chair, Senator Dorgan, thank you.

*Joanne Shenandoah:*

Thank you very much, Mr. Eid. At this moment we are going to ask the Advisory Committee if they have any questions of you, and would like to ask everyone to speak slowly and into the microphone. And we have just a few minutes because we're going to take a small break before the next panel makes their

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presentations. So would the Advisory Committee have questions for any of our panelists?

*Eric Broderick:*

Thank you. This question is for Mr. Eid. Thanks so much for the report. It's spot on in so many ways. And I read it several times. I have some questions, actually, well several questions, as I said before the hearing started, about sort of the "whys" and the "wherefores" about why you decided to do it this way or that way. One of them has to do with Recommendation 3.8 about moving a number of functions from BIA to the Justice Department. Why did you select the Justice Department? It seems to me that the bureau sort of has interactions with kids sort of before they hit the end stage of the criminal justice system. And I was just curious as to why you decided to say Justice as opposed to Interior.

*Troy Eid:*

Well, Admiral, thank you for your service. And thank you for your question. The short answer is you notice this is a unanimous report. There are nine of us, republicans, democrats, Native, non-Native. So no one dissented so these are things we agreed on. There are a lot of things we didn't agree on that are not in the report, I suppose. But we felt like there ought to be one-stop shopping. And that's the gap between the two departments was not a helpful gap. That's the sort of fundamental premise. On balance I think we believed that—and it's fair to say that we do believe that—the...having a chain of command through the Justice Department is probably more effective at the cabinet level in terms of advocacy. That certainly is my view as a former United States Attorney.

You know, as the United States Attorneys in this room, and the former ones, know, you're a presidential appointee and now with this administration especially there is you always have this expectation you're going to be meeting with the Native Nations in your districts and working with them, and that they then know politically that there's some accountability. There isn't really that counterpart in the field with Interior.

However, now, having said that—and I'm the last to equivocate—it would not break my heart if it all went to Interior if Interior got the same level of support. And there's an

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argument to be made certainly that Interior has a level of competency and experience and expertise that DOJ does not, across many different fields of endeavor, concerning both Alaska Natives and Native Americans. So, on balance we thought that it was really going to be more effective in terms of advocacy.

You know, I like to look at where the money and resources are, and since 9/11 it's no mistake that an awful lot of support has gone into DOJ. I think also those of us to some extent, certainly I was colored by the view that I saw, and I've seen, how the FBI and other agencies have really benefitted post-9/11 from being in the DOJ. And it's not to say that there is a problem with Homeland Security, but I would say that in relative terms moving things out of Treasury into that Department has been—and I experienced this when I was head of, you know, US Attorney during the democratic national convention in a way that was just not nearly the level of support that you get from the Justice Department. It just... It...I mean, to be blunt about it, it just wasn't there, so. So that's... I hope that that helps. Maybe an imperfect solution but the main thing is it needs to be in one place.

What you can't have is what you see in the lower 48 a lot which is when I was US Attorney, we had for three years, on one of our two Indian Nations we had a federal detention center for juveniles. And it was built with DOJ capital money and was supposed to be funded by Interior operational budgets. And by the time I got there it had been closed for a couple of years. It was closed two of the three years I was US Attorney because Interior was not funded, so the capital money went into building the facility, it sat empty, and we sent our juveniles to South Dakota and North Dakota, for the most part. And that's the right hand doesn't know what the left hand is doing. That's the big problem, Admiral, so, I hope that helps.

*Eric Broderick:*

That's helpful. I understand that there's an argument to be made for multiple ways of, many ways of doing something, so I—

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*Troy Eid:* I think that's right. And I try not to base it on personalities too, I mean, you know, we won't always have Kevin Washburn.

[LAUGHTER]

*Sen. Bryon Dorgan:* Let me just make the point that too, the situation you just described is not horribly unusual, unfortunately. And it represents kind of an ignorance in policymaking. I mean, how on earth is it that we build a facility and have no determination about how we might staff that facility? And I've seen it a number of times around the country on reservations. And, you know, it's part of the same problem in the federal government, of having all these stovepipes doing things without any connection, one agency to another, to try to determine what are they doing to really positively affect the lives of the people we're trying to affect.

*Joanne Shenandoah:* Anita?

*Anita Fineday:* Thank you for your testimony. I have a question for President O'Neill. In your recommendations, one of your recommendations, the fourth bullet down, you recommend that burdensome matching requirements for child welfare programs that preclude tribes and tribal organizations from operating their own programs. I wonder if you could give some specific examples of those...the programs that require those matches?

*Gloria O'Neill:* Yeah. In particular we're talking about the IV-E and IV-B programs that run out of the Department of Health and Human Services. In many cases there's a complicated formula in which we have to figure out how to match funds and build capacity. And I think that, you know, instead of making it more complicated for tribes and tribal organizations, to build out programs that support families and children, that the Department should be working to try to remove those and figure out how they can then engage tribes and be creative in that process.

This isn't new. This is across, as you know, many different programs in the federal government. But it really does put the

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burden on the tribes and the tribal organizations when we are the essential provider service in the community.

*Anita Fineday:* Thank you.

*Eric Broderick:* I don't mean to monopolize this, but I have another question, Mr. Eid. There was a recommendation, I think it was 1.1, about transference of authority from the federal system to tribes.

*Troy Eid:* Yeah.

*Eric Broderick:* And in there you talked about the need for the tribe to address the civil rights of the individuals who might be arrested or incarcerated. And you talked about the Indian Civil Rights Act and interpretation of interpretational issues. Who did you see doing that interpretation? Was it the tribes that would do it? Was it the federal appellate court that you suggested be established that would do it? How did you see that working?

*Troy Eid:* This is a big question, Admiral. And I just would maybe lay it out very quickly. Our first chapter has this concept which I think to all of us was axiomatic. Which is that Indian Nations, both in Public Law 280 states like Alaska, and in Indian country—and remember, it's about 50 percent of the people live in one or the other—that they both should have the ability to get out of the federal system or get out of that unfunded federal mandate state system. That's a core recommendation we have, that they shouldn't have to do "Mother, May I?" They shouldn't have to be certified. They should just be able to get out.

But they have to protect everybody's civil rights. And what we laid out in terms of your question is an idea/a concept that federal constitutional claims could go into the federal court directly from tribal court. And what we propose is that the tribal court hear the case first. So the tribe writes its own law, they charge, they prosecute, the defendant is convicted in tribal court. Then that defendant would appeal through the tribal court system. And after having exhausted that appeal, gone through whatever their appellate process is, they could

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then go into federal court directly and vindicate the constitutional claims that were there.

And, by the way, they should have all their constitutional claims. This concept that Native people do not have full constitutional rights must end. [SHORT LAUGH] This is not about what congress thought in 1968. This is about what civil rights we have now. So that's the idea. And we had proposed a...for Indian country, we proposed a panel that would be one US district court, modeled on the US district court for the federal circuit for those of you who are familiar with that court. One court that basically hears all the cases coming out of Indian country in the United States, so you'd have one consistent body of law. And then that would go up to the US Supreme Court from there. It'd be a full Article 3 court, constitutional court. That's how you vindicate the right.

In a state like Alaska you...in a Public Law 280 state, Native Nations, we think, if they so choose and they're ready, should be able to get out of the Public Law 280 system. If they want to do their own laws and enforce them and they feel like they're ready to do that, they should have the freedom to do that. And then you'd have to have the same kind of an appellate right system. And I understand this could be expensive. But my response to that is that [SHORT LAUGH] over time you will not have as many federal appeals coming out of these courts and the issues will be relatively well-determined. The trial judges in the tribal courts will know, as they often do now, what it is they have to do to protect people's rights. And those systems will develop and they'll build capacity. And then the state of Alaska's mission becomes "How do we build up those courts?" Because they're really important to everybody there, Native and non- Native alike, rather than trying to fight over whether they have jurisdiction or whether they are properly reporting all their orders and so on.

So that's the basic concept that we laid out. Does that answer your questions?

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*Eric Broderick:* It does. It does. I guess that there...the interpretational question is sort of...is I think the horns of the dilemma, if you will...

*Troy Eid:* Yeah.

*Eric Broderick:* ...in terms of that the tribe may interpret a person's constitutional rights differently than a federal appellate court would.

*Troy Eid:* Sure.

*Eric Broderick:* And so who...what should take precedence?

*Troy Eid:* Well, this is a great question, but think of the US constitutional system now. That's what the state courts do. My wife is a State Supreme Court Justice. You know, they get the final word on state law. But if there's a federal issue it goes into federal court. And that's how it works. It should be the same, we think, with tribal courts.

And just to close the loop very quickly, how does that effect juveniles? Well, our other recommendations, in Chapter 6, are, okay, if a Native Nation decides to opt out then they opt out. But if they stay in, the feds should have to get the tribe's consent to charge any juvenile with a federal crime. And we think the same should be true for the state. We shouldn't have these young people in the state systems or in the federal systems for offenses that arise on the reservation. Their juveniles and we want a world where the Native Nations decide what happens to them; protect their rights, but of course. But they, the Native Nations, should be able to figure out if they want to punish them—I don't think most will, in fact. Wherever I go what I hear is they don't want to punish them the way that traditionally the federal law did in the Juvenile Justice Act of 1938 punished them. Maybe they want to do a combination of traditional or restitution or other diversion programs. Whatever these Native Nations decide, they should be able to choose and do, as long as they're respecting everybody's rights. You know, that's...that'll work better, just like it does in diversion

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programs at the local level in 99 percent of the United States. And that's the concept.

The other things is—and I want to make sure I say this on the record. It's in the report, but—you should never have a juvenile charged as an adult without the tribe's consent. And in the federal system we get about one percent of all the cases overall where juveniles are in are charged as adults. But for Natives it's about 30 percent. And that's just unacceptable. Talk about a constitutional problem. You should not be having Native juveniles, just because they're in the tribal homelands, they commit an offense there, they should not go adult. My state, Colorado, you have to have the judge's permission to charge. A DA can't just charge a juvenile as adult. A judge has to concur in the first instance to do that. Many states are putting in those kinds of mechanisms now. We just think that no juvenile should be charged as an adult unless the Native Nation concurs. And that's part of being in government, respecting that government, so—

And then finally we talked a lot about the ICWA model and say, let's just, for any offense that arises on...you know, within the tribe's lands, you know, that juvenile needs to be accountable and that nation should have jurisdiction. And the way to make sure the notification occurs is to use ICWA, amend ICWA so that those transfer provisions and so on get that juvenile... You know, if the tribe wants to intervene the can go to that state court and get that person out.

Just a quick personal story and I'll shut up. You know, I got a call. I represent the Ute, Mountain Ute tribe, which is in Southwest Colorado. Median household income for one of our families is less than \$6,000 a year. We have a lot of issues out there. It's about the size of Rhode Island. And it's a tough place, very rural place, a lot of drug and alcohol issues. And I got a call from the DA's office up in Boulder, Colorado that one of our juveniles had just been picked up lying on a railroad track. She was...had... She was on meth and she was trying to kill herself. And the train came to a screeching halt and, you know, she was down on the track. She was trying to be

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run over by that train. And, you know, I had an epic fight with the judge in that case for the ability to go and intervene in that she had a pending juvenile charge in our court. We wanted to get her back and help her. We had a treatment program lined up for her to help her with her dependency issues. She was an incest survivor. There are a lot of things they didn't know about her. We were trying to help her. And I had an epic fight with that district or judge in Boulder to get that juvenile into tribal court. It took me months [SHORT LAUGH] to do. And that's not the way it should work. The tribe had services available. We were trying to help her. And the states should not take the attitude of "We're here to stop what the tribe is trying to do. Our mission in life is to enforce our law and we don't care about this other sovereign." That's not the United States.

*Joanne Shenandoah:*

Thank you so much for sharing with us today. The entire panel would like to thank you for your time and all the hard work that you have dedicated toward our children. It means the world to so many people, I'm sure. Thank you so much.

Those who are unable to stay, I would like to encourage you to go and submit your testimony at [testimony@tlpi.org](mailto:testimony@tlpi.org), because we are still accepting testimony and you can also look up more work that we are doing, and of course the entire project under [justice.gov/defendingchildren](http://justice.gov/defendingchildren).

We are going to take a small 15 minutes break and come back to Panel 2. And thank you so much for you testimony, again.

[END PANEL 1]