

**TESTIMONY OF DANA BUCKLES, COUNCILMAN
ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION**

**BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS
HEARING ON
THE TRIBAL YOUTH AND COMMUNITY PROTECTION ACT, S. 2785 AND
THE TRIBAL LAW AND ORDER ACT REAUTHORIZATION, S. 2920**

MAY 18, 2016

I am Dana Buckles, Councilman of the Assiniboine and Sioux Tribes of the Fort Peck Reservation. I would like to thank the Committee for the invitation to testify on these two important bills.

The Fort Peck Reservation is in northeast Montana, forty miles west of the North Dakota border, and fifty miles south of the Canadian border, with the Missouri River defining its southern border. The Reservation encompasses over two million acres of land. We have approximately 12,000 enrolled tribal members, with approximately 7,000 tribal members living on the Reservation. We have a total Reservation population of approximately 11,000 people.

I am pleased to testify in strong support of the Tribal Youth and Community Protection Act. This bill would recognize the inherent tribal authority to protect our children and our communities. Specifically, this bill would extend the exercise of the special jurisdiction recognized in the 2013 Violence Against Women Act, to include crimes against Indian children, drug offenses, and for crimes committed against our tribal officials that are connected to the exercise of this jurisdiction.

At Fort Peck, we have long believed that a strong tribal government is the way that we can best keep our communities safe. Furthermore, we have taken action to maximize our authorities to protect everyone living within our boundaries. In this regard, the Fort Peck Tribes have provided law enforcement and correction services on our Reservation since 1996 under an Indian Self-Determination and Education Assistance Act contract. We are also one of the first Indian tribes in the nation to enter into a cross-deputization agreement with state, county and city law enforcement agencies. Under this agreement, first ratified almost twenty years ago, tribal officers are deputized to enforce state and local law on the Reservation and state and local officers are authorized to enforce tribal law.

For more than forty years, the Fort Peck Tribes have had an independent judicial system, including an appellate court. It is through this system that we provide justice to our victims and our defendants. Currently, our judicial system includes law-trained judges, law-trained prosecutors, law-trained public defenders, probation officers, a published tribal code, and experienced court clerks and court reporters. Our court's opinions are published and available to the public. Our tribal courts and our court services are largely supported by tribal funds.

Given the strong foundation of our court and the Tribal Council's desire to combat domestic violence with every tool possible, the Tribes elected to pursue the opportunity

presented by the Violence Against Women Act (VAWA) and exercise our inherent jurisdiction to prosecute non-Indian defendants who commit domestic violence on our Reservation. We did this – not because we lack good partners in our U.S. Attorney and local law enforcement – but because this is simply another avenue to provide justice to the victims. We are pleased to share that we are working with the U.S. Attorney to designate our special prosecutor as a Special Assistant U.S. Attorney, so he will be able to prosecute crimes not only in tribal court, but also federal court. In short, we think providing justice to victims is an important step in providing them a pathway to heal and move on with their lives. Thus, we are working hard to ensure that we fully utilize all the tools available to do this.

Unfortunately, violent crime is all too common in our community. We are all familiar with the statistics regarding domestic violence in tribal communities. A new study by the National Institute of Justice confirmed that violence in our community is a constant reality. According to this study, 84% of Indian women have experienced violence in their lifetime and 49% experienced violence in the past year. And while we are right to focus on violence against women; the men in our community experience violence as well. Eighty-one percent of Indian men have experienced violence, including 27 % who experienced sexual violence. This violence impacts every aspect of our Tribes from the mental and physical health of our people to our economy. According to this study, 40% of the women and 9.7% of the men missed work because of the violence committed against them. Even more startling is that while Indian women are only 7% of the population in Montana, they are 13% of the intimate partner deaths in the State. During a one-year period, from October 1, 2013 to September 30, 2014, the Roosevelt County/Fort Peck Tribes' 911 Call Center received 718 reports of domestic violence. This means that nearly twice a day, every day, our law enforcement officers were responding to a domestic violence call. It is not known how many more incidents were not reported, but nationwide it is estimated that domestic violence is reported only 60% of the time.

Since 2012, over half of the clients served by the Tribes' Family Violence Resource Center were children. This amounts to approximately 1000 children, who were in need of family crisis services as victims or witnesses to violence in their homes. Every year brings new challenges that our families are facing, including meth and other drug-related violence. The latest challenge in this regard is Bath Salts. We have all heard the stories in the news of people essentially having psychotic breakdowns and committing horrendous acts of violence when they are under the influence of these drugs. We are now experiencing this on our Reservation.

According to the Indian Tribal Trauma Center, Indian children nationally are 2.5 times more likely to suffer trauma than non-Indian children, and violence accounts for 75% of the deaths of Indian children between the ages of 12 and 20. This is leaving a devastating legacy for our children. As stated in the November 2014 Report from the Department of Justice Task Force on American Indian/Alaska Native Children Exposed to Violence, Indian children experience Post Traumatic Stress Disorder (PTSD) at a rate of 22%. This is the same level as Iraq and Afghanistan war veterans. That means more than 1 in 5 Indian children in this country is suffering from battlefield PTSD.

That is why we so strongly support the Tribal Youth and Community Protection Act. We know that prosecuting crimes against children is the highest priority for our U.S. Attorney. The

Fort Peck Tribes recently experienced two horrible crimes against two little girls. We are thankful that all of our federal partners came forward quickly to bring justice to the victims. We cannot commend enough the work of our U.S. attorney and all of our law enforcement partners in these two tragic cases.

However, our children are victims of crime every day. In 2015, our tribal court had 329 criminal cases involving crimes against children. These cases included aggravated sexual assault of a child, felony abuse of a child and endangering the welfare of child. These cases only reflect the cases where we had the jurisdiction to prosecute. These do not reflect the cases where the perpetrator was a non-Indian. Those cases must be addressed by the U.S. Attorney.

Our U.S. Attorney is a good partner, but he does not have the resources to prosecute all the crimes against children that our community experiences. Moreover, as the Department of Justice notes in its 2014 declination report, there are structural barriers in the federal system that make certain prosecutions like child molestation cases difficult. These challenges include the fact that the victims and witnesses are reluctant to travel outside their communities to testify and that federal investigators do not have a rapport in the community the same way local law enforcement officers do.

Our tribal law enforcement and our courts are the resources that are working on the ground every day in our community. They know the victims and they know the perpetrators. They do not have the same structural barriers to prosecuting these difficult cases encountered by the U.S. Attorney. In order to respond to this tide of violence, Congress must empower tribes by recognizing our inherent jurisdiction to prosecute non-Indians who commit crimes against our children and bring drugs into our communities.

It should be noted however, that none of this will be realized without the proper funding from Congress. We appreciate that last year Congress provided funding to assist tribes, like Fort Peck, as we exercise our inherent jurisdiction to prosecute individuals who commit domestic violence on our Reservation. If Congress expands this to include violence against children, the funding will also have to increase. On that point last year, we testified about the need to expand tribal funding within the Victims of Crime Fund (VOCA). I want to thank Senator Tester and Senator Daines for their work this year in the Appropriations Committee to create a tribal set-aside for tribes in VOCA with an amendment to the Commerce, State and Justice Appropriations bill. This funding will go a long way to support the work that we do at the Family Violence Resource Center to serve the victims in our community.

Finally, we support the goals of S. 2920, a bill to reauthorize and expand the services and programs under the Tribal Law and Order Act. We are, in particular, supportive of the focus on tribal youth and addressing the reality that Indian youth are over-represented in the state and federal juvenile systems. We strongly support the provision in the bill that would allow federal juvenile cases to be referred to tribal courts, and the provision in the bill that would require states to provide notice to tribes when a tribal member youth enters a state or local justice system. We urge our two Senators from Montana to join the Chairman and Senator McCain in sponsoring this bill.

Thank you for the opportunity to testify on the vitally important issue of making our communities and our children safer. I would be pleased to answer any questions and to provide any additional information that may assist the Committee.