



Department of Justice

STATEMENT OF

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U.S. DEPARTMENT OF JUSTICE**

BEFORE THE

**COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE**

FOR A HEARING ENTITLED

**“PROTECTING OUR CHILDREN’S MENTAL HEALTH: PREVENTING
AND ADDRESSING CHILDHOOD TRAUMA IN INDIAN COUNTRY”**

PRESENTED

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**Committee on Indian Affairs
United States Senate**

**Hearing Entitled
“Protecting Our Children’s Mental Health: Preventing and Addressing Childhood
Trauma in Indian Country”
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Introduction

Chairman Tester, Ranking Member Barrasso and other distinguished members of the committee, thank you for this opportunity to discuss childhood trauma in Indian Country. As Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) at the Department of Justice’s Office of Justice Programs (OJP), I oversee programs that provide direct assistance and services to American Indian and Alaska Native youth. We work closely with tribal elders, tribal leaders and organizations to develop programs that take into account Native culture and practice.

Prior to my appointment as the OJJDP Administrator, I served as a public defender and trial lawyer for nearly 30 years and dedicated myself to seeking justice for youth involved in the juvenile justice system. I represented hundreds of children and made an important but unsettling observation: many of the youth entering the juvenile justice system were likely exposed to some form of violence as children. While more than 60 percent of kids in America encounter some form of violence, crime, or abuse, ranging from brief encounters as witnesses to serious violent episodes as victims¹, limited research and anecdotal evidence suggest rates of crime and violence, in some tribal areas are higher.²

¹ OJJDP Children’s Exposure to Violence: A Comprehensive National Survey Bulletin, October 2009.
<https://www.ncjrs.gov/pdffiles1/ojjdp/227744.pdf>.

²Perry, S.W., [American Indians and Crime \(pdf, 56 pages\)](#), A BJS Statistical Profile 1992-2002, Washington, D.C. : U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, December 2004, NCJ 203097.

While serving as a Chief of the Juvenile Unit of the Defender Association of Philadelphia, I co-chaired the Attorney General’s Task Force on Children Exposed to Violence.³ In 2012, the Task Force issued a final report containing comprehensive policy recommendations⁴ aimed at reducing children’s exposure to violence and enhancing resiliency among affected children.⁵ One of the primary recommendations was the establishment of a separate Task Force to address the significant problem of children’s exposure to violence in American Indian and Alaska Native communities in a way that recognizes the unique government-to-government relationship between the United States and tribes.

Attorney General’s Task Force

In 2013, the Attorney General created the Task Force on American Indian and Alaska Native Children Exposed to Violence.⁶ The Task Force consisted of two components:

- An Advisory Committee composed of non-federal subject matter experts who: (1) gathered information from public hearings, written testimony, site visits, listening sessions, and current research; and (2) used this information to draft a report to the Attorney General that includes recommendations to effectively address children’s exposure to violence in Indian Country.⁷
- A Federal Working Group composed of federal officials from key agencies including the Departments of Justice, Interior, and Health and Human Services – who have experience with issues affecting American Indian and Alaska Native communities. This working group is in an ideal position to take steps to implement policy and programmatic changes for the benefit of American Indian and Alaska Native children exposed to violence.

While the Department just received the recommendations from the Advisory Committee this week, OJJDP has long been committed to partnering with tribal governments to improve public safety in communities and to building a better future for all young people.

³ In 2011, the Attorney General announced this Task Force as part of the Attorney General’s Defending Childhood Initiative, a project that addresses the epidemic levels of exposure to violence faced by our nation’s children.
<http://www.justice.gov/defendingchildhood/task-force-children-exposed-violence>.

⁴ Shortly after the release of the Task Force report, the Attorney general requested an Action Plan to implement the Task Force recommendations. The Action was developed and approved in 2013. The recommendations have been (and continue to be) acted upon by the Department and our federal partners.

⁵ Listenbee, Robert L., Jr. et al., *Report of the Attorney General’s National Task Force on Children Exposed to Violence*, Washington D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, December 2012.

⁶ Task Force on American Indian and Alaska Native Children Exposed to Violence website:
<http://www.justice.gov/defendingchildhood/task-force-american-indian-and-alaska-native-children-exposed-violence>

⁷ It is noteworthy that while given their charge by the Attorney General, the Advisory Committee felt strongly that the problems facing children in American Indian and Alaska Native communities are so significant that only concerted action by the Executive branch agencies and Congress would begin to address them. Accordingly, they chose to address their recommendations to entities beyond the Department of Justice.

The Advisory Committee, Co-Chaired by Senator Byron L. Dorgan and Ms. Joanne Shenandoah, held hearings in four locations (Bismarck, ND; Phoenix, AZ; Fort Lauderdale, FL; and Anchorage, AK) and six listening sessions nationwide which brought together national, regional, and local experts, solicited personal testimony, and provided a forum for discussion on the effects of exposure to violence and promising prevention and intervention strategies and programs.⁸ During the hearings and listening sessions, the Advisory Committee learned that American Indian and Alaskan Native children experience various types of trauma at higher rates than other children – trauma that includes physical abuse (as witness and victims), sexual abuse, domestic violence, suicide, and victimization, and sex trafficking.

The Advisory Committee heard that Alaska Natives are disproportionately affected by violent crime and Alaska Native children are, therefore, disproportionately exposed to that violence. This difference can be attributed to vast regional distances across the state, geographical isolation, extreme weather, exorbitant transportation cost, and lack of economic opportunity and access to resources.

As one tribal leader told the Advisory Committee, “For us . . . the question is not who has been exposed to violence, it’s who hasn’t been exposed to violence.”⁹ Violence, including assaults, homicide, and suicide, accounts for 75 percent of deaths of American Indian and Alaska Native youth ages 12 to 20.¹⁰ These serious adversities often lead to chronic and severe trauma. A recent report noted that tribal children and youth experience posttraumatic stress disorder (PTSD) at a rate of 22 percent.¹¹

Compounding these high rates of violence in American Indian and Alaska Native communities is historical trauma: a cumulative emotional and psychological wounding over the life span and across generations. The Advisory Committee found that the degree of violence in American Indian and

⁸ American Indian and Alaska Native Children Exposed to Violence Hearing Testimony: <http://www.justice.gov/defendingchildhood/task-force-hearings>

⁹ Mato Standing High, Attorney General of the Rosebud Sioux Tribe, quoted in Report of the Attorney General’s National Task Force on Children Exposed to Violence, Dec. 12, 2012, <http://www.justice.gov/defendingchildhood/cev-rpt-full.pdf>. Full quote: “For us in Rosebud, our reservation, the question is not who has been exposed to violence, it’s who hasn’t been exposed to violence.”

¹⁰ Dolores Subia BigFoot et al., “Trauma Exposure in American Indian/Alaska Native Children,” Indian Country Child Trauma Center: 1-4 (2008), available at: <http://www.theannainstitute.org/American%20Indians%20and%20Alaska%20Natives/Trauma%20Exposure%20in%20AIAN%20Children.pdf>

¹¹ Deters, P. B., Novins, D. K., Fickenscher, A., & Beals, J. (2006). Trauma and posttraumatic stress disorder symptomatology: Patterns among AI/AN adolescents in substance abuse treatment. *American Journal of Orthopsychiatry*, 76(3), 335-345.

Alaska Native communities is directly related to historical trauma and the impact of policies and practices that have proved devastating to tribal communities. The testimony of the witnesses at the hearings underscored the fact that Native Americans share a history of displacement, forced assimilation, and cultural suppression, factors that may contribute to child maltreatment.

Despite the epidemic levels of violence American Indian and Alaska Native children are exposed to, the Advisory Committee discovered that some tribes and urban Indian organizations have found ways to incorporate tradition and develop resources to protect their children from harm and help them heal. The Advisory Committee repeatedly heard testimony indicating that programs for tribal children and youth, including treatment and intervention programs, are most successful if they are based on tribal customs, language, and spiritual ceremonies that are deeply respectful of the traditional cultural values of the child, family and tribe¹².

The Advisory Committee heard that integration of traditional healing practices into mental health prevention and treatment for Native children and youth is essential. Many of those who testified recognized that, for American Indian and Alaska Native children and their families, emotional and psychological well-being cannot be separated from spiritual well-being. There is growing evidence that Native youth who are culturally and spiritually engaged are more resilient than their peers.¹³ For example, research has revealed that over one third of Native adolescents and half of Native adults prefer to seek mental health services from a cultural or spiritual healer.¹⁴ In other research, American Indian caregivers preferred cultural treatments for their children and found the traditionally based ceremonies more effective than standard or typical behavioral health treatment.¹⁵

¹² “One of the main barriers both our youth and their families face are professionals who have the proper credentials required by the state but lack the cultural knowledge and ability or desire to even try to understand where our children and their families are coming from.” Darla Thiele, Director, Sunka Wakan Ah Ku Program Testimony before the Task Force on American Indian/Alaska Native Children Exposed to Violence Hearing in Bismarck, ND, December 9, 2014

¹³ Gone, J.P., & Alcantara, C., “Identifying Effective Mental Health Interventions for American Indians and Alaska Natives: A Review of the Literature,” *Cultural Diversity and Ethnic Minority Psychology*, 13(4), (2007): 356-363.

¹⁴ Grey, N., & Nye P. S., “American Indian and Alaska Native Substance Abuse: Co-Morbidity and Cultural Issues,” *American Indian and Alaska Native Mental Health Research*, 10(2), (2001): 67-82.; Rieckmann, T. R., Wadsworth, M. E., & Deyhle, D., “Cultural Identity, Explanatory Style, and Depression in Navajo Adolescents,” *Cultural Diversity & Ethnic Minority Psychology*, 10(4), (2004): 365-382.; Spicer, P., Novins, D. K., Mitchell, C. M., & Beals, J., “Aboriginal Social Organization, Contemporary Experience and American Indian Adolescent Alcohol Use,” *Quarterly Journal of Studies on Alcohol*, 64(4), (2003): 450-457.; Yoder, K. A., Whitbeck, L. B., Hoyt, D. R., & LaFromboise, T., “Suicide Ideation Among American Indian Youths,” *Archives of Suicide Research*, 10(2), (2006): 177-190.

¹⁵ Walls, M. L., Johnson, K. D., Whitbeck, L. B., & Hoyt, D. R., “Mental Health and Substance Abuse Services Preferences Among American Indian People of the Northern Midwest,” *Community Mental Health Journal*, 42(6), (2006): 521-535.

OJJDP-Funded Efforts

In 2010, the Department of Justice launched its Coordinated Tribal Assistance Solicitation (CTAS) in direct response to tribes seeking a more streamlined, comprehensive grant process. CTAS gives tribes the flexibility needed to better address their criminal justice and public safety needs.

In Fiscal Year 2014, the Department awarded CTAS grants to 169 American Indian tribes, Alaska Native villages, tribal consortia and tribal designees. The grants provide more than \$87 million to enhance law enforcement practices and sustain crime prevention and intervention efforts in nine purpose areas including public safety and community policing; justice systems planning; alcohol and substance abuse; corrections and correctional alternatives; violence against women; juvenile justice; and tribal youth programs.

As a part of the Attorney General's Defending Childhood Initiative, OJJDP funded two initiatives that are tribally-directed and sensitive to tribal traditions and culture. The Rosebud Sioux Tribe in South Dakota delivers trauma-informed services, rooted in Lakota values that address educational, justice system, and health-care needs. The Chippewa Cree Tribe at the Rocky Boy reservation in Montana is involving elders and youth from throughout the community in the design of prevention and treatment programs that rely on traditional health and healing methods. These are promising approaches that take into account tribal customs aimed at enhancing resilience in affected children, and they represent some of the exciting work already being done to support children in tribal communities. Recently, leaders from both tribes participated in a three-day training on indigenous treatment for trauma offered by the National Native Child Trauma Center.

OJJDP is funding efforts to enhance the capacity of Tribal Healing to Wellness Courts to respond to alcohol-related issues of tribal youth who are younger than 21. A Tribal Healing to Wellness Court is not simply a tribal criminal or family court that orders individuals to treatment. Rather, it is an innovative and collaborative legal process that adapts the drug court concept and its key components to meet the need of referred youth in a manner that respects and includes tribal traditions. Under this initiative, participating courts are developing or enhancing policy, procedure, assessment tools, or service models that address underage drinking. A second component of the initiative will

deliver training and technical assistance to the participating tribal courts. All programming is based on the 10 Key Components of an effective Tribal Healing to Wellness Courts, modeled after policies developed by the National Association of Drug Court Professionals. Current funding supports five tribes — Yurok Tribe (CA), Lac Du Flambeau Tribe of Lake Superior Chippewa Indians (WI), Southern Ute Indian Tribe (CO), White Earth Nation (MN), Winnebago Tribe of Nebraska (NE) — and a training and technical assistance provider. This program will be expanded in Fiscal Year 2015 to support additional tribes.

Reaching children and families in tribal communities is a priority for the National Center for Missing & Exploited Children (NCMEC). NCMEC, which is funded by OJJDP, operates a national toll-free hotline and serves as a clearinghouse and resource center that collects and distributes data regarding missing and exploited children. NCMEC collaborates with tribal leaders and communities to address pressing issues such as multi-generational intra-familial sexual abuse, heavy substance abuse across generations, and the sexual exploitation of women and children. NCMEC is developing closer working relationships with tribal communities and organizations to help identify and provide resources and services to children and families living on tribal lands. In 2014, NCMEC added a Tribal Law Enforcement Liaison to its staff to help enhance collaboration with tribal law enforcement agencies; hosted a Tribal Cultural Awareness training for staff; and worked with tribal communities, schools and law enforcement to offer training.

Efforts like these, as well as OJJDP funding that goes towards child advocacy centers, Internet Crimes Against Children (ICAC) task forces, and our youth tribal portfolio, are important ways OJJDP is working to prevent and address trauma in American Indian and Alaskan Native communities and tribes.

Research

OJP's National Institute of Justice (NIJ), in partnership with OJJDP and OJP's Office for Victims of Crime (OVC), is funding a 30-month study intended to improve the health and well-being of youth in American Indian and Alaska Native communities who may have been exposed to violence and victimization. The study will develop and test a survey instrument and different

administration modes that can effectively assess exposure to violence and victimization and determine the feasibility of using these procedures in tribal communities and settings. Although some research suggests higher rates of violence in tribal communities, there has never been a national study of tribal youth regarding their victimization experiences that provides reliable, valid estimates of the scope of the problem. As a result, the exact incidence, prevalence, and nature of victimization experienced by youth living in tribal communities requires more research.

As part of the Attorney General's Children Exposed to Violence Demonstration Program, NIJ has funded evaluations in two tribal communities (i.e., Chippewa Cree and Rosebud Sioux Tribes) that include a community survey addressing children's exposure to violence as well as knowledge of and attitudes towards children's exposure to violence and the prevalence of violence. Findings from these evaluations will highlight the models used by Tribal Nations to prevent, treat, and raise awareness about children's exposure to violence, emphasizing the role of culture; discuss local challenges with implementing programs to address children's exposure to violence; and provide recommendations for other communities looking to prevent, treat, and raise awareness about children's exposure to violence.

Responding to Victims

OVC is engaged in several initiatives in Indian Country. OVC has responded to the challenge of helping service providers meet the needs of drug-endangered youth in American Indian and Alaska Native communities by producing a video series entitled, "A Circle of Healing for Native Children Endangered by Drugs." This series not only explains the role that historical trauma has played in generating the complex traumatic stress experienced by these children, but it also highlights ongoing efforts to integrate cultural practices and traditional healing into therapeutic interventions for American Indian and Alaska Native families struggling with addiction and child maltreatment issues. OVC will debut the video at its upcoming Indian Nations Conference in December and is confident that it will become an invaluable tool in helping child welfare and mental health professionals, among others, who are seeking information on innovative techniques to improve outcomes for drug-endangered children in American Indian and Alaska Native communities.

OVC funds the Children's Justice Act (CJA) Partnerships for Indian Communities Grant Program. OVC dedicated \$8.1 million to support tribes in developing, establishing and operating programs to improve the investigation, prosecution and handling of child abuse cases, particularly cases of child sexual abuse, in a manner that limits additional trauma to child victims. The funding further supports the development and implementation of comprehensive programs for abused children, and procedures to address child abuse cases in tribal courts and child protection service systems. OVC is also working with the Flandreau Indian School, a Bureau of Indian Education boarding school in South Dakota, to provide specialized mental health services to students identified as victims. OVC is providing \$1.5 million to support this demonstration project with the goal of establishing a culturally appropriate, trauma-informed system of care for students with long-term exposure to violence, trauma, and victimization.

Closing Statement

Mr. Chairman, OJJDP strives to strengthen the juvenile justice system's efforts to protect public safety, hold offenders accountable and provide services that address the needs of youth and their families. We are committed to working with American Indian and Alaskan Native communities, and our partner agencies within the Department of Justice and throughout federal and state governments, to implement evidence-based approaches to preventing and addressing child trauma. I appreciate the opportunity to appear before you today, and I am prepared to respond to any questions you may have.