

# FORT PECK TRIBES

Assiniboine & Sioux

**TESTIMONY OF A.T. STAFNE, CHAIRMAN OF THE ASSINIBOINE AND SIOUX  
TRIBES OF THE FORT PECK RESERVATION  
BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS  
ON ADDRESSING THE NEED FOR VICTIM SERVICES IN INDIAN COUNTRY  
JUNE 10, 2015**

I am A.T. Stafne, Chairman of the Assiniboine and Sioux Tribes of the Fort Peck Reservation. I would like to thank the Committee for the invitation to testify, and share with you the considerable need for victim services in Indian country.

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.

**The considerable need for victim services at Fort Peck.**

Nearly half of the people living on the Reservation are below the federal poverty level. Recent U.S. Housing and Urban Development (HUD) data shows that nearly 1,600 Indian families residing on our Reservation have household incomes that range from less than 30% of the Median Family Income to 80% of the Median Family Income. Homelessness is in excess of 10%. Further, Roosevelt County, where most of our Reservation is located, has the poorest health in the State of Montana. The bad health status is likely due to the rampant alcohol and drug abuse on the Reservation. Studies on the prevalence of violence in a community identify poverty, alcohol and drug abuse, and homelessness as the leading contributing factors to violence. Thus, it is no surprise that violence is so prevalent in our community.

The Fort Peck Tribes have provided law enforcement and correction services on our Reservation since 1996 under an Indian Self-Determination Act contract. We are also one of the first Indian tribes in the United States to enter into a cross-deputization agreement with state, county and city law enforcement agencies. Under this agreement, first ratified nearly fifteen 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. Today, our law enforcement department consists of 18 police officers and 3 criminal investigators. This is approximately 50% of what is necessary to properly police a territory and population as large as our Reservation.

The violent crime rate on the Reservation in 2011 was five times higher than the rest of Montana and almost three times higher than the rest of the United States. Of the violent crime reported on the Reservation, almost 40% involved alcohol or drugs. We have also had to confront the plague of suicide that is devastating to far too many native communities. In 2010, we had six students commit suicide and twenty more who attempted suicide. There is nothing that tears at the fabric of a community more than when a child takes her own life.

While these numbers are staggering, they are far better than what they were in 1995 when the Tribes assumed control of the law enforcement services. At that time, the murder rate on the Fort Peck Reservation was twice that of New Orleans. Thus, while we have much work to do, I want to acknowledge that our law enforcement officers, tribal court and service providers have done a tremendous job in trying to keep our community safe for the last twenty years.

Unfortunately, we are again experiencing a significant rise in violent crime. We attribute the rise in crime to the rapid development of the Bakken oil fields to our east and increased drug use, in particular, heroin and methamphetamine.

In recent data summarized in the Montana newspapers, which ranked the level of violence within each county in the state, Roosevelt County ranked number one, the highest in violence, with Sheridan County ranking the third highest in violence. These counties comprise most of the Fort Peck Reservation. On the Fort Peck Reservation alone, there are 89 registered sex offenders. And in eastern Montana and western North Dakota (the Bakken region), there are a total of 392 registered sex offenders.

We are all too familiar with the statistics regarding domestic violence in tribal communities: approximately 34% of American Indian and Alaska Native women are raped and 39% experience domestic violence. In Montana, Indian women are 11% 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 almost 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. What these statistics mean in real life is that one in three Indian women has experienced some sort of serious violent attack in their lifetime.

The rise of violent crime has serious consequences for our entire community, but what is most urgent for the Tribes is the impact it is having on our children. According to the Indian Tribal Trauma Center, Indian children 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-like PTSD. At Fort Peck, Poplar School officials reported to the Federal health team dispatched during the suicide epidemic that more than 30% of the middle school children tested positive for sexually transmitted diseases, and at least twenty percent drank alcohol on a weekly basis. Again, we are talking about children between the ages of 11 and 13. These are not independent, headstrong teenagers, these are babies.

That is why I am here. We have to do more for our children. We have to do more for the future of our tribe and our nation. We have to find a way that we can help these children heal. If we do not, my community and the rest of Indian country will be forever damaged.

## **The steps that the Fort Peck Tribes have taken to assist victims.**

At Fort Peck, we have long believed that a strong tribal government is the way that we can best serve our people. That is why 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 try to provide justice to our victims and our defendants. Our judicial system now 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 – which are also essential to addressing the rights of victims – 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 think providing justice to victims is an important step in providing them a pathway to heal and move on with their lives.

The Fort Peck Tribes were also recently notified that we are now a Substantially Implemented Tribe under the Adam Walsh Act and the Sex Offender Registry and Notification Act (SORNA). We have worked to achieve this status since 2009. Our ability to register sex offenders is another important tool in protecting victims and potential victims.

In addition to providing direct justice to victims, the Fort Peck Tribal Court provides other resources to victims. For example, we were one of the first Tribes in Montana to issue Hope Cards. The Hope Card allows someone, including a child, who has been granted an order of protection in one jurisdiction to easily prove it in another jurisdiction. These small durable cards, the size of credit cards, contain the necessary information regarding the order of protection for law enforcement to act. This is a small thing, but an important tool for our victims and law enforcement.

We have also worked to protect victims by establishing specific procedures to address their needs. For example, the Fort Peck Tribes are the only jurisdiction in Montana to have established a written Drug Endangered Children Protocol that sets out the responsibilities of social services and law enforcement entities for any scenario where children and drugs are involved.

Another critical step that we have taken to address the needs of victims was done thirty years ago, when the Fort Peck Tribes established the Tribes' Family Violence Resource Center. This is the primary resource for victims on our Reservation. The Center works directly with tribal, federal and local law enforcement agencies to provide services to victims of violence.

The Family Violence Resource Center is one of twenty-six domestic violence shelters in Indian country. The Center provides crisis response, emergency services and intervention on a

24-hour basis to victims of physical, psychological, economic and sexual abuse. The Center works closely with police in responding to 911 calls and in providing other emergency services to take care of the victim, whether female or male, Indian or non-Indian, adult or child, to be sure they are safe and healthy.

The Center also provides victims with legal advocacy services and assistance in connection with court proceedings. The Center's advocates work with prosecutors to keep the victim informed of offender charges, plea status, and release date for the victim's notification and safety. The Center's advocates also provide the victims with transportation to the prosecutor's office and courts when needed. The advocates also assist victims in filing for protection (restraining) orders and child custody, and by providing referrals to legal lay advocates in civil matters.

The Center's staff facilitates necessary health care for our victims, which includes accompanying sex abuse victims to medical exams to reduce trauma. The Center provides victims with shelter and safety plans, and crisis counseling (both cultural and secular based on the victim's choice). The Center operates a crisis hotline and provides community education. It assists victims by providing transportation to medical facilities, other resource agencies, and both local and off-reservation shelters when local ones are full or it is not safe for the victim to remain on the Reservation. The Center will also provide victims with replacement clothing and shoes when the victim's clothing has been confiscated as evidence.

The Center provides special counseling services, through a forensic interviewer/crisis counselor, for child victims and their non-offending parent or guardian. For those children who witness the violence, we treat them as victims as well and provide child friendly/age appropriate counseling services.

We recently moved the Center to a new facility, which we have named after Patty McGeshick (Red Bird Woman), a Tribal member who was a tireless advocate for victims, working any time-day or night-to ensure that a victim of violence had a safe place to be. Patty lost her lifetime battle with lupus this past year. She is deeply missed by our community, but her work continues through her dedicated staff at the Family Violence Resource Center and the staff at the Tribal courts.

### **The need for additional resources to assist victims.**

The demand for services for victims at Fort Peck is staggering. In 2012, the Family Violence Resource Center provided advocacy and services to 642 adult victims and 595 of their children, totaling 1237 victims. In 2013, the total number of victims receiving advocacy and services was 412 adults and 296 children, for a total of 708 victims. In 2014, the Center served 519 adult victims and 367 children, totaling 886 victims. In short, over this three-year period, the Center was addressing an average of 79 victims of domestic violence and sexual assaults per month. The high number of victims served in 2012 reflects the significant impact that the Bakken oil boom had on violence affecting Fort Peck. With the decrease in oil production, we have seen some decrease in violence and crime, but every year brings new challenges. These now include meth and other drug-related violence, which the Center's staff has found is more

dangerous and leads to long-term damaging victimization. Compounded by our proximity to the oil development activity, the need for victim services is greater than ever.

The work of the Family Violence Resource Center receives some support through the Department of Justice Office on Violence Against Women (OVW) Coordinated Tribal Assistance Tribal Governments Grant. We were also fortunate to receive some additional funding from the Department of Justice's Special Bakken initiative grant awarded last year. This one-time initiative focuses on training for area law enforcement, advocates and victims' service providers in the greater Bakken region encompassing eastern Montana and western North Dakota. The Center works hard to compete for grant funds each year in order to support its operations.

Much of the work of the Family Violence Resource Center depends on help from volunteers. The Center currently has five volunteer advocates who respond to domestic violence across the Reservation, and are on the weekend call list at the 911 Center. But while these volunteer advocates work without pay, they, like all other Center staff, must receive 40 hours of training before they can respond to the crimes of domestic violence and sexual assault. The Center must fund the cost of training as well as the related expenses that volunteers incur (such as costs of providing transportation) to provide services to victims.

Unfortunately, due to funding constraints, combined with the extensive need for victims' assistance, we handle virtually every case as a crisis and do not have the luxury of providing systemic and sustained support to our victims. The Center struggles to meet the need. When the Center itself does not have the resources, the Center's dedicated staff will use their own funds to help victims – to do simple but critically important things, like buy food and baby formula so the victim can feed her children while they travel to a shelter or while they wait for other resources to become available.

We are one of the few Tribes in the country to recently be awarded a discretionary competitive grant from the Department of Justice's Office for Victims of Crime. Under this grant, the Tribes conduct community education programs to encourage victims of sexual assault to report crimes and seek assistance. With this funding, we were also able to hire a tribal prosecutor to register sex offenders and establish a crisis hotline for victims. But apart from this recent grant, the Tribes and our members have not had assistance from the Crime Victims Fund. The victims we serve do not have access to other victims' resources. There has been only two times where victims at Fort Peck qualified for crime victim compensation: one was to replace glasses that were broken during the domestic violence incident, and the other was monetary assistance with a funeral. Both incidents took place over 10 years ago.

We need more help in order to serve victims in our community. Unlike states, which annually receive a direct set-aside of funding from the federal Crime Victims Fund, tribes must compete for grants. Our experience with losing our SAMSHA suicide grant program, notwithstanding our overwhelming need, teaches us that federal grants are fleeting. It is critical that the Victim of Crimes Assistance Act be amended to provide tribes a solid and certain funding stream, instead of requiring tribes to compete for a limited allocation of funds from federal or state agencies, so we can effectively support our vitally needed programs. In 2014,

States passed through to Tribes 0.2 % of the funds they received, and only ten tribes received grant funds directly from the Department of Justice. Clearly, this level of funding is not commensurate with the level of need throughout Indian country.

The Department of Justice's own Office of Victims of Crime, in their Vision 21 Report, called on increasing resources to tribal communities "to ensure that victims in Indian country are no longer a footnote to this country's response to crime victims." Given the disproportionate need in Indian country, we specifically ask that Congress establish a 10% set aside of the Crime Victims Fund. This request is supported by the National Congress of American Indians and the Attorney General's Task Force on American Indian and Alaska Native Children Exposed to Violence.

Finally, I want to thank this Committee for holding this hearing on this vitally important matter. Although the Assiniboine and Sioux Tribes are experiencing some of the highest rates of violence in all of Montana, our Tribes have pulled and stretched together a decent response for victims experiencing or exposed to violence. However, it is extraordinarily difficult to make the pieces fit together and we rely heavily on volunteer services and time-limited discretionary funding. Our Tribes have demonstrated capacity over decades, but our needs for victim services are overwhelming and we think it is so important to create a more reliable set-aside for Indian Country. I would be pleased to answer any questions and to provide any additional information that may assist the Committee in its work to help us address this unmet need.