

Robert Listenbee, Jr.: It is my understanding that we're ready to begin. **Sue Jotha**, are you going to introduce the people who are going to testify at this point?

Sue Jotha: Yeah, I'll just be calling out their names. They're not sitting in any particular order. And when they're finished a few of them will step back and then the other people who have signed up for public testimony will move forward into these empty chairs and they will pass the microphones back and forth to each other.

Robert Listenbee, Jr.: Okay, excellent.

Sue Jotha: So we're gonna start with Walter Lamar.

Walter Lamar: Evening.

Robert Listenbee, Jr.: Good evening. Good afternoon. May I just clarify one thing for our task force members? We have each one of the panelists is going to testify for three minutes. We'll be asking task force members to ask up to two questions, though it's not mandatory, unless there's a really hot issue that we want to delve into further so that we can finish within the time allotted. Okay. Thank you. So please introduce yourself. We're looking forward to talking.

Walter Lamar: It'll be an exercise in speed reading and speed talking.

Robert Listenbee, Jr.: No. No, no, no.

Joe Torre: _____ you. Just go ahead and.

Walter Lamar: I definitely appreciate this opportunity to speak before this distinguished panel. And, again, like everybody else, I commend you on what you're doing. Indian country has a tremendously steep learning curve. I'm Walter Lamar. I'm an enrolled member of the Black _____ Nation of Montana. I'm also a descendent of the Wichita Tribe of Oklahoma. I'm a former special agent of the FBI. And I was formerly in charge of the Bureau of Indian Affairs Law Enforcement program, managing law enforcement across this nation for Indian country.

I'm currently the president of Lamar Associates. I'm retired from federal service and started a company to serve Indian country in training and technical assistance. We've trained over 7,000 people from 350 different tribes over the past 7 years and are very proud of our service to Indian country.

We have firsthand experience planning community based solutions that alleviate the dangers our children face. Juvenile delinquency, gangs, domestic violence and the problems of substance abuse. Our children have been victimized for generations by those they were supposed to trust. The missionaries, teachers, law officers, foster caregivers and now even their own relatives. From the victimization comes generational emotion and attitude. We carry the hurt of those that came before us and we learn hopelessness. The hopelessness comes from learned expectation. Our limited expectations become our reality. And it breaks my heart to think of our young people so desperate for relief they will swallow, inhale, snort and inject almost any substance despite the danger for a few fleeting moments of escape. They cut their bodies so the physical pain will minimize the mental pain and anguish that they face. And when the pain remains unbearable, they make the horrible decision to take their own lives. And we see suicide clusters in Indian country.

The passage of the Tribal Law and Order Act certainly gives us hope. But there's so much work to be done in Indian country to make sure that the letter and intent of the act is given light. That said, we're already struggling against congressional funding cuts, which means tribes can't address problems by institutionalizing culturally appropriate programs for juvenile justice, drug and gang prevention and the drug endangered child. Our children are so precious and so very vulnerable. And to protect them we must band together in coalitions and partnerships. Understanding that the need we partnered with the National Indian Child Welfare Association and the National Alliance for Drug Endangered Children to raise awareness about drugs endangered native children. Too many children in Indian country are endangered by their caregiver substance abuse or by drug trafficking in their homes and neighborhoods. I keep waiting for that tap on the shoulder.

[Laughter]

Drug endangered children – you know I could feel it. Click, click, click, tick, tick, tick, tick. Drug endangered children suffer from neglect and often from physical and sexual abuse as well. One of the things right now we're gonna be facing in Indian country, our next big battle is heroin. And our next big battle is heroin is because prescription drugs, the opiates are the gateway. The Mexican cartels recognize that and they're gonna be exploiting

Indian country. Along with that are the synthetic drugs, synthetic marijuana, synthetic, the bath salts so to speak. Those also are inundating our communities.

So in three minutes I'm a little light on recommendations but I'll say this. I stand at the ready to assist this task force in any way possible to bring the right kind of solutions to Indian country. Thank you very much.

Robert Listenbee, Jr.: And thank you. Questions for _____? Ms. Sarah Deer.

Sarah Deer: Yes. We haven't had a chance to talk about **oliphant** today. And so I was wondering if you could speak to that Supreme Court decision and what you think the impact is for victims in Indian country.

Walter Lamar: The impacts are being somewhat mitigated. But the loopholes are basically oliphant decision does not allow for Indian country to have jurisdiction over non Indians. So it's the only place in the world where jurisdiction is decided upon race. And particularly in the domestic violence areas where oliphant has had tremendous consequences where you have a non native with a native spouse and they perpetrate a violent act against them. Well, they fall into this little loophole where there is no real jurisdiction against them. So, you know it's being worked on. I think there are some ways to mitigate it right now. But overall at some point there has to be an oliphant fix that's gonna allow Indian country to have jurisdiction over anybody in Indian country.

Robert Listenbee, Jr.: Dr. Macy.

Robert Macy: I know you said you were light in recommendations, but could you possibly provide the panel before we leave today with some written protocols? You said you've been doing some work with 7,000 kids on reservations. So if you have protocols that you've been testing we'd like to see them.

Walter Lamar: I've left some written testimony. But after having an opportunity to sit here today and listen to some of the concerns that have been mentioned and some of the questions that have from the task force, I'm gonna resubmit another set that'll be much heavier on recommendations.

Robert Macy: Thank you for your service.

Robert Listenbee, Jr.: Thank you very much. I'm sorry. Dr. Marans.

Steven Marans: Very quick question. We have to speed question as you have to speed testify. Part of serving and protecting is interdiction. And I guess I'm curious, especially with the current problems with heroin traffic and methamphetamine traffic and others that you mentioned, do you believe, in a short answer, whether there are sufficient resources in the interdiction side of protecting and serving?

Walter Lamar: There are not. And there are not because there are study after study that have been conducted in Indian country demonstrating the significant limitation of law enforcement. The most recent study said we're only at 40 percent of what we should be staffed up in Indian country. So in cases like on the Standing Rock Reservation where you have 2.2 million acres and at 1 given shift you might have 1, maybe 2 officers if you're lucky. So what they're doing is they're responding to domestic violence. They're responding to reactive crimes. Giving them zero time for proactive enforcement and getting out there and interdicting these drugs before they get to our young people.

Steven Marans: Thank you.

Robert Listenbee, Jr.: Thank you very much. Sue Jotha.

Sue Jotha: Next we have Anna Nelson, the executive director of the New Mexico Forum for Youth and Community.

Anna Nelson: Good afternoon everyone. On behalf of children, families and communities of New Mexico impacted by dating violence I want to express my sincere gratitude and appreciation for being here today. I come before you today less a national expert on dating violence and less an executive director of the New Mexico Forum for Youth or even in my role as professor at New Mexico State University, but instead as a mother of a 12 year old son who is newly navigating the waters of dating.

As a mother, I've tried to instill in my son cultural values and traditions, skills to build healthy relationships and respect for others, as well as self-esteem. However, as a social worker I recognize that youth often look to their peers to frame their choices and behaviors. I understand times are changing and dating begins as early as 13 years old. With the introduction of cell phone technology and social networking internet sites, safe and respectful

dating now requires complex social skills that take time to develop. It also requires parent and family involvement, sophisticated systems responses and meaningful youth engagement to reduce the risk of dating violence.

And I have had the honor since 2005 to be our state's representative on teen dating violence prevention. So I'm going to speak briefly to that. We regard in New Mexico, and also starting nationally, that teen dating violence is actually a critical social nexus issue, a public health issue, wherein teen pregnancy and youth suicide are closely related, as well as delinquency and substance abuse.

Recognizing that adolescents face unique dynamics of intimate partner violence and barriers to safety, in 2007 we employed a public health approach to teen dating violence called the Strategic Prevention Initiative. And using this approach, in just two short years we were able to move from twelfth in the nation to thirty-first in our rates of dating violence. We did this with virtually no funding. And I don't recommend that. But I do want to share that it is achievable.

Being in this room with my esteemed colleagues, a scene that resonated strongly for me was the _____ of relationships and being able to do this work in relationship with one another. And I can tell you it's been my honor to be in relationship with many of the individuals in this room and to succeed in having a specifically significant reduction in our rates of dating violence.

So I'll share with you briefly the learnings that we had from this experience. We were able to align existing funding to promote a comprehensive response to teen dating violence. And so I will outline a set of five recommendations. And my first is that at the federal level we begin to look at different levels of funding and determine in those nexus issues, like youth suicide, like substance abuse and teen pregnancy, where those funds are available that teen dating violence should be included in the language.

We also recommend strongly enhancing regulations for federally funded youth serving systems to ensure early identification and response to dating violence. We believe that funding should be – that it should be a funding requirement to create culturally relevant screening and referrals. Boy, I got the tap early. So requiring states receiving safe and drug free schools to fund – to adopt safe school protocol.

And lastly, I encourage everyone to see the youth of today as leaders of today as well and innovators in the solution to teen dating violence. If I could say one thing that made a difference here in New Mexico is that we had our youth from pueblos across the state. We had youth who were undocumented actually have voice at the legislative level to heighten this issue as a serious public health concern.

So I did submit a set of recommendations, as well as some findings from our work here in New Mexico and I'm happy to answer any questions.

Robert Listenbee, Jr.: Questions from the task force. Dr Cooper.

Sharon Cooper: Thank you for the success of your program. Published in the Journal of Pediatrics was a Rand Corporation survey, national survey of 12 to 17 year old youth looking at the role of music videos that had degrading lyrics and its impact upon sexual behaviors. Which revealed that when degrading lyrics, which often promoted violence against girls, were present in music videos, girls had an earlier onset of sexual intercourse and also an earlier onset of sexualized behavior. Adding that to the Liz Claiborne Foundation research that shows that the younger you are when you have your first sexual intercourse the more likely you have to experience all five types of teen dating violence, do you believe that there is a role for some type of statement, action or something with respect to music videos and the negative and misogynistic messages that are being promoted in that particular form of media?

Anna Nelson: My view on this might be somewhat controversial. But having worked with teens for 18 years, to restrict access to anything makes it cooler. And what I look at in terms of media is that it's an opportunity for critical analysis and a conversation, what I call a teachable moment. Where we as parents, caring adults and community members can use that opportunity to help them think critically through what they're seeing in the media, on social networking sites. So I recommend that be a dialogue rather than a restriction.

Robert Listenbee, Jr.: Thank you, Dr. Cooper. Any other questions at this time? Okay. Sue Jotha. Thank you very much. Just one final question before you leave. Your recommendations are contained in writing as well?

Anna Nelson: Yes.

Robert Listenbee, Jr.: Okay. We really look forward to reading them. Thank you.

Sue Jotha: Next we have John J. Romero, Judge John J. Romero who is the presiding judge at the children's court division second judicial district court.

Robert Listenbee, Jr.: Good afternoon, Your Honor.

John Romero: Good afternoon and thank you for the opportunity to briefly present what could take a whole day to just get started. Buenos tardes, good afternoon. As indicated, I am John Romero. I'm the presiding judge of the children's court division here in the second judicial district court in Albuquerque. Our court deals exclusively with cases involving juvenile justice and child welfare matters. I also serve on the advisory committee to the family violence department of the National Council of Juvenile and Family Court Judges. I co-chair the Children's Court Improvement Commission, a commission of our New Mexico Supreme Court. And I very proudly serve on the New Mexico Tribal State Judicial Consortium, a collaboration between tribal court judges and state court judges in addressing some of the factors or problems we face in common.

Our children's court is a community made – a collaborative community of juvenile probation officers, child welfare workers, attorneys, hearing officers, judges, and, very importantly, the families and the children that enter our buildings. Each day our court community deals firsthand with the consequences of children's exposure to violence as witnesses, as victims and yes, even as perpetrators. Sadly, many of our families are well-known to our court, principally because of their ongoing and continued involvement. And I may be disrespectfully refer to them privately as our frequent flyers. And they're not just the kids but the parents as well. But on the bright side, you know they're not just another case. They're part of our family. Part of our court community.

Many in our larger city and state communities find it very easy and convenient, the ostrich with their head in the sand syndrome, to view our kids as merely as mini criminals deserving of punishment and the parents whose children are removed from them as evil and beyond redemption. However, it's real clear to me, and I believe most of the people that I work with, that cases – that court

involvement children and parent – that our cases, the children and the parents were first victims of violence, in many cases intergenerational violence, and that they have experienced multiple exposures to intimate partner violence, community violence and what I prefer to call peer victimization rather than bullying. It seems to me that continuing the use of the term bullying minimizes or dismisses the gravity of what it is. Peer victimization. And as we all know, leading to instances like Columbine, suicides and so forth.

The findings of the National Survey on Children’s Exposure to Violence confirmed and verified with data what many of us in the trenches already knew experientially. I’m thankful for the report because it certainly gives me something that, for lack of a better term, scientifically based that I can point to to my colleagues and people in the community and say, “See, here’s the evidence.” But very importantly the National Survey on Children’s Exposure to violence serves as a harsh and shocking wake up call that demands a different way of doing business.

What do we do with the data that has confirmed the information we already know? Well, we can’t just stand by and get by. And at the same time lament that, well, I wish we could do more if only we had more resources, especially money. Instead, I think each of us who work with kids and families have to ask the very probing question, if this were my child or my grandchild, would I be satisfied with what I am currently doing and what we’re doing as a system?

Clearly in the juvenile justice and child welfare systems we have to deal with delinquency and dependency matters as mandated by state, local and federal laws and regulations. But we can still do more. One of the things that I’m learning is that we don’t do enough of is engaging in common formed assessments at the very beginning of the case and where indicated, try to access trauma in formed treatment that deals with the underlying issues that each of these children and families are dealing with.

I think one of the psychiatrists the other day said something like in the system we’re very found of asking, what did you do, and instead we should be focusing on, where did you come from, by way of the underlying traumas that kids are exposed to.

So very quickly and in conclusion, leadership is necessary from all of us. Some have said that if you’re a judge and you call a meeting

they will come. We don't do that enough. So as judiciary, as educators, as community members, as residents of the community we have to start exercising leadership. I firmly believe that true and long term solutions are possible only when communities acknowledge the impact that violence has on our kids and then take on the importance of violence prevention through involvement, accountability and early intervention as members of our community, not leaving it to the professionals and the judges and law enforcement where I respectfully submit that once it gets to us it may be too little too late.

Finally, thank you for your work as a task force and as individuals. First, thank you for listening to the many presentations today. And secondly, thank you for bringing about an awareness of the role that violence plays in our society and its harmful and destructive impact on our youth. Hopefully that will stir us all to do more than what we've been doing. Thank you.

Robert Listenbee, Jr.: Thank you very much, Your Honor. Questions? Yes. Ms. Mendoza.

Georgina Mendoza: Thank you. Buenos tardes, Your Honor. Thank you for your comments. I believe that the bench is an integral part of this comprehensive approach when it comes to reduction in violence. How do you suggest and do you have any recommendations for how other communities can commence that dialogue with their local bench?

John Romero: I think it's critical that a judge is motivated to call that meeting. And hopefully people will come. And no criticism to what is taking place today, but I learned from James Bell in San Francisco that if we want real input from those who are in the trenches, meaning the families, that we need to have the meeting at a time when they're able to come. On a Saturday, after dinner. And believe me, they will come. In our own community there's an organization called **La Placita Institute**. We've been meeting with them for over two years. And meet at 6:00 I think the second or third Tuesday of the month. And we go there to, as their director said, you're in people's court now. We're not in your court. Listen to what we have to say and to the realities that we deal with. So that's the beginning. I think if we really want community involvement and we want to spur that involvement in the community, we need to meet them where they're at, not in our courthouse, not in our office buildings at a time convenient to us.

Secondly, I think that – well, let me just make reference to a program that we have in our court that's called the Program for the Empowerment of Girls. It started when a female public defender said, you know, "Why do we have programming for boys and a system created by males for males? Why don't we have anything for our girls?" And that was the genesis of almost a year long effort to devise a program that is very much like drug court, an intensive juvenile probation program made up of multiple disciplines without any funding. And we meet every Monday for staffing. We have court every Monday. Parents are joined as parties to the underlying delinquency petition. And they are held accountable. And there are immediate sanctions for violating rules and there are immediate rewards for good performance, something as simple as earning a __ and dipping into a jar and pulling out a blue slip that says, "Good job," or, "You're entitled to a \$5.00 gift certificate." And the funding for those gift certificates come from community members who have willingly participated in donating what their resources not. Not the government. But members of the public who see a need to provide gender responsive programming to our girls.

So as I've indicated in part of my presentation, we cannot just get along by doing what we've done. We've got to be creative and think outside the box and involve the community. Because it's not a court problem. It's not a law enforcement problem. It's not a social worker problem. It is a neighbor problem. It is my obligation to get involved in my next door neighbor's issues if they need help. Not wait till it gets to court.

Robert Listenbee, Jr.: Dr. Lieberman?

Alicia Lieberman: Buenos tardes, Judge Romero. We know that the first years of life is the most dangerous in a child's life in terms of child abuse and that the majority of child abuse occurs in the first five to seven years of life. And yet there is in the judicial system a well documented reluctance to terminate parental services often with the consequence that children are often placed in one failed foster placement after another. And at a period when they are most in need of stable care giving relationships. They keep being exposed to failed and interrupted relationships. What would you say is the knowledge that mental health providers can offer in a dialogue between judges and the mental health system to increase permanence in the first years of life?

John Romero:

One of the things that I think is really critical is an understanding beyond what appears to be the issue on the surface. As an example, it is unfortunate that in, you know my caseload I have young ladies who not only are respondent mothers whose children have been removed from them, they are children who are in state's custody because they've been removed from their parents' care. And, in addition, in the most egregious circumstances they are kids involved in the juvenile justice system. And it started a long time ago. So this zero to one or zero to three age window that you're talking about is crucial. And I think that in whomever is providing the services, we tend to look only on the surface of what's going on. We see the tip of the iceberg. But because even though trauma assessments and trauma informed services should be the byword, should be the foundation of what we do –

[End of Audio]

John Romero: TI seems like we're all, you know just barely becoming aware of that. So what mental health providers, behavioral health providers can do for us is to educate us to ensure that we're not looking at the superficial but that we're making inquiry about the undercurrents, the trauma that has happened to many of these kids. And some of the young people that appear before me in delinquency cases were about to become parents and are still engaged in domestic violence act like I have a pointed head when I say to them, "That baby who hasn't been born yet is already being affected by your harsh words, by your pushing each other around and yelling and screaming at each other." And kids are in shock about that.

You know what they would do with that if they knew about that earlier, I don't know. What they would do with the knowledge that should be, you know first – you know should be a no-brainer. And that is if you do drugs or smoke or drink while you're pregnant it's going to affect your kid. And they still do that. So, you know I don't know. It's a matter of education and it's a matter of dealing with it early and often.

But directly your question about mental health providers, we need to have more education about that. Don't throw us on the bench from a career practicing law and say, "have at it." And I think the National Council of Juvenile and Family Court Judges provides tremendous training to new judges in the dependency and delinquency world. And more of that should be happening.

Alicia Lieberman: Thank you.

Robert Listenbee, Jr.: Thank you very much, Your Honor.

D. Tilton Durfee: Bob, may I?

Robert Listenbee, Jr.: I'm sorry.

D. Tilton Durfee: Quick question. I'm sorry. Judge, hello from **Michael Nashe** in Los Angeles.

John Romero: Just saw him in San Diego last week.

D. Tilton Durfee: I was there too. In any case, you were very thoughtful and very creative. I wasn't clear if you are a presiding judge over both dependency and delinquency or just delinquency.

John Romero: Presiding judge is sort of a burden, a curse and a blessing at the same time. It means that I'm the administrative judge over my two colleagues in our children's court division, which is physically located apart from the other 23 judges that we serve with who are here downtown. But all three of us preside over or hear only dependency cases and juvenile delinquency cases. So that's – we're one of the few courts in the state of New Mexico that has the luxury of having a specialized bench where we hear just those kinds of cases. We don't hear divorces, although there's an argument that as a unified court we should do that. We don't hear criminal, adult criminal cases, although many of our delinquency cases where kids face adult sanctions. Unlike other states where they transfer kids to adult court, we keep them in the juvenile justice court and then later decide whether they're amenable to treatment as adult or as juveniles in a separate proceeding.

So we're limited in the kinds of cases we hear. We're overwhelmed by the kinds of cases we hear because of the gravity and because of the volume. But it's God's work and I wouldn't want to be anywhere else.

D. Tilton Durfee: Well, we're lucky to have you there. He is my question. You talked about trauma informed treatment. The loss of a home to a child and often because of either a death, a serious injury or abuse or neglect causes grief. And grief counseling is somewhat specialized. I mean certain people are very good at providing grief therapy, particularly for very young children. It's very hard to do. I'm wondering have you in your work developed a sense of how to access grief counseling for children in the system that you preside over?

John Romero: For me to access it generally means to make inquiry of those who have control over those services. So I believe that is incumbent all of us who are judicial officers to be able to recognize the need for grief counseling, for example. And that's not really rocket science. You know as a parent and as a grandparent and as a human being, you know we men are probably worse at it and not as good as women are at being sensitive to that issue. But it's very easy to see I think when you have a child who's been removed from their family of origin, separated from their siblings, not allowed to have contact with their siblings or rejected by parents who say I wish, you know you were a mistake, I wish I'd never had you that there are some losses that they're experiencing and some underlying potential trauma from that sort of treatment. So it is not unusual for me in a delinquency case when we are fortunate enough to have

a plea and disposition agreement leading to probation to inquire about whether the counseling that this child will be referred to includes grief counseling, for example, if, you know there's been a death in the family. That would be the obvious one.

What isn't so obvious is when, as the young lady testified sitting here earlier this morning, when, you know she's not allowed to have contact or her sister doesn't want to have contact with her. And that's a loss to her. And how do you deal with that? How do you deal with the reality that she may never want to talk to you? Those are more subtle. But it's clearly a loss and the potential for aggravating the trauma they've already experienced.

But as I commented earlier, I think it's incumbent upon those who know more about that sort of grief recognition that we have education for judicial officers in recognizing that and asking the questions and directing the treatment.

D. Tilton Durfee: Asking the questions I think is what you can do. And thank you so much. Very, very well said.

John Romero: Thank you very much. Thank you all for the opportunity.

Robert Listenbee, Jr.: Thank you very much, Your Honor. Sue Jotha.

Sue Jotha: Next is **Victoria Amado**, who's a staff attorney at the New Mexico Victim's Rights Project.

Victoria Amado: Thank you for the opportunity to address these issues with you.

Robert Listenbee, Jr.: Can you see her from there? No? Okay. Perhaps you can relocate over here so everyone can see you, because I don't think the members of the task force over here can actually see you.

D. Tilton Durfee: Do the next one over.

Robert Listenbee, Jr.: One more over. Thank you. Thank you very much.

Victoria Amado: Thank you. The New Mexico Victims Rights Project provides legal representation to victims of enumerated crimes throughout the state in both urban and rural areas currently in state court. Out of 66 cases open in our office, 49 involve sexual assaults against child victims. Child victim witnesses should be protected. Last week a defense attorney's investigator went into a school, pulled a minor child witness out of class in front of the teacher and students

and served the child with a subpoena. To the child that was harassment and intimidation. Efforts to bring previous similar conduct to the judge's attention have led nowhere. In another case, defense council drafted a subpoena and obtained a minor victim's medical records from a rural hospital serving primarily Native Americans without obtaining a waive from the victim's parents or providing a copy of the subpoena to the prosecutor in violation of the victim's privacy rights under the state constitution and state statute, as well as HIPAA regulations, and criminal rule procedures for the state of New Mexico. Defense attorneys who go rogue in New Mexico generally get away with it.

Video testimony. We now have the technology to protect child victims by placing them in a separate location where they can testify live by video. And separately New Mexico state statutes provide for prerecorded video taped depositions instead of live direct testimony for children under 16 years old. But in New Mexico this is generally not done. Imagine how terrifying it can be for a child to face a perpetrator seated only several feet away while being stared at by 12 jurors, other adult strangers and potentially hostile adult family members. If protection's offered by video testimony are not available that can not only hurt children but have a chilling effect on parents thinking about pursuing criminal charges.

Privacy. The privacy rights of children, including rural and tribal residents, are often violated. Initials often are insufficient to protect the identity of a child victim for incest in a small town because people who read the local news can figure out who the victim is. We believe pseudonyms should be used more than initials in rural areas.

And why is the privacy of juvenile defendants protected from public discovery generally but not of juvenile victims? Anyone can place a document on the internet, including pleadings that haven't been sealed, for public perusal. We recommend that special procedures to safeguard the privacy rights of child victims and witnesses be developed and adopted now.

Timely disposition. There is a greater need for expediency with cases involving child victims. What's a long time to an adult can be an eternity to a child. To have cases continued over and over again when it's been shown that most victims cannot move on with their lives until the case has been resolved constitutes a grave disservice to child victims.

Representation. Court systems should make sure that someone is there to speak for the children who will not be ignored as children and their parents often are. Children need guardians ad litem. Children need victims' rights attorneys. There's a lack of funding for both. We recommend that the guardian ad litem provision in section 3509 of the Crime Victims Rights Act be funded by Congress.

And finally, without commitment and leadership from the top efforts in New Mexico to enforce the rights of child victim witnesses will continue to fall far short of what our children deserve. We ask that the Attorney General's office one, host conferences and forums to address the interest and rights of child victims and witnesses, including those in rural and tribal areas. Two, create guidelines on factors to be considered in determining whether a child should testify in open court or through video. Three, spearhead a movement to grant victims of crime federal constitutional rights as victims. And four, ensure that child victims have effective access to guardians ad litem and/or victims rights attorneys. Thank you very much.

Robert Listenbee, Jr.: And thank you very much. We'll take one question from the task force if there is one. Okay. Not seeing any questions. Thank you very much for your testimony.

Sue Jotha: **Roe Luilano?** He didn't check in earlier so I don't know if he's here. Okay. Kim Garcia. Oh, you know what? Why don't we move you to – you can't see them? Why don't we move you both around to this side?

Robert Listenbee, Jr.: Very good. Thank you.

Sue Jotha: So Kim is with Les Davidson, who will be speaking for her because she's getting over the flu and has not very much voice.

Robert Listenbee, Jr.: Mr. Davidson.

Les Davidson: Thank you Attorney General Holder in **absencia** and task force for the opportunity to tell my story. My estranged husband was indicted on 14 counts of criminal sexual activity, including **CSP** against our six year old twin daughters. Today I hold a copy of one New Mexico statute and one New Mexico rule enacted to permit video testimony from young sexual abuse victims in lieu direct testimony. Tragically, the protection these statutes permit is

rarely made available to victims and their families. No one in the DA's office ever bothered to inform me of these laws. It was my 16 years of social work experience that informed me of the existence of these procedural alternatives.

I propose that all victims receive copies of applicable laws within their jurisdictions. Furthermore, why don't victims have federal constitutional rights? I'm happy that New Mexico provides state constitutional rights, but we need to expand that to the federal level. The aforementioned New Mexico statutes are underutilized and interpreted differently within the various judicial districts within this state. The implications are far reaching. If a child is unable to testify owing to the severe trauma inflicted by the perpetrator, a mistrial occurs and the defendant may regain legal access to its victims. This begs the question, why wouldn't the state want to protect children as both victims and witnesses?

My final point, a common and disturbing mentality exists within the system too defendant oriented. As the twins' mother, I ask that a motion to enable use of these statutes be filed. One prosecutor had the audacity to refuse my request on the following grounds, "We want the jury to see the child on the witness stand for the emotional impact. The jury likes to see the victim's visible reaction upon facing their perpetrator. This gives us a more compelling case than if the testimony was obtained remotely."

If this represents the prevailing mentality, then the state of New Mexico is guilty of placing the burden of the outcome of their father's impending criminal trial squarely upon my daughter's shoulders. No child deserves to be sexually violated only to be further exploited by a misguided and politically correct judicial system wherein the constitutional rights of the defendant typically supersede those of victims and their families.

In my opinion, the constitutional rights of victims should never be subordinate to the rights of perpetrators. Rights are relative not absolute. The foundation of true victim reform must begin with an unwavering commitment to the restoration of equity between the prosecution and the defense.

Robert Listenbee, Jr.: Thank you very much. Is there a task force member _____
_____.

Georgina Mendoza: I have more of a comment than a question. I just want to thank you for that. It sounds like a very difficult case, so I want to,

again, thank you for sharing that. And I guess my comment is more – I'm an attorney from California, so I'm not as familiar with the state laws here. But it concerns me that the prosecutor said that to you in terms of, well, it makes a better case for us, the state, to have that child there. I know in California and other states a prosecutor doesn't have that right. You can actually have remedies with the district attorney's office. So I would just like to know if you were able to do that or if you think maybe the fact that you have that right to remedy and work with the district attorney's office isn't something that most people are aware of.

Kim Garcia: excuse my voice. Don't worry. I fired the first prosecutor. And I insisted upon another one. We're now on our third prosecutor. And fortunately, he's very committed to what he does and very compassionate. Right now we're working very hard to file the appropriate motion so that –

Les Davidson: To compel protection.

Kim Garcia: Yes.

Les Davidson: For the child witness.

Kim Garcia: Right. That will be presented to Judge Samuel Winder, a judge.

Robert Listenbee, Jr.: Thank you very much. Dr. Cooper?

Sharon Cooper: Do you – is it your thought that children who are victimized in this manner ought to have more of a say, their families, they and their families, regarding closed circuit testifying? And is it your feeling that you – that there should be some kind of remedy in the law of every state to allow the parent to have more say so regarding the protection of their child in this circumstance?

Kim Garcia: We mentioned how the rules involving video taped testimony and they're doing it with Skype even now, on how these rules are interpreted differently or utilized or underutilized just within the state from county to county. So my argument is that they need to be – there needs to be a standardizing _____ within the state. And I will tell you right now that my daughters, they – it's been, you know they were five during the abuse. They're now almost eight. And just now our trial is soon to begin. And upon learning that we may not be successful, they may have to testify against their father, much of the therapeutic ground that we have gained in the past two years sadly has been lost. And my seven year old daughter is

basically it's like I'm now caring for two 4 year olds right now because of the developmental regression, their PTSD, you know is sky high. And like I said, in the New Mexico statute the first statute says that this should be made available to any minor under 16. And yet the very prosecutor who made these statements to me tried to tell me it was available only to children seven and under.

Robert Listenbee, Jr.: Thank you very much for your testimony.

Kim Garcia: Thank you guys.

Sue Jotha: Next we have **Barbara Romo**, assistant district attorney. Is she here? Barbara, can I ask you to come to this side so that you can be seen and to sit in the second seat?

Barbara Romo: Good afternoon.

Robert Listenbee, Jr.: Good afternoon.

Barbara Romo: *[Inaudible Comment]*

[Laughter]

Robert Listenbee, Jr.: Well, Ms. Romo. You, of course, may get asked a few a questions about the issues raised. Just for the record.

Barbara Romo: That's fine. My name is Barbara Romo, I am an assistant district attorney currently in the thirteenth judicial district. I have specialized, I've spent my career specializing in the prosecution of felony crimes against children. During my 15 year career I've been fortunate to have worked for three different district attorneys who have made protecting children a priority, including former DAs Ron Lopez, Henry Valdez and now District Attorney Lemuel Martinez.

Child abuse is still today society's dirty little secret. It is a subject that many people don't like to think about or talk about. The whole culture surrounding the abuse and exploitation of children involves secrecy, silence, avoidance and denial. Even many of those who acknowledge the existence of child abuse in a general academic sense easily fool themselves into thinking that these horrible crimes happen to somebody else's kids at the hands of some stranger, somebody unrecognizable in their world.

It's hard for people to realize the truth. That children from all sectors of society are abused every day by people they should be able to trust. In fact, the majority of children who are abused are abused and victimized by people in their circle of trust. And the so-called strangers who abuse children often lead normal lives as so-called pillars of society.

These crimes are committed in secrecy, the victims are often threatened, intimidated and shamed into silence. And the adults in society who are tasked to protect them often act – lack the desired skills and resources to adequately deal with the crimes. And for many of those kids who are brave enough to come forward and disclose, they're met with a hostile judicial system and adults, even family members, who don't believe or support them. And as you've heard today, this leads to a deepening of their trauma and emotional harm. And many times these kids end up later on with future problems of substance abuse, alcohol abuse, depression and problems with a judicial system. Sometimes even as abusers themselves.

Even though there are fortunately a growing number of professionals across the country and in New Mexico who are dedicated to changing this culture and eradicating child abuse, the truth is that there's simply not enough resources to adequately train the investigators and prosecutors. Budget shortfalls mean that prosecutors and investigators who are otherwise dedicated to these types of cases are simply overwhelmed by a much too large caseload. These cases are time intensive and they take an emotional toll on everyone, much more so than prosecuting any other type of felony. And I say that as someone who's prosecuted virtually every type of felony, including homicides.

As a society, we simply must acknowledge that child abuse is a pervasive problem that needs pervasive intervention and constant training. In addition to increased funding and training and staffing of prosecutors, the efforts to raise awareness must start with the children themselves. We teach our children to be wary of strangers. But we must also teach them to be aware that anyone is capable of harming them. This is not to say that we must instill fear and mistrust in our children. Rather it means empowering them to have a self-awareness that they are valuable and treasured and that no one has a right to hurt them or touch them inappropriately.

It is through efforts such as these that we'll be able to change this culture of secrecy, silence, avoidance and denial and expose the ugly truth of these crimes so that there will be justice for those children already victimized and protection and prevention of future crimes in this most vulnerable members of our community. Thank you.

Robert Listenbee, Jr.: Thank you, Ms. Romo. Is there a question for Ms. Romo? Dr. Marans?

Steven Marans: Thank you so much. You amongst everyone who's testified is one of the unsung heroes. And I think that people don't get, because they do turn away, and the way you've described what it means to not turn away. So thank you.

The question I have is when you are successful in prosecuting a case, and this may be too large a question for right now, but what about the remedies in terms of protection? Meaning what about sentencing? What about the protecting of other children through sentencing, is it adequate? Do you feel like you're doing what children need you to do on that end?

Barbara Romo: I never feel like it's adequate enough. I can say that since I've started prosecuting here in New Mexico we have seen an increase in sentencing ranges for crimes against children. For example, when I first started prosecuting these crimes, a typical molestation of an adult touching a child under 12, regardless of whether it was skin to skin or over the clothes, the most that that person could get was 3 years incarceration and there was no mandatory time. Now those penalties have increased, as well as the mandatory sexual offender registration and the time of probation and parole has increased from a minimum of five years up to a lifetime of probation and parole in sex offender probation and parole.

So it's an improvement. But, you know it's – to me as someone, like you all, who is passionate about this subject, it's never really enough. And, you know unless – a lot of times because of difficulty of prosecuting these cases and, you know a lot of you've heard, and I empathize with the lady before. I apologize, I forget her name. But a lot of that comes down to training. Prosecutors don't – I didn't know what I know now 15 years ago when I started prosecuting these crimes. And unfortunately I learned a lot of what I learned with OJT, on the job training. And that's not fair. That's not fair to the kids. And, you know we need to train prosecutors and law enforcement to deal with these crimes

effectively. Give them the skills and resources. But also to give them the support so that they're not carrying a caseload of 100. You can't adequately prosecute these cases when you have that many cases. And who ultimately ends up suffering is the children. And they're gonna end up before the judges in the criminal justice system as abusers of substances, of physical abuse.

[End of Audio]

Joe Torre, Robert Listenbee, Jr., Antonio Taguba, D. Tilton Durfee, Steven Marans, Sarah Deer, Georgina Mendoza, Robert Macy, Thea James, Alicia Lieberman, Sharon Cooper, Jim McDonnell, Sue Jotha, Barbara Romo, Sharon Basinti, Kathleen Sanchez, Evelyn Blanchard, Elaine Noman

Barbara Romo: - or sexual abusers themselves.

Robert Listenbee, Jr.: Thank you very much. Ms. Deer. Sorry. I didn't see your hand.

Sarah Deer: I have a quick question that follows up with what you were just saying. What is the legal – the law schools, what do we need to do with law schools? I'm a law professor, so what should we be teaching future lawyers?

Barbara Romo: One thing we need to teach lawyers, not only as was stated by the previous two speakers, is that not only criminal defendants have rights but also victims have rights as well. And as other than with my 15 years as a prosecutor I was actually Ms. Amado's predecessor at the Victims' Rights Project. We're lucky that virtually every state in this country now has some form of victim's rights and then the Federal Victims' Rights Act. But law schools don't teach victims' rights for the most part. I think there's maybe one or two law schools, Lewis and Clark is one of them, that teaches victims' rights. To be sensitive to the area of victims' rights and realize that, yes, our system is built around the rights of criminal defendants and that's very hard for victims to understand and they shouldn't have to understand that. But the truth is is that what victims' rights attorneys know is that it's not a zero sum game. You can protect – any good judge knows that you can protect the rights of victims and protect the rights of defendants and no one has to end up a loser. Thank you.

Robert Listenbee, Jr.: Ms. Romo, thank you very much for your testimony.

Sue Jotha: Next we have Sharon Basinti.

Robert Listenbee, Jr.: Good afternoon, Ms. Basinti.

Sharon Basinti [Foreign Language]

Good afternoon friends and relatives. My name's Sharon Basinti. I am Born for Folded Arms, Enemy Bear Clan. My grandfather is a _____ Clan. And my great paternal grandmother is a _____.

That's who I am as a Navajo woman. And I'm a survivor. I am a survivor and just recently I realized I'm a victim. And violence is not a Indian country problem. It's a human rights problem. This is something we need to address all over the world. Until the day we

respect each other as human beings, whether it's our children, women, men, people of different colors, different cultures.

I had the opportunity of attending a DOJ conference in Ignacio and then the Intertribal Agriculture Council in Las Vegas. My daughter got me there on a full scholarship. And these are things that I've seen Indian country is kind of a title, but within that term Indian culture there are cultures within that. Just because someone is Native American doesn't mean that they recognize – they're not culturally the same as the other. And as a statistic and as a survivor, we need to address each other on a community level. Our families are sacred. We have to get back to the bottom, the roots of the situation. There's no justice. There isn't any justice. Everyone here, they've pointed out certain problems in our society. But it's up to us as individuals, as mothers and grandfathers, and if we're gonna solve – life is solving problems. There's more than one way to solve a problem. You have to be open to different avenues and each community and each culture have different problems that are addressed at their level.

So we need to collaborate educationally. I've seen, for example, the IAC, Intertribal Agriculture Council, they have scholarships for youth, Native American Youth. DOJ, they had a leadership camp. Tribal Relations Office, why can't we collaborate and address and make available these leadership camps to our youth? I know funds are floating around out there. But we're reinventing the wheel in our educational system and as a whole. This problem isn't gonna go away. How can we solve it now today? We can't go back. We have to go forward.

So I'd like to thank everyone here and thank you for the courage to address this problem. In closing and to reiterate, violence and victimization intergenerational abuse and shame, it's offensive. It's a betrayal of the right to be a human being. There's a lifelong loss of your identity. People try to escape from pain and it develops a neediness in a human being. It's terminal. And as a result there's an emptiness that comes from being a victim. Or seeing and experiencing violence. And as a survivor and seeing my children grow up, my boys, I have four boys, they have alcohol problems. They've had domestic violence problems. My two younger children, they were raised differently. I was there with them all the time. I wasn't in the workforce all the time.

I have a long story. But in the three minutes those are things that I wanted to share with you. And I'd like to encourage everyone here

and thank you. [*Foreign Language*] for your time and your efforts. Because children are our future. They're worth it. Thank you.

Robert Listenbee, Jr.: Thank you, Ms. Basinti. Before you go, are there any questions from the task force? Okay. Thank you very much, ma'am.

Sue Jotha: Next we have Linda Smith, who's a clinical psychologist with the **Burnlea** County Juvenile Detention Center. Or maybe we don't. No. Okay. **Kathleen Sanchez.**

Kathleen Santos: I am Kathy _____ Sanchez from _____ United. And our organization was founded in 1989. We've been doing trauma informed services since then. And we have four programs. One is Voices, Valuing Our Integrity with Courage, Empowerment and Support. That's our sexual violence prevention program. We have environment health and justice where we address the reproductive health and justice issues of the mothers. And we have another program called Indigenous Women's Health and Reproductive Justice. And we have started up a community doula program welcoming our young mothers to have home births or wherever they feel comfortable in giving birth. But reclaiming that birthright again. And then we have a circle of grandmothers who infuse our programs with our cultural values and beliefs.

What I'd like to do is give a testimony in terms of the baggage that our children carry. I know I've got it down, down, down, down. So I have bags here of rocks that we use called trauma rocks. And I'm talking about being a descendent and having witnessed six generations and what that means historically and telling her story as opposed to history, which is his story and how that's been kept secret.

So the first generation would be my great-grandmother. And she had – I'll use numbers as a figure. And so if she had three things done to her, physical abuse or sexual abuse or the clergy, I mean she wore her traditional clothes all the way until she died, and she lived to be 98. And so she had seen the beginnings of the storytelling time when the legends and the tales of the pain and the sorrow and the killing and the genocide was coming and coming and how people were trying to run and hide and save their kids. But she was a woman. So her three pains are in like a bag. It's sealed. It's sealed inside of her. She couldn't speak. She couldn't say. And at that time too Christianity was doing these boarding school things and really taking, beating the Indian out of you. And

so her generational story was not being told. But we could sense it. We could feel it. We could hear her crying. We could hear her singing and recalling the children, the babies.

And so her bag is sealed within the second generation. And that would be my great-grandmother. And so the first generation of the three becomes exponential harm that's carried on and on and on. And so it's three times three for the second generation, which is nine. And, again, this would be my grandparents who used their pottery as a way to relate to mother earth because we've been denied that relationship back of the culture peace and being about the elements. So the elements are here present, listen to our conversations. Water is here, which is our first __. Because we're like 80 percent water. The salt mother is here. The sage and cedar is here. And so we have this disconnect that is being done to us in that genocidal practices of these 500, 600 years.

So second generation, even though she was present in seeing the – oh, sorry, time. I got to speed it up. Okay. Third generation. The 3 times 3 times 3 is 27. So third generation would be my mother. And now that's where alcohol starts coming. Cause you're stuffing it and stuffing it and pushing it in and sealing it and not being allowed as a woman or even as indigenous people to speak about it. So it's sealed. And it's getting puffy. It's getting tight. So it's air that's stuck in there. This air is gas, guilt, anger, shame that has been handed down without speaking about it.

And so the fourth generation, which is me, have witnessed my mom's abusiveness, my husband's or my father's also. So there's a child within in all this carrying. So the child within is dying, is dead. You're carrying that dead people within you and recalling and recalling. And if there's no healing, if there's no trauma informed services that feeling just gets handed down. So even fourth generation, 3 times 3 times 3 times 3, 81. So the load is internal. It's that soul wounding. And we've heard stories.

And so this bag gets stuffed in my children. They witnessed how violence happens, what's domesticated violence. It's something that is allowed on the outer social norms to allow that to come into Indian country because we are supposed to be trying to still beat that Indian out of us. And I say the United States because the United States didn't recognize us with human rights until December 2010. So before then we were not human yet. We didn't have rights. We weren't even recognized.

And so the fifth generation, my children, who carry the burden of all these hurt children, of all this silence, they are wondering why am I so tired, why am I so sad, why do I want to kill myself, why is my mom there, why? All these whys.

So fifth generation, their burden is 243. Just from that exponential harm of three. Carry it within one family line that I know my great-grandmother, I know my mom, I know my kids. And we want our children to heal from this. And that's what your task force is opening that bag for them. When you pen the bag for the children who carry this weight, you can actually each in and pull out _____.

So once you've opened that bag the children can see why that name calling was so bad. Why the drug thing happened. Or why, you know they were feeling so down. We need that hopefulness to come back in by caring for the children and having services that really address the healing aspect of it. And being native people our healing aspect means returning back to salt mother, returning back to water, returning back to a communal sense. Cause that's that complex trauma that happens as a people. We need to really understand indigenous people as a family. And what that means when here – and we're hearing all these stories from other nations. That's our story. And our prayer. And when you open the bag, a child who's very resilient if they at least have that caring support anywhere along the systems of the legalities, of the social. The children will then say, "Mom, let's go to that gathering. They're gonna have food. But we can talk about it. You can be there with me. I'll be there with you." And when the mom's bag's open, she can reach in. And so it's going backwards. It's backward chaining. It's not excepting grandmas and great-grandmothers who might already be gone to offer their asking for forgiveness. It happens backwards. And so let's remember where the burden lies. We don't want to have our children carry this anymore. And you're tasked with that in trying to find the answers.

And I just came back from the UN working group on international groups asking about how to stop the violence against women. And, again, it's the same thing. The same stories. It doesn't matter if you're in South America, Central America, here in the Americas, in North America. This same story, because the perpetrators are still there. We're not relieved. We can't _____ we survived it, done with it, it's happened. Somebody said every day we're still in this mode. And so we need to return back

to the cultural peace. And we cannot address this cultural violence with the oppressor's tools. And that's _____.

So we really need to understand what it means to be at peace with mother earth. And when you destroy mother earth with all the things that are happening, you are destroying people. You are destroying our extension of our going towards another – we can go towards another – 500 years of demise or the healing has to start this year in 2012 and go towards another 500, 600 years of returning to peace and mother earth and the cycles and the ancient calendars are telling us the vortex is changing. So I commend you for all the work that you're doing in listening to us and I'm way beyond my time. Sorry.

Robert Listenbee, Jr.: Thank you very much, Ms. Sanchez. You've given us a very graphic illustration of the meaning of trauma through generations. And I think you've opened a lot of our eyes in a pretty clear way. Are there any questions from members of the task force? Thank you very much. Sue Jotha?

Sue Jotha: Evelyn Blanchard.

Evelyn Blanchard: Good afternoon.

Robert Listenbee, Jr.: Would you please pronounce your name again? I didn't hear it clearly.

Evelyn Blanchard: Good afternoon. Thank you very much for the opportunity to speak with you for a few minutes to express concerns regarding services in Indian country primarily. I have over half a century I've been a social worker. And considerable to do with the development and passage of the Indian Child Welfare Act in 1978. When the information we had was that one out of every four Indian children have been removed and 85 percent of those kids were living in non Indian homes.

The act provided for, in its Title II, provided for the development, for the establishment of what was called family development programs. And we had hoped initially that that would be the avenue through which we would be able to provide sound discipline and services reflective of specific life ways. However, it's not turned out that way in many, many places. Perhaps some of you had the opportunity to view the National NPR report recently and got a view into services in northern plains areas. So

that you could see the serious difficulties that exist – that pervade the whole effort.

These programs continue to be seriously under funded. The first time they were funded back in 1980, tribes were given \$15,000.00 to set up their programs. And they were required to hire an MSW. I used to be very active in the National _____ and Social Workers Association. And in those days we probably only had about 200 Indian social workers in the country. And most of those didn't reside on reservations. Many of those people had not been reared on their reservations. So that they were not necessarily equipped themselves to provide and help design the kinds of services that needed to be developed on reservations.

And the under funding continues. And if you saw these reports you'll see that the states continue to exploit the efforts and really maintain the giant share of the financial resources that need to be available in Indian country. There's considerable variation in services that are provided. And there's a general impression that more children or at least as many Indian children are being removed from their homes as was occurring in the 70s. And there's all kinds of reasons for this. And one of the very serious reasons is the absence of adequate education for tribal staff and the absence of standards for delivery of services.

I work as an advocate for families and children in many tribal courts. And I worked recently with a case where there was a call for domestic violence, a mother and her mother were in an argument. The husband wasn't involved in the argument. He was staying clear. There were little toddlers in the home, two or three years old. The police came. Arrested the mother and grandmother. And looked up the warrants for the father and found he had traffic warrants and hauled him off to jail. Took those two little guys and placed them in foster care. And did not – and this is a tribal program. This is not states we're talking about. This is tribes. Did not permit those parents to see or talk to their children for over six months. And I don't know how long it would have gone on had I not been called in to the situation to raise holy hell. I'm not the most welcome person around. But I mean that is just absolutely – I mean we have to understand the damage that was done in that situation and to those children. And that particular staff had no inkling of what that meant in that situation.

I understand that 75 percent of the juveniles in federal juvenile institutions are natives. And that's the product of some of those

practices. And we need – there needs to be attention to this. We need the resources to be able to develop this. There's only one law school in the country, I think it's the University of Minnesota, that focuses on the Indian Child Welfare Act. Only one in the entire country. I checked with the Council on Social Work Education. There are only seven graduate schools of social work in the country that offer any kind of courses on any kind of continuing basis related to native family and children service. And some – or just Indian content.

So I mean we are – we're out of sight, out of mind. We remain completely marginalized. And these are complex, complex situations. And the situation that we have today only reinforces the stereotypes that people have. Either some people think that it's, you know they've got culture and traditions so everything's beautiful. This romantic notion. Or the opposite. In either sense the help is not forthcoming.

And I want to impress upon you the need to influence the ways in which people view Indian country. We're human beings, as Ms. Basinti said. We're human beings. We're all human beings. We hurt. We cry. We have pain. And we need to have a sober and realistic look at what the needs of our people are rather than to frame us in some sort of romantic notion. I mean we're human beings. And it's inexcusable that those kinds of practices are going on. And the consequences of those are absolutely tragic. Thank you.

Robert Listenbee, Jr.: thank you very much, Ms. Blanchard. Are there any questions from the task force?

Sue Jotha: I want to make a quick note that there are two more people and they both, in speaking of the wellbeing of children, they both have childcare – they need to pick up their kids. I just want to encourage the task force members to limit their questions for the next few folks so we can move things along. And the next one is **Elaine Noman**, also from Big Brothers, Big Sisters.

Elaine Noman: Thank you for – is this working? Okay. I'm Elaine Nolan with Big Brothers, Big Sisters of Central New Mexico. I'm the director of their tribal program. I work primarily in the pueblo of San Felipe. We also have tribal resolutions signed with Zuni, **Piqaki**, **San Ildefonso**, as well as with four of the chapter houses of the Navajo Nation. And so I really wanted to just make the point that mentoring for children does really produce some positive

outcomes. It's an effective intervention program to help children that are carrying maybe a lot of baggage or that are exposed to different forms of violence.

I wanted to share with you a story to kind of address one of the opening comments that Mr. Torre made about violence among peers. What I've heard primarily from the families that I enroll in my program within San Felipe is that many of those kids are exposed to bullying at school. And bullying in their own neighborhoods. Bullying maybe by their extended family members.

As we heard today, life in the pueblos includes living amongst a very extended family. You'll never find like a single family household in the pueblos. It's typically three generations or more of people living in one household. And this particular –

[End of Audio]

Ms. Miller: Case involves a little girl, nine years old, and she had recently - her mother was very young, about 28 years old with four children. And so she worked a job and got a lot of help from her sister and her mother to raise this family in San Felipe. She heard about big brothers big sisters and thought it would be a good idea for her oldest daughter, who was nine, and she - they were recently dealing with the death of the grandmother. And so she didn't have the extra help she needed in her own household just to manage her kids. And we brought this little girl into our program and matched her up with an adult mentor, with a big sister and we found that over time it really has helped her, even a short amount of time.

Specifically, what we do to measure our outcomes is we administer a survey at the one year point called the Youth Outcome Survey, which addresses different area, such as educational performance, avoidance of risky behaviors, such as drugs, alcohol, violence towards others, and healthy relationships, social competence. And so for this little girl we stay in touch and support the match throughout the life of how long they're together meeting.

And I find out from the mentor that not only is this little girl really dealing with a lot of sadness because of the loss of her grandmother and the stress of having to go to school where kids are going to pick on her, but she also had the extra baggage on her back of being the caretaker in the home for her three younger siblings. And often times the mentor would walk to the home to pick her up to spend a little bit of time and she said, "You would not believe the sight of relief on this little girls face just to see me to come over and watch a Disney movie on the DVD. And so just that little bit of time, the tiny bit of difference that that should make for this child as she grows up to have a little bit of outlet to spend some time in her own world outside of the four walls that she has. The support that she gets from a caring adult will make a huge difference for her in the future. And so I'd just like to advocate for mentoring, for the work that you all do, advocating for children and just to let them - keep in mind it's good, the littlest things for them to have their own voice, their own time, a little bit of extra attention can make all the difference. Thank you.

Robert Listenbee, Jr.: Thank you Ms. Miller. Any questions from **Council** members? Okay, then we'll have our final witness.

Female 1: Last, but not least, Shelly Chimoni, the director of the all Indian pueblo council.

Shelly Chimoni:

Good afternoon task force. Welcome to Mexico and on behalf of the chairmen's of the _____ pueblo council _____ centers I want to welcome you officially to New Mexico. So on behalf of all the 19 pueblo governors and one of our other governor - one of our other pueblos is also located in the South of Texas. So I want to welcome you and I apologize, I was gonna be the stand in for the invocation and was in route to take my son - I'm gonna have to be really quick and brief about this and I have about twenty minutes away to go and pick up my son and I need to do this, so.

First of all, it's a real pleasure to be here in front of you because this is really at the heart of what I used to do before my early life in not knowing what I was gonna be charged with later. I was one of twelve sites - or eleven site of the first round of the _____ exposure to violence kick start initiative back in the early two thousands. Out of the twelve - eleven sites there were two pueblo - two tribal sites. One in Sitka, Alaska and one in Zuni Pueblo here in New Mexico.

I only ask of you - my first recommendation to this task force is please revisit the two tribal communities because we have already laid out half of what you are asking for. You ask for what do we need in tribal in terms of building tribal capacity, we've already done that. What do we need to - as far as systems change, we've already done that. What is there - what models are there that can work in Indian country and communities that can be replicated to reflect the needs of those communities that are in need to adjust children's exposure to violence? We've done that. There are two intervention models out there. And I say this because there's no need to reinvent the wheel and I'm actually - I've got really bad _____.

Six times Zuni were not asked to come to the table to show what we did and I don't know if you ever came across any write ups or what have you about what we did in the beginning. But that's one thing that I wanted to ask. The second recommendation I have for you is - across agencies state, federal, local, and county law enforcements need to be supported and provided the tools when it comes to the first - being the first responders. As I sat here throughout the afternoon nowhere did I hear anything about who are the first responders, and that's law enforcement. And at this time I wanna - I congratulate one law enforcement officer that is in the audience who sat through this whole entirety.

I want to thank you for staying because that means a lot and that means that he cares a lot about the work he's doing. And it takes a

lot for an officer to be in this type of a setting. And I say this because when we put our model together it was a tool of intervention to give the officers that tool to help them at the time of a call. We're used to seeing the perpetrator and the victim helped, but who gets left behind? It's the child that gets left behind and when that happens law enforcement ends up waiting for social service or whoever might be to come and intervene and that's part of the tool that I'm talking about.

So I would like to - going back to the first recommendation, give us time to show you what model worked and while it was intended to be a research based project it did not go that route because as in native communities we do not collect enough data or we do not know how, or we do not have the capacities to do it. But I made it my business to go and collect data that needed to be done because children's exposure to violence was one area that was foreign to my whole community and I have to find a way to convey that to my tribal leadership. The other - I guess the other third recommendation I really - I have was to really - I want to go back to increasing the tribal capacity. Because I think it's really important that you need to know as a task force - there needs to be continued education on children's exposure to violence. And I don't know how you do this with tribal leadership at a larger scale because they are the forefront of those that make the decisions in the community. They are those that make the decisions in implementing the law or getting laws passed and passing off to our law enforcement who will be their enforcers.

We need to also teach tribal communities about sustainability. Sustainability does not always mean money. Sustainability also is **implied** to policy and how you keep a practice going and we should know that because we're tribal communities. We're always - everything is done oral and that should be something we already know how to do.

The last recommendation I have is really looking at the educators to find innovative ways to use - No Child Left Behind is not gonna ever go away. Let's find that as a vehicle to provide leverage, to provide the education and the support on children's exposure to violence to teach and support the counselors and the teachers in the school. Why? Because through the projects we found out that through the signs and symptoms that I like to say that we were taught from **Dr. Steve Mann** if we didn't get that type of teaching from his institution - one thing that we found out was that the signs and symptoms of children's exposure to violence is also that similar of a special needs child. And I'll bet you - I think

anecdotally guess that half of the children and why our educational system - they actually are working if you make it work and you as a parent do your part. It's what's happening in the homes is what's going on. And our families are not stable.

And lastly we learned how to stabilize families after a traumatic event. We taught families how to go back to the basics. Somebody said something about parenting, I think it was **Mato**, said that, well guess what? We incorporated a lot of that and - again I extend the - I would like to extend an offer, the opportunity to show you the models that work for us in our community. My short time as a safe start project coordinator for my community, from 02 to 04, I am not a social worker, I am not a lawyer, I am not a prosecutor, but I am a **grassroots** person, I am a practitioner.

In my community the process that I went through in terms of systems changed opened my eyes to be able to look at what my community was about and how do we address those changes. After the safe start project came to an end I went and decided that I was gonna run for office in my community. As Mr. **Viheel** indicated, he is an appointed physician. I come from a constitutional tribe and for that - when that process took place I ended up in the third ranking position in my tribe hoping that I'd be able to make changes into what's gonna be. The changes in the codes, criminal codes, and I was successful. I can tell you that. Children's exposure to violence pieces - are imbedded in the children's code for the Zuni tribe and that's something that's still there now.

Unfortunately when I left office there was no one to carry on the work that I started, but I have that desire to put forth and use the model that worked. And right now I'm in the talking stages with other colleagues that I like for other communities to replicate. And one - I think the overall part is that with - in working with children's exposure to violence, it takes a partnership and collaboration efforts, but the main partners that we have to learn to work with are - is law enforcement, court, and social service in concert together. And if it weren't for the project of how DOJ set this initial project, the first round of children's exposure to violence, I would not have learned that peace.

Because now - I'm in a position now to be able to try to replicate and share that with other community since I work for the _____ pueblo governors here in New Mexico. So I extend that to you. I am still in touch with **Luis Brady** in Sitka, Alaska. The two interventions you might wanna look up is the CDCP,

Child Development Community Policing that was specifically for Zuni, and then Kid Cops was what Sitka, Alaska had implemented. So with that, thank you and I'm gonna need to run now and I appreciate everything and the work that you're doing. You have a hard job ahead of you and co-chair, especially you. Both of you have a lot and as you synthesize through the work that you do I will keep you in prayer. As I did this morning when I left. And I hope that you all of you have your safe travel forever will take you.

But don't give up on the native communities and the rural areas and that you will take what has been told to you to heart and that you will be able to really be true advocates for us that may not be able to do that at the level where you are. And I appreciate everything you've done today. And thank you Dr. Steve Mann. Another individual that I forgot to mention was Dr. **Bigfoot**. She was a model PCIP, Parent Child Interactive Therapy, that's the other piece that we took as part of our intervention. So I just want to put that out there and _____ anything, Dr. Mann knows where to contact me and thank you very much.

Robert Listenbee, Jr.: Thank you very much Ms. Chimoni. At this time we'll have closing arguments by co-chair Joe Torre, followed by myself-

(Cross talk)

Robert Listenbee, Jr.: Closing comments. Long Day.

(Laughter)

Robert Listenbee, Jr.: We needed that. And then we'll have a motion-

(Crosstalk)

(Laughter)

Joe Torre: Now we know we have to cut this by a half hour just for his sake. I can't tell you how much I was touched today and I never knew a great deal about, other than what I read coming in here about the tribal community, but the sense is that they certainly feel the same way I do about the sensitivity to the youngsters and how important it is for us to find a way to make sure going forward that we take care of them the best way we can. They are our future, that was said here earlier, and they are our treasure. I thought the testimony and the feelings and the vibe today was very powerful. The testimony was incredible. Very passionate. Something I will take with me, and I could speak for this task force that we have a lot of work ahead of us, but this is certainly a huge ingredient in going

forward. So, goodnight and I'll turn it over to Robert, but no fighting now Robert.

(Laughter)

Robert Listenbee, Jr.: It's been a long day. I would just like to say _____, it's _____ to be informed about a lot of issues that I was not aware of before today. The passion, the commitment, the dedication, the insight, the wisdom, the prayers, and the very thoughtful connection with both the land and the people and the history were things that I was just not fully aware of. I've learned so much it's going to take a long time to digest it and then to look towards the goal of transforming new knowledge into policies that can help people in rural areas and in Indian country. I have now doubt that the task force, through it's facilitators will be reaching back to many of you to gain both written comments if you have today and to maybe ask some more questions. There was a tremendous amount of information that we were given today and like I said it will take a while to digest. So we're enormously thankful and at this time we will have closing arguments by Mr. Viheel, closing prayer, and then we will adjourn.

Mr. Viheel: [16:42-19:09] Inaudible

(Crosstalk)

[End of Audio]