

On Jun 14, 2012, at 4:11 PM, "Sullivan, Thomas (ACF)" <thomas.sullivan@acf.hhs.gov> wrote:

I am Thomas F. Sullivan, Regional Administrator for the Administration for Children and Families (ACF) in Denver, CO. In that capacity my staff and I have general management and oversight responsibility for a broad range of Human Services programs in a six state region covering the states of Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming. ACF is part of the Department of Health and Human Services.

According to the Revised Attorney General Guidelines for Victim and Witness Protection, (Decision Memorandum dated April 3, 2012, Signed and Approved by Attorney General Holder on April 24, 2012 and Effective as of May, 2012) as a federal employee I am a mandated reporter. According to that Decision Memorandum, as a federal employee I am required to report "facts that give reason to suspect that a child has suffered an incident of child abuse".

Today many of the children on the Spirit Lake Reservation in north central North Dakota are being abused or are at significant risk of being abused. The term "abused" as used here refers to emotional, physical or sexual abuse or all three.

To the best of my knowledge my report does not necessitate an oral report in order to protect the immediate well-being of any child. Therefore this written report will stand as my first official report of the facts that give me reason to suspect that many children on the Spirit Lake Reservation have been abused and are at continuing risk of further abuse.

The ten numbered points listed below are the basis for my belief that children have been abused, are being abused and unless remedial action is taken will continue to be abused.

Since child abuse on this scale is such a daunting problem to begin to address and resolve, requiring significant input not just from law enforcement but also from public health, social services and human

services agencies, I have attached a ten point agenda to focus the efforts and thinking of those of us who have responsibility for dealing with these issues.

The children of the Spirit Lake Reservation are being subjected to actual abuse or the threat of such abuse due to the actions and inactions of adults who have responsibility to protect them from such abuse. These adults include their parents, neighbors, community leaders, Tribal program staff and directors, Tribal Council members, federal and state program leaders who have been notified and allowed the following conditions to persist. Thus, due to their inaction and excuses in some cases they have played an active role in fostering the development of the conditions listed here:

1. A little over a year ago, the newly elected Tribal Chair, directed Tribal Social

Services to bring all children enrolled in the Spirit Lake Nation who had been placed in off-reservation, non-native foster homes back into on-reservation placement with native families. Many of these children were removed from loving, caring foster home placements and returned to their relatives, whose prior abuse, had lead to the removal of these children from their homes. When placed back in these previously abusive homes, the abuse and neglect began again.

2. At the same time the Tribal Chair directed that all staff who worked for the Tribe in any capacity who were not enrolled members of the Spirit Lake Nation should be fired from their positions and replaced by individuals who were enrolled members of the Tribe. Those who were fired had, for the most part, met the professional qualification requirements for the positions they filled. Their replacements did not. One of these new hires in Tribal Social Services was sent to investigate the report of a recently returned one year old toddler from an off-reservation foster home to his previously abusive and negligent parents. That toddler was publicly reported to have "more than 100 wood ticks all over his body....Some were there

a long time, others were newer, but all were dug in." The reporter went on to say, "As gut-wrenching as this story is....remember: This is not an isolated case of neglect. It is common out there and it is the LEAST of the neglect/abuse that goes on. It is the LEAST." The Tribal Social Services new hire reported back that there was no problem that this was just a matter of a disagreement between the mother and father. The new hire did not take the toddler to the IHS clinic to have the wood ticks removed. At what point does such neglect become abuse?

3. It has been reported that children enrolled in the Head Start program have been dry-humping each other both on the playground and in the class-rooms. No one from Head Start or any other program has initiated an investigation to determine where these children learned this behavior. Is this something they have been subjected to by an older brother/sister or by an adult who has access to them? Is this something they have observed at home between their mother and father? Have they observed their brothers and sisters engaging in such behavior? Have they observed this behavior among the older children in their neighborhoods? Tribal Social Services reportedly visited the Head Start Center found nothing they considered reportable or worthy of further investigation.

4. Dr. Michael Tilus, Behavioral Health Director at the Spirit Lake Health Center , recently wrote a "Letter of Grave Concern" to state and federal leadership expressing his concern about the public health disaster of child abuse in Indian Country. He cited 10 reports of child abuse he filed with Tribal Social Services in a recent three week period and which, when he called to check on their status, he was told by Tribal Social Services staff, "we have no record of your reports and no paper trail to refer to staff." Dr. Tilus cites comparable experiences over the five years he has been working at Spirit Lake . These include a suicidal girl who was allowed to be shuttled between homes with sex offenders. A child protection worker hired by the Tribal Social Services Director even though he knew she had a conviction on her record for felony child abuse. When this fact was made known,

Associate Juvenile Judge, Ms. Molly McDonald, confronted the Tribal Council with this fact and was informed that the Director of Social Services would handle it. He did nothing. Dr. Tilus wrote, "My five years of documenting problems, my need for more staffing, my cries of ongoing child sexual abuse, and my protests at BIA Social Service gross incompetence went without response or comment.I have lost many wonderful, committed, professionally licensed behavioral health colleagues who have left Indian country for specifically these reasons: too dangerous to practice; overwhelming need with an acute lack of support and funding; unspoken agendas; and when attempting to practice ethically and legally, demonized..... Alleged cases of child abuse are not appropriately investigated....due to family allegiance or staff incompetence. The most vulnerable children on the reservation are returned again and again to homes without safety, active substance abusing adults who neglect, abuse, violate children, and to the massive amount of homes that have both registered and un-registered pedophiles living there." Dr. Tilus recommended that the "BIA close the Spirit Lake Tribal Social Services and completely overhaul the program. The problems are too systemic and acute to patch up the program." The CEO of the Spirit Lake I.H.S. Clinic, Arlene Delapaz, released a letter of apology shortly after Dr. Tilus' letter of Grave Concern was released, reporting that she and the Spirit Lake Health Center had nothing to do with Dr. Tilus' letter, found it unprofessional and wished not to be identified with Dr. Tilus' intentions. Dr. Tilus raises the following intriguing questions, "As a mandated reporter, how can the CEO of an Indian Health Services agency comply with the Attorney General's child abuse reporting requirements while attempting to muzzle her staff when they seek only to begin effectively addressing an epidemic of child abuse? Has this type of action exposed her to possible criminal penalties?"

5. Ms. Molly McDonald, an enrolled member of the Spirit Lake Nation, is a former Associate/Juvenile Judge for the Spirit lake Tribe. She recently wrote, "I grew up on this reservation and witnessed many acts of violence and abuse. This is normal to us. Our tribe has accepted this as a way of life, violence and hopelessness. When does the cycle end?.... The abuse is reported but nothing is done by

Social Services or Law Enforcement. Where do we go from there? Hopelessness.....I must commend Dr. Tilus for his courage and strength in writing this letter.....I want you to be aware that he is paying the price. Our tribal council is now discussing plans to place an exclusion order on him, banning him from our reservation. He revealed many truths, truths that our tribe has been able to hide for years because no one is holding this agency accountable for their services..... Please consider that if an investigation had been done, many children could have been saved from further abuse, and possibly, they would have been alive today. I am disappointed in the lack of support Dr. Tilus has received from his colleagues at Spirit Lake I.H.S. Clinic, specifically, the CEO, Arlene Delapaz.....Ms. Delapaz was aware of the issues and yet did nothing to assist Dr. Tilus...to address these issues.she wrote a letter and made claims that she worked to collaborate with all programs. I am disturbed that in her letter, she would apologize and take the stand that the I.H.S. Clinic does not have the same views as Dr. Tilus. Suicide and Abuse are the main issues discussed in Dr. Tilus' letter. According to her letter, she does not support addressing these issues. I am writing this letter in support of Dr. Tilus because our tribe is attempting to cover up these issues that plagued our reservation for many years.Whatever picture our tribal council or chairman want to paint, it simply is not the case. There is a dire need for professionals to be working in the social service positions; professionals that know their boundaries and will not overlook issues at the request of the Tribal Council."

6. "Child sexual abuse is a crime perpetuated by silence and secrecy. Isolation, whether within a family or by community, adds significant risk for sexual abuse. Children who live in rural areas, for example, are almost 2 times more likely to be identified as victims of child sexual abuse.... It is to the advantage of the perpetrator to further isolate the child victim to prevent disclosure." Testimony of Teresa Huizar, Executive Director of the National Children's Alliance before the US Senate Committee on Health, Education, Labor and Pensions, December 13, 2011.

7. A little over a year ago the bodies of a six year old boy and

his nine year old sister were found in their father's home in St. Michael , ND on the Spirit Lake Reservation. Each had been raped/sodomized before they were killed. While no charges have yet been filed, there is widespread speculation that the father is responsible for their murders after he and another man sexually assaulted each of these children. The father remains in federal custody on a charge of child endangerment. The father was employed by the Spirit Lake Fire Department. He is well-known in the community as an alcoholic who is also a meth addict. How he has been able to pass the random drug testing required for firemen is open to question. Shortly after these murders, the body of a fifteen year old boy was found hanging in his bedroom in St. Michael. Several months before his sister died in single car accident when the car driven by her drunk sister rolled over. The sister who survived, the driver, was sentenced to jail just a week before her brother hung himself, for her role in the accident. Both parents have a history of alcohol use and abuse. There is no evidence of an effective, functioning alcohol or drug abuse prevention or treatment program on this small reservation.

8. In 2007 the Centers for Disease Control reported that the incidence of Fetal Alcohol issues were 30 times greater in Indian Country than they are in the majority community. There is apparently no focus on this issue from the I.H.S. Clinic at Spirit Lake. It has been well-documented that babies born with Fetal Alcohol problems do much better over their lifetimes if intervention and treatment is begun at an early age. Such an approach has the potential to substantially reduce the lifetime treatment costs of those unfortunate enough to have a mother who drank during their pregnancy.

9. The integrity of drug and alcohol screening at Spirit Lake has been credibly reported to have been fully compromised. When tests are done, staff know and come to the testing site prepared with clean samples for testing. If a problem arises due to an unclean result from a test, the results are ignored if the employee is politically connected. The results of criminal background tests, when done, are ignored if the employee is politically connected.

10. Some have claimed that "Tribal Sovereignty" prohibits any state or federal intervention to protect children who are being abused/neglected. While it is true that these children who are being abused or neglected and the adults who are abusing or neglecting them are citizens of the sovereign Spirit Lake Nation, they are also citizens of the state of North Dakota as well as citizens of the United States with all the rights and obligations which attach thereto. Furthermore, in most of these cases federal tax dollars are being used to provide services to them, even though, in many cases few or no services are actually provided.

For all of the reasons listed above, (remember due to the constraints of space, the description of each of these conditions has been limited, other corroborating information, such as the names of abused children, their ages and the abuse they endured, date and place of abuse can be provided), the ten point agenda outlined below must be implemented if the abuse of children on the Spirit Lake Reservation is to be stopped.

What is written here is simply the tip of the iceberg. Dr. Tilus consulted with the Behavioral Health Directors from 5 other Reservations before submitting his letter. All agreed they could have written the same letter about their reservation that he did about Spirit Lake. Dr. Tilus concluded "I informed the Aberdeen Area Office Director that my situation was not unique to the Spirit Lake Reservation but appeared to be systemic in the Aberdeen and surrounding IHS regions ... with the BIA programs on their reservations being also horrifically broke with rampant nepotism, family biased judgments, untrained people with no professional qualifications, managing programs that serve the voiceless abused children."

Nevertheless, I believe, first, there is substantial evidence that the children of the Spirit Lake Nation are being abused in substantial numbers and, second, that a significant collaborative effort is required from Tribal, federal state and local governments to begin to address and reverse those conditions which give rise to this situation and to overcome the efforts to cover up this abuse. This

collaborative effort cannot become one where the Tribal Council and Chair decide that all of the work, the heavy lifting, will be accomplished by others as they have in the past. If the Tribal Council and Chair are unwilling to actively contribute to this effort they should be removed from office for cause, replaced by enrolled members of the Spirit Lake Nation who can and will make a positive effort to correct this situation. The agenda this collaborative group of agencies should implement includes all of the following 10 elements:

A. Either the President or the Governor of North Dakota should declare that a State of Emergency exists on the Spirit Lake Reservation so as to ensure that law enforcement and social services are professionally staffed with an adequate number of qualified personnel, that social workers are given extra support and that all bureaucracies are monitored and held accountable for the identification and prevention of any further child abuse and that those children who have been abused receive all services necessary to restore them to full health. When Governors have declared emergencies, have claimed and exercised emergency powers within the last 15 years to deal with the threat of wolves (Idaho - 2011), gasoline and diesel fuel price gouging (Kentucky - 2008, Maine - 2007, and Michigan - 2005), salmon fishing (California - 2006), fire works in dry season (New Mexico - 2011), harvest transportation (Colorado - 2007) and grain storage (Kansas - 1998), there is no defensible argument for excluding the protection of children from the list of allowable reasons for declaring a state of emergency (National Association to Protect Children, October, 2011).

B. Withhold 100% of all state and federal funds flowing to the Spirit Lake Nation until the Tribal Chair and Council are able to certify that all positions funded to any degree by these funds are filled by professionally qualified personnel who have passed all requisite criminal background checks as well as all required alcohol/substance abuse screening. Since the integrity of all prior screening has been questioned so openly, no prior test result will be accepted for this purpose. Anyone found to have manipulated these results will be

subject to criminal prosecution. None of the withheld funds will be restored until all program positions are filled with professionally qualified staff who have passed all background tests and who can be shown to be operating consistently within established professional protocols.

C. Charge the current Tribal Chair with felony child abuse and endangerment. The existing record will provide more than adequate evidence to substantiate these charges and result in a conviction.

D. Invite the National Center for Missing and Exploited Children to conduct a Case Review of the murders of the two children referenced in # 7 above for the purpose of determining what steps are necessary to bring this case to a successful conclusion with the conviction of the guilty parties.

E. Immediately establish a Nurse Home Visitation program on this reservation for all pregnant women.

F. Provide all of the resources needed by the I.H.S. Clinic Behavioral Health Unit to allow them to develop and implement a child and adolescent trauma treatment clinic that includes diagnostic and therapeutic services in conjunction with the FBI forensic prosecutors, an alcohol and substance abuse education/prevention program and to begin dealing on a non-emergent basis with the large number of dysfunctional households on this Reservation.

G. Provide mentors to all reservation school-age children. Sources of Strength is a mentoring program targeted on the prevention of youthful suicide. It has been widely recognized as a very successful program. It was developed by a Bismarck resident and North Dakota native. This program is highly regarded and is listed on SAMHSA's National Registry of Evidence Based Programs and Practices.

H. Engage the services of the National Center for Fetal Alcohol which was established thirty years ago at the University of North Dakota to develop and implement a fetal alcohol treatment and prevention program for the substantial number of children born on this reservation and limited by this developmental delay. This Center is based at the University in Grand Forks less than 100 miles away from the Spirit Lake Nation Reservation.

I. Since Dr Tilus reviewed his letter with I.H.S. Clinic Behavioral Health Directors from five other reservations and was told they could have written the very same letter about conditions on their reservation, the issues raised by Dr. Tilus may not be unique to the Spirit Lake Reservation but may be systemic to both IHS and BIA operations in this area (Aberdeen and Billings service areas). These areas are characterized by enormous problems with ongoing suicide and child sexual abuse epidemics as well as rampant drug, alcohol and substance abuse resulting in a substantial need for behavioral health services. Few additional resources have been provided, even though additional behavioral health resources have been promised. Is this consistent with conditions in other service areas across the country? Or is there some other agenda at work here?

J. Anyone who interferes in the process outlined here should be charged with felony child abuse/endangerment.

If you believe the approach and agenda I recommend here is inappropriate for any reason, please let me know what you believe we should be doing in order to stop the child abuse which is so widespread on the Spirit Lake Reservation.

The ten elements of this agenda may seem punitive to some but the leadership of the Spirit Lake Nation as well as those who are responsible for delivering services on that reservation, by their actions as well their inactions have failed in their most basic

responsibility to protect children. They have hung signs at the borders of the Spirit Lake Nation, "Pedophiles Welcome". They have made these signs operational by firing professionally qualified staff, directing their replacements to ignore reports of abuse and neglect, refusing to prosecute the most egregious cases of abuse, even the murder of children, by demonizing those who speak out on behalf of these children and then claiming piously, "Our children are sacred" while all look the other way while toddlers walk around with "more than 100 wood ticks dug in on their bodies", while children are raped, sodomized and murdered, their cries for help ignored.

Unfortunately, the abuse described here has long been ignored or, in the words of former Tribal Judge, Molly McDonald, "covered up". I trust this report will trigger an appropriate response from your offices, resulting in action to address the facts I have presented.

I am especially requesting that each of you formally acknowledge receipt of this report in writing and advise what actions or referrals your offices have made or will make in this matter.

If after reviewing this report you have any questions, require any additional information or wish to discuss this matter further, I can be reached at 303-844-1129.

Thomas F. Sullivan
Regional Administrator, ACF, Denver