



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

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This is my Twelfth Mandated Report concerning Suspected Child Abuse on the Spirit Lake Reservation. It is being filed consistent with the Revised Guidelines approved by the Attorney General.

It has been more than 8 months since I filed my first report. In that time neither my sources nor I have seen any evidence the more than 100 children cited in these reports have been moved into safe placements. Most of those children remain in the full time care and custody of known sex offenders, addicts and abusive families.

Nor have we seen any indication of any effort by law enforcement to investigate, indict or prosecute the adults who have been credibly accused of being physically and sexually abusive to more than two dozen children.

In these 8 months I have filed detailed reports concerning all of the following:

1. The almost 40 children returned to on-reservation placements in abusive homes, many headed by known sex offenders, at the direction of the Tribal Chair. These children remain in the full time care and custody of sexual predators available to be raped on a daily basis. Since I filed my first report noting this situation, nothing has been done by any of you to remove these children to safe placements.
2. The 45 children who were placed, at the direction of Tribal Social Services (TSS), BIA social workers, BIA supervised TSS social workers and the BIA funded Tribal Court, in homes where parents were addicted to drugs and/or where they had been credibly accused of abuse or neglect. Since I filed my first report noting these placements, nothing has been done to remove these children to safe

placements. I trust the Tribal Court, with the recent resignation of a judge who failed a drug test, will begin to be responsive to the children whose placements they oversee.

3. The 25 cases of children most of whom were removed from physically and sexually abusive homes based on confirmed reports of abuse as well as some who still remain in those homes. Neither the BIA nor the FBI have taken any action to investigate or charge the adults in these homes for their criminally abusive acts. Many, of the adults in these homes are related to, or are close associates of, the Tribal Chair or other Council members. Since I filed my first report detailing these failures to investigate, charge, indict, prosecute those adults, my sources and I have observed nothing to suggest this has changed. Those adults remain protected by the law enforcement which by its inaction is encouraging the predators to keep on hunting for and raping children at Spirit Lake.

When was the last time the US Attorney indicted a child rapist at Spirit Lake? How many child rape cases from Spirit Lake has he declined to prosecute during the last 18 months? How many Spirit Lake child rape cases have been prosecuted during those same 18 months?

4. Several years ago several former Tribal employees (including Tribal judges, TSS staff and Tribal elders) filed a formal complaint about TSS and the Spirit Lake BIA when they met with BIA's Regional Director in Aberdeen, SD. The Regional Director was provided with substantial documentation of the bases for their complaint against the BIA's Spirit Lake Superintendent.

A week after returning from Aberdeen they saw this documentation in its original unopened package on the desk of the Spirit Lake BIA Superintendent. It remained there, unopened, unread and uninvestigated for several months before it was shredded.

Similar delegations met with the leadership of the state Department of Human Services, its Child Welfare Agency, as well as with the FBI. In each case comparable packages of documentation were delivered. Since nothing ever came of these efforts to correct the situation at Spirit Lake, it can only be assumed that this documentation sat on desks somewhere, unopened, unread and uninvestigated until it too was shredded.

Since I filed my first report detailing these efforts on the part of several concerned citizens to correct the situation at Spirit Lake, to stop the abuse of children several years before I filed my first report, nothing has been done to investigate the clear malfeasance of so many high level state and federal officials. This

failure to act, to correct this situation allowed the rape and abuse of children at Spirit Lake to persist for years beyond when it should have been stopped.

5. I believe the highest obligation and priority for every public official involved in this situation is to insure the safety of those children who were abruptly removed from safe, off-reservation placements and returned to on-reservation placements in many cases to the full time care and custody of known sex offenders where they were available to be raped daily as well as those children placed in unsafe homes in the care of addicts and abusers as a result of decisions made by BIA, TSS and the Tribal Court.

I have been instructed by the leadership of my agency that my beliefs do not reflect the policy position of either my agency or my department.

From what my sources and I have been able to observe the highest priority of the state, the FBI, BIA as well as other federal agencies has been to silence us, to label us as liars, as incompetents not qualified to identify the abuse of a child, to minimize the seriousness of this situation with their fabricated, self-serving claims. Among these claims are, "It's a new problem"; "This problem arose because the Tribe lost the person responsible for filing their forms"; "If those whistleblowers would shut up everything would be fine"; "Everything is fine"; "They are making great progress"; "You are expecting too much progress too quickly"; "They are working hard."; "It's all fixed."; "We're doing a great job for kids" "You are not a subject matter expert".

If that attitude was held by those who served on the Grand Jury that indicted Jerry Sandusky on 45 counts of child sexual abuse, there would have been no indictments. It would have been decided that neither McQueary, the janitors nor any of those victims were credible because Jerry would have told them that all of those witnesses were lying and they would have believed him.

If just a bit of the energy devoted to trashing us was used to assist the children of Spirit Lake, all of the 100 plus children might be in safe placements now. But it appears that agencies and those involved have taken a different path for reasons known only to them and their agencies leaving these children in the care and custody of addicts and predators. These actions track the same path followed by the leadership of both Penn State and the Catholic Church when these organizations sought to protect their institution's reputation by covering up the rape of children.

6. The BIA Senior Criminal Investigator (CI) at Spirit Lake is a thug who should be in prison if the domestic violence allegations made by his wife and other eyewitnesses are to be believed. Because none of you, not even those in the highest levels of BIA law enforcement in Washington, DC, have investigated his

wife's complaint, sought to speak either with her or those eyewitnesses, he walks free, a fine example of the integrity and professionalism of BIA. How will BIA comply with OPM's recent directive on Domestic Violence when it is shielding a Domestic Violence thug from investigation and prosecution?

7. There are an unknown number of undocumented children (it is estimated by knowledgeable sources that there are more than 40 children who are trapped in this situation) who are being cared for by Foster Parents who are not being paid for their care. For most, if not all, payment is not an issue. However, without birth certificates, court orders and other documentation these children cannot be enrolled in Head Start, pre-school, school or qualified for Medicaid. Neither the state, county social services, BIA nor TSS have been willing to assist these foster parents in obtaining the necessary documentation. Since the Tribe placed all of these children with these Foster Parents, it is especially disturbing that now they deny any responsibility for them. Why is the BIA collaborating with the Tribe in this abuse of power?
8. On September 29, 2012 a 13 year old little girl was raped in her home by a 37 year old man. Law enforcement was called. The name and a description of the rapist was provided. No rape kit was collected. More than three weeks elapsed before the alleged rapist was interviewed. The little girl's mother was told over the phone by FBI Agent Cima that the FBI had turned the case over to the BIA. The BIA Senior Criminal Investigator (CI) called the mother to tell her that he had spoken with the alleged rapist who told him, "That girl wanted to have sex with me. What was I supposed to do?" The BIA CI then said, "Since the sex was consensual, there was no crime here and there will be no prosecution. This little girl contracted gonorrhea as a result of this rape. It seems strange to me that the BIA CI ruled out the possibility of statutory rape in this case when the girl was so young and her rapist was almost 25 years older. It is even stranger that all of you accept without question the self-serving tale of a 37 year old rapist, "She wanted to have sex with me. What was I supposed to do?" Surely all of you have more brains than to accept that line.
9. On September 27, 2012 I filed a formal complaint against FBI Special Agent Bryan Cima due to his interference with my responsibilities as a Mandated Reporter of child abuse This filing was done consistent with instructions we received from the Grand Forks, ND FBI office. Since I have not been contacted by anyone asking for additional information concerning my formal complaint, I can only assume, given their complete disregard for this complaint, that the

USDOJ and FBI view it as even less important than the eleven mandated reports I have filed.

10. The BIA, for several years, has been conducting annual reviews of the Spirit Lake TSS with each succeeding review producing lengthier and lengthier lists of deficiencies requiring correction. The last one completed almost a year ago, produced a list of 75 deficiencies, most so serious they required immediate correction according to the BIA reviewers. To my knowledge none have been corrected.
11. Five months ago on September 20, 2012, Hankie Ortiz, Deputy Bureau Director of BIA's Office of Indian Services was quoted in the NY Times article about Spirit Lake saying, "the news media and whistleblowers had exaggerated the problem. This social services program has made steady progress." Since I specifically asked Ms. Ortiz in my Sixth Mandated Report on October 30, 2012 to provide detail about how those of us who have been speaking out about the epidemic of child sexual abuse at Spirit Lake have "exaggerated the problem", she has provided nothing to substantiate her lying, self-serving claims. Apparently she has now taken a vow of silence. That vow makes good sense because six weeks after she was quoted in the NY Times, the Tribal Chair directly contradicted her fabricated defense of BIA. The Tribal Chair in a General Assembly meeting said in response to questions from an enrolled member that there were no lies in my reports and that he could not document any improvement in the condition of the children I had cited in my reports. Now, five months after her claim of "steady progress" neither my sources nor I have seen anything that would pass for "progress".
12. A little girl, who on the first day of pre-school gave an aide an accurate and detailed description of what was involved in giving a blow job, was removed from her home due to physical abuse. When evaluated at the Children's Advocacy Center in Grand Forks, ND, the specialist there determined that she had also been sexually abused and required immediate intensive therapy. Since the Tribe would be required to pay for the therapy the Foster Parents had to get approval from TSS. They were turned down initially and at least once a month for the last six months because as the TSS case worker said, "If I approve this request for therapy, I will be fired in the morning as soon as the Tribal Council learns of it." (The Catholic Archdiocese in Los Angeles, CA followed a similar policy not so long ago so that pedophile priests were not allowed by the Church to go to therapists who were required by law to report the sexual abuse of children by their clients to law enforcement).

This little girl is the granddaughter of a convicted sexual offender who also serves on the Tribal Council. Since the BIA has taken over all responsibility for TSS activities at Spirit Lake, why is BIA preventing this little girl from getting the therapy she desperately needs? How many other Spirit Lake children is the BIA preventing from receiving the therapeutic services they need in order to recover from the abuse they have suffered?

13. I understand two young children (two and three years of age) who had been removed from their homes in late December, 2010 and were evaluated at the nationally recognized Fetal Alcohol Spectrum Disorder Center at the University of North Dakota School of Medicine in Grand Forks, ND during the late winter of 2011 and were diagnosed with severe developmental delay – they did not and could not speak, they did not understand simple words, they acted as though they had never seen a toy and had no idea what to do with them. Their only form of interaction was to hit each other and fight.

The Founder and Executive Director of the Center evaluated these children. His expert recommendation, provided in a written report, was that these children should never be returned to the home they came out of, that it would be a crime if they were ever placed back in that home.

The TSS Director ignored this expert evaluation and recommendation and placed these children back in that home shortly after he received that written report. They are still there suffering ever more developmental delay with every passing day.

TSS and BIA staff have been reviewing and correcting any problems with paperwork for most of the last several months. Why has this expert recommendation been overlooked? This is just one more example of the continuing, grotesque failure of the BIA to protect the children of Spirit Lake.

14. A few weeks ago I was informed about a case that is well known to you, Ms Settles, because you intervened to assist a concerned adult. This adult was concerned for the welfare of a foster child who had confided to her about his abusive home life, the refusal of the foster parent to spend money received for this child on this child as well as other examples of abuse and neglect. This child's mother took her own life. This child attempted suicide a year ago. He has for some time been demonstrating profound depression. When a BIA social worker was assigned to his case, she closed it without even speaking with this child. When this adult spoke with Marge Eagleman, BIA Supervisor of Social Services, she was told, "well the investigator has done her job and the case is closed." When this adult spoke with Rod Cavanagh, BIA Superintendent at Spirit

Lake he said, "the investigator has a Master of Social Work degree and I trust she did her job."

When this adult spoke with you, Ms. Settles, you ordered the case reopened. Unfortunately, it has been more than two weeks since you took that action and no one has yet spoken with that little boy. I trust all of us understand how those mindless decisions and failures to follow up can turn a difficult situation into a tragic one.

15. The adult mentioned in # 14 is a Mandated Reporter of suspected child abuse since they are on the staff at the Four Winds School. This adult has received a letter of reprimand from the Superintendent of the school system because of their efforts on behalf of this little boy. Their son was fired from his position at the same school because of his efforts on behalf of this boy. Since you have known about these efforts to silence, intimidate and retaliate against two Mandated Reporters for more than two weeks, Ms. Settles, what have you done to correct this situation? If you have done nothing, would you please explain the rationale for your inaction?

Mr. Purdon, what will you be doing to protect the rights of these two Mandated Reporters?

The Sandusky scandal horrified the nation resulting in a widespread outcry against those who had facilitated his continuing rape of young boys by keeping silent about what they knew. He assaulted and raped one boy at a time. At Spirit Lake there are many sexual predators who have been given free rein to rape at will. Hundreds of children have been exposed to conditions that place them at risk of being raped daily at Spirit Lake.

Sandusky's abuse became public when he was indicted. The failure of law enforcement at all levels to investigate, charge and indict is a key factor in the continuation of the epidemic of child sexual abuse at Spirit Lake. When was the last time the US Attorney for North Dakota indicted a sexual predator for his rape of a child at Spirit Lake? When was the last time the Tribal Prosecutor filed a charge of child rape against a predator in Tribal Court?

It is my understanding that some believe my Tenth Mandated Report, filed on January 2, 2013, lead to the indictment of the father described in that report on charges of Gross Sexual Imposition (a Class 2 Felony) In Ramsey County, ND. If that is true, the county attorney in Devils Lake, with that indictment, has done far more to protect the children of Spirit Lake than any of those who have received these reports and have done nothing but fabricate excuses for their inaction.

The predators have been defended by the actions of the Spirit Lake Tribal Chair and council. The state, TSS, FBI, BIA and other federal agencies' leadership by their failure to investigate complaints, made several years ago, about such abuse have facilitated this abuse. By their delay in effectively responding to these Mandated Reports, these organizations and their leaders have extended the reign of terror inflicted on the children of Spirit Lake.

A child at Spirit Lake will be raped today because little or nothing has been done to correct the heinous conditions I have identified in these Reports. Tomorrow another child will be raped at Spirit Lake due to this inaction. And the day after that another child will be raped at Spirit Lake because of this inaction. And so on, and so on and so on, until that fateful day when the decision is made to protect the children of Spirit Lake from rape and abuse.

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