

House Subcommittee on Civil Rights & Human Services Hearing
Ending the Cycle: Examining Ways to Prevent Domestic Violence
& Promote Healthy Communities

Wendy Schlater, Vice Chairwoman
La Jolla Band of Luiseno Indians
Testimony
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Miiyuyam and Nu\$un Looviq (Hello and my heart is good, thank you), Chairwoman Bonamici, Ranking Member Fulcher, and Committee members for this briefing on “Ending the Cycle: Examining Ways to Prevent Domestic Violence and Promote Healthy Communities.” My name is Wendy Schlater and the words I share with you today are not just my own. These are the words and stories from the victims and survivors I’ve worked with and serve as an elected tribal government leader, to the 574 Indian tribes and Native Hawaiians, to tribal coalitions and organizations providing technical assistance and our national hotlines. Domestic violence touches all of our lives.

The resources from the Family Violence Prevention and Services Act (FVPSA) have made such a difference in the lives of victims of domestic violence, and I will speak specifically to what I’ve seen and experienced in Native communities. FVPSA reauthorization with all of the enhancements will ensure the door to lifesaving shelter and supportive services for all victims of domestic violence remains open. I urge this Committee to support FVPSA reauthorization with all of the proposed enhancements and will address a few of them today.

A 2016 National Institute of Justice study¹ found that Native women experience rates of violence far exceeding rates in other populations, including:

- Over 55% have experienced physical violence; and
- Over 56% have experienced sexual violence.

The 2018 Commission on Civil Rights *Broken Promises Report* found that the federal government’s failure to fulfill its trust obligations is at the root of significant inequities facing Native Americans in various areas, including health, public safety, and housing.²

FVPSA: Need to increase overall authorization and tribal set aside

I am Payomkawichum which means People of the West, and Vice Chairwoman for the sovereign tribal nation, the La Jolla Band of Luiseno Indians. We are in rural San Diego County, California, at the foothills of Palomar Mountain. Public transportation is not available to and from our community, so for a victim to flee from abuse, she must have her own car or someone she can call for help to get away. Since 2009, I have been Director for our Safety for Native Women Avellaka Program funded by FVPSA and two other federal

¹ André B. Rosay, "Violence Against American Indian and Alaska Native Women and Men," (2016), [nij.ojp.gov: https://nij.ojp.gov/topics/articles/violence-against-american-indian-and-alaska-native-women-and-men](https://nij.ojp.gov/topics/articles/violence-against-american-indian-and-alaska-native-women-and-men)

² US Civil Rights Commission, *Broken Promises Report: Continuing Federal Funding Shortfall for Native Americans* (2018)

grants. We started our Program to give victims the option to access 24/7 help from Native advocates locally on our Reservation. At that time, the only services were at the local Indian health clinic available only 8-4:30 Monday-Friday and non-Native services one hour away in town.

Our FVPSA funding fills in the gaps that victims would otherwise fall through. One of those gaps is the justice system, which often fails victims. For these victims all they have are FVPSA funded advocacy, shelter and supportive services. FVPSA funded resources may be all that's standing between a victim and going missing or being murdered. Given the crisis of missing and murdered Native women that Congress has recognized with the passage of Savanna's and the Not Invisible Acts, your support for overall increased authorizations and the enhancements for tribes and Native Hawaiians is key to tackling these problems.

Our Program responds to violence against Native women and children. We provide a wide range of help, including 24/7 crisis services, emergency shelter, food and clothing, safety planning, transportation, onsite professional counseling, off-site alcohol and substance use disorder rehabilitation, transitional housing, assistance with securing protection orders and working with Child Protective Services, culturally-specific community training, and youth outreach.

Only with our FVPSA funding are we able to provide emergency shelter placement for families through the use of hotel rooms or safe homes with family or friends. Our FVPSA funds also support a four-bedroom tribal shelter we opened over 4 years ago in partnership with our local tribal domestic violence coalition. However, more often than not, this shelter is full as it serves 26 tribes in Southern California counties (San Diego, Riverside, and San Bernadino). We stretch our FVPSA funding until the very last day of the year because otherwise, we would spend each award before the year is over.

We also provide essential resources for our children who are removed from homes because of domestic violence. These resources include emergency food, clothes, and beds, so that children may be placed with other family members. Without these available resources, our children are placed by Child Protective Services in a temporary shelter, The Polinsky Children's Center. This Center is over 50 miles away and we try to avoid using it because we have unfortunately had children only further victimized while they have been at this Center.

La Jolla's FVPSA funding has ranged annually from \$26,000 to \$55,000 for a two year period. The increase since FY 2017 is due to Congress' recognition of the need for increased tribal resources. Appropriators have set aside additional funds specifically benefitting Indian tribes and serving Native victims

- for an Alaska Native Tribal Resource Center on Domestic Violence to reduce disparities facing Alaska tribes;
- for a national Indian domestic violence hotline; and
- for tribal grants.

While FVPSA's authorization expired in 2015, we know Congress understands the importance of FVPSA given these increased appropriations from \$151 million in 2017 to \$182.5 million in 2021.

Four of the proposed reauthorization enhancements permanently authorize these changes appropriators have made:

- dedicated authorization for an Alaska Native Tribal Resource Center;
- dedicated authorization for a national Indian domestic violence hotline;
- increased overall authorizations; and
- adjustment of the funding distribution formula to increase the amount that tribes receive from 10% to 12.5%.

I know first-hand how FVPSA has made a difference in the lives of women in my community. I share these stories as day-to-day examples of why FVPSA is essential to Native women and Indian tribes. One morning when I arrived at my office, I noticed a strange car parked in front of our building. A mother and her children were in the car and looked like they had spent the night there. I invited them in for coffee and food. FVPSA allows us to have food on-site for victims. The woman explained that she had run away the night before with her kids, one of whom was autistic and had down syndrome. She left with nothing because her husband had been abusive and started burning their clothes, including their son's orthotic brace, which he needed to walk and participate in school. Through FVPSA, we found her temporary shelter and later a permanent home of her own. We also used FVPSA funds to replace his brace.

On another day, we had a call from a victim who was not from our Tribe, but whose sister was married to one of our tribal members. The woman had gotten kicked out of shelter because her abuser had stalked her with a tracking device in her car, which he used to track her to the shelter. He had threatened her and their children with a gun. She had no where to run to after being forced out of the shelter, except to her sister's home on our Reservation. We knew she would not be safe for long. We assisted with a restraining order, food, a safety plan, and most importantly a one-way airline ticket to family out of state. This woman now lives violence free and has gotten the healing help her and her children needed. This may have ended in homicide if we didn't have FVPSA funding to buy her one way ticket back home.

FVPSA: Need for authorization for the National Indian Hotline

I was also an Advisory Committee member for the National Domestic Violence Hotline, which partnered with the National Indigenous Women's Resource Center (NIWRC) to launch the national Indian hotline, StrongHearts Native Helpline. StrongHearts is a national domestic, dating, and sexual violence helpline, culturally specific for Native people. StrongHearts is vital to Native victim-survivors and Native communities, because StrongHearts advocates connect with contacts as a peer. We have seen this proven from our contacts: Only 13% of people contacting StrongHearts after business hours chose to transfer to the National Domestic Violence Hotline rather than wait until the next business day when they can connect to a Native advocate. StrongHearts advocates understand and help navigate

the deeply rooted and complex barriers that face Native victims. These barriers include geographic isolation, fear of being identified or retaliated against, lack of law enforcement, gaps in culturally-based supportive services, historical distrust of law enforcement, and legal and jurisdictional issues. Not only is StrongHearts Native Helpline the only national Helpline built by Natives for Natives, but StrongHearts is also the only such Helpline to create and maintain a comprehensive Native specific referral database. It took the Helpline a full year to develop this database with fewer than 300 service providers due to needing to develop a rapport and trust with each of the programs. Despite the disproportionate rates of domestic violence against Native women, services are very thin on the ground in Indian Country. Where the National Domestic Violence Hotline has more than 4,000 resources in their database, StrongHearts has fewer than 300 Native resources. There are more than 1,500 shelters across the country compared to fewer than 60 Native shelters.

Since StrongHearts Native Helpline opened in 2017, they have received more than 12,000 contacts and recently began answering calls and chats 24/7. Hence our proposed tribal reauthorization enhancement for a dedicated authorization for a national Indian domestic violence hotline to ensure that Native victims have a 24/7 helpline whether or not they have a local shelter or program.

FVPSA: Need for authorization for tribal coalitions

I am also a founding member of a tribal coalition, Strong Hearted Native Women's Coalition. We started our coalition in 2005 to support the development of tribal responses to violence against Native women. There are currently 19 tribal coalitions³ across the nation who provide tribal expertise and culturally specific support for tribes, including at times direct services. Fewer than half of federally recognized Indian tribes receive FVPSA funds, so given the lack of tribal shelter and advocacy services, tribal coalitions help to fill some of these gaps.

Unfortunately, tribal coalitions are not currently authorized to receive funding under the FVPSA. This exclusion reflects a glaring systemic disparity and inequity faced by tribal coalitions and the Indian tribes they serve. Tribal coalitions faced this same systemic barrier under the Violence Against Women Act (VAWA), that Congress corrected under the reauthorization of VAWA in 2000.

Coalitions have also been key to educating tribal, state, and federal leadership about the issues and recommendations for changes at these various levels. Coalitions partnered with the National Congress of American Indians (NCAI) to form the NCAI Violence Against Women Task Force in 2003 and through this partnership have played a central role in the changes we've seen with laws, policies and allocation of resources at the tribal, state, and federal levels. One example of the resulting change is the local tribal shelter called Kiicha that we opened in 2014. Another example is the sweeping number of states that have been passing laws establishing Missing and Murdered Indigenous Women (MMIW) task forces, and yet a final example is the enhancements in each of the reauthorizations of the Violence Against Women Act. Consistent with all of these changes is the importance of partnerships

³ Alliance of Tribal Coalitions, <http://www.atcev.org/tribal-coalitions/>

and coordination across jurisdictions, which tribal coalitions often help to accomplish. The technical assistance and training by the coalitions has been at the heart of these changes and one of the proposed FVPSA reauthorization enhancements is dedicated authorized funding for tribal coalitions.

FVPSA: Support for Alaska Natives and Native Hawaiians to address domestic violence

I also serve on the Board for the National Indigenous Women’s Resource Center (NIWRC), funded under FVPSA as the National Indian Resource Center Addressing Domestic Violence providing technical assistance to tribes and Native Hawaiians. In 2013, because of the continuous calls by Alaska Indian tribes for technical assistance and training developed by and for Alaska Natives during annual VAWA mandated consultations, NIWRC worked with advocates to develop an Alaska Native curriculum. By developing a curriculum in partnership with Alaska tribes and advocates, we helped to raise challenges facing Alaska Native victims and tribes as issues of national concern. In 2017, Congress historically appropriated funds to support an Alaska Native Tribal Resource Center on Domestic Violence, which has served as a vehicle for helping 40% of our nation’s federally recognized tribes develop village-specific responses to domestic and sexual violence. The Center has been an invaluable resource for Alaska tribes, even getting calls for help from tribes in the lower 48, and serving as a resource for the state and federal governments. The Alaska Center has been able to develop and provide information to improve how we examine ways to respond and prevent domestic violence like never before.

In addition, as statutorily required, we have coordinated with Native Hawaiians to address domestic violence, helping to create the Pouhana O Na Wahine (PONW), a grassroots organization of Native Hawaiian advocates from across Hawaii. Collectively, the advocates have over 50 years of experience in the advocacy and social service field and are all Kanaka Oiwi (Hawaiian Native) who have a passion for helping to heal generations past and present to ensure the healthiest future.

The 1993 Apology to Native Hawaiians⁴ recognized:

“..the long-range economic and social changes in Hawaii over the nineteenth and early twentieth centuries have been devastating to the population and to the health and well-being of the Hawaiian people.”

In Senate discussions leading up to the passage of the 1993 Apology, the late Senator Inouye stated, “..we cannot change history. We are not here to change history. But we can acknowledge responsibility.” The late Senator Akaka stated, “Long neglected by the United States, Native Hawaiians have literally fallen through the cracks when it comes to a comprehensive Federal policy toward Native Americans.”

Congress amended FVPSA in 2010, authorizing support for Native resource centers in certain states to reduce tribal disparities, including a Native Hawaiian Resource Center on

⁴ Public Law 103-150, 103rd Congress Joint Resolution 19, Nov. 23, 1993

Domestic Violence. The Alaska Native Resource Center is currently the only such center. These centers to reduce tribal disparities uphold the federal trust responsibility to promote healthy Native communities.

A 2020 study from Arizona State University⁵ found 64% of trafficking victims in Hawaii identified as being all or some Native Hawaiian. We've coordinated with the Pouhana to develop a common understanding and analysis of the origins of domestic violence and related disparities and the importance of community organizing to develop local responses to domestic violence. We understand that relying solely on current non-Native responses to domestic violence is a temporary solution which does not fully address the needs of Native Hawaiians. Funding for a dedicated Native Hawaiian Resource Center on Domestic Violence could help with the development of local, state, and national responses to domestic violence promoting healthier communities. While domestic violence programs function in Hawaii, none are led and managed by Native Hawaiians or rooted in developing Native Hawaiian solutions.

In closing, the federal government must fulfill its trust responsibility to assist tribes and Native Hawaiians in safeguarding the lives of women. Failing to do so results in Native women continuing to experience disproportionate rates of domestic violence and other related crimes. By working together as tribal, federal, and state governments and across all of our many interests and differences, we can prevent domestic violence and promote healthier communities in all corners of our nations.

I urge the House Committee on Education and Labor to reauthorize FVPSA with the following enhancements:

- Increase overall authorizations above \$185 million to ensure greater access to shelter and supportive services;
- Adjustment of the funding distribution formula to increase the amount that tribes receive from 10% to 12.5%;
- Dedicated authorization for tribal coalitions to provide culturally appropriate technical assistance to tribes;
- Dedicated authorization for a national Indian domestic violence hotline; and
- Dedicated authorizations for an Alaska Tribal Resource Center and a Native Hawaiian Resource Center on Domestic Violence to reduce disparities facing Native victims.

I also thank the coalition of national organizations working tirelessly with House and Senate staff from the two Committees to promote healthier communities by strengthening FVPSA provisions. My most important role and why I do all that I do is my responsibility as a relative – a daughter, sister, cousin, mother, auntie, and Weh-potaaxaw (to walk in both feminine and masculine spirit). I ask each of you on this committee to fulfill your legal and moral trust responsibilities to American Indian, Alaska Native, and Native Hawaiian people.

Nu\$un Looviq (My Heart is Good, Thank you).

⁵ Dominique Roe-Sepowitz, Arizona State University and Khara Jabola-Carolus, Hawaii State Commission on the Status of Women, Sex Trafficking in Hawaii (2020).