

# COLLABORATING WITH TRIBAL COMMUNITIES

Practical Tips for Creating a Multidisciplinary Response to  
Child Sex Trafficking



# INTRODUCTIONS

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# PRACTICAL TIP #1:

Be open to new multidisciplinary  
meeting structures

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- Introductions in an indigenous way
- Indigenous blessing
- Sharing a meal together



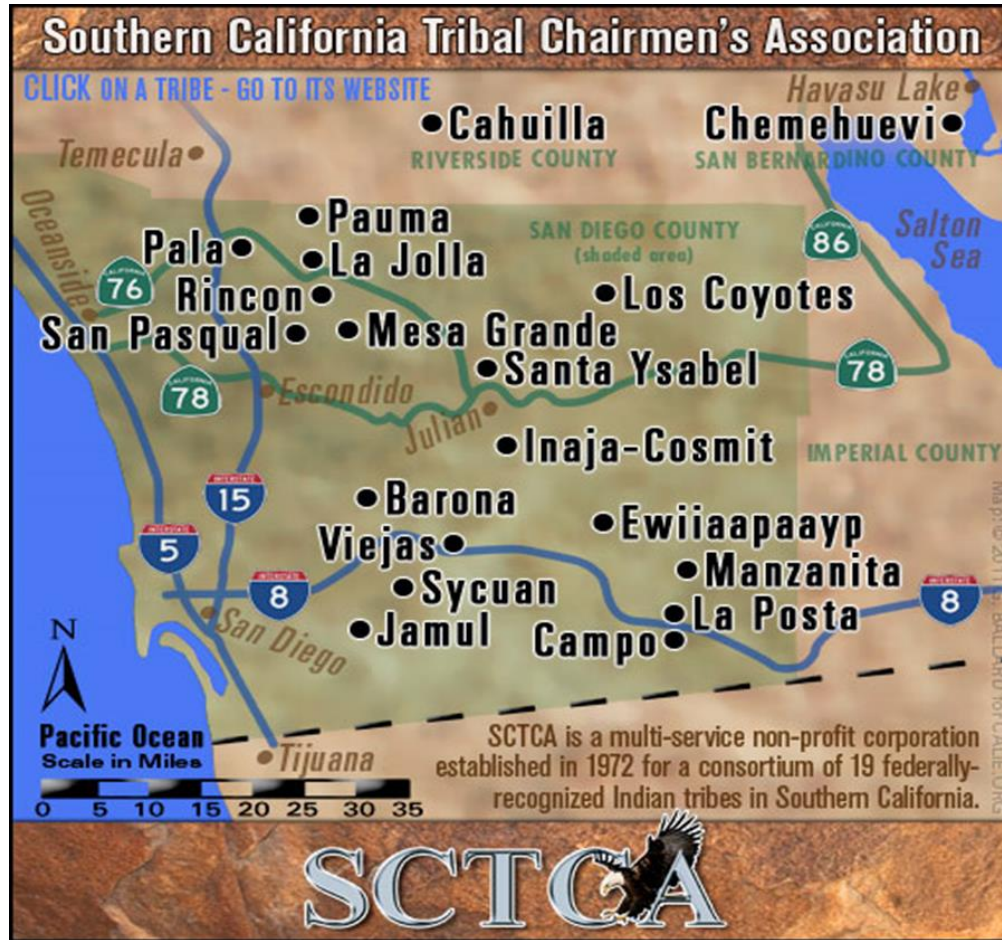
## PRACTICAL TIP #2:

Be aware of the historical context  
of your work

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# Tribes in San Diego County



- There are more Indian Reservations in San Diego County than any other county in the United States!
- 18 Reservations or Rancherias within the County
- 17 federally recognized Tribal Governments
- 4 main Tribal Groups whose traditional territories include areas in neighboring counties as well
- 2 non-federally recognized Tribal Governments



## In California...

- California has the highest Native American population in the country
- Over half of California's Native American residents or their ancestors were relocated to large urban areas as a result of federal government actions.





# The Indian Child Welfare Act (1978)





In 1978, Congress enacted the Indian Child Welfare Act (ICWA) in response to its congressional finding:

- “that an alarmingly high percentage of Indian families are broken up by the removal, often unwarranted, of their children from them by nontribal public and private agencies...”

Congress also found that an “alarmingly high percentage” of such children were being placed in non-Indian foster and adoptive homes and institutions. (25 U.S.C. § 1901(4).)



In 1969 and 1974, the Association on American Indian Affairs (AAIA) surveyed states with large Indian populations and found...

- 25 to 30% of all Indian children were being separated from their families and placed in foster homes, adoptive homes, or institutions
- Approx. 85-90% of those Indian children were placed in non-Indian homes.



- In Minnesota:
  - 1 in 8 Indian children were living in adoptive homes
  - Nearly 1 in every 4 Indian children under the age of 1 had been adopted
  - Foster care placement rate 5 times greater for Indian children than rate for non-Indian children
- In Montana:
  - Foster care placement rate 13 times greater for Indian children
- In South Dakota:
  - Foster care placement rate 16 times greater for Indian children
  - 40% of state-facilitated adoptions were Indian children, but Indian children made up only 7% of the juvenile population
- In Washington:
  - Foster care placement rate 10 times greater for Indian children
  - Adoption rate 19 times greater for Indian children
- In Wisconsin:
  - “the risk run by Indian children of being separated from their parents is nearly 1,600% greater than it is for non-Indian children.”



- >17% of school-aged Indian children lived in federal boarding school and dormitory programs



- On the Navajo Reservation, 90% of school-aged Indian children lived at the boarding schools

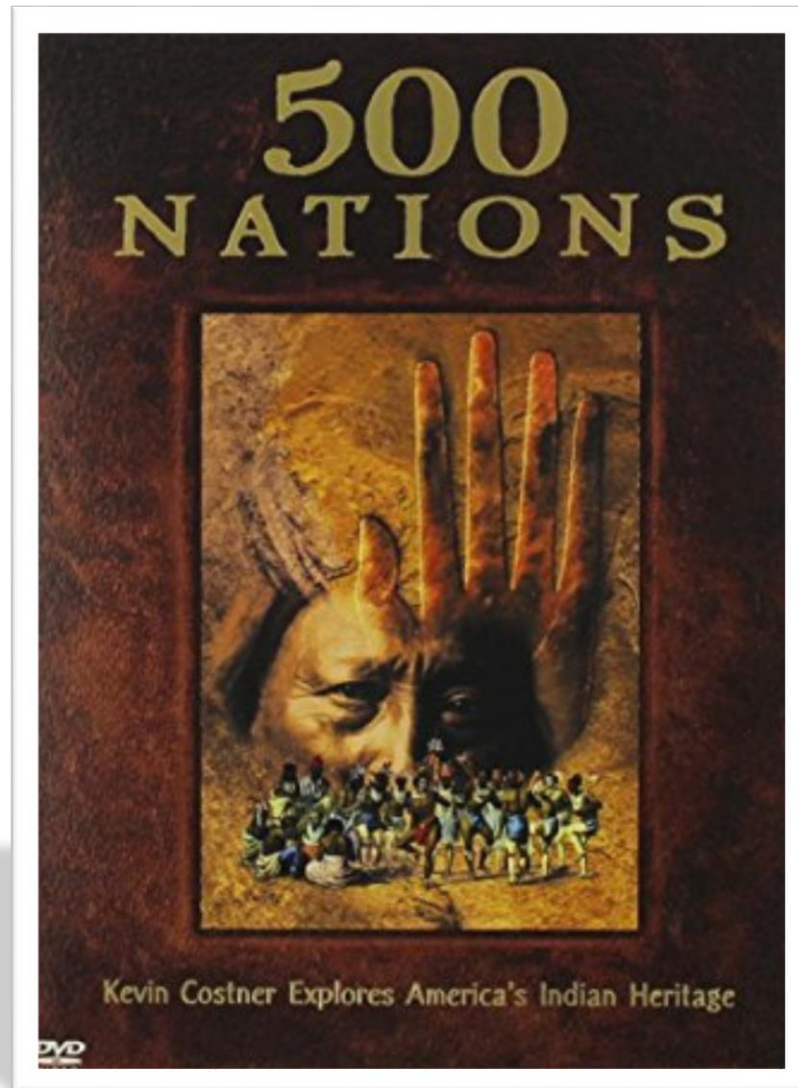


*“I can remember (the welfare worker) coming and taking some of my cousins and friends. I didn’t know why and I didn’t question it. It was just done and it had always been done.”*

--- Testimony of Valancia Thacker before Task Force 4 of the American Indian Policy Review Commission. (H.R. Rep. No. 95-1386, at p. 8 (1978), *reprinted in* 1978 U.S.C.C.A.N. 7530.)



# 500 Nations



*“Kill the Indian in him and save the man.”*

-- Richard Pratt, founder of Carlisle Indian boarding school, at an 1892 conference speech

*Official Report of the Nineteenth Annual Conference of Charities and Correction* (1892), 46–59. Reprinted in Richard H. Pratt, “The Advantages of Mingling Indians with Whites,” *Americanizing the American Indians: Writings by the “Friends of the Indian” 1880–1900* (Cambridge, Mass.: Harvard University Press, 1973), 260–271. Available at: <http://carlisleindian.dickinson.edu/teach/kill-indian-and-save-man-capt-richard-h-pratt-education-native-americans>



# The Indian Child Welfare Act (ICWA)

- Gives federally recognized American Indian/Alaska Native tribes rights in state court proceedings for:
  - foster care placement of an Indian child
  - termination of parental rights to an Indian child
- The tribes have rights under ICWA whether or not the Indian child is living on a reservation when the proceeding is initiated.
- Respects Tribal sovereignty in matters involving Tribal citizens





# ICWA continued...

- For example, Tribes/Alaska Native Villages have rights to:
  - Request transfer of the Indian child custody proceeding to Tribal Court
  - Intervene as a party in the state proceeding
- And Indian children may not be placed in foster/adoptive placements or have their parents' rights terminated unless specific legal findings are made supported by:
  - Heightened burdens of proof
  - Testimony of a qualified expert witness who should be qualified to testify as to the prevailing social and cultural standards of the Indian child's Tribe.
  - Evidence that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family



# SEX TRAFFICKING IN INDIAN COUNTRY

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## *Then...*

- AI/AN women and girls have been sexually exploited and/or commercially sexually exploited since the earliest years of the colonial era by multiple colonizing powers (e.g. British, French, Spanish)
- Many tribal people became completely dependent on the military for food, clothing, and shelter when they were confined to reservations that were vastly different from their homelands. There are historical accounts of soldiers exploiting this dynamic for sexual favors, and of Native women resorting to prostitution when faced with starvation.
- Non-native attacks on native women and children were also a significant aggravating factor for hostile relationships between frontier communities and Indian tribes.

Deer, Sarah, Relocation Revisited: Sex Trafficking of Native Women in the United States (March 1, 2010). William Mitchell Law Review, Vol. 36, No. 2, 2010; William Mitchell Legal Studies Research Paper No. 2010-06. Available at SSRN: <https://ssrn.com/abstract=1567144>



## *And Now...*

- Native youth face significant CSE risk factors including:
  - Overrepresentation in foster care at a rate 2.1 times the proportion of native children in the general population
  - As many as 32.4% live in poverty
- Minnesota community impact data:
  - Approx. 25% of women arrested for prostitution identified as AI while AI comprise only 2.2% of total population
- AI/AN men and women are at greater risk of violent victimization than other Americans, including stalking and sexual violence. AI/AN women 2.5 times as likely as non-Hispanic white-only women to lack access to needed services.



# We still lack comprehensive CSEC data for AI/AN children and youth...

- End Trafficking of Native Americans Act of 2018 (S. 3280—sponsored by Sen. Catherine Cortez Masto)
  - “reliable data on the prevalence of human trafficking within Indian lands and of Indians is not available”
- Minnesota Indian Women’s Resource Center data/studies
  - Pierce, Alexandra (Sandi), American Indian Adolescent Girls: Vulnerability to Sex Trafficking, Intervention Strategies (January 2012). Available at: <https://humantraffickinghotline.org/sites/default/files/AI%20Girls%20and%20Vulnerability%20to%20Sex%20Trafficking%20-%20Pierce.pdf>
- GAO findings (fiscal years 2013-2016):
  - Only 14 federal investigations and 2 federal prosecutions of human trafficking offenses within Indian lands
  - Nearly half of tribal law enforcement agencies surveyed believed HT was occurring on tribal land beyond what had been brought to their attention



# PRACTICAL TIP #3:

## Create a “big picture” meeting for ongoing collaboration

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# Who are your local partners?



# Indian Specialty Unit

- Unit established in 1992 to bring all investigations and cases involving Native Children to one unit
- Social workers specialty knowledge, ICWA informed and trained to work with Tribes and communities
- Unit collaborates with tribes, tribal representatives, tribal agencies and other community partners.





# San Diego Tribal Social Services

- SIHC/IHC ICWA Consortium Programs
- Pala Social Services
- Lipay Nation of Santa Ysabel Social Services
- Sycuan Prevention and Early Intervention
- Tribal TANF
- American Indian Health Center



# 7<sup>th</sup> Generation Meetings

Codified in Iroquois Great Law of Peace:

The “7th generation” principle teaches us that in every decision, be it personal, governmental, or corporate, we must consider how it will affect our descendants seven generations into the future.



# CWS Protocol for working with Native families

- Recognizes the importance of having a document that records the collaborative work model and mutual understanding of how CWS and Tribes work together to preserve Native families and comply with the ICWA
- Aligns with ICWA and the CWS Safety Enhanced Together (SET) practice framework by emphasizing efforts to safely stabilize and preserve families while appreciating the family's culture and cultivating shared responsibility with our community partners



# Common obstacles for “big picture” meetings...

- Jurisdictional issues
  - Identifying the “Who?”
- Preserving confidentiality of children and families
- Remember, Tribes in your region are not all the same
  - Tribal law enforcement
  - Tribal resources (social services, tribal courts, children’s codes)
- Trust and relationship building
  - Sharing meals and “face time”
- Staying “at the table” when things get tough



*“Grown men can learn from very little children for the hearts of the little children are pure. Therefore, the Great Spirit may show to them many things which older people miss.”*

-- Black Elk, Oglala Lakota Sioux (1863-1950)



## PRACTICAL TIP #4:

Once relationships are built,  
develop a CSEC workgroup with  
Tribal partners

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**(Carpenter & Gates, 2016)**





# Sex Trafficking in San Diego



## Big Picture

- \$810m underground sex economy
- 110 gangs

## Traffickers

- White, Hispanic, Black, Asian
- Average trafficker earnings = \$670k/yr
- 85% of facilitators were gang-affiliated

## Victims

- 3417-8108 victims in San Diego
- 97% female
- 80% domestic born
- White, Hispanic, Black, Asian
- Average age of entry = 16

## Recruitment

- High Schools across the county
- Homeless & runaway youth
- Foster care youth





# What the data doesn't tell us (yet)

- Is gang-driven sex trafficking as big of a problem in our local tribal communities as it is across the rest of San Diego?
  - Native American and Asian American gangs were under-represented in the Carpenter/Gates study
  - Only one Native American “facilitator” (e.g. pimp or other type of promotor/financial beneficiary of CSEC) was identified in the study out of 56 total facilitators
  - One non-native facilitator gave an example of a Sureno gang trafficking ring operating at a casino through connections to someone who lived on the reservation



# What the data doesn't tell us (yet)

- Are there significant differences in the typical characteristics of the exploited children, the exploiters, or the recruitment tactics in our local tribal communities?
  - We do know from the Carpenter/Gates study that Native American victims/survivors of CSE were 3.5 times more likely than white victims/survivors to report having sex because of a violent pimp or partner
  - The percentage of Native American victims/survivors in the study who were receiving CSE-related services was higher (2%) than the population of Native Americans who are San Diego County residents (<1.2%)



# OUR WORK IN PROGRESS...

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# San Diego CSEC Response Protocol (CRP)

- Activated at the Child Abuse Hotline when a CSE child/youth requires an immediate (within 90 minutes) response
- Assigned to CWS SW who is accompanied by a CSEC Advocate
  - SW's role is to determine the immediate needs of the child/youth, assess for safety and risk
  - CSEC Advocate's role is to support the CSE child/youth at the scene/location and can continue to meet with child/youth for continued services and support
- A CRP MDT is convened at the location to determine the next steps
- CSEC Advocate can provide intensive support services over the next 72-hours
- CSEC MDT (different from the CRP MDT) is convened within the next 10 days to discuss appropriate level of intervention



# How are we doing in San Diego regarding CSEC resources for tribal communities?

- 4 completed surveys
- Works with LE and security (tribal and non-tribal)
- Some screening by DV/Family Services Dept and outreach, intake with assessments
- Recruitment concerns: school, mall, casino
- Refer to ICARE, SDYS
- LGBTQ+ services: Rainbow of Truth, refer out



# What is working well?

- HTTF – not as many “turf” wars when it comes to jurisdiction
- Interagency communication/collaboration
- 90-min Response Protocol available
- Tribal DV advocates well-trained in CSEC
- Wellness Court
- Tribal SART collaboration
- Elder community support
- Community awareness events that already exist, can incorporate CSEC as a topic; making messaging more age appropriate for different age groups



# What are we worried about?

- LE not having training
- Can CSEC advocate go out alone to tribal lands? If not, what the plan?
- Training of tribal social workers re: CSEC
- Youth substance abuse
- Schools not trauma-informed
- Non-reporting of events
- Need for Peer Group in place for confidential disclosures
- Create “Safe Havens” and have these designated people wear t-shirts, lanyards – they’ll be easy to recognize and children can safely share with them
- Creating a safe environment for reporting
- Normalization of sexualized behavior
- Protocol not in place for disclosure
- Lack of parental knowledge – extent of reality of experience
- Medical evaluations



# Next steps...

- PERT team receive CSEC training
- LE academy training include CSEC (i.e., “in her shoes”
- CSEC Advocate coordinate with the tribal DV Advocate
- Collection of HT/CSEC data by service providers/shelters (AI/AN)
- Day-long or week-long education in school or community to promote awareness around CSEC such as the kNOw More curriculum and this campaign should involve the entire family
- LE CSEC Liaisons accompany patrol when responding to CSEC
- Increase collaboration and coordination with LE
- Substance abuse professionals trained in CSEC to be able to identify victims and risk factors and have a protocol for next steps if there are suspicions
- More tribal participation such as elders, tribal schools, youth groups
- Propose having a meet and greet type of meeting between tribal police/security with HTTF
- Add two-spirited population in HT/CSEC





# RECOMMENDED RESOURCES

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- Capacity Building Center for Tribes
  - Training materials, e.g. Two-Spirit webinars
  - Information re: grants/legal resources for Tribes
- National Indian Child Welfare Association (NICWA)
  - ICWA conferences
  - “Heart of ICWA” video series on YouTube
- Tribal Court Clearinghouse (Tribal Law and Policy Institute)
  - Tribal courts by state and tribal laws/codes where available
  - Sex Trafficking in Indian Country Resource Book by State (2016)
- Tribal STAR (SDSU Academy for Professional Excellence)
  - ICWA Training for Trainers (“T4T”)



# THANK YOU!!!

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