

1 staff are available to the returning -- to those  
2 returning to their home communities after release from  
3 prison. It is likely that complaints about such  
4 experiences would be expressed in a counseling  
5 session. However, we do not collect statistics on  
6 those who cite sexual abuse or rape in prison.  
7 Rather, the encounter would be coded under a  
8 psychiatric diagnosis, as in depression or sexual  
9 abuse of an adult. Thus, I'm not able to provide you  
10 with specific data that would address the consequences  
11 of the emotional distress that such an assault may  
12 cause.

13                   And this concludes my prepared remarks  
14 and I'll answer any questions you may have.

15                   CHAIRMAN WALTON: Thank you.

16                   MS. CHARON ASETOYER: My name is Charon  
17 Asetoyer, and I live, work and raise my family on the  
18 Yankton Sioux Reservation in South Dakota. Currently  
19 on reservations that are checkerboarded like the  
20 Yankton Sioux Reservation, and there are many, the  
21 Bureau of Indian Affairs will contract with the local  
22 county jail to house Native Americans that are  
23 arrested if the tribe does not have its own facility.

24                   Charles Mix County receives a payment  
25 for each Native American that is kept at the county

1 jail. This creates an incentive for county and city  
2 law enforcement officers to cross jurisdiction  
3 illegally and arrest Native Americans. It also  
4 creates a condition of overcrowding, which sets the  
5 scene for many problems to occur.

6                   Currently the jail does not have  
7 adequate toilet facilities. In the men's cellblock  
8 there is not enough working toilets for each cell.  
9 One of the men's cellblock does not even have running  
10 water in it. There are three one-gallon containers  
11 that are taken to the cellblock for all of the inmates  
12 to drink out of. Sometimes when the inmates ask for  
13 additional water, they receive verbal reprimands or  
14 have to wait long periods of time before they receive  
15 any water. Up until recently they had to drink out of  
16 a common jug, regardless of the health conditions of  
17 an inmate.

18                   The women's cellblock has only one sink  
19 that has running water. However, it clogs and has --  
20 they have to bail water out of the sink into the  
21 toilet before they can get a drink of water. The  
22 water flow in the shower runs at a trickle and makes  
23 for poor hygiene, especially for women during their  
24 menstrual cycle. Women do not receive enough sanitary  
25 products, causing hygiene problems, humiliation and

1 embarrassment. When they ask for feminine hygiene  
2 supplies, they are often made fun of, made to wait  
3 long periods of time, or told to buy their own.

4                   There are security cameras in the  
5 cellblocks and in the women's cellblock you can see  
6 into individual cells. The cameras are in view of the  
7 public where people walk in and out of the jail to  
8 visit inmates. They provide no privacy for female  
9 inmates.

10                   In general, the plumbing backs up,  
11 causing human waste to run on the floor, even -- often  
12 taking long periods of time before they are cleaned  
13 up, exposing inmates to the waste. Roaches and other  
14 vermin run wild, and there is a lack of clean fresh  
15 air. Exercise consists of a small hallway. Inmates  
16 are not led outdoors into the fresh air for months at  
17 a time. Until recently there was no air conditioning  
18 and the room temperature would reach over 100 degrees.  
19 The air flow is so poor that it undermines sanitation,  
20 and the air endangers the health of inmates which --  
21 with special medical conditions such asthma.

22                   And back in September of 2002, the  
23 Sanitation Officer for Indian Health Service did an  
24 inspection of the Charles Mix County jail and cited  
25 many problems. The report was turned in to the County

1 Commissioners and nothing was done to resolve those  
2 violations. This is an unacceptable reaction by our  
3 public officials.

4                   And in early April 2004, after  
5 additional complaints of the jail were made to the  
6 County -- or excuse me. Made to the Indian Health  
7 Service, the Sanitation Officer went back into the  
8 Charles Mix County jail for another inspection and did  
9 another report, citing the same violations that  
10 existed and others that were not included in the  
11 original. Conditions had deteriorated.

12                   Inmates are afraid and have no  
13 resources to file complaints once they are out of  
14 jail. Fear also comes out of retaliation to them or  
15 on a family member.

16                   And there have been complaints of male  
17 guards watching when women inmates take showers.  
18 Female inmates have complaints about male guards  
19 sexually assaulting them, verbally and physically.  
20 They have complained about guards feeling them up and  
21 expecting sexual favors in exchange for privileges.  
22 Rape has occurred to both female inmates and male  
23 inmates.

24                   Female inmates and male inmates are put  
25 into the same drunk tank. Young people -- excuse me.

1 Young female inmates have complained about when they  
2 were put into the drunk tank their hands were  
3 handcuffed, and in the morning found their pants  
4 undone. Late night visits to female inmate cellblocks  
5 by -- the cellblock by law enforcement officers are  
6 not uncommon, with demands for oral, anal, or vaginal  
7 sex. In the state of South Dakota, for prison  
8 employees, the only prohibited act is penetration and  
9 jail employees are prohibited from sexual contact.

10                   Because the Bureau of Indian Affairs  
11 contracts with the county to house American Indian  
12 inmates, the Indian Health Service has access to the  
13 jail. Contracting with county jails when reservations  
14 do not have their own jails is common practice, yet  
15 the only staff that visits the jail is the Sanitation  
16 Officer to inspect the facility. If health care  
17 providers were to visit, meaning Indian Health  
18 Service, regularly, they would be made aware of the  
19 sexual assaults that occur and would be able to help  
20 stop the number of sexual assaults from occurring.  
21 The Indian Health Service, however, has no  
22 standardized sexual assault policies or protocols in  
23 place, which would help to reduce the number of sexual  
24 assaults from occurring.

25                   In addition, not every Indian Health

1 Service has a trained healthcare provider to conduct  
2 the forensic exam when a rape occurs. This makes it  
3 impossible for those individuals that do want to  
4 report it to have access to those services. It makes  
5 it easier for sexual assaults to continue to occur  
6 within our jails and our prisons.

7                   American -- Native Americans are  
8 disproportionately over represented within the state  
9 of South Dakota correctional facilities, whether it be  
10 the county jails or the state prisons.  
11 Native Americans make up approximately eight percent  
12 of the total population in the state of South Dakota,  
13 yet currently it makes up 26 percent of the male  
14 prison -- state prison population and 32 percent of  
15 the female state prison population. This figure  
16 varies from year to year, and I can remember when the  
17 Native American prison population was over 56 percent  
18 back in the '70s. This does not include Federal  
19 facilities.

20                   In Charles Mix County, Native Americans  
21 make up 30 percent of the population because of the  
22 reservation, yet on any given day the Native American  
23 population in the county jail is 80 percent or higher,  
24 and sometimes even higher. There are examples of --  
25 this is an example of only one county jail that houses

1 Native Americans, however, the situation exists in  
2 jails all over the country that contract with the  
3 Bureau of Indian Affairs to house Native American  
4 inmates.

5                   In October of 1997, in a report, the  
6 Justice Department Criminal Division concluded there  
7 is a public safety crisis in Indian Country.  
8 According to the BIA, no reservation in South Dakota  
9 has a fully-staffed, adequately trained law  
10 enforcement program.

11                   And the number of Native Americans per  
12 capita confined in the state and federal prisons is  
13 about 38 percent above the national average.

14                   The Federal government needs to  
15 adequately find the -- adequately fund the development  
16 of tribal facilities to take care of our own prison  
17 population. These facilities need to have the  
18 necessary resources to have well-trained staff that  
19 have background checks conducted before employment  
20 begins, regular inspections, and fiscal monitoring.  
21 Such facilities, if provided with the necessary  
22 resources, would reduce the number of human rights  
23 abuses that occur within our county and state  
24 facilities.

25                   Thank you.