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

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

CHAIRMAN WALTON: Thank you.

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

Charles Mix County receives a payment for each Native American that is kept at the county
jail. This creates an incentive for county and city law enforcement officers to cross jurisdiction illegally and arrest Native Americans. It also creates a condition of overcrowding, which sets the scene for many problems to occur.

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

The women's cellblock has only one sink that has running water. However, it clogs and has -- they have to bail water out of the sink into the toilet before they can get a drink of water. The water flow in the shower runs at a trickle and makes for poor hygiene, especially for women during their menstrual cycle. Women do not receive enough sanitary products, causing hygiene problems, humiliation and
embarrassment. When they ask for feminine hygiene
supplies, they are often made fun of, made to wait
long periods of time, or told to buy their own.

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

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

And back in September of 2002, the
Sanitation Officer for Indian Health Service did an
inspection of the Charles Mix County jail and cited
many problems. The report was turned in to the County
Commissioners and nothing was done to resolve those violations. This is an unacceptable reaction by our public officials.

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

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

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

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

Because the Bureau of Indian Affairs contracts with the county to house American Indian inmates, the Indian Health Service has access to the jail. Contracting with county jails when reservations do not have their own jails is common practice, yet the only staff that visits the jail is the Sanitation Officer to inspect the facility. If health care providers were to visit, meaning Indian Health Service, regularly, they would be made aware of the sexual assaults that occur and would be able to help stop the number of sexual assaults from occurring.

The Indian Health Service, however, has no standardized sexual assault policies or protocols in place, which would help to reduce the number of sexual assaults from occurring.

In addition, not every Indian Health
Service has a trained healthcare provider to conduct the forensic exam when a rape occurs. This makes it impossible for those individuals that do want to report it to have access to those services. It makes it easier for sexual assaults to continue to occur within our jails and our prisons.

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

In Charles Mix County, Native Americans make up 30 percent of the population because of the reservation, yet on any given day the Native American population in the county jail is 80 percent or higher, and sometimes even higher. There are examples of -- this is an example of only one county jail that houses
Native Americans, however, the situation exists in jails all over the country that contract with the Bureau of Indian Affairs to house Native American inmates.

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

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

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

Thank you.