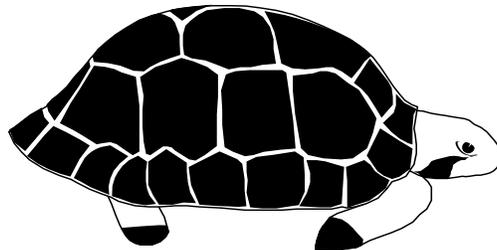


Upon the Back of a Turtle...

*A Cross Cultural Training Curriculum
for
Federal Criminal Justice Personnel*

History of Federal Victim Assistance Services and Programs in Indian Country



Background Information
(Trainer's Information)
for
**History of Federal Victim Assistance Services and Programs in
Indian Country**

Lecture Presentation:

This presentation will provide information on the Federal Victim Assistance Program in Indian Country. The information to transmit to participants is how the program got started, why it was started, how things are working now in Indian Country and how the relationship between the federal government and Indian tribes has contributed to the success of the program.

Trainer is to address each of the topics and elaborate each point for participants to better understand the impact of the issues. The activities and discussion questions can be used with the large group, or smaller groups can review the questions and report back to the large group.

Materials in this section:

The following section provides material for trainers to use in presenting the training, including trainers information, overheads, handouts, and resources and other information.

Trainer information (background information) is provided for use with each section. This information corresponds with overheads and handouts.

The overheads are indicated with a divider page and can be reproduced on transparencies.

Handouts are indicated with a divider page and can be reproduced and distributed to the attendees. Handouts are duplicates of the overheads with three overheads per page of the handout.

In addition, other related resources and information are provided that can supplement the presentation.



History of Federal Victim Assistance Services and Programs in Indian Country

Objectives:

1. Participants will understand the development of the Victim Assistance in Indian Country (VAIC) and other Department of Justice (DOJ) programs for Native Americans.
2. Participants will increase their awareness of the working relationship between VAIC and State VOCA programs.

Activities:

Have a large group discussion on:

1. The impact of crime in Indian Country.
2. How have American Indians traditionally dealt with crime?
3. What systems did they have in place that provided assistance to victims and their families? Formally and informally.
4. What are the reasons the Victim Assistance in Indian Country (VAIC) grants were sub-granted to tribes by the State VOCA Administrator?
5. What was the result of this arrangement?

Master Overheads: N = 15

Master Handouts: N = 5

Discussion Questions:

1. What were some concerns of tribes in the initial funding of the VAIC?
2. How were these concerns dealt with and by whom? Was this effective?
3. What can be done by both tribes and the federal government in assisting each other in the delivery of appropriate services to victims of crime in Indian Country?

The terms Native American and American Indian are used interchangeably. Both terms are used to describe the Native American, American Indian, Alaska Native and Eskimo population.



In the training video...

- 1) The use of informal systems of support in Native American families and communities is very common. Many times, American Indians will not approach formal systems of support until they have already tapped into the informal systems, i.e., family members, neighbors, traditional leaders/healers, etc.
- 2) Many traditional American Indians use tribal ceremonies to aid in healing. The belief that these ceremonies will heal not only physical but spiritual wounds is paramount. American Indians believe that your whole being must be in harmony before you are fully healed.
- 3) It is impossible to ignore the historical fact that "outsiders" have repeatedly come into Indian Country to advise tribes what the tribes need. From federal Indian Agents to BIA Agency Superintendents, representatives from the federal government have controlled policy and implemented their own procedures for service delivery. Every federal and state employee is a representative of the governments which have historically ignored the needs of Indian people and implemented policies regardless of the feelings of the people being impacted.
- 4) There are a myriad of factors which influence Native American victims of crime of which a typical victim service provider may be unaware: historical grief, discrimination, limited access to education, poverty, cultural disruption/conflict, tribal sovereignty, federal trust responsibilities. While these issues do not appear directly relevant to victimization, they may influence many aspects of a person's life, including their response to being a victim of crime.
- 5) For many Native people, their spiritual beliefs form the foundation of their entire way of life. Service providers who do not understand either the centrality of spirituality or the importance of participation in certain ceremonial events may cause their clients additional trauma.



History of Federal Victim Assistance Services and Programs in Indian Country

How it all began:

A Native mother in North Carolina questioned the behavior of a Bureau of Indian Affairs (BIA) employed schoolteacher toward her son. In response to her lengthy inquiry, this schoolteacher was eventually transferred to a BIA school in the Southwest. It was after repeated attempts by parents in this new area to very questionable behavior by this same BIA schoolteacher, that his behavior was finally determined to be sexually inappropriate. It was during this period that authorities were confronted with the reality of children being molested in Indian Country. It was also discovered that lack of reporting criteria, lack of protocol, and questions of jurisdiction seriously hampered efforts of investigation and conviction. It was against the backdrop of multiple victim molestation cases that the need for victim assistance programs in Indian Country evolved.

1988 – Realization of victims in Indian Country

- **Multiple victim molestation on two Indian reservations exposed the lack of resources for assisting victims of crime in Indian Country**

In 1988, the revelation of multiple victim molestation on two American Indian reservations in the southwest dramatically exposed the lack of on-reservation resources for assisting American Indian victims of crime. While the Victims of Crime Act (VOCA) of 1984 established a Crime Victims Fund to provide resources for all victims of crime, including federal victims, these funds were not being utilized by American Indian communities.

- **Funding to on-reservation victim assistance programs was virtually non-existent**

State funded victim assistance programs may have been providing some services to American Indian crime victims but the provision of funding to on-reservation victim assistance programs was virtually non-existent.

- **OVC funded two therapists to go onto the reservation - two times per month for two days**

In an initial response to the multiple victim molestation in one reservation community, OVC began funding the services of two therapists. Although the community had its own mental health program, the program staff were not trained in the treatment of child sexual abuse, and they requested assistance in identifying and funding therapists with the appropriate training and experience. Due to the geographic isolation of the community and the need to utilize professional mental health service providers with experience in dealing with child sexual abuse, the best option at the time was to fly in two therapists twice a



month for two days. It was recognized that this arrangement was not ideal over a long-term period but children and families were able to receive therapeutic services while a longer-term solution evolved.

1989 – Victim Assistance in Indian Country (VAIC) Discretionary Grant program established

Recognizing the severe need for on-reservation, culturally appropriate victim assistance services, the Office for Victims of Crime (OVC) has taken a strong leadership position in developing programs to serve American Indian victims of crime. This situation and other reservation-based multiple victim sexual abuse cases were elements in OVC's decision to develop the Victim Assistance in Indian Country (VAIC) Discretionary Grant Program in 1989.

The Plan for VAIC:

- **\$1,000,000 available for three years, to states with Indian/federal jurisdiction on behalf of tribes**

As initially conceived, the VAIC program offered a total of \$1,000,000 in the first year of a three year life span. The million dollars was made available to states in which there was Indian Country with federal jurisdiction over criminal activity (non-P.L. 280 states).

- **State VOCA Administrators were to work with tribes to develop applications for VAIC funding**

These P.L. 280 states were eligible to apply for VAIC funds on behalf of the tribes in their state. State VOCA Administrators were to work with tribal entities to develop their applications for VAIC funding.

- **The intent was to develop a working relationship between tribes and the state VOCA Administrator during the three years of funding**

This arrangement was developed with the intent of fostering a working relationship between tribal programs and their state VOCA Administrator. The states which were awarded VAIC grants then sub-granted funds to tribal communities on a competitive grant basis. Tribal programs applied to the state VOCA program for funding. This arrangement was established to familiarize tribes with the VOCA application forms and process so that when VAIC funding ended, the tribes would be able to apply to the state VOCA program for non-discretionary VOCA funding

- **Funding was to decrease each of the three years**

The plan was to establish the VAIC program for a three year period in order to introduce tribal communities to the state administered VOCA program. The hope was that as tribal communities became aware of the existence of funds to establish and maintain victim assistance programs, they would begin to apply on their own. In accordance with this plan, the VAIC program began with \$1,000,000 in funding, with second and third year funding scheduled to decrease each year.



- **By year four, tribal programs would be integrated into state VOCA programs**

In year four, it was anticipated that tribal programs would be integrated into the state VOCA programs and there would no longer be a need for a separate Indian Country discretionary grant program. The initially funded tribal programs would begin to apply for the state administered VOCA program funds and the discretionary VAIC program could be phased out.

For various reasons this plan did not work

- **State programs did not have the financial resources, and in some cases the willingness, to fund new Indian Country programs**

When the discretionary VAIC funding decreased, so did programmatic funding for the 15 programs funded during the first year of the VAIC program. Fragile VAIC projects who were struggling to get started faced an uncertain funding future and the real possibility that there would be no money available at the end of three years.

1998 – OVC began direct funding to tribes

In response to the above funding concerns, OVC continued to offer VAIC discretionary funding. Starting in Fiscal Year 1998, OVC began direct funding to tribes, eliminating the state pass-through of the past decade (OVC, 1997). Today, many American Indian victim assistance programs do receive some funding from state VOCA monies as well as VAIC grants. Since its inception in 1989, the VAIC program has funded 52 reservation based victim service programs in 19 states. As of FY 1996 OVC has provided over \$6,000,000 in VAIC funding.

Unfortunately, some state VOCA programs which established criteria for services, require that Native victims of crime proceed through other programs such as the Indian Health Service and be denied services before becoming eligible for state aide. This requirement is an additional barrier to services that non-Natives are not required to meet. It is also critical to note that Mental Health Services are extremely limited with tribal and Indian Health Service programs, yet state programs limit access to services.



Children's Justice Act in Indian Country

- **Began in 1988 to improve the investigation and prosecution of child physical and sexual abuse cases**

The CJA programs have aided in the development of multi-agency protocols to improve the investigation of child abuse cases, development of interview rooms, increasing community awareness and education, development of data collection and tracking systems, and the development of Child Protection and Multidisciplinary Teams.

- **Has since provided support to 40 tribes and tribal organizations**

The Children's Justice Act (CJA) Discretionary Grant Program for Indian Country, administered by OVC, was initiated in 1988 to improve the investigation and prosecution of cases of child sexual and physical abuse. The discretionary CJA program has provided \$6,629,745 to support 40 tribes and tribal organizations (OVC, 1997).

Children's Justice Act in Indian Country has aided in the development of...

- Multi-agency protocols in investigation and prosecution of child physical and sexual abuse
- Interview rooms
- Increasing community awareness and education
- Data collection and tracking systems
- Child Protection Teams
- Multi-Disciplinary Teams

Violence Against Women Act (VAWA) in Indian Country

- **Funding for Indian Country began in 1995**

Since 1995 the STOP Violence Against Indian Women discretionary grant program has made a total of \$12.04 million available for Indian organizations to enhance the tribal justice system response to domestic violence and improve services to Indian women in abusive situations. These funds have been instrumental in assisting tribal communities in developing reservation-based domestic violence services including shelters, domestic violence courts, and domestic violence task forces.

- **Provides for set-aside funds for Indian Country**

The Violence Against Women Act Grants Office (VAWGO) has been very active in the past three years in funding tribal domestic violence programs. The Violence Against Women Act (VAWA) provided for a set-aside for funding programs in Indian Country.



(VAWA) funds have been instrumental in assisting tribal communities to develop:

- Reservation based domestic violence services, including shelters
- Domestic violence courts
- Domestic violence task forces

Other OVC training initiatives in Indian Country:

The Department of Justice has funded a number of training initiatives to improve the skills of tribal and federal employees who deal with crime victims. These initiatives have included:

- legal education training to tribal and federal judges
- a conference on prosecution and investigation of child abuse and domestic violence in Indian Country
- an semi-annual national conference (Indian Nations: Justice for Victims of Crime)
- yearly district-specific conferences
- training seminars on issues relevant to American Indian Child Protection Teams and Multidisciplinary Teams

U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, *Report to Congress*, 1997.

U.S. Department of Justice, Office of Justice Programs, *Office of Justice Programs Fiscal Year 1998 Program Plans*.

U.S. Department of Justice, Office of Justice Programs, February, 1997, *Office of Justice Programs Partnership Initiatives in Indian Country*.

Office of Tribal Justice

The Office of Tribal Justice, OTJ, established within the Office of the Deputy Attorney General, serves as a coordination center for all Department of Justice activities relating to Native Americans.

At the May 1994 Listening conference in Albuquerque, NM, tribal leaders conveyed to the Department the need to establish a permanent channel for tribes to communicate their concerns to the Department. The Office of Tribal Justice was created in January 1995, to provide such a point of contact within the Department for Indian tribes. This office has ensured better communication between the Department and Native Americans.

I. Mission of the Office of Tribal Justice

The mission of the Office of Tribal Justice is to coordinate and focus the Department's policies and positions on Native American issues, maintain liaison with the federally recognized Indian tribes, and work with appropriate federal, state, and local officials, professional associations, and public interest groups. The major functions of the Office of Tribal Justice are to:



- Communicate with tribal representatives on Department issues of concern to Indian tribes;
- Ensure that the Department clearly communicates policies and positions to tribal leaders;
- Maintain liaison between the Department and the various divisions and bureaus of the Department and the state, county, and local governments, professional organizations, special interest groups, and private entities with interests in, or responsibilities for, tribal matters;
- Promote internal uniformity of Department policies and litigating positions relating to Indian Country; and,
- Coordinate, together with the Office of Legislative Affairs, the Department's legislative efforts relating to Indian Country.

Within the Department, the Office coordinates the on-going work of Justice agencies with responsibilities in Indian Country, such as the Department of the Interior, the Indian Health Service at the Department of Health and Human Services, the Departments of Housing and Urban Development, Agriculture, Education, and the Environmental Protection Agency. OTJ will serve as the primary means within the Department of coordinating federal Indian policy.

The Office of Tribal Justice is responsible for coordinating relations with elected tribal officials. OTJ serves as the clearinghouse for all correspondence relating to Indian matters and produces a tribal newsletter regarding the Department's efforts and actions on behalf of federally recognized tribes.

II. Functions of the Office of Tribal Justice

Below is a representative list of some current Department of Justice activities for Indian Country for which OTJ has coordination and liaison responsibilities.

- A. Religious Freedom and the Protection of Sacred Sites and Resources
- B. Environmental Enforcement in Indian Country
- C. IGRA and Tribal Gaming Issues
- D. Funding to Indian Country and other Indian Grant Programs
- E. Tribal Justice Systems, Law Enforcement, Public Law 280 Policy
- F. State and Federal Taxation of Indian Tribes
- G. International Indigenous Peoples Rights

The Office of Tribal Justice enables the Department to address issues that are of importance to the Nation's first Americans with renewed effectiveness.



Discussion Questions
for
**History of Federal Victim Assistance
Services and Programs in Indian Country**

FEDERAL VICTIM/WITNESS COORDINATORS:

- Ten years ago, before the VAIC program, what types of services did your office provide to American Indian crime victims?
- Discuss the changes in the numbers of Indian crime victims in the federal system now versus 10 years ago.
- What are the expectations of OVC, your U.S. Attorney, and tribal people about the services you will provide in Indian Country?

Even if you are not from a district with a large number of reservations, please discuss what you know about urban Indians who are victimized, where to get assistance in working with American Indian crime victims, and the resources available for dealing with these victims.

FBI/LES:

- What is the role of the FBI Victim/Witness Specialist?
- Describe the development of this position and the training received by those staff assigned to this position.
- Often tribal communities have difficulty getting consistent law enforcement representation at Child Protection Team and Multidisciplinary Team meetings. What are some of the factors that may explain this difficulty?
- Discuss the role of law enforcement in victim services; include the role of law enforcement as a leader in collaborative efforts.

U.S. ATTORNEY'S OFFICE (PROSECUTORS):

- Describe your participation in tribally-based MDTs. Include a discussion of how these teams came about, obstacles in team formation and development, and the role of the VAIC programs in team development.

IHS:

It is often difficult for medical personnel to get away from service delivery to participate in CPT or MDT meetings, yet medical information is crucial to the discussions of team members. In rural and remote areas there may not be experts available to perform examinations on child sexual abuse victims, or the health clinic may not be open after 5:00 p.m.

- Discuss innovative approaches to the provision of medical and mental health services to crime victims (including medical examinations).
- Describe the services available to crime victims in your service area.



- Also, discuss how you work with the tribal, federal, and/or county victim service providers, (i.e., victim advocate, domestic violence shelter, rape crisis counselor, etc.).

BIA:

Many tribes have either BIA run Social Services Departments or they have contracted from the BIA to establish their own tribal Social Services Departments. Even those tribes who have 638 contracts to administer their own programs interact with BIA Social Services or Social Workers on the Area level.

Since Social Services usually includes child protective services (CPS), this is the agency which is responsible for investigating child abuse and neglect cases. Once a case is opened on a suspected abuse or neglect case, Social Services often offers services to families to restore safety to the family, usually with a focus on family preservation.

- What role did BIA Social Services play in obtaining services for child abuse victims prior to the VAIC program?
- How has VAIC funding impacted this role?
- Discuss how BIA personnel (social services, education, law enforcement) work collaboratively with other agencies (state/tribal) to improve services to crime victims.
- Where has the BIA played a leadership role in delivering services to crime victims?



Worksheet for History of Federal Victim Assistance Services and Programs in Indian Country

Large group discussion

1. What has been the impact of violent crime in Indian Country?
2. How have American Indians traditionally dealt with crime?
3. What systems did tribes have in place that provided assistance to victims and their families? Formally and informally?
4. What are the reasons the Victim Assistance in Indian Country (VAIC) grants were sub-granted to tribes by the State VOCA Administrator?
5. What was the result of this arrangement?
6. What were some concerns of tribes in the initial funding of the VAIC?
7. How were these concerns dealt with and by whom? Was this effective?
8. What can be done by both tribes and the federal government in assisting each other in the delivery of appropriate services to victims of crime in Indian Country?

