

History of Federal Victim Assistance Services and Programs in Indian Country

A Native mother in North Carolina questioned the behavior of a BIA-employed schoolteacher toward her son. In response to her lengthy inquiry, this employee 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.

Background Information:

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. 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.

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. 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.

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 was to establish the VAIC program for a three-year period in order to introduce tribal communities to the state administered VOCA program. It was assumed that as tribal communities became aware of the existence of funds to establish and maintain victim assistance programs, these tribal programs would begin to apply

for the state administered VOCA program funds and the discretionary VAIC program could be phased out.

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 located in Indian Country where federal jurisdiction existed over criminal activity (non-P.L. 280 states). These 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. This arrangement was developed to foster a working relationship between tribal programs and their state VOCA Administrator.

The states in 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.

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. 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.

However, for a number of reasons, this original plan did not work. State programs did not have the financial resources, and in some cases, the willingness to fund new Indian Country programs out of non-discretionary funds. As a result, 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. In response to these concerns, OVC has 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). This also indicated the limited understanding that OVC has regarding the status of tribal/state relationships and the critical need for services that support tribal input.

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.

Two other Department of Justice programs have provided significant funding to tribal programs serving victims of crime. 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). 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.

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. 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 service 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.

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 bi-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; and, numerous other trainings for federal criminal justice personnel.

OVC has also funded demonstration projects, aimed at bringing successful programs to reservation communities. For example, OVC has funded demonstration programs to develop Court Appointed Special Advocates (CASA) and Children's Advocacy Centers (CACs) in Indian Country. Both programs have been helpful in non-Indian communities to reduce the trauma to child victims of abuse. OVC funding is allowing the development of on-reservation programs that incorporate local values and traditions. The Attorney General, Janet Reno, established an Indian Country Justice Initiative in FY 1996 to address the most serious problems hindering vigorous federal enforcement of major crimes in Indian Country. Two demonstration sites, Laguna Pueblo in New Mexico and Northern Cheyenne Tribe in Lame Deer, Montana, are developing programs and resources under this initiative.

Other federal agencies, including the Federal Bureau of Investigation (FBI), have also initiated efforts to improve services to American Indian victims of crime. The FBI has developed Victim/Witness positions to assist victims whose cases involve investigation by the FBI.

Federal Victim/Witness Coordinators in the U.S. Attorney's Office are often involved with American Indian victims whose cases are proceeding through the federal criminal justice system. Recently, VAWA has provided for the development of counselor positions within the U.S. Attorney's Offices to provide services to female and child victims of violent crimes, which are being prosecuted in federal court.

The attention to the needs of victims in Indian Country has increased dramatically since the revelations in 1987 concerning the multiple victim molestation. Several federal agencies have responded by developing new programs and positions to address these needs. While great care has been taken to make these services culturally appropriate, good intentions have not guaranteed a favorable reception.

When OVC announced the availability of the first VAIC funding, the announcement was met not with appreciation, but with profound skepticism by some members of the American Indian community. Their reaction was based on the recognition that the needs in Indian Country were very severe and the belief that one million dollars represented a small drop in the bucket compared to the vast need. Rather than be happy or grateful for the funding, some people responded with anger. This reaction was a surprise to OVC personnel who thought that they were doing something positive. Following the initial success of the VAIC program, the many critics apologized for their complaints or have taken a wait and see stance. This experience serves as a lesson for other agencies. Taking a small step to address a long-standing problem may not be greeted with enthusiasm by many in American Indian communities.