

HOMICIDE IN INDIAN COUNTRY

Unfortunately, no segment of society is immune to violence. In response to death caused by violent crime in American Indian and Alaska Native communities, effective victim assistance strategies must be geared toward cultural and spiritual traditions which help the surviving families feel more comfortable. Survivors of homicide victims will never be the same again after the violent death of a loved one. However, a deeper understanding and appreciation of Tribal culture and ceremonies related to homicide will afford the surviving family members the opportunity to more quickly find healing in their lives which have been disrupted by the loss of their loved ones.

The task of responding to Indian Country in a way that respects and honors traditions is very complex. Overall preparation and responses must reflect and respect the wide variety of cultural and spiritual implications. Effective criminal justice response will include the cultural and spiritual considerations in order to meet the needs of families of homicide victims in American Indian and Alaskan Native communities.

When a homicide occurs it means that a life is taken. This means that a death notification must be delivered, a message that changes people's lives forever. How that death notification is delivered, who delivers it, who it is delivered to, where it is delivered are all important factors which can affect the survivors' relationships with the criminal justice system. This includes law enforcement, advocates, medical professionals and others who work with these victims.

In tribal communities, it is important to be aware of the spiritual and cultural aspects of delivering death notifications, involving not only advocates and law enforcement and other allied professionals, but also elders, community leaders and spiritual healers. This visit may also involve the necessity of identification of the deceased and often times survivors will want to see the body which will then involve discussions of autopsy issues how that interferes with tribal culture and the grieving process to burial. Many tribal cultures have a certain time frame between death and burial and also have spiritual beliefs about the body of the deceased. While an autopsy in a homicide is necessary, this is a very difficult thing for American Indians and



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Alaska Natives to deal with. In making death notifications you should be prepared with as much information that is available for release and doesn't compromise the investigation. This should also include information about the autopsy and when the deceased is available for funeral preparations.

Victim Advocates play an important role in homicide cases. Often times, in smaller communities, word travels fast when a homicide occurs, family members may arrive at the scene or at times, family and friends may have been present at the time of the homicide. In either case, advocacy can begin immediately. Having an advocate present will allow officers to get back to focusing on the crime scene and continue their investigation.

Victim assistance providers' consideration of cultural and spiritual implications of violent death will determine timelines of that family's healing process. American Indian and Alaska Native communities may have a tradition of following a specific sequence of events when a death occurs. Cultural timelines regarding ceremonies, mourning, and burial, are important to capture and are often communicated to the victim services provider at the crime scene. Traditional rituals and customs vary from community to community. There are practices victim assistance providers can learn in order to become more responsive in the local Tribal communities area they are privileged to serve.

Traditions can vary widely from one community to another on the same Tribal Land. Burial rites and rituals may even be influenced from family to family in the same community based upon how each family practices their Traditional culture. This can be challenging to those in victim services and criminal justice, investigating the homicide scene or providing advocacy to the victim's family. Many different customs are performed following the death of an American Indian or Alaska Native person. Examples of ceremonies may include, but are not limited to smudging or "washing the body" with burning sage, or sweet grass, brushing the body or area with cedar boughs, musical rituals such as singing or even drumming at the scene, praying or wailing and weeping.



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At a homicide scene, consideration by the investigators of each cultural and spiritual custom as they arise, without assuming generalizations, can resolve potential conflict between preservation of crime scene evidence and respectful attention to handling of the deceased person's body. In cases of brutal death, certain cultural beliefs may be that the person's spirit journey is hindered. Traditional culture may call for the deceased to be blessed by a medicine man or other spiritual leader immediately after death. There may be strong tradition that no reflective surfaces be near the deceased since some cultures believe that reflective surfaces could prohibit the spirit from beginning the spirit journey. In this case, respectful responders at the crime scene should remember to remove glasses or sunglasses and cover mirrors and be mindful of all other reflective surfaces.

All law enforcement agencies that work in tribal communities should take the time to familiarize themselves with the specific cultures and traditions and how to work with spiritual leaders to develop protocols that allow for appropriate and thorough crime scene investigation and processing, yet making sure that the on scene ceremonies are allowed to take place once the crime scene is released by investigators. Completing homicide investigations while honoring the tribal culture, respecting the bodies and how they are handled are very important especially due to Native American and Alaska Native attitudes when it comes to autopsies. When a death is investigated as a criminal act, the standard progression of sequential cultural and spiritual events in Native communities is delayed by the necessity of an autopsy being performed which are view as a post-mortem invasion of a loved one's body and certain traditional beliefs are that when a person's body is marked and mutilated by an autopsy, that is how the deceased enters the Spirit World.

Understanding that autopsies may be viewed as a post-mortem invasion of their loved one's body, effective victim service providers should be prepared to inform the family with the necessary details regarding the autopsy process. The victim service provider should help family members consider that they will ultimately have questions about how their loved one died and they will want justice done in their loved one's death. While an autopsy is necessary to



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accomplish those two things by determining the cause and nature of death, it can also be a source of concern for communities who have cultural time frames for burial.

Generalities among Tribal communities must never be assumed, any more than one would read a book on Germany to understand the Chinese. Death investigations, too, will vary in size and scope. Characteristically, however, for healing to begin, American Indian and Alaskan Native families must be involved, each in their own way, as part of the investigation of the death of a loved one. Communication with the family on the part of all the criminal justice entities involved will always pay big dividends when gathering necessary information related to the death, future participation in court proceedings, and in interactions which can be ongoing for years. Victim assistance professionals have often proven to be most effective in sensitively engaging the victim's family and witnesses during the initial investigative stages and should be considered as one of the individuals whose presence at the crime scene is beneficial.

In order to properly honor and respect traditions, law enforcement and service providers need to have established contacts in their individual tribal communities who can provide guidance on local customs, prior to a tragedy occurring. Such insights cannot be learned from a book. Advocates and law enforcement have the privilege of serving individuals and families in their most desperate moments, after the death of a loved one and should keep in mind that each family is unique. Those in victim services and criminal justice need to develop trusted working relationships within the Tribal community where they serve.

The Crime Victims Fund was established by the Victims of Crime Act of 1984 and serves as a major funding source for victim services throughout the nation. Every state administers a crime victim compensation program that provides financial assistance to victims of tribal, federal and state crimes. Victims of violent crime such as the families of homicide victims are all eligible to apply for financial help. Compensation programs can pay for a wide variety of expenses and losses related to criminal injury and homicide. Beyond medical care, mental health treatment, and funerals, a number of programs also cover crime-scene cleanup, and



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other costs. Compensation programs continue to work with victims and advocates to find new ways to help victims with more of the costs of recovery.

It is very important for compensation programs to understand that each tribe, village and community is different in their own unique way. Every tribe has their own way of grieving and celebrating the life lost through homicide and violent death. Tradition, culture, spiritual healing and many ceremonies are observed during the time from death to burial and afterwards. It is important for those states with American Indians and Alaska Natives to be aware of the wide range of services that are unique to Indian Country which could be paid for by state victim compensation funds. Advocates can play an important role in assisting the survivors of homicide in this area. Non-Natives communities approach death differently than in Native communities. American Indians and Alaska Natives have a need for their ceremonies and traditions to help the living cope with a tragic loss.

The necessary times from death to burial, wakes, dressing ceremonies, ice gathering in Alaska, making burial quilts, spiritual ceremonies, giveaways and many events where food is necessary, especially, tribal culturally specific foods, and other tribal events, there is a tremendous variety of issues that may be eligible for financial assistance by state compensation programs.

Examples of Tribal Customs

(1) Special Ceremonies

(a) Wakes

(b) Dressing Ceremonies

- i. Supplies for burial dressings such as buckskin

(c) Star quilting circles

- i. Quilting supplies and materials-quilts are used for funeral services and to drape over the casket and in some communities to wrap the deceased for burial.

(d) Food and special meals



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- (e) Ice Gathering (special to Alaska)
- (f) Give-aways-gifts to those who have provided services to the grieving family
- (g) Burning ceremonies
When all the belongings of the deceased are burned in a specially prepared pit
- (h) One year anniversary ceremonies (one year after the death occurred)

Collaboration and communication between state compensation programs and Native communities are key in establishing an understanding of the needs of survivors of homicide victims, the significance of traditional and spiritual ceremonies and practices and making every effort to secure compensation for those expenses that provide and promote healing to families and communities where homicides occur.

Not every crime can be solved; not every assailant arrested, not every criminal convicted. But every victim and homicide survivor can be treated with dignity. No one can undo the death and the trauma for the family of the deceased victim. However, spiritually and culturally sensitive responses recognizing the victims' rights and needs throughout the criminal justice process can mitigate some of the long lasting and painful effects when a homicide occurs.



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