

Oklahoma's State-Tribal Crime Victim Liaison Initiative

by

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Oklahoma State-Tribal Crime Victim Liaison

What to Expect from This Session

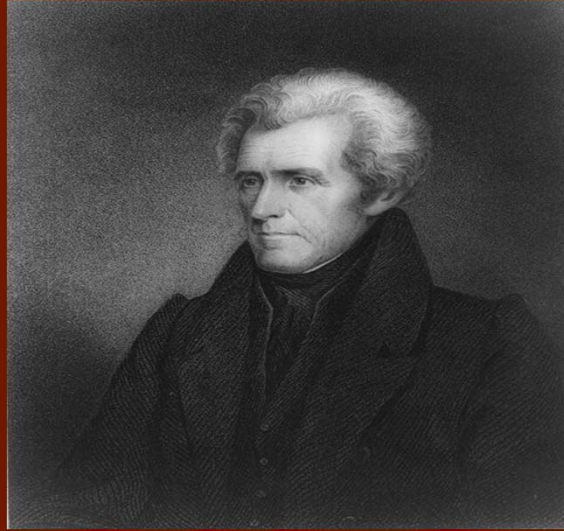
- To understand historical influences with regard to Native Americans' access to victims' resources.
- To understand jurisdictional challenges to serving crime victims in tribal communities.
- To discuss outreach strategies for underserved populations such as tribal communities.

Understanding historical influences with regard to Native Americans' access to victims' resources

Pre-Columbian Distribution of Tribes

- 100% of the population of North America was indigenous people
- Over 2,000 distinct American Indian cultures
- Estimates between 10-18 million people
- By 1900 American Indian population: 250,000

98% of population had died



Indian Removal Act 1830

Indian Removal Act 1830

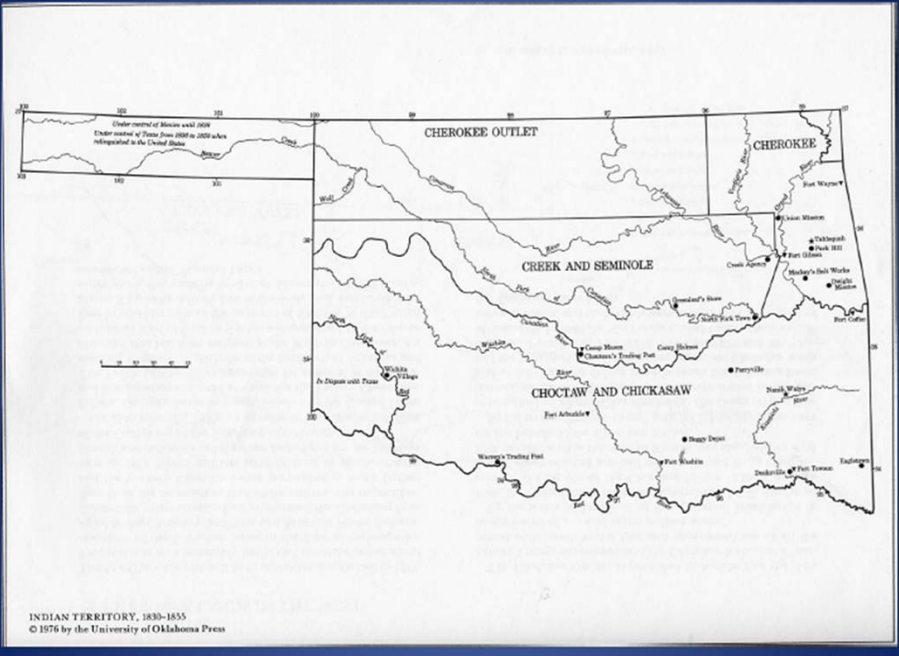
*Treaty of Dancing Rabbit Creek (September 1830)-
Choctaws*

*Treaty of Indian Springs I & II, Treaty of Cusseta (1832)-
Muscogee (Creek)*

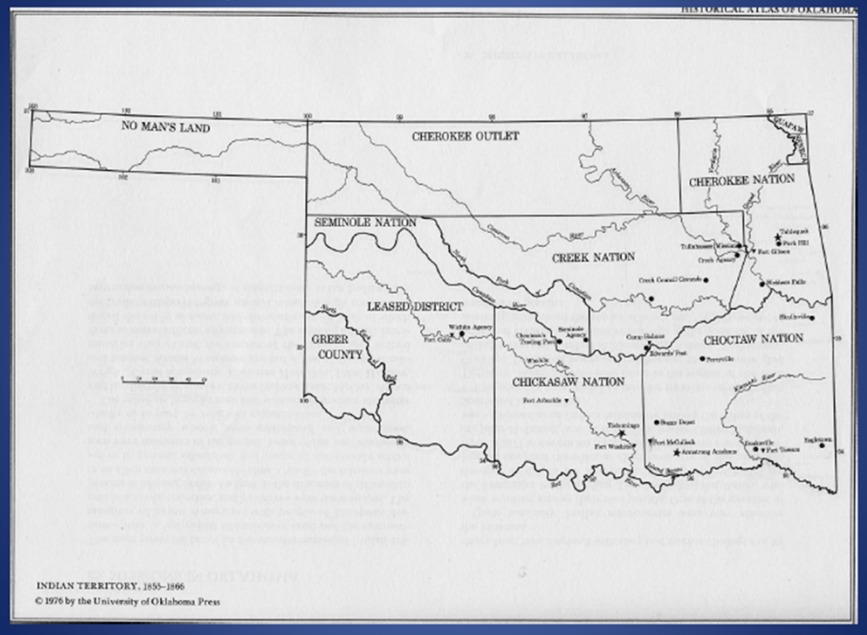
*Treaty of New Echota (1835)- Cherokees
"Trail of Tears"*

*Second Seminole War (1835-1842)- Seminole
Treaty of Doaksville (1837)- Chickasaw*

Indian Territory, 1830-1855



Indian Territory, 1855-1866



Indian Wars & Relocation

- In his State of the Union Address on December 4, 1871, Ulysses Grant stated that "...the policy pursued toward the Indians has resulted favorably...many tribes of Indians have been induced to settle upon reservations, to cultivate the soil, to perform productive labor of various kinds, and to partially accept civilization. They are being cared for in such a way, it is hoped, as to induce those still pursuing their old habits of life to embrace the only opportunity which is left them to avoid extermination".

Indian Wars & Relocation

"The Iroquois confederacy should be wiped from the face of the earth, not to be merely overrun but destroyed."

George Washington- 1779

"Nits make lice."

Rev. John Milton Chivington- 1855

"The only good Indians I ever saw were dead."

Gen. Phillip Sheridan-1869

Allotment Act 1887

- Tribally held lands became individual allotments
- Dawes Commission Rolls
 - Blood Quantum: Biological estimate of Indian blood, replacing a more fluid idea of Indian identity
- "Surplus lands" in Indian Territory opened with land runs (1889)
- Indian Territory becomes Oklahoma (1907)



Boarding Schools Oklahoma Tribes Attended

- Bloomfield Academy (1852)- Indian Territory
- Hampton Institute (1878)- Virginia
- Carlisle (1879)- Pennsylvania
- Bacone (1880)- Muskogee, OK
oldest off reservation boarding school in OK
- Chilocco (1882)- Newkirk, OK
- Haskell (1884)- Lawrence, KS

Carlisle Indian Industrial School

- Founded in 1879 by Captain Richard Henry Pratt
- First off reservation boarding school
- School's slogan "To civilize the Indian, get him into civilization. To keep him civilized, let him stay."
- Model for 26 Indian Boarding Schools founded by the BIA

Modern Relocation and Termination

Relocation (1950s)

- Move from reservations to cities
- Promises of job training, employment and housing at times unfulfilled

Termination (1950s-1960s)

- Recognition of hundreds of tribes terminated

Historical Loss

- Population
- Language
- Culture/Cultural Practices
- Homelands
- Trust in Whites
- Family Bonds/Connection (through early death or displacement)

Understanding jurisdictional challenges to serving crime victims in tribal communities

Law Enforcement in Indian Country

- 27 District Attorneys Prosecutorial Districts
- 3 U.S. Attorneys Districts
- 77 County Sheriffs
- 19 Tribal Police Departments
- 15 Tribal Court Systems

Defendant	Victim	Jurisdiction	Responsibility to Investigate
Indian	Indian	Federal jurisdiction for felonies. Tribal jurisdiction for misdemeanors. No state jurisdiction	FBI or BIA for felonies; Tribal police for misdemeanors
Indian	Non-Indian	Federal jurisdiction for felonies. Tribal jurisdiction for misdemeanors. No state jurisdiction	FBI or BIA for felonies; Tribal police for misdemeanors

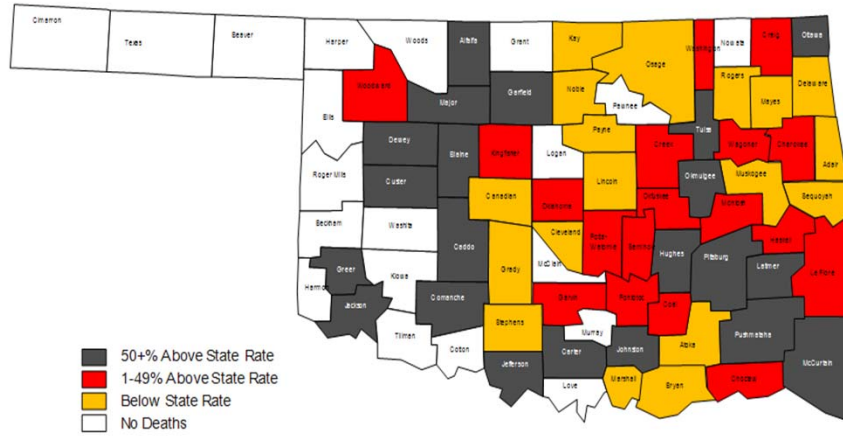
Defendant	Victim	Jurisdiction	Responsibility to Investigate
Non-Indian	Non-Indian	State jurisdiction only	State authorities
Non-Indian	Indian	Federal jurisdiction for both. No tribal or state jurisdiction.	FBI or BIA for felonies misdemeanors

Defendant	Victim	Jurisdiction	Responsibility to Investigate
Indian	Victimless	Federal and Tribal jurisdiction	FBI or BIA for felonies; Tribal police for misdemeanors
Non-Indian	Victimless	State jurisdiction	State authorities

Oklahoma American Indian Populations by County

- 35 Counties with Native American population 10% or more
- 23 Counties with Native American population 15% or more
- 8 Counties with Native American population 20% or more
- Adair County 43% and Cherokee County 34%

Figure 5. Violent Death Rates among Native Americans by County, Oklahoma, 2004-2008



Outreach strategies for underserved populations such as tribal communities

Historical Info...

- Oklahoma's Victims Comp Program started in October 1981.
- Richard Guse' and Mike Turpen made it happen in Oklahoma.
- Every state has a Victims Comp Program.

The Compensation Mission

**TO EASE THE
FINANCIAL BURDEN
OF VIOLENT CRIME
VICTIMS IN THE STATE
OF OKLAHOMA**

Legislative Authority

- 21 O.S. 142.1
- Legislation that provides a method of compensation and assistance to persons who are victims of criminal acts and who suffer physical or psychological injury or death as a result.

Where The Funds Come From

- **CRIMINAL FINES AND PENALTY ASSESSMENTS PLACED UPON OFFENDERS AT THE STATE AND FEDERAL LEVEL**
- **INCARCERATED INDIVIDUALS WITHIN THE DEPARTMENT OF CORRECTIONS**
 - **RESTITUTION ORDERS**

NO TAX DOLLARS ARE USED TO FUND THE PROGRAM!

Who Can Apply?

- The Victim
- Dependent of a deceased victim
- Person Authorized to Act on Behalf of the Victim



Limits of Compensation



- \$20,000.00 maximum award. With work loss or loss of support, claim can be compensated up to \$40,000.00
- \$7,500.00 maximum funeral award
- \$3,000.00 maximum counseling award
- \$2,000.00 maximum for crime-scene cleanup

Determining Eligibility

- The crime must be reported to law enforcement within 72 hours.
- The claim for compensation must be filed within one (1) year of the date of incident, date of death or disclosure.
- The one year deadline can be waived up to 24 months for good cause.
- No filing deadline for child sexual assault victims .
- The claimant must fully cooperate with law enforcement.
- Compensation shall not benefit the offender or accomplice.
- If the victim displayed contributory conduct, the claim can be reduced or denied.

After victim/claimant makes application...

- The claim is logged in at the District Attorneys Council, Victims Compensation Program.
- The claim is then mailed to the Victim Witness Coordinator located within the District Attorneys office in the county in which the crime occurred.
- The staff then prepares all documents necessary for completion and returns the application back to the Victims Compensation Program for a decision.

Exclusions

- Property Loss and Pain and Suffering are not covered
- No attorney is needed to file a claim
- No arrest or conviction is required

Case Study

There was a homicide in Oklahoma that resulted in expenses for the grandmother of a victim. The grandmother requested the following expenses; however, she had not kept receipts for these expenses:

Beef: \$200.00 Flour: \$50.00

Pork: \$ 75.00 Fruit: \$69.00

Indian Blankets: \$320.00

(\$80 each x 4 pastors)

Baskets of Groceries for Cooks:

\$240.00 (\$60 per basket x 4 cooks)

Burial clothing for deceased: \$75.00

Solution

- To solve the issue of no receipts, the Victims Compensation Board accepted a notarized statement of these expenses from the claimant.
- The compensation staff met with the Board and educated them about the traditional burial ceremony, the giving of the blankets and baskets, and advised the Board that the meal was part of that ceremony.
- Other burial expenses were paid by the victim's Tribe.
- The Victims Compensation Board found that the expenses requested were reasonable and allowable by statute, and awarded reimbursement to the claimant in April, 2010.

Oklahoma's State-Tribal Crime Victim Liaison Initiative

- Funding for the project is through a federal grant from the Department of Justice, Office for Victims of Crimes.
- The project, the only one of its type in the nation, is a demonstration program dedicated to improving communication among tribal, state, federal, and local officials in order to enhance victim assistance and outreach services to tribal communities in Oklahoma.
- The purpose of the project is to enhance victims' compensation and assistance outreach to Oklahoma's 38 federally recognized tribes.

Assistance for Traditional Burials

Victims Compensation Programs want to honor traditions by assisting with traditional American Indian burial expenses, when state laws permit.

Responding to Tribal Crime Victims

- Outreach to DV/SA advocates within each tribal community
- Outreach to Tribal court clerks, judges, and law enforcement
- Development and implementation State-Tribal Victims Services Roundtable Discussions
- Resource table at conferences in Indian Country

State-Tribal Crime Victim Services Roundtable Discussions

- Informal meetings with open agenda
- Hosted by tribes at tribal facilities
- Bring together state and federal victims' services personnel with tribal victims' services programs

Questions/Discussion....?