

Oklahoma's State-Tribal Crime Victim Liaison Initiative: Lessons Learned



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VICTIM LIAISON

Goals of This Session



- To understand historical influences with regard to Native Americans' access to victims' resources.
- To explore outreach strategies for underserved populations such as tribal communities.
- To discuss the lessons learned over the past three years with regard to outreach to tribal communities

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.

Outreach Plan

- Hire a Liaison
- Assemble an advisory board
- Meet with existing field resources
- Contact executive branch leaders at each tribe
- Contact tribal domestic violence advocates, children and family services workers, and program department heads
- Visit with the district attorneys' victim witness coordinator in each area

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

Responding to Tribal Crime Victims

State-Tribal Victims 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

Outreach Plan

- Annual Sovereignty Symposium
- Muscogee (Creek) Nation Doing Business in Indian Country CLE Conference
- Southern Plains Child Protection Team
- Coordinated Community Response Teams to Address Domestic Violence & Sexual Assault
- Oklahoma Indian Child Welfare Association Annual Conference/Quarterly Meetings
- Choctaw Nation Labor Day Festival
- Community Service Coalition Meetings

Challenges to Providing Victims' Services

- Each of the Indian nations is unique. However, all of the tribes in Oklahoma share the common challenge of providing services to their citizens in a checkerboard .
- Oklahoma's 38 federally recognized tribes are not reservation- based tribes.
- Cross deputization agreements and memorandums of understanding between tribal, state, and local agencies exist to close service gaps. However, those agreements are voluntary and do not exist in every part of the state.

Law Enforcement in Indian Country

Major Crimes Act of 1885

- Murder
- Manslaughter
- Rape
- Assault with intent to commit murder
- Arson
- Burglary
- Larceny

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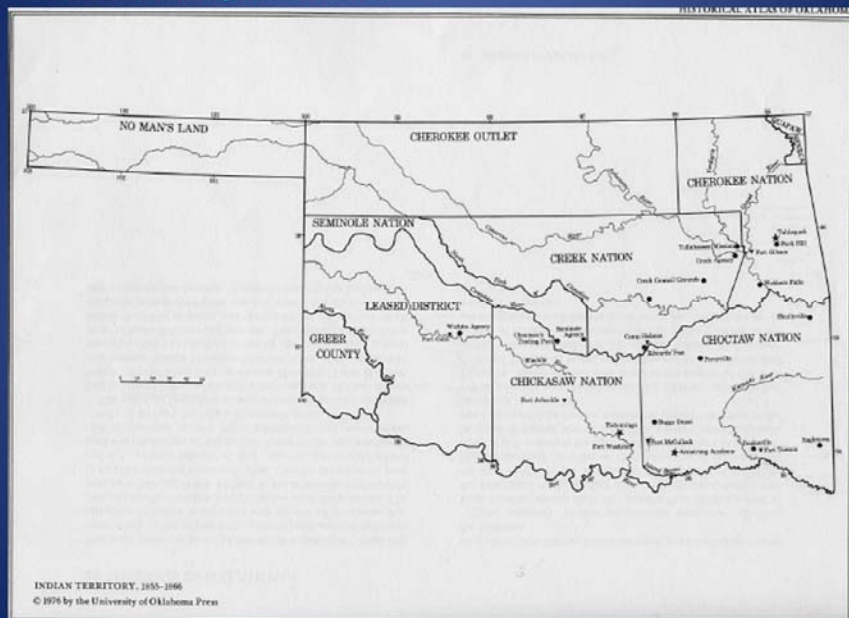
| Defendant | Victim | Jurisdiction | Responsibility to Investigate |
|------------|------------|---------------------------------|---|
| Indian | Victimless | Federal and Tribal jurisdiction | FBI or BIA for felonies; Tribal police for misdemeanors |
| Non-Indian | Victimless | State jurisdiction |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

| 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 |
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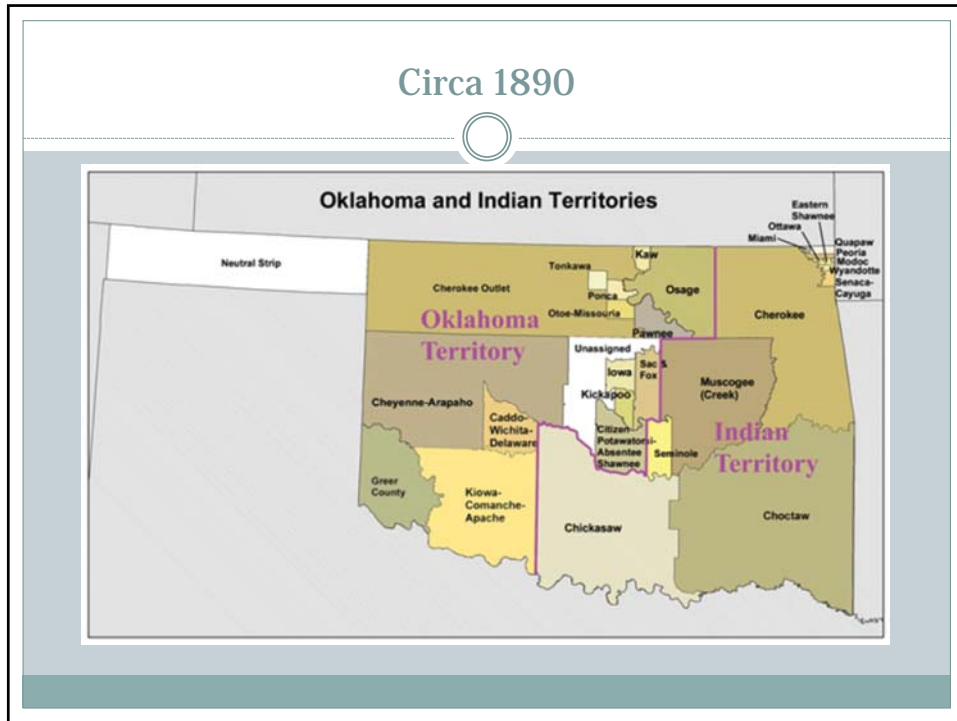
Allotment Act 1887

- 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)

Indian Territory, 1855-1866



Circa 1890



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

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

Indian Boarding Schools in Oklahoma Today

- Eufaula Dormitory, Eufaula (*Creek Nation*)
- Jones Academy, Hartshorne (*Choctaw Nation*)
- Riverside Indian School, Anadarko (*BIA*)
- Sequoyah Indian School, Tahlequah (*Cherokee Nation*)

Historical Loss

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

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%

| Contrasting Values | |
|---|---|
| Native American | Non-Native |
| <ul style="list-style-type: none"> • Group (take care of community) • Today-is a good day! • Time-a right time/a right place • Age-knowledge/wisdom | <ul style="list-style-type: none"> • Self-take care of self • Prepare for Tomorrow • Time-use every minute • Youth-rich, young, beautiful |

| Contrasting Values cont. | |
|--|---|
| Native American | Non-Native |
| <ul style="list-style-type: none"> • Cooperate • Be Patient • Listen and you'll learn • Give and share | <ul style="list-style-type: none"> • Compete • Learn to be Aggressive • Speak up and be heard • Take and save |

Contrasting Values cont.

| Native American | Non-Native |
|--|--|
| <ul style="list-style-type: none"> • Harmony (live in harmony with all things) • Great Mystery/Intuitive • Humility • Spirituality (a way of life) | <ul style="list-style-type: none"> • Conquer (nature) • Skeptical/Logical • Self (ego/attention) • Religion (a part of life) |

Other Challenges to Providing Victims' Services

Access to Victims Assistance Grants

- Staff members within tribes who were tasked with writing grants often do not feel adequately trained to create the funding request.
- The contract grant writer employed by a tribe often does not know about the community demographics and may commit the tribe and its resources to a service project that it cannot implement nor sustain.

Responding to Tribal Crime Victims

- Held grant writing workshop in October 2013 specifically for tribes.
- VOCA and VAWA grant information was the highlighted topic at Tribal Roundtables held in February 2014.

Responding to Tribal Crime Victims

Increased Tribal VOCA Subgrant Awards from:

- ❖ 2 in 2008 and 2009
- ❖ 3 in 2010
- ❖ 4 in 2011, 2012, and 2013
- ❖ 8 in 2014 – this makes up 5% of our award total

Responding to Tribal Crime Victims

Types of services awarded:

| | |
|---------------------|--|
| Personnel/Benefits: | Victim Witness Coordinator |
| | Elder Advocate |
| | Shelter Attendant |
| | Therapist |
| | Victims Advocate |
| | DV Advocate |
| Contractual: | Therapist |
| | Attorney |
| | Travel, Supplies, Facilities/Operating |

Other Challenges to Providing Victims' Services

Oklahoma statutes require many victims' services programs to be certified by one or more state agencies or organizations

- Certified programs must submit to the supervisory and compliance authority of the certifying agency.
- Tribal victims' service programs that would otherwise be able to serve non-Indian victims who are referred from state courts are limited to American Indian referrals from tribal court.
- Staff members for those programs receive the same training hours as their state counterparts in certified programs; however, they are not recognized as a certified program.

Other Challenges to Providing Victims' Services

Much of Oklahoma is rural

- Most of the Indian nations have headquarters outside the larger metropolitan areas of Tulsa and Oklahoma City.
- Service providers are plentiful in the metro areas but resources available to victims are less accessible as one travels thirty to forty miles away.
- Victims' service providers are far fewer on the western half of Oklahoma.
- The cost or availability of time and transportation to access services.

Other Challenges to Providing Victims' Services

Although tribal law enforcement, victim advocates, and shelter staff receive equal or greater training for their respective disciplines, they continue to struggle to gain recognition from their state counterparts as viable resources and partners. Still, many tribal governments in many areas of the state contribute significant financial resources and facilities for education, law enforcement, infrastructure, health care, and employment.

Responding to Tribal Crime Victims

Cooperation between tribal victim advocates/service providers and district attorneys offices is more likely in areas where one or more tribes receive VOCA funding

While other victims services funding is available to tribes through the DAC Grants Division, tribes tend to apply directly to federal funding agencies for monies

Responding to Tribal Crime Victims: Best Practices

- Acknowledge that every tribe is unique with a unique story and collection of customs, traditions and challenges.
- Be consistent. Under promise and over deliver. This advice is particularly true in Indian Country. Historically, Indian people have been the recipients of numerous empty promises and breached agreements. It is important to be honest and consistent with regard to contacts, services offered and follow-up.
- Contact tribal people in their communities or at tribal facilities. By interacting with people in the environment where they live, the liaison will gain a better understanding of the resources available to them and the challenges that they face.
- Develop a champion or sponsor. In the event the tribal liaison does not have any contacts in Indian Country, he/she should develop a relationship with someone who is trusted and accepted in Indian Country and who can endorse the liaison while introducing the liaison to key community members.
- Eliminate electronic communication to the extent possible. Meet with tribal contacts face to face whenever possible or by telephone when it is not possible.
- Employ active listening in the field and advocate for policy changes based on problems identified by each community rather than perceived problems at the agency.
- Develop culturally specific materials for the crime victims' compensation program and distribute among the tribes.

Responding to Tribal Crime Victims: Best Practices

- Ask for permission to post victims compensation information and leave victims compensation brochures in key locations such as social services buildings, courthouses, police departments, and health and wellness facilities. This is a pattern that will need to be continued annually.
- Provide a longer window of time between the notice of availability of funds and the deadline to submit proposals to allow the tribe's legal counsel and governing body sufficient time to review and approve grant proposals.
- Develop a toolkit for grant writers that would include tips on the importance of understanding the business practices and community demographics prior to writing the grant.
- Conduct regional grant-writing trainings specifically designed for tribal staff with no prior grant-writing experience.
- Address concerns that arise in the field, and have a mechanism for bringing parties together to solve issues that arise, specifically in the area of jurisdiction and the importance of collaboration between agencies.
- Assist communities in bridging the gap in services offered to victims within each tribe, state, federal and non-profit organization, for the common goal of improving services to crime victims in Indian Country.
- Focus on building relationships between all people, which is the key to successful best practices.

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Questions/Discussion....?