

# Findings from the Federal, State, and Tribal Response to Violence Against Women in Indian Country Studies

*Alison Brooks Martin*  
 Postdoctoral Research Associate, National Institute of Justice  
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## Studies' Purpose

- Improve law enforcement, prosecution, and judicial response to crimes against women in Indian Country
- Face-to-face interviews with agency representatives involved in the response to these crimes
- Collected detailed information on federal, state, and tribal responses to domestic violence, dating violence, sexual assault, and homicide of AI and AN women living in tribal communities
- Documented policies and practices, training, outreach efforts

## Sample and Protocol

Questions in the semi-structured interviews covered the topical domains of context, case processing, agency roles and collaboration, interagency communication, incident tracking, staff training, community and victim outreach, and vicarious trauma. Voluntary interviews were conducted with 38 federal and tribal staff in non-PL 280 states and 47 state and tribal staff in PL 280 states. Interviews lasted between 60 and 90 minutes, and respondents' identities and states are kept confidential.

## Select Findings from Federal and Tribal Staff (non-PL 280 states)

### *Interagency communication and collaboration*

- Personal relationships of employees across agencies impact frequency and value of communication about cases
- Respondents tend to have quicker and more frequent contact with staff if they have a good personal relationship with the individual
- Can have important implications for case processing and outcomes, if such communication affects how or when a case is resolved
- Confusion regarding roles and expectations; some staff said they have no communication with some agencies despite their attempts to establish a working relationship
- The establishment of MOU may assist with the delineation of responsibility amongst federal and tribal agencies

### *Underreporting of crimes against women in Indian Country*

- Consistent belief these crimes are underreported
- Community members may have a lack of trust in the criminal justice system and think they have nowhere to turn if they are a victim of crime, or that nothing will be done if they report
- Heavy caseloads, low numbers of staff lead to slow response times
- Divergence between federal and tribal agencies regarding efforts to increase reporting or awareness of crimes against women in their jurisdictions—tribal respondents were more likely to report involvement in such efforts

### *Declinations*

- Frequency of declinations appears to be AUSA-dependent; cases typically declined due to lack of evidence
- Quality of the investigation and documentation by law enforcement affects the quality of cases sent to AUSAs
- Reducing declinations would require an effort to improve the quality of both law enforcement and prosecution staff who are dedicated to their positions in Indian Country, as well as increasing training for law enforcement on how to properly document their investigation

### *Training*

- Lack of training was cited as a reason for declinations and poor interagency relationships
- Training should be focused on the topics of jurisdiction, evidence collection and processing, report writing, self-care, interviewing and interrogation, and Native American culture

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- Supervisors should consider sending a team of coworkers to training events, rather than one individual from the team. This approach would make it easier to enact changes learned from the training
- Whenever possible, trainings should be taught by people with experience working in Indian Country

#### *Vicarious trauma*

- Resources should be made available to staff who are feeling stressed
- Agencies should examine their policies regarding how staff are assigned to Indian Country positions
- Increasing the number of staff working in Indian Country would help reduce caseloads, help staff respond quickly to crime reports, and allow them to spend more time on each case

#### **Select Findings from State and Tribal Staff (PL 280 states)**

##### *Underreporting of crimes against women in Indian Country*

- Most said these crimes are underreported
- Not a problem exclusive to Indian Country, but exacerbated due to fear of retaliation, sense of shame, victim's continued involvement with the perpetrator, and desire to keep the matter within the community
- Slow response time (rural locations; travel time; weather conditions), lack of confidence in law enforcement
- Reporting may increase if Native communities had a relationship and regular interaction with law enforcement officers that respond to crimes in their area

##### *Declinations*

- Most do not feel prosecutors unfairly or disproportionately decline cases involving crimes against women in Indian Country
- Difficult to win in court; prosecutors must triage cases due to heavy caseload
- Cases typically declined due to a lack of evidence and lack of victim participation in the case's investigation and/or prosecution
- More thorough investigation and reports from law enforcement may help reduce declinations

##### *Training*

- Amount and frequency of training was dependent on the state and the respondent's position
- New prosecutors received the least amount of training
- Training should be focused on the topics of evidence collection, domestic violence and sexual assault, report writing, self-care and preventing burnout, PL 280, and Native American culture
- Consider tailoring training to the person's role (patrol officers vs. investigators)

##### *Resources*

- More staff needed at all levels with a desire to work in Indian Country, rural areas of the jurisdiction
- More victim services located on or near reservations
- Cross-deputization of tribal police to increase police coverage and provide better services on reservations
- Rural law enforcement stations
- Consider dedicating a prosecutor to violence against women cases
- Law enforcement and victim service providers discussed problems associated with relying on grant funding