


NIJ | National Institute of Justice
STRENGTHEN SCIENCE. ADVANCE JUSTICE.




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

14th Indian Nations Conference
Agua Caliente Reservation
December 10, 2014

This project was supported by Award No. 2013-PJ-BX-K001, awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this report are those of the author and do not necessarily reflect those of the Department of Justice.

NIJ | National Institute of Justice
STRENGTHEN SCIENCE. ADVANCE JUSTICE.



Presentation Overview

- Introduction, Background, Timeline
- Topical Domains of Interview Questions
- Sample and Interview Protocol
- Select Findings
 - Federal and Tribal Study
 - State and Tribal Study



Introduction

- 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
- Face-to-face interviews with agency representatives involved in the response to these crimes
- Documented policies and practices, training, outreach efforts
- Goal: Improve law enforcement, prosecution, and judicial response to crimes against women in Indian Country



Timeline

- 2009-2011: Drafted research questions and interview guides
 - Established codes and themes
 - Cognitively tested the instrument with multiple Indian Country experts and stakeholders
- 2012: Pilot tested the instrument
- 2012-2013: Federal and tribal staff interviewed
- 2014: State and tribal staff interviewed
- Transcribing, coding, analysis, report
- Received exemptions from full-IRB review from OJP's Office of General Counsel (2012) and OJP's IRB (2013)



Topical Domains


- Context
- Case Processing
- Agency Roles and Collaboration
- Interagency Communication
- Incident Tracking
- Staff Training
- Community and Victim Outreach
- Vicarious Trauma



Sample

- Federal and tribal staff in non-PL 280 states ($n = 38$)
 - 3 Assistant US Attorneys (AUSAs)
 - 9 Federal Bureau of Investigation (FBI) special agents
 - 3 Bureau of Indian Affairs (BIA) criminal investigators/special agents
 - 4 tribal prosecutors
 - 8 tribal law enforcement
 - 11 victim specialists/victim-witness staff
- State and tribal staff in PL 280 states ($n = 47$)
 - 14 state/county law enforcement
 - 6 state/county prosecutors
 - 4 state/county victim-witness staff
 - 3 tribal law enforcement
 - 20 tribal/community-based victim service providers


NIJ | National Institute of Justice
STRENGTHEN SCIENCE. ADVANCE JUSTICE.



Sampling and Interview Protocol

- Purposive Sampling
 - Selection of cases in a deliberate, non-random manner
 - Relevant characteristics
 - Assigned to or working in Indian Country
 - New and veteran staff
 - Supervisory and non-supervisory staff
 - Both men and women
 - Geographic diversity
- Voluntary and confidential, semi-structured interviews
- Team of two interviewers
- No recording device used, respondents' identities and states kept confidential
- Interviewed in private, quiet room; 60 to 90 minutes

NIJ | National Institute of Justice
STRENGTHEN SCIENCE. ADVANCE JUSTICE.



Federal and Tribal Study: Select Findings



Federal and Tribal Study: Select Findings


- 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



Federal and Tribal Study: Select Findings

- 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


NIJ | National Institute of Justice
STRENGTHEN SCIENCE. ADVANCE JUSTICE.



Federal and Tribal Study: Select Findings

- 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


NIJ | National Institute of Justice
STRENGTHEN SCIENCE. ADVANCE JUSTICE.



Federal and Tribal Study: Select Findings

- 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--particularly the culture of the tribes within each office's jurisdiction
 - 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


NIJ | National Institute of Justice
STRENGTHEN SCIENCE. ADVANCE JUSTICE.



Federal and Tribal Study: Select Findings


- 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
 - FBI's Safeguard program

NIJ | National Institute of Justice
STRENGTHEN SCIENCE. ADVANCE JUSTICE.



State and Tribal Study: Select Findings


NIJ | National Institute of Justice
STRENGTHEN SCIENCE. ADVANCE JUSTICE.



State and Tribal Study: Select Findings

- 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, lack of confidence in law enforcement
 - Rural locations; travel time; weather conditions
 - Reporting may increase if Native communities had a relationship and regular interaction with law enforcement officers that respond to crimes in their area


NIJ | National Institute of Justice
STRENGTHEN SCIENCE. ADVANCE JUSTICE.



State and Tribal Study: Select Findings

- 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


NIJ | National Institute of Justice
STRENGTHEN SCIENCE. ADVANCE JUSTICE.



State and Tribal Study: Select Findings

- 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)

NIJ | National Institute of Justice
STRENGTHEN SCIENCE. ADVANCE JUSTICE.



State and Tribal Study: Select Findings

- Resources
 - More staff needed at all levels
 - Desire to work in Indian Country, rural areas of the jurisdiction
 - More victim services located on or near reservations
 - Many tribal staff discussed difficulty getting timely response from state/county law enforcement
 - 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



Comparison of Findings

- PL 280 respondents
 - Reliance on grant funding; lack of funding for law enforcement
 - Challenges have more to do with rural nature of Indian Country
 - Greater issues with law enforcement response
 - Better relationships between state and tribal staff/agencies
- Non-PL 280 respondents
 - More issues with declinations
 - More challenges associated with establishing relationships and communication between federal and tribal staff
 - Tribal police and courts are more common= more points of communication
- Similar training needs; need to address burnout/self-care
- More staff that want to work in Indian Country
- Everyone recognized the importance of interagency collaboration and communication



Contact Information

Alison Brooks Martin
Postdoctoral Research Associate
National Institute of Justice

Phone: 202.305.7748
Email: Alison.Brooks.Martin@usdoj.gov