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FACT SHEET

October 2017

California Courts Protective Order Registry

The California Courts Protective Order Registry (CCPOR), currently deployed to 45 counties and 14 tribal courts, is a statewide repository that provides more complete, accessible information to judicial officers and law enforcement on restraining and protective orders. By promoting victim safety and perpetrator accountability, CCPOR supports the California judicial branch's strategic plan Goal IV, Quality of Justice and Service to the Public, and the related operational plan objective (IV.1.e) for "[i]mproved practices and procedures to ensure fair, expeditious, and accessible administration of justice for litigants in domestic violence cases."

Project History

The CCPOR program resulted from a recommendation to the Judicial Council submitted by the Domestic Violence Practice and Procedure Task Force to provide a statewide protective order registry. The registry contains up-to-date information, including order images, that is readily available to judges and law enforcement in the participating counties. In February 2008, the Judicial Council approved the recommendation and the CCPOR project was initiated by the Judicial Council Information Technology Services Office under the sponsorship of the Bay Area Northern Coastal Regional Office and with the support of the Center for Families, Children & the Courts.

The Domestic Violence Practice and Procedure Task Force also sought to enhance and improve court access to the California Law Enforcement Telecommunications System (CLETS), an information system managed by the California Department of Justice. As the largest statewide database of protective orders, CLETS is essential for safeguarding both victims of violence and law enforcement officers in the field. Current law requires that all protective orders be entered into CLETS within one business day of issuance. One important goal of CCPOR is to ensure timely and accurate entry of these important orders into the CLETS system.

CALIFORNIA TRIBAL COURT-STATE COURT FORUM

Resources Related to DV and Victim Safety in Indian Country

- Tribal/State Programs Family Violence Website <http://www.courts.ca.gov/14851.htm>
- Jurisdictional Tools for Law Enforcement and Judges - These educational tools facilitate collaboration among tribal police and county law enforcement. They were developed in collaboration with the following groups: California Department of Justice, California Peace Officers Standards and Training, California Indian Legal Services, California State Sheriff's Association, and the Tribal Police Chief's Association in California.
(<http://www.courts.ca.gov/documents/Tribal-Law-enforcement-tools.pdf>)
- *Judicial Toolkit on Federal Indian Law*
(<http://www.courts.ca.gov/27002.htm>)
- *Public Law 280 and Family Violence Curriculum for Judges*
(www.courts.ca.gov/documents/Tribal-FamViolenceCurriculum.pdf)
- *Tribal Advocates Curriculum* (www.courts.ca.gov/documents/TribalAdvocacyCurriculum.pdf)
- *Tribal Communities and Domestic Violence Judicial Benchguide*
(<http://www.courts.ca.gov/documents/Tribal-DVBenchguide.pdf>)

Native American Communities Justice Project –

BEGINNING THE DIALOGUE:
DOMESTIC VIOLENCE, SEXUAL
ASSAULT, STALKING, &
TEEN-DATING VIOLENCE

RESEARCH REPORT

MAY 2010



ADMINISTRATIVE OFFICE
OF THE COURTS

CENTER FOR FAMILIES, CHILDREN
& THE COURTS

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Support for this project was provided by the California Emergency Management Agency (Cal EMA) through Grant Award Number CW08071535 awarded to the Administrative Office of the Courts. Points of view expressed are those of the author(s) and do not necessarily represent the official position or policies of Cal EMA. The Grant from Cal EMA was supported by Grant No. 2008-WF-AX-0036 awarded by the Office on Violence Against Women (OVW), U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

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A companion piece, Native American Community Justice Project—Beginning the Dialogue: Domestic Violence, Sexual Assault, Stalking & Teen-Dating Violence Policy Paper, is also available and covers additional material from the project.

Both reports are available on the California Courts Web site:
www.courtinfo.ca.gov/programs/cfcc/resources/publications/articles.htm.

For additional copies or more information about this report or the policy paper, please call the AOC Center for Families, Children & the Courts at 415-865-7739, or write to:

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I. Background

The Native American Communities Justice Project (NACJP) brought together, for the first time, a substantial cross section of the Native American community in California with members of the California court system to discuss family violence issues: domestic violence, sexual assault, stalking, and teen-dating violence. Throughout the first half of 2009, a historic and successful series of 17 meetings brought together well over 500 Native Americans and California court personnel to hear the voices of Native American family violence victims and those who help them—and to consider how courts can better serve them.

Addressing court-related issues of family violence has been a major policy priority of the Judicial Council of California's Administrative Office of the Courts (AOC) for over twenty years. The AOC's Center for Families, Children & the Courts (CFCC) has instituted numerous efforts to address this issue, including education of judicial officers, court staff, and court-based mediators; the development of court guidelines; and funding of court-based interpreters. Despite these efforts, successful engagement of Native American communities had not been accomplished prior to this effort.

In October 2008, the CFCC launched an eight-month project hoping that the results would enhance access to and improve the administration of justice for Native American victims of family violence. Drawing on Native American community expertise and guidance, this project engaged those communities in identifying needs relating to family violence. The project involved collaborating with tribes and community members to gather information about, and develop strategies to address the needs of, Native American victims of family violence.¹

This report summarizes the information gained from the project. The project team sought input from all federally and non-federally recognized tribes in California, along with urban Indian communities in Los Angeles and the San Francisco Bay Area. Led by Native American community selected consultants, a series of meetings was held around the state to discuss barriers and solutions to addressing family violence. This project would not have been successful without the help of those consultants: Inter-Tribal Council of California, Inc., Lebron Consulting Group, Tom Lidot— Pacific Mountain Philanthropy, and the Tribal Law and Policy Institute. A statewide meeting was held at the end of May, 2009, to present and discuss the results of the local meetings. This report compiles the information gained into separate themes, listing problems and solutions identified by meeting participants under each theme.

¹ Support for this project was provided by the California Emergency Management Agency (Cal EMA) through Grant Award Number CW08071535 awarded to the Administrative Office of the Courts. Points of view expressed are those of the author(s) and do not necessarily represent the official position or policies of Cal EMA. The Grant from Cal EMA was supported by Grant No. 2008-WF-AX-0036 awarded by the Office on Violence Against Women (OVW), U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

A companion document reviews the history and prevalence of family violence in Native American communities, describes the project goals, and details the next steps taken by the AOC, based on information and suggestions gathered during this process.

II. Methodology

A. Overview

The findings presented here represent the experiences and wisdom of over 500 Native Americans concerned about family violence in their communities and constitute the most comprehensive look at this issue in California to date. Given the unprecedented nature of the meetings held during this project, the knowledge gained provides an invaluable base from which to continue the efforts to find solutions for California Native communities. The major goal at the outset of this project was to contact and engage a wide range of Native American communities in California in an on-going problem solving discussion about family violence in those communities, with a specific emphasis on what the state court system can do to address the issue. A key part of that process was the documentation of problems and solutions, taking into account the many different populations and perspectives making up California's Native American communities.

At the very beginning of the project, the AOC identified a number of values to guide the effort. These are fully set out in Appendix A, "Fact Sheet." Three values were of particular relevance to the community meeting and data collection process: "Tribal and state courts must be engaged in the process of identifying and addressing the problem"; "All Native American communities should be given the opportunity to participate"; and "Tribal sovereignty, history, and culture must be respected."

The qualitative strategy described below was developed to meet this goal, emphasizing a wide-ranging engagement with the community and culminating in the collection and synthesis of personal testimony, professional experience, and opinion. This information will be used in an ongoing dialogue with the Native American community to develop achievable goals for the California state court system. The information will also be shared with the Native American communities in the state and governmental and nongovernmental organizations for whom it is relevant.

Neither the meeting notes nor the answers to the written questions constitute a formal, representative survey of California's Native American community. The information presented below represents only the experiences and opinions of those individuals who chose to attend these meetings. It does not represent the official view of any tribe or organization, nor does it necessarily represent the exact situation of Native Americans in California.

B. Engagement With Native American Consultants

At the outset of the project, letters were sent to every federally recognized tribe in California, all non-federally recognized tribes that could be located, and Native American service providers in Los Angeles and the San Francisco Bay Area. Each was asked to nominate a community consultant to work with them to organize and hold a community meeting to discuss family violence. The basic format eventually settled on for these meetings was a meeting script using open-ended spoken questions (See Appendix D, “Community Meeting Script”), augmented by a series of written questions (both multiple choice and short answer) distributed at the community meetings (See Appendix E, “Written Questions Distributed at Community Meetings”). This allowed those who wished to participate the choice of doing so either orally or in writing. It also allowed slightly different types of questions to be presented to the group.

Approximately half the tribes in California and both urban Indian communities in Los Angeles and the San Francisco Bay Area participated in the project. Each chose to work with one of four consultants:²

- Inter-Tribal Council of California, Inc.
- Lebron Consulting Group
- Tom Lidot – Pacific Mountain Philanthropy
- Tribal Law and Policy Institute

Each consultant was responsible for organizing meetings with specific tribes or in specific areas. The consultants joined weekly conference calls with AOC staff throughout the project to discuss strategies, findings, and challenges. The consultants were also integral to the planning and conduct of the statewide meeting as well as the subsequent review and analysis of data. In addition, the Tribal Law and Policy Institute was engaged to oversee the collection of information from the meetings and draft summaries of the information collected (See Appendix B, “Consultant Biographies”).

Participants in community meetings were assured confidentiality, so we do not have a list of those people. Those who attended the statewide meeting, however, are listed in Appendix C.

C. Community Meetings

1. Participants. Over the course of three months (late February through mid-May 2009), the four teams of community consultants held 17 community meetings in Northern, Southern, and Central California. The meetings were generally attended by Native American community members and only to a limited extent by law enforcement personnel, state service providers, and

² Tribes were asked to pick from a list of Native American consultants who had agreed to work with the AOC on this project or to nominate their own consultant. Most tribes worked with their first (in a few cases with their second) choice of consultant.

state court personnel. Approximately 500 people participated in meetings, with a focus on the following groups:

- Advocates;
- Community Members;
- Elders;
- Social Service Providers;
- Tribal Leadership; and
- Victims/Survivors.

Meetings lasted from one to four hours and attendance ranged from 6 to 60 people, with a usual size of about 20 participants per meeting. The written questionnaire was made available to all meeting participants, and 408 people, out of approximately 500 participants, chose to fill it out. While the roles of people attending the community meetings were not identified, those who filled out the written questions were asked to identify their roles. Judging from the written questionnaires completed, about two-thirds of the participants were female. Slightly over one quarter were service providers, and another quarter were advocates. A further breakdown of the participants can be found in tables at the beginning of Appendix F, “Tables Summarizing Answers to Written Questions.” While the participants knew the meeting was about family violence in Native American communities, and could choose whether to participate, participation did not depend on any particular experience or expertise in the area of family violence.

2. Discussion Questions. The meeting script questions were open-ended and meant to start a discussion among the participants about family violence in their community. Not all questions were asked at every meeting. Facilitators used their best judgment on which questions to ask. Issues normally covered in all meetings included:

- Family violence in the local community;
- Sources of data that exist (or should exist) to document the problems;
- Problems Native American community members have accessing courts or court-connected services;
- Whether restraining orders are available and sought; and
- What kinds of services are available to Native American families and children that are victims of family violence.

For the full script of the community meetings, see Appendix D, “Community Meeting Script.” A note taker was present at each meeting to record key discussion points. Participants were not asked to identify themselves, and no identifying information (names, tribes, counties, etc.) was collected. The summarized findings from the meetings are presented below.

3. Written Questions. For all participants, but particularly those participants who were not comfortable participating in the group discussion or who had more to add, a written

questionnaire was handed out at each meeting. Just over 400 of these questionnaires were completed. Only meeting participants filled out the questionnaires.

The questions asked participants for their opinions about such matters as the most common types of family violence in their communities, the tribal status of offenders, the gender of victims, and whether or not the crimes get reported to law enforcement or child protective services. The written questionnaire is in Appendix E. Tables summarizing the responses to the written questions are presented in Appendix F.

D. Data Analysis

Data from 16 community meetings³ were analyzed through a detailed review of the notes taken during the meetings and additional weekly debriefings with the community consultants.

All comments made at meetings were grouped together by theme (e.g., problems with the response of law enforcement, restraining orders, etc), resulting in seven major themes. An effort was made to be as comprehensive as possible in including all comments from notes taken at meetings. Each comment was then translated into a summarized sentence to pull out the key elements of the thought. The seven themes, along with the sentences summarizing the comments, were reviewed by all community consultants and discussed to ensure that the information captured the major ideas discussed at the meetings. The themes, along with the summarized sentences from the meetings, make up the bulk of the information presented in this report.

In addition, the responses to the written questionnaires were entered into a database. The quantitative answers to those questions were compiled into frequency tables, and the narrative answers were reviewed separately and summarized (see Appendix F).

E. Generalizability of the Data

The information presented in this report comes from a *judgment sample* comprising selected experts and volunteers who are interested in family violence in Native American communities. It does not derive from a representative, random sample of California Native Americans. Given the historical mistreatment of Native Americans and the mistrust such treatment engenders, it is doubtful any accurate, fully representative study could be conducted by a governmental entity. That anyone was willing to come forward and speak is perhaps surprising—and that surprise was echoed throughout the meetings. It was accompanied, however, by a firm belief that the problems being discussed were grave and the willingness to address them sincere. These are the circumstances that lend this information credibility.

³ While 17 meetings in total were held, 1 was held too late in the process to be included in results presented at the statewide meeting and in this report.

If data from this report is cited, appropriate caveats should be included that explain its limitations and strengths. At a minimum, the following language is suggested:

This data is compiled from a historic, first-time preliminary investigation of family violence in California Native American communities. It represents the experiences of over 500 (or 400 if citing the tables in Appendix F) community members, service providers, advocates, and tribal leaders, working and/or living in California Native communities. Those that participated were from northern, central, and southern California and from federally recognized, non-federally recognized, and urban Indian communities. While this sample is nonprobabilistic, thereby precluding the calculation of error rates, the trends it identifies are strong.

III. Findings: Themes and Solutions Identified From Meetings

A. Introduction

This section summarizes the major themes identified by meeting participants, along with the solutions suggested to address problems related to the theme. The purpose of this project was to gain a better understanding of Native American community needs relating to the state court system and family violence. In order to gather information about this relatively narrow issue, we needed to engage in a more wide-ranging discussion about family violence in Native American communities. This led to participants discussing in detail the obstacles that prevent cases of family violence from ever reaching the court system. For a number of reasons, in Native American communities reporting family violence appears to be a significant problem.

The results presented here reflect a compilation of the views presented in the community meetings. They are taken from spoken and written answers to questions presented at the meetings. While the views of participants are summarized, every effort has been made to report them as completely and accurately as possible. Since the meetings were for purposes of information gathering, no attempt was made to present alternative points of view or contrary facts and the results should be read with that understanding. The opinions and factual statements reported below reflect the views of those who attended the meetings; they do not represent the official views of any Native American tribe, the California Administrative Office of the Courts, or the funder.

B. Themes Derived From Meeting Notes and Written Questionnaires

Theme 1: Crime Statistics and Family Violence Data

Problems

Collecting data on criminal justice issues in Indian country is generally a problem; however, in California (and many other Public Law 280 states) there are additional obstacles. Because the first responders to calls from a reservation dealing with family violence are usually county deputy sheriffs, it is within county sheriff's departments that reservation level data can be found. Many sheriffs in the state, however, do not keep separate data at the reservation level. Instead data is often lumped together into a larger "beat" that includes surrounding non-Indian communities.

This lack of data specific to Native Americans has at least two serious implications: (1) it makes the magnitude of the problem difficult to assess because it is not documented; and (2) it creates obstacles for tribes to securing funding to address family violence issues because most grant proposals require that the potential grantee provide data to document the problem. Several specific concerns about family violence data in Native American communities were raised:

- Participants reported that their local sheriff's department has data on family violence calls/incidents, but it is difficult to get the data.
- Many participants explained that because domestic violence is underreported, any data that does exist would likely be inaccurate.
- While data is sometimes collected by outside agencies and organizations, participants reported that the data is then used to obtain money and other resources that are not shared with tribal/Native American people. Making sure the data gets back to the tribes and communities from whom it was collected is a crucial issue.
- Service providers and others reported that data is sometimes collected from different sources and that more information is needed about how to mine and calculate data from different sources.
- It was reported that addressing the issue of family violence is directly related to data collection, because data showing the nature and extent of family violence and other issues is often a requirement in grant proposals to secure funding.

Answers to written questions about local data collection efforts were mixed (see Appendix F).

Solutions Suggested by Participants

- Document and develop protocols for successful cooperative efforts between the county and the tribe/Native American community to collect data.
- Tribal Temporary Assistance to Needy Families (TANF) may have some data since 90 percent of cases are domestic violence related or come domestic violence involved families.
- Fund a full-time salaried employee to mine data from all sources.
- Recognize and standardize reporting from different sources to make data mining easier. Law enforcement, courts, and service providers all have very different reporting procedures that, if standardized, would create a wealth of information.

Theme 2: Reporting Family Violence and Treatment of Native Americans

Problems

The participants who spoke at the meetings and those who responded to the written questions agreed that much of the family violence in Native American communities is never reported to law enforcement or social service providers. One of the major reasons (although by no means the only reason) for this is the actual or expected negative treatment received by Native Americans from law enforcement, state court personnel, and state social service providers who are not Native Americans and who may not be familiar with Native American culture and history.

One of the most often cited problems surrounding family violence in the Native and tribal communities dealt directly with county law enforcement interactions and barriers to reporting to law enforcement. In California, federally recognized tribes are subject to state criminal jurisdiction under a 1953 law known as Public Law 280.⁴ As a practical matter, this means that county sheriff's departments have the primary law enforcement responsibility on reservations in the state if there is no tribal law enforcement exercising concurrent jurisdiction. The broad range of problems surrounding this arrangement have been documented elsewhere.⁵ Participants in the community meetings had concerns specific to family violence matters and the ability of law enforcement to respond quickly, effectively, and respectfully.

While many of the concerns reported by participants were directed towards county or city law enforcement, some of the participants who live in areas having tribal police explained that

⁴ Public Law 280 (18 USC 1162) transferred federal criminal jurisdiction over crimes occurring in Indian country to certain states. Six states—California, Minnesota, Nebraska, Oregon, and Wisconsin (with certain excluded reservations) and Alaska, upon statehood—were required to accept the transfer of jurisdiction from the federal government. No tribal consent was required for the transfer.

⁵ See, C. Goldberg, D. Champagne, and H. Valdez Singleton, "Final Report: Law Enforcement and Criminal Justice Under Public Law 280," www.tribal-institute.org/lists/pl280.htm (accessed May 5, 2010).

similar concerns could arise in those areas. For others, having a tribal police force was seen as one of the solutions to those concerns.

Lack of reporting to county law enforcement was a major problem cited by participants at community meetings. Estimates by participants ranged from 50 percent to as few as 10 percent of incidents reported to county law enforcement. Several reasons were cited for this lack of reporting:

- Long response time by law enforcement was one of the most often heard comments in community meetings. Whether a result of distance, limited resource allocation, prioritization, or prejudice, response times to calls from reservations were perceived to be inappropriately long.
- Fear of having children removed was also given as a reason Native and tribal community members do not report incidents of family violence. Participants explained that victims entering into the system by reporting a crime of family violence can sometimes fear the breakup of the family more than re-victimization by the perpetrator.
- Inappropriate responses from law enforcement officers were cited as an ongoing problem in some communities. Participants related stories of officers treating victims poorly, arresting the victim instead of, or in addition to, the perpetrator, and prejudice on the part of officers.
- Harassment from law enforcement was reported by some participants. Participants explained that news about harassment or mistreatment travels fast in small communities such as reservations and tends to create a general climate of hesitancy to call law enforcement to a reservation.

Those who answered the written questions confirmed that, in general, incidents of family violence do not get reported to law enforcement. Lack of reporting was attributed to a number of interrelated factors, including shame and embarrassment; fear of repercussions from family members and the community; and mistrust of law enforcement, social services, and courts. A complete listing of written comments regarding reporting can be found in Appendix G, “Complete Summarized Comments From Community Meetings.”

It should be noted that these barriers are not unique to Native American communities,⁶ although in combination with other barriers such as geographical distance and prejudicial attitudes they take on increased salience. For example, while fear of being reported to Child Protective Services for complaining to the authorities about family violence is not unique to Native American communities, participants explained that the barrier becomes much higher because it is combined with the historical trauma of losing Native children to boarding schools and/or the

⁶ See, e.g., U.S. Department of Agriculture: Safety, Health and Employee Welfare Division, “Domestic Violence Awareness Handbook,” www.dm.usda.gov/shmd/aware.htm#HELP (accessed May 5, 2010); C. J. Newton, MA, “Domestic Violence: An Overview,” www.aaets.org/article145.htm (accessed May 5, 2010).

actions of child protective service agencies. Similarly, although stories of victims being arrested by law enforcement on domestic violence calls come from many communities, participants felt that such incidents were more common in Native American communities because of prejudicial views about Native Americans (particularly women) or misunderstandings about Native American culture and communication styles.

Solutions Suggested by Participants

- Cultivate long-term trust based relationships by having regular community meetings and collaborations between law enforcement and the Native American community to allow for relationship building and an opportunity to discuss priorities from both the tribal perspective and law enforcement perspective.
- Organize a multidisciplinary domestic violence task force to include law enforcement, health care providers, social service providers, advocates, prosecutors, and public defenders.
- Establish clearly defined protocols for elder abuse, teen-dating violence, and domestic violence cases to help law enforcement provide a consistent, victim-centered response to family violence calls. Such protocols should be developed collaboratively so that all those subject to them would be invested in following them.
- Provide education and training for law enforcement and others working with Native American people that addresses tribally specific cultural issues, domestic violence training, and education about jurisdictional issues regarding domestic violence restraining orders.
- Acquire mediators between Native American people and law enforcement to facilitate communication and allow for more positive outcomes for victims.

Theme 3: Services

Problems

Another issue that was highlighted by participants in community meetings was the availability and quality of services for victims of family violence, including safe houses, emergency shelters, counseling, advocates, and other assistance for victims. Many of the Native and tribal communities felt that the non-Native specific services were culturally inappropriate, difficult to access because of distance, and did not generally meet the needs of victims. Those participants that did have access in their area to Native-specific services, whether the services were tribally based or inter-tribal, were more satisfied with their experiences. Many did comment, however, that victims were not aware of these services. In addition, several critical comments were made about Child Protective Services and their role in removing children from the home. Several specific issues regarding the provision of services were repeatedly raised:

- Some non-Native services, including safe houses, are culturally inappropriate for Native American victims. Highly structured programs with little room for tribal perspectives on

healing or the family were mentioned by participants as creating difficulties. In addition, the geographic distance of these programs from tribal lands was also cited as a problem.

- Participants reported that while there are some services specific to Native people, there is a lack of information about what services are available—non-tribal as well as tribal services—and how to access them.
- Members of non-federally recognized tribes noted a lack of eligibility to access health services, as well as a lack of eligibility for Indian Child Welfare Act (ICWA) protections.
- Child Protective Services misidentifies Native American children as Hispanic or white, based on surnames. This misidentification denies them ICWA eligibility and can have a serious impact on the outcomes for these children.
- Child Protective Service workers sometimes provide victims with an inappropriate ultimatum to get a restraining order against a family violence perpetrator or face removal of the victim’s children.

Several people noted in writing—as did others more informally during the community meetings—that this process was the first real chance they had to talk about this topic. It was pointed out that tribes do not get funding to address domestic violence or for emergency situations, safe houses, or tribal safe areas.

Solutions Suggested by Participants

- Make available victim’s services that are local, tribally or Native American–run, and culturally relevant.
- Make available more holistic non-Native services that serve Native American populations and that include prevention education.
- Train Child Protective Services workers regarding Native American cultures and issues.
- Encourage tribes to consider using traditional methods, such as panels of elders or “talking circles,” to oversee case planning and follow-up.
- Organize a Native women’s retreat where non-Native service providers are invited to attend with the goal of building relationships and trust.
- Build better relationships and enhanced communication between law enforcement and ICWA workers to ensure services for youth at risk, and potentially reduce the number of children and families in the juvenile system.

Theme 4: Restraining Orders

Problems

Native victims of domestic violence in California must seek restraining orders through their state court system since there are few, if any, tribal courts in California that issue protective orders. Concerns were expressed by project participants about obtaining and enforcing restraining orders in the state system:

- A very high number of participants reported that courthouses are located very far from their communities. Victims without personal transportation who live in areas with no or limited public transportation have a very difficult time accessing state courts for a restraining order.
- Participants reported confusion and disagreement in sheriff’s departments about enforcing restraining orders from tribal courts or enforcing state court orders on tribal lands. It was noted that jurisdictional complexities and ambiguity can create this confusion.
- There is a lack of information about how restraining orders work and their limitations, as well as about temporary restraining orders and what is needed to get a “real” (presumably permanent or final, although these are characteristically time-limited also) restraining order.
- Participants stated that the high standard of evidence required to get a restraining order often cannot be met. Some stated that evidence of serious physical harm is required in order to get a restraining order, but sometimes the abuse does not show scars or obvious physical harm.⁷
- Some participants explained that a restraining order is not necessarily the answer—that preventing the breakup of the family is sometimes a better answer.
- Failure to give full faith and credit⁸ to tribal court orders is viewed as a problem. Participants explained that state courts may not honor restraining orders issued by tribal courts, requiring the victim to get a mirror order in state court.

Solutions Suggested by Participants

- Organizing Native-run legal advocacy programs that assist with restraining orders to help alleviate problems resulting from the confusion and complexity of the restraining order process. Participants emphasized that what was needed was not “outreach” to native communities by existing systems, but rather organizations that were staffed by Native Americans and operated in a manner that reflected native traditions and customs, and that served as a bridge to the dominant culture.

⁷ Although this statement accurately reflects the understanding of the speakers, and presumably their direct or related experience in obtaining domestic violence restraining orders, it is not an accurate statement of California law, which does not require any proof of physical harm or visible damage (Fam. Code § 6203). This evidences a serious knowledge gap in the Native American community.

⁸ This term refers to Article IV, Section 1 of the U. S. Constitution, which states: “Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other state.” With regard to protection orders in particular, federal law requires Native American tribal court orders to be given full faith and credit: “Any protection order issued that is consistent with subsection (b) of this section by the court of one State or Indian tribe (the issuing state or Indian tribe) shall be accorded full faith and credit by the court of another State or Indian tribe (the enforcing State or Indian tribe) and enforced as if it were the order of the enforcing State or tribe.” 18 U.S.C. § 2265).

- Fax filing for temporary restraining orders to address the problem of geographic distance from the courthouse.
- Videoconferencing court hearings using a tribal courthouse (or similar building) as a location to transmit victim testimony so that the victim does not have the burden of traveling far from home to seek the protection of a restraining order.
- Wallet sized plastic card identifying perpetrator and essentials of restraining order for victim to carry, such as those offered by the Hope Card Project.

Theme 5: State Courts

Problems

The impression gleaned from the meetings, as well as from the responses (or lack thereof) to written questions, is that state courts are not generally considered a viable forum for addressing family violence. Access to courts is effectively blocked by a lack of understanding about what courts can and should do to address family violence issues—and access is actually blocked by geographical distance and procedures and standards that appear incomprehensible, if not inappropriate.

For those who are able to access the courts, the over-arching concern that participants voiced was a sense that state courts are prejudiced against Native people and/or tribal members from the local reservation. This results in a general lack of trust in the system as a whole, and specifically in the court processes to protect victims. Participants from federally recognized tribes, non-federally recognized tribes, and urban Indian communities all expressed concerns about unfair treatment:

- Participants felt that people from the reservation do not get equal treatment from state court judges.
- Some participants, particularly those in urban areas, felt a deep distrust of state systems, and that a sense of prejudice against Native Americans pervades those systems. For example, the continuing effects of historical trauma were mentioned as not being understood by non-Native people.
- Residents of tribal lands cited the distance between those lands and the nearest state courthouse, along with a general lack of transportation, as major barriers to access.
- Another problem cited was that filing costs in court are prohibitively high, and the process is confusing and long.
- Many participants also explained that there is a lack of knowledge in tribal/Native American communities about how to use the state court system.
- Some also expressed fear that if family violence cases are not prosecuted, the perpetrator can return to the community and put the survivor in additional danger.
- Respondents to written questions indicated that lack of knowledge of tribal culture by state court judges and staff was a big problem, along with poor understandings of Indian

Child Welfare Act requirements by judges, attorneys, social workers, and probation officers.

In response to a written question about whether people in their community used state courts to address family violence issues, opinions varied widely, and a large minority of people did not answer the question at all. Of those who did answer the question (a little over half of all those who answered the questionnaire), about half of them thought that state courts were used for domestic violence and sexual assault cases, but not as much for stalking, teen-dating violence, or elder abuse. A further listing of justice gaps identified through the written questions is found in Appendix F, “Tables Summarizing Answers to Written Questions”.

Solutions Suggested by Participants

- Training of state court judges and court personnel by Native Americans about Native American culture and history in California.
- Acquisition of Native American liaisons to bridge the gap between Native communities and the state court system, especially in the area of legal self-help.
- Instruction by Native trainers in Native American communities about how to use the state court system.
- Regular interaction between local Native American communities and the local court system.

Theme 6: Tribal Courts and Police

Problems

Tribally controlled criminal justice systems, including law enforcement and tribal courts, are relatively common outside of California. Tribes receive funding from a variety of sources, including the Bureau of Indian Affairs, the U.S. Department of Justice, and tribal funds, to create systems that seek to address criminal justice problems at the local level, using tribal customs, values, and traditions. In California, however, tribal criminal justice growth has been stunted for many reasons, including misperceptions about Public Law 280 and a general lack of resources for tribes in the state. Participants in community meetings highlighted the needs for additional resources to create and sustain effective tribally controlled criminal justice systems.

- Several participants reported that a lack of tribal code development is an obstacle to creating tribal law enforcement and courts. It was noted that specialized legal assistance is needed for code development and that more of that assistance needs to be available.
- Tribal justice systems that are not fully developed result in some problems. For example, several participants reported that their tribal court does not provide a public defender, which creates a burden on defendants to find legal representation.

- Lack of information about how tribal justice systems work may also be an obstacle to utilizing those systems. Requests were heard for more education for community members on the operation of tribal courts and tribal law enforcement. It was not clear to some participants exactly what types of cases tribal courts hear, or what types of arrests tribal law enforcement is authorized to make.
- Participants explained that there are obstacles to recruiting tribal police and reporting violence in a small community. On reservations made up of several related families, finding a candidate who can be, or is willing to be, impartial is difficult.
- Funding limitations mean that tribes must compete with wealthier jurisdictions to retain trained officers. Some participants related stories of tribal government expending resources to train law enforcement officers, only to have local counties lure them away with offers of better pay and benefits.

Answers to written questions confirmed the general lack of tribal courts and codes, and that handling family violence cases was not common even among those tribes that did have courts (see Appendix F).

Solutions Suggested by Participants

- Incorporation of more tribal traditions and philosophy into tribal court operations.
- Better identification of the court needs of Native American communities.
- Holding tribal summits with information sharing for tribes on what they need to do to address the issue of family violence in a tribal court.
- Developing tribal codes that take into account generational abuse and historical trauma, include traditional values and approaches, and are designed to meet the needs of the local tribal community.
- Having more tribal courts and police, and better funding for those that exist.
- Increased communication between Tribal and Superior Courts with a goal of building trust.

Theme 7: Community-Level Concerns

Problems

Other concerns voiced at the community meetings included the existence of barriers to reporting on family violence that can only be addressed at the community level. Some issues could be considered common to non-Indian communities experiencing family violence (e.g., shame, fear in reporting, victim's identity tied to the abuser, etc.), but participants also voiced concerns that are unique to Native communities, such as specific cultural concerns that involve the chastity of young women, tribal councils making family violence a low priority, and fear of retaliation in a small community that does not have confidence in law enforcement.

- In small Native communities, fear of harm from members of the perpetrator's extended family and failure of the criminal justice system to protect victims from retaliation is an impediment to reporting violence.
- In some communities there are cultural ramifications to reporting certain types of abuse that might involve implications regarding loss of virginity.
- Small communities with few resources may have problems keeping confidentiality a priority.
- Some participants stated that there is denial of the problem, particularly among the tribal council and leadership. They explained that male leadership needs to be educated about family violence.
- A few participants said that children may be in “denial” about abuse, or not educated about what abuse is, and therefore do not report it.

In addition to statements made during the meetings, several of the written questions were directed at characteristics or concerns within communities. When asked whether tribal members, members of another tribe, or non-Indians most often acted violently in family violence incidents most people responded “no one more than the other.” It is perhaps of some interest to note that the respondents did not seem to think that members of other tribes or non-Indians were more or less likely than tribal members to act violently. Most people did seem to think, however, that the people acting violently were family members. The vast majority of respondents indicated that women were usually the victims of family violence, although young girls and young boys were also commonly cited. At least a third said men and seniors were also victims.

Solutions Suggested by Participants

A little over one-third of those responding to written questions indicated their community had other tribal ways of solving or talking about family violence, but about half said they did not. Numerous strategies were listed:

- Traditional healing measures and ceremonies.
- Groups, talking circles, and dances.
- Praying, singing, dancing, and education.
- Community dinners focusing on family violence.
- Reprisals, including violence against the perpetrator.
- Tribal Council meetings that focus on family violence.
- Handling the problem within the family, including the use of family pressure.
- Addressing of the problem by tribal elders.
- Restorative justice approaches.
- Native American methods or traditions of dispute resolution or mediation.
- One-on-one counseling.
- Women’s groups focusing on building self-esteem.
- Workshops on family violence for Native Americans.

Among those who said their communities did not have other ways of addressing family violence, the need for within community solutions such as talking circles, safe houses, and shelters was mentioned. The need for education about family violence (its causes, how to recognize it, and its solutions) was mentioned repeatedly across meetings—a need of both adults and children, as well as of tribal leaders and law enforcement.

Other Themes

Family violence against men and violence that impacts youth were talked about in many meetings. Violence against men is often not talked about. Since many native communities have predominantly young populations, if family violence occurs, youth often witness it or find themselves in violent situations.

Another major obstacle that many tribes under Public Law 280 jurisdiction face is having an outside jurisdiction and culture define the scope, nature, and parameters of family violence. What may not appear as violence in one community (certain forms of stalking, for example) can be viewed as extremely threatening and socially debilitating in another community that is smaller, culturally cohesive, and close knit. These differing definitions of family violence can create justice gaps wherein a Native victim seeking protection is left feeling helpless.

In addition to problems specific to certain aspects of the criminal justice system, some communities are faced with an overriding concern that prevents effective use of the system: an overall distrust of the system as a whole.

Problems

- There are no services for men who are victims of domestic violence. Participants told us that grants to address domestic violence cover only women, not men.
- It was also reported that law enforcement presents an additional barrier to adequately addressing the problem because authorities assume the man is the perpetrator.
- Participants noted that there is a stigma attached when men report domestic violence, further hampering reporting.
- Participants explained that teens may be misinformed that violence is considered “normal.” Several participants shared personal stories about their experiences growing up in a violent environment and the difficulty in shedding those notions of violence as normal.
- Teen-dating violence was an issue that was discussed specifically. Participants reported that there is not enough done to address teen-dating violence.
- Participants also reported that despite the problem with youth violence, there is a lack of services for youth.
- The urban Indian communities had special concerns about the urban Indian young population—specifically about the general prevalence of violence and drug abuse among urban youth.

- Family violence is a *family* event; it affects the entire (extended) family, not just the perpetrator and victim.
- The origin of violence in Native communities is a significant factor in understanding its dynamics and in gaining a more nuanced view of why violence persists in some communities. Many participants told us that domestic violence is a subset of historical trauma, a context that may not be understood by the non-Indian community.
- Participants reported that Native people are re-victimized by the system if they try to use it.
- Some participants felt that the restraining order process is too complicated, long, and difficult to be useful.
- Differences in how a Native American person and a non-Indian person experience the system need to be acknowledged.
- Participants explained that cultural barriers and social isolation (not knowing about or feeling a part of state systems) make it difficult for Native Americans to navigate courts and social service agencies.
- Many participants felt that historical distrust exists in both the Native American and non-Native American communities towards each other.

Solutions Suggested by Participants

- Education on violence against men is needed since the topic is not well understood at the community level or in non-Indian communities, and there is a lack of information available about the issue.
- Education of youth about issues surrounding family violence.
- For non-Indians, education, discussion, and increased understanding of Native people and their history.
- Increased development of tribal justice systems, and increasing the number and availability of Native American-specific services.
- More awareness system-wide about the specific tribal histories and historical trauma experienced by Native Americans. State system workers who serve Native communities should be better educated about those communities.
- State law enforcement and courts must actively build a relationship with tribes.

IV. Next Steps

In response to the information gathered through this project, the AOC quickly took several steps and is in the process of taking several more. Those steps are summarized below.

As a preliminary response to the information gathered through this project, the AOC took four steps:

1. Established a Tribal Projects Unit;
2. Convened a meeting of tribal and state court leaders;
3. Implemented quickly achievable solutions such as education, resource sharing, and technical assistance; and
4. Created a coalition of state court leaders and tribally nominated tribal court judges.

These steps are described in more detail in the following paragraphs.

1. Tribal Projects Unit.

In November, the AOC established, as part of the Center for Families Children & the Courts, a Tribal Projects Unit. The purpose of this unit is to serve as liaison to tribal communities in California and to assist the judicial branch with the development of policies, positions, and programs to ensure the highest quality of justice and service for California's Native American communities in cases relating to the Indian Child Welfare Act, domestic violence, dating violence, sexual assault, and stalking.

The AOC's Tribal Projects Unit identified the following seven goals:

1. Conduct community outreach to California's Native American citizens to provide information about state courts and court-connected services;
2. Collaborate with Native American communities and service providers to gather information about Native American justice-related needs;
3. Develop and promote strategies and programs that are responsive to identified justice-related needs;
4. Provide education and technical assistance to state courts and court-connected services on Public Law 280; Indian law issues relating to domestic violence, dating violence, sexual assault and stalking; the Indian Child Welfare Act; and indigenous justice systems;
5. Act as a liaison between the state and tribal courts to build professional relationships and improve access by tribal courts to education, technical assistance, and other resources;
6. Promote mutually beneficial intergovernmental cooperation between tribal courts, state courts, and appropriate tribal, state, and local agencies; and
7. Develop and disseminate justice-related information and reports needed by tribal and state agencies to work together effectively.

The AOC's Tribal Projects Unit activities include: (1) the establishment of a clearinghouse of resources to support tribal court justice systems; (2) the promotion of state and tribal court

collaboration on local and statewide levels; (3) curriculum development; (4) the promotion of self-help and legal services to provide effective services for Native Americans in California; and (5) education and technical assistance for tribal court judges.

These activities are described in more detail below.

- **Clearinghouse of resources to support tribal court justice systems**

The AOC has established and will maintain a clearinghouse of resources that includes:

- (1) a calendar of AOC educational events for tribal and state courts;
- (2) a directory of services for Native American families;
- (3) a listing of tribal justice grant opportunities;
- (4) a list of tribal courts in California and information they would like to share publicly, such as contact information and cases currently heard; and
- (5) resources relating to compliance with the Indian Child Welfare Act in juvenile, family, and probate cases.

To date, the AOC has established such a clearinghouse on its Web site. AOC educational events are accessible to tribal courts through a secure Web site for state court judges. The directory of services for Native American families can be found at:

<http://www.courtinfo.ca.gov/programs/cfcc/programs/description/tribalservices/>

All ICWA resources can be found at:

<http://www.courtinfo.ca.gov/programs/cfcc/programs/description/TribalJobAids.htm>

- **Collaborations**

The AOC will continue to promote communication and information sharing between the tribal and state court systems, bringing together state and tribal court judges, as well as tribal and state/local agencies, to improve the administration of justice in cases relating to ICWA, domestic violence, dating violence, sexual assault, and stalking. The AOC will provide staff for the coalition of tribal court and state court leaders that will review this report and discuss how the state judicial branch can be more responsive to the needs of tribal communities and tribal courts in California regarding family violence issues.

To date, the AOC has continued working with the informal coalition of tribal court judges and state leaders who came together in December of 2009, taking steps to support tribal justice systems and work on areas of mutual concern.

- **Curriculum development**

The AOC will develop curricula on the following topics: (1) civil and criminal jurisdiction in a PL 280 state for state court judges; (2) Indian law issues that may arise in cases involving domestic violence, dating violence, sexual assault, and stalking for state court judges and practitioners; (3) the Indian Child Welfare Act for state court judges, attorneys, child welfare agencies, and probation departments; and (4) specifically for

tribal advocates, on accessing and navigating the state court system in cases of domestic violence, dating violence, sexual assault, and stalking.

To date, the AOC is working with its tribal partners to develop the above curricula. The active efforts module of the ICWA curriculum has been completed. The request for proposals on the remaining modules of the ICWA and the tribal advocate curricula were posted in April of 2010.

- **Self-help and legal aid services**

The AOC will work with local self-help and legal aid programs to provide effective services to Native Americans in California.

To date, with grant funding, the AOC posted a solicitation offering technical and funding assistance to local courts for their self-help services for family violence cases involving Native Americans. Four local courts responded, Alpine Superior Court, Butte Superior Court, Imperial Superior Court, and Inyo Superior Court, and all four were awarded grants to focus their outreach efforts and services to tribal communities in their region.

- **Education and technical assistance for tribal court judges**

The AOC has made available to tribal court judges existing in-person and distance-learning educational programs and materials relating to domestic violence, dating violence, sexual assault, and stalking that are provided to state court judges. In addition, the AOC has made available all Judicial Council forms for use by tribal courts if they choose to adapt them for their own court systems. The AOC will also provide technical assistance to tribal court judges interested in applying collaborative court principles for problem solving and in starting, or enhancing, a supervised visitation program.

To date, the AOC has made available to tribal court judges all existing in-person and distance learning educational programs and materials that are available to state court judges. Also, the AOC has announced the availability of technical assistance in the areas of collaborative court principles and supervised visitation, and has begun providing this assistance.

2. Meeting of tribal and state court leaders. One of the first activities of the AOC's Tribal Projects Unit was to convene a meeting of tribal court judges and state court judges. On December 21, 2009, the Chief Justice of the California Supreme Court, tribal court judges, and other state court leaders met to discuss issues of family violence and the role their respective judiciaries could play to address many of the themes raised in this report. The attendees made a firm commitment to continue working together, particularly with respect to the following six areas:

1. The enforcement and recognition of orders relating to family law, civil procedure, juvenile law, and domestic violence;
2. Addressing concurrent jurisdictional issues;
3. Developing and sharing educational resources;
4. Undertaking joint development and revision of rules and forms, as well as providing assistance to adapt state Judicial Council forms for use by interested tribal courts;
5. Sharing grant resources; and
6. Addressing the lack of tribal court access to data.

The result of this historic meeting was the decision to form a coalition and to continue forging positive judicial relationships and working on priority areas of mutual concern and shared interest. With AOC's Tribal Projects staff support, these tribal and state court leaders have continued to this work together, and the results have been positive, resulting in quickly, achievable solutions.

3. Quickly achievable solutions. Several short-term goals have already been achieved by the AOC Tribal Projects Unit. Tribal court judges now have access to all AOC educational resources through a secure Web site maintained for state court judges. Tribal court judges also have access to Judicial Council forms and technical assistance from the AOC to adapt those forms for their own courts if desired. Tribal courts have access to a list of grants maintained by the AOC. Tribal Projects staff is working with tribal and state court judges to develop presentations to showcase tribal and state court partnerships at the local level and to present on court protocols to mutually enforce orders. These presentations, along with a presentation on PL 280 will be featured at the AOC's annual conference, *Beyond the Bench*, in June 2010.

4. Coalition of state court leaders and tribally nominated tribal court judges.

Simultaneously with the release of this report, in May 2010, the Chief Justice of California appointed the California Tribal Court / State Court Coalition. The members of the Coalition include seven tribal court judges, nominated by their tribal chairs, representing nine of the nineteen tribal courts currently operating in California as well as the Director of the California Attorney General's Office of Native American Affairs and ten state court judiciary including the Chairs of Family and Juvenile Law Advisory Committee, Access and Fairness Advisory Committee, Civil and Small Claims Advisory Committee, Criminal Law Advisory Committee, Traffic Advisory Committee and representatives of the local courts in which many of the tribal courts are situated. (See Appendix A: Coalition Members.) The coalition will review this report and the companion piece, the Native American Community Justice Project—Beginning the Dialogue: Domestic Violence, Sexual Assault, Stalking, and Teen-Dating Violence Policy Paper, and implement solutions relating to the reciprocal recognition and enforcement of court orders, coordination and transfer of jurisdiction, support for creating and sustaining tribally controlled justice systems, access to data relevant to tribal communities and tribal courts, and treatment of Native Americans and tribal advocates in state court proceedings.

In addition to the specific steps that have already been taken, solutions are identified in this report that cannot be implemented by the state judicial branch alone as they are outside the control of the state court system. One of the first priorities of the coalition, when it meets in June 2010, will be to identify those areas and reach out to the appropriate justice partners for help in addressing them.

Finally, the AOC is actively seeking funding to support the work of the coalition and the Tribal Projects Unit. Federal funding has already been obtained to support this work through January of 2011.

Conclusion

The NACJP was unique and groundbreaking in its design, implementation, and forward-looking approach to “next steps” to take to address the issues involved. It was the first time in California that any state governmental agency, specifically the judicial branch through its administrative body the AOC, contacted and engaged tribal communities, contacting every tribal government in California regardless of federal recognition and reaching northern, central, and southern, as well as rural and urban, Indian communities. It was the first time in California that such a strategy of wide-ranging community engagement was used and the result was the start of a certain level of trust on the part of native people in California, a trust reflected by the large numbers who participated and bravely gave an honest portrayal of their experiences.

In conducting the NACJP, the AOC partnered with well-respected tribal consultants, nominated by participating tribes. The partnership was a true partnership whereby the local community meetings and the statewide meeting were largely shaped by the consultants who knew their tribal communities. Local meetings were held where Native people would feel comfortable and safe to share their experiences. The statewide meeting format was in keeping with a traditional Indian conference. With respect to next steps, the NACJP was launched to provide a California lens on what was already known (i.e., that there exists a public safety crisis in tribal communities) and to ensure that tribal voices inform the direction the state courts will take to address that crisis. Given the diverse native communities in California, it was critical that the AOC conduct this type of unique needs assessment in order to prioritize its next steps in response to the needs identified by Native people.

Appendix A

FACT SHEET



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FACT SHEET

March 2009

Native American Communities Justice Project— Beginning the Dialogue: Domestic Violence, Sexual Assault, Stalking, and Teen Dating Violence

Purpose

Addressing court-related issues of domestic violence, sexual assault, stalking, and teen dating violence has been a major policy priority of the Judicial Council of California's Administrative Office of the Courts (AOC) for over twenty years. For brevity, this fact sheet will refer to these areas of focus as "family violence." Most recently, the AOC's Center for Families, Children & the Courts (CFCC) has instituted numerous projects in this area, including education of judicial officers, court staff, and court-based mediators; development of court guidelines; and funding of court-based interpreters. As a continuation of those efforts, in October 2008, the CFCC launched a short-term project designed to enhance access to and improve the administration of justice for Native American victims of family violence. Drawing on community expertise and guidance, this project will engage Native American communities in identifying needs relating to family violence. The project involves collaborating with tribes and community members to gather information about and develop strategies to address the needs of Native American victims of family violence.

Values

The project's design reflects specific core values:

- Native American victims of family violence deserve equal access to justice, fairness, and due process;
- Safety should be enhanced for Native American victims of family violence;
- Tribal and state courts must be engaged in the process of identifying and addressing the problem;
- All Native American communities should be given the opportunity to participate;
- Tribal sovereignty, history, and culture must be respected; and
- The state's responsibility toward Native American communities must be recognized.

This project was supported by Grant No. 2008-WF-AX-0036 awarded by the Office on Violence Against Women (OVW), U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

Project Design

Phase I

After seeking the input of tribes throughout the state, in February the AOC engaged four community consultants to conduct the first phase of the project, designed to achieve six goals:

- Identify issues of concern to the communities and gather available related information and data;
- Discuss the meaning of the data collected;
- Identify the “justice gaps” that impede meaningful access to tribal and state courts;
- Identify factors that present barriers to the fair administration of justice in proceedings relating to family violence;
- Identify programs and strategies that provide effective access to justice; and
- Develop strategies to better address the needs of Native American victims of family violence.

These consultants are the Tribal Law and Policy Institute, the Inter-Tribal Council of California, Pacific Mountain Philanthropy, and Lebron Consulting (working in collaboration with Friendship House in San Francisco and United American Indian Involvement in Los Angeles). Local meetings have begun and will continue throughout April.

Phase II

During the second phase of the project, the CFCC will convene a statewide meeting May 21-22, 2009, to take place in San Diego at the Marriot Mission Valley Hotel. Data identified by the community consultants and gathered during the local meetings will be compiled with the help of a research consultant working with CFCC staff. A portion of the May meeting will be devoted to presenting the local-meeting results to Native American community representatives; the balance of the May meeting will be used to discuss how to prioritize and address identified needs.

Timeline—Project Activities

Late January–March 2009	Hold local meetings facilitated by community consultants.
Late April–early May 2009	Compile information from local meetings and plan statewide meeting.
May 21–22, 2009	Hold statewide meeting with Native American community representatives, consultants, and state court representatives.
May 31, 2009	Issue final report.

Native American Communities Justice Project

Page 3 of 3

Future Activities

In keeping with its commitment to improve the administration of justice for all Californians, the CFCC intends to explore ways to expand this project in the future to a more general assessment of the justice needs of Native Americans across all family and juvenile law case types.

Funding

This project is supported with funds awarded by the Office on Violence Against Women, Office of Justice Programs, U.S. Department of Justice and administered through the California Law Enforcement/Victims Services (LEVS) division of the Governor's Office of Emergency Services (OES). Funding must be expended by May 30, 2009, and is limited to activities that must be awarded to state courts, and project activities must be limited to the issues described in this fact sheet.

Further Information

For additional information about the Native American Communities Justice Project activities, please contact:

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Appendix B

CONSULTANT BIOGRAPHIES

Consultant Biographies

HON. ABBY ABINANTI has been a commissioner for the Superior Court of San Francisco County since 1994. She is also the tribal court judge for the Yurok Tribe. Judge Abinanti was in private practice from 1976 to 1992 and was the legal director and director of the Lesbians of Color Project, National Center for Lesbian Rights, from 1992 to 1994. She also served as directing attorney for California Indian Legal Services in Eureka. Judge Abinanti earned a bachelor's degree from Humboldt State University and holds a juris doctorate from the University of New Mexico School of Law.

BONNIE CLAIRMONT, a citizen of the Ho-Chunk Nation of Wisconsin and a member of the Bear Clan, resides in St. Paul, Minnesota, where she is employed with the Tribal Law and Policy Institute (TLPI) as the victim advocacy program specialist. Prior to her employment with the TLPI, Bonnie was outreach/client services coordinator for Sexual Offense Services (SOS) of Ramsey County (New Mexico), a rape crisis center. While employed with SOS, she provided leadership in the development of sexual assault response teams and guidance with multidisciplinary sexual assault protocol development. She has worked for more than 20 years advocating for victims of sexual assault and domestic violence and providing multidisciplinary training/collaboration on the needs of women and children who are raped and battered. She has dedicated much of her work to providing and improving services for victims/survivors of sexual assault, battering, and child sexual abuse, particularly those from American Indian communities. For four years she coordinated the Strengthening the Circle of Trust conference, focusing on sexual assault and exploitation perpetrated by American Indian "spiritual leaders/medicine men." Bonnie co-edited a recently published book, *Sharing Our Stories of Survival*, an anthology of writing by Native women who've experienced violence. Bonnie provided technical assistance for research conducted by Amnesty International USA and the report "*Maze of Injustice: The Failure to Protect Indigenous Women From Sexual Violence in the USA*."

JERRY GARDNER (Cherokee) is an attorney with more than 30 years of experience working with Indian tribes and tribal justice systems, including violence against Native women issues, juvenile justice issues, and Native criminal justice research projects. He is the founding executive director of the Tribal Law and Policy Institute—an Indian-owned and -operated nonprofit corporation established in 1996 to design and deliver education, research, training, and technical assistance programs that promote the improvement of justice in Indian country and the health, well-being, and culture of native peoples (www.tlpi.org). He has served as an adjunct professor at the University of California, Berkeley, School of Law (Boalt Hall) from 1995 to 2000; at the University of California, Los Angeles, School of Law from 2002 to 2006; and at Southwestern Law School (presently). He has been a tribal appellate court judge for various tribal courts including the Turtle Mountain Band of Chippewa Indians in North Dakota and the Poarch Band of Creek Indians in Alabama. He served as the administrator for the National American Indian Court Judges Association (NAICJA) from May 1998 to December 2000. He served as the senior staff attorney with the National Indian Justice Center (NIJC) from NIJC's establishment in 1983 until December 1996. He also has worked for the U.S. Senate Committee on Indian Affairs, the national office of the Legal Services Corporation, and the American Indian Lawyer Training Program. He has been a council member of the American Bar Association (ABA) Section on Individual Rights and Responsibilities and the Judicial Division—Tribal Courts Council since 2006 and was the co-author of the August 2008 ABA resolution in support of adequate, stable, and long-term funding for tribal justice systems.

DR. DORTHY LEBRON, PH.D., of Lebron Consulting Group, is a results-proven, organization development specialist and skilled researcher with 20 plus years of leadership experience and track record of success in improving service, accountability, profitability, and quality in public health organizations and community based organizations. Lebron consulting group is a private research, evaluation and quality consulting organization that partners with public health sector organizations in their goals to develop and maintain productive workplace environments. Dr. Lebron is an active organizational researcher with particular interest in the cultural influences of indigenous populations on public health and organization development. For the past 15 years, she has partnered directly with American Indian community based organizations of the San Francisco and Oakland California bay area to address total quality management, program/curricula development and organizational sustainability. For the past 6 years, she has worked with the Monterey County Health Department - children's behavioral health division, addressing culturally competent service delivery and system accountability for children, youth and their families who are experiencing mental health disorders and hardships. Mexican Americans are the major group receiving services.

TOM LIDOT is a member of the Central Council of Tlingit and Haida Indians of Alaska, and an enrolled member of Chilkat Indian Village (where grandmother was born). He is actively involved with local, regional, and national Tribal issues related to health, child welfare, and self-determination. His work experience is built on direct service expansion for healthcare and education programs. He walks in two worlds: as a Tribal member who strives to maintain culture and tradition, and an active advocate for the advancement of science and education. His experience in mediation / alternative dispute resolution serves as the foundation for his approach to cross-cultural training and facilitation. He has over 17 years of non-profit experience in fundraising for non-profits through grant writing, corporate sponsorships, foundation campaigns, direct mail, and capital campaigns, with a successful track record of winning over \$8 Million in grants to date.

MARGARET ORRANTIA holds bachelor's and master's degrees from San Diego State University (SDSU). She served in the Peace Corps in Peru from 1962 to 1964. She worked at the Institute of American Indian Arts in Santa Fe, New Mexico, for 18 years. Returning to San Diego, she served as the executive director of Indian Child and Family Services (ICFS), a state-licensed foster family and adoption agency serving the tribal community in San Diego and Riverside Counties. After leaving ICFS, Ms. Orrantia served as a consultant and grant writer for Indian tribes and nonprofit agencies for eight years and as the director of foster family and adoption agencies in the non-Indian community. Currently she works at the Academy for Professional Excellence, a program of the SDSU School of Social Work, as a member of the Tribal STAR (Successful Transitions to Adult Readiness) team. She is also a member of the Pacific Mountain Philanthropy team.

CHAIRMAN H. NELSON PINOLA is Tribal Chairman of the Manchester-Point Arena Band of Pomo Indians, a position he has held for the last 14 years. He also has over 20 years' experience in law enforcement as a lieutenant with extensive experience in investigating homicides, domestic violence, child abuse, and sexual assault. He has developed and conducted cultural competency training for law enforcement with the Police Officers Standards Training (POST) and the Office of the Attorney General and also has taught about issues of family violence.

CONNIE REITMAN is the executive director of the Inter-Tribal Council of California, Inc. (ITCC), a statewide tribal organization of 50 tribes and tribal organizations. Ms. Reitman has 40 years of experience in community development, promoting social and economic development primarily in tribal communities in rural areas. Her expertise includes public policy development at federal, state, and community levels with a focus on recognizing the unique government-to-government relationship between tribes and state/federal government entities. She is a certified Indian child welfare worker and serves on numerous boards, commissions, and committees, promoting Indian Child Welfare Act (ICWA) compliance by the state and county. She has been active on various boards, commissions, committees and councils including; Sonoma State University; Training Curriculum Development on Domestic Violence for In-Home Health Care Providers, University of California Davis; Curriculum Development for Medical and Health Care Providers, University at Channel Islands; Inter-Faith Curriculum Development on Domestic Violence, Lake County Domestic Violence Coordinating Council; Lake County Juvenile Justice Commission; Sutter Lakeside, Board of Trustees; Tribal Advisory Committee, Indian Child Welfare Sub-Committee to the State Department of Social Services; and Tribal Law Enforcement Summit Planning Committee, California Attorney General's Office.

HON. PAT SEKAQUAPTEWA is the executive director of the Nakwatsvewat Institute, a nonprofit organization committed to furthering governance, justice, and education projects in Indian country. She presently serves as a justice on the Hualapai Appellate Court and has also served as a judge pro tempore with the Hopi and Little Traverse Bay Band Tribal Courts. She is also a trained mediator. For the past six years she served as the director of the University of California, Los Angeles's Native Nations Law and Policy Center and its Tribal Legal Development Clinic. At UCLA, as a full-time lecturer in law, she provided instruction in constitution and statutory drafting and tribal court development, and trained and supervised law student clerks for the Hopi Appellate Court. She also taught "Nation Building" in UCLA's American Indian Studies Program. She is the cofounder and former associate director of the Tribal Law and Policy Institute, where she worked in the field with over 100 different tribes in their justice system development. In 1998 she worked for the law firm of Alexander & Karshmer, which represented American Indian tribes, Alaska Native villages, and intertribal organizations.

HEATHER VALDEZ SINGLETON conducts research with a focus on tribal criminal justice policy in Indian country. She has researched and written in the area of tribal legal and community development, as well as California tribal history. Ms. Valdez-Singleton holds a master's degree in public policy from Harvard's Kennedy School of Government, a master's degree in American Indian studies from the University of California, Los Angeles (UCLA), and an undergraduate degree in anthropology from the University of California, Berkeley. Her experience includes serving as project director for UCLA's Native Nations Law and Policy Center's nationwide assessment of Public Law 280; tribal liaison for tribal court grantees in California; research coordinator for UCLA's American Indian Studies Center; and consultant for the Gabrieleno/Tongva tribal recognition project. She currently serves as deputy director of the Tribal Law and Policy Institute and teaches classes through the UCLA Extension Tribal Learning Community and Education Exchange Program.

Appendix C

STATEWIDE CONFERENCE ATTENDEES

Statewide Conference Attendees

1. Hon. Abby Abinanti, Chief Judge, Yurok Tribe and
Commissioner, Superior Court of California, County of San Francisco
2. Ms. Susan Alvarez, ICWA Coordinator, Pit River Tribe
3. Ms. Lisa Ames, Social Services Manager, Tuolumne Band of Me-Wuk Indians
4. Dr. Lisa Andrews, Research Analyst, State of California, Victim Compensation and
Government Claims Board
5. Ms. Lynda Appling, Chukchansi Indians
6. Ms. Angelina Arroyo, Executive Secretary, Habematolel Pomo of Upper Lake
7. Ms. April Elaine Attebury, Associate Judge/Court Administrator, Karuk Tribal Court
8. Ms. Elizabeth Ashley Avelar, Family Preservation Caseworker, Southern Indian Health
Council
9. Ms. Deborah Ann Bain, Deputy Attorney General, Attorney General's Office
10. Hon. Gordon Baranco, Judge, Superior Court of California, County of Alameda
11. Mr. Phillip Bennett, Alpine County Board of Supervisors, Woodfords Washoe
12. Mr. John D. Beresford, Tribal Law Enforcement, La Jolla Band of Indians
13. Hon. Richard C. Blake, Chief Judge, Hoopa Valley Tribal Court
14. Ms. Nadine Blaschak-Brown, Senior Court Services Analyst, AOC Center for Families,
Children & the Courts
15. Ms. Julia Bogany, Gabrielino/Tongra Tribe of San Gabriel
16. Hon. Anthony James Brandenburg, Chief Judge, Intertribal Court of Southern California
17. Ms. Sherry Bridges, Chairperson, Habematolel Pomo of Upper Lake
18. Ms. Rozan Gearldine Brown, Advocate, California Tribal TANF
19. Mr. Marvin Brown, Elem Member, Elem Indian Colony
20. Ms. Donna M. Burt, Court Services Supervisor, Superior Court of California, County of
Riverside
21. Ms. Vida Maria Castaneda, Court Services Analyst, AOC Center for Families, Children &
the Courts
22. Ms. Norma Chanudomchok, Educational Liaison, San Diego County Office of Education
23. Mr. Howard Chavez, Project Manager, Inter-Tribal Council of California, Inc.
24. Ms. Sylvia Cisneros, Goleta, CA
25. Ms. Bonita Clairmont, Victim Advocacy Specialist, Tribal Law & Policy Institute
26. Ms. Donna Clay-Conti, Attorney, Administrative Office of the Courts
27. Ms. Teresa Contreras, Bureau Chief, Child Welfare Policy, California Department of Social
Services
28. Ms. Carmen Crabtree, Advocate, Family Violence Prevention Advocate, Big Valley
Rancheria
29. Ms. Yvonne Cudney, Attorney, Legal Aid Foundation of Santa Barbara County
30. Ms. Nancy L. Currie, Director of Social Services, Soboba Band of Luiseno Indians

31. Ms. Roxana Damas, Sacramento, CA
32. Ms. Terri Davis, Family Violence Prevention Advocate, Yurok Tribe
33. Ms. Guadalupe Elzeda De La Torre, Vice Chairwoman, Greenville Rancheria
34. Ms. Liz Elgin DeRouen, ICWA Advocate, Indian Child & Family Preservation Program
35. Ms. Frances Diaz, Eligibility Technician, Soboba Band of Luiseno Indians
36. Hon. Juana Majel Dixon, Legislative Council Woman, Pauma Band of Mission Indians
37. Ms. Dee Dominguez, Chairperson, Kitanemuk, Yowlumne and Tejon Indians
38. Ms. Joni Drake, Site Manager CTPP, California Tribal TANF Partnership
39. Mr. Thomas D. Drake, Choinumni Tribe 101 Representative, California Tribal TANF Partnership
40. Ms. Maureena Dressler, Vice-Chair of Woodfords Washoe, Woodfords Washoe
41. Ms. Christine Dukatz, Tribal Administrator, Manchester Point Arena Band of Pomo Indians
42. Ms. Christine M Dukatz, Manchester Point Arena Band of Pomo Indians
43. Mr. Randlett Edmonds, SCAIR Senior Advisor, Southern California American Indian Resource Center, Inc.
44. Hon. Leonard P. Edwards, Judge-in-Residence, AOC Center for Families, Children & the Courts
45. Ms. Joan Eliel, Program Specialist, Montana Department of Justice
46. Ms. Valerie Estrada, Family Violence Prevention Advocate, Bridgeport Paiute
47. Ms. Corine M. Fairbanks, Community Liaison, Legal Aid Foundation Santa Barbara County
48. Ms. Helen Fields, Women's Tribal Facilitator, Southern Indian Health Council, Inc.
49. Mr. Alfonso Garcia, Social Worker, MSW, United American Indian Involvement, Inc.
50. Mr. John Garcia, Certified Addiction Specialist II, Tuolumne MeWuk Indian Health Center
51. Ms. Maria D. Garcia, Tribal Social Worker, Pala Band of Mission Indians
52. Ms. Sarah Garcia, Tribal Secretary/Treasurer, Elem Indian Colony
53. Mr. Jerry Gardner, Executive Director, Tribal Law and Policy Institute
54. Ms. Loleta Garfield, Director, Family and Social Services, Tule River Tribal Council
55. Ms. Brenda Gilman-Bagwill, Tribal/Patient Liaison/PEI, Sycuan Medical/Dental Center
56. Ms. Ann Gilmour, Attorney, AOC Center for Families, Children & the Courts
57. Hon. Michael Golden, Chief Judge, Morongo Tribal Court
58. Mr. Wayne Grigsby, Tribal Outreach, Friendship House Association of American Indians, Inc.
59. Ms. Gloria Grimes, Tribal Member, Calaveras Band of Miwuk Indians
60. Ms. Heather Grimes, Tribal Member, Calaveras Band of Miwuk Indians
61. Ms. Consuelo Guillory
62. Ms. Nilla Hamilton, Tribal Consultant, Pacific Mountain Philanthropy
63. Ms. Elizabeth Hansen, Tribal Chairperson, Redwood Valley Rancheria
64. Ms. Sharyne Harper, Executive Director, Smith River Rancheria
65. Ms. Norine P. Hegy, Program Specialist, California Emergency Management Agency

66. Ms. Sally Hencken, Chief, Victim/Witness Section, California Emergency Management Agency (CalEMA)
67. Hon. Charles N. Henry, Chief Judge, Karuk Tribe of California
68. Ms. Patricia Hilliard, Hemet, CA
69. Ms. Diane Holliday, Tribal Council, Blue Lake Rancheria
70. Ms. Cheryl Holstine
71. Ms. Anita Huff, Administrative Assistant, Blue Lake Rancheria
72. Hon. Susan D. Huguenor, Presiding Judge, Superior Court of California, County of San Diego, Juvenile Division
73. Hon. Lon F. Hurwitz, Commissioner, Superior Court of California, County of Orange
74. Ms. Jolanda E. Ingram-Marshall, Hoopa Valley Tribe
75. Ms. Dove Jeude, Family Violence Prevention Advocate, Bridgeport Paiute
76. Ms. Geraldine Johnson, Tribal Chairperson, Elem Indian Colony
77. Mr. Hason Johnson, Consultant, Inter-Tribal Council of California, Inc.
78. Mr. Olin C. Jones, Office of Native American Affairs, California Office of the Attorney General
79. Dr. Cindy Jong, Psychologist, United American Indian Involvement, Inc.
80. Ms. Tatum Joseph (Purple Shawl Presentation)
81. Ms. Karan D. Kolb, Director of Social Services, ICWA Manager, Indian Health Council, Inc.
82. Mr. Jack Laird, Substance Abuse Counselor, Indian Health Council, Inc.
83. Ms. Lorraine Laiwa, Ukiah, CA
84. Hon. Gary LaRance, Judge, Colorado River Indian Tribes
85. Ms. Uyen Le, Trial Court Attorney, Colorado River Indian Tribes
86. Dr. Dorthy Lebron, Researcher, Lebron Consulting Group
87. Ms. Amanda Leivas-Sharpe, Tribal Council Member, Colorado River Indian Tribes
88. Mr. Tom Lidot, Tribal Consultant, Pacific Mountain Philanthropy
89. Ms. Keely Linton, Domestic Violence Advocate, Indian Health Council, Inc.
90. Mr. Seprieono Locario, Project Director, Native American Health Center
91. Mr. Gary Longholm, Deputy Executive Officer, Victim Compensation and Government Claims Board
92. Ms. Francelia Sulviana Luna, Greenville Rancheria Tribal Administrative Assistant, Greenville Rancheria
93. Ms. Janet Maillet, Bishop, CA
94. Ms. Jacqueline Manley, Domestic Violence Director, Southern Indian Health Council
95. Ms. Hazel Martinez, Tribal Law Enforcement Officer, Pauma Band of Mission Indians
96. Ms. Diane McHenry, Project Manager, Los Coyotes Band of Cahuilla and Cupeno Indians
97. Dr. Patrick H McLogan, Children's Social Worker, Riverside County
98. Mr. Jerry Medina, Contractor for Owens Valley Career Development Center
99. Ms. Paula Medina, Contractor for Owens Valley, Gabrieliiano Tongva

100. Dr. James F. Mensing, Senior Research Analyst, AOC Center for Families, Children & the Courts
101. Ms. Kimberly Mettler, General Counsel, Viejas Band of Kumeyaay Indians
102. Hon. Marilyn B. Miles, Judge, Superior Court of California, County of Humboldt
103. Ms. Eleanor Miller, Elder Navigator, Southern Indian Health Council, Inc.
104. Ms. Bonnie Mobbs, Executive Secretary, Blue Lake Rancheria
105. Ms. Diane Moreno, Native American Community, Representative, Gabrieliiano Tongva
106. Ms. Colleen Mose, Tribal Elder, Calaveras Band of MiWuk Indians
107. Mr. Elton Naswood, Consultant, Red Circle Project, APLA
108. Ms. Sheryl Nava, Rancho Mirage, CA
109. Ms. Yvonne Ned, Administrative Assistant, Inter-Tribal Council of California, Inc.
110. Ms. Sylvia Nelson, Vendor, State of Arizona
111. Ms. Janie Nevarez, Tribal Treasurer, Redwood Valley Rancheria
112. Ms. Diane Nunn, Division, Director, AOC Center for Families, Children & the Courts
113. Ms. Amy Okamura, Social Work Educator, San Diego State University Foundation
114. Ms. Kayla Olvera, Child Care Program Coordinator, Ione Band of Miwoks
115. Ms. Mary Orlando, Clinic Manager, Tuolumne MeWuk Indian Health Center
116. Ms. Margaret Orrantia, Tribal Consultant, Pacific Mountain Philanthropy
117. Ms. Reola Parks, Administrative Assistant, Inter-Tribal Council of California, Inc.
118. Mr. Chris Partida, Consultant, Big Valley Band of Pomo Indians
119. Mr. Eugene Pasqua, ICWA/Social Services Coordinator, Susanville Indian Rancheria
120. Ms. Wah-lia Pearce, Family Resource Coordinator, Elem Indian Colony
121. Ms. Dorothy L. Perry, Director, Community & Family Services, Smith River Rancheria
122. Mr. Ken Peters, Peer Liason, Recovery Innovations of California
123. Mr. Ashley Phillips, Director of Development and Communications, Friendship House Association of American Indians, Inc.
124. Hon. H Nelson Pinola, Tribal Chairman, Manchester-Pt. Arena Band of Pomo Indians
125. Mr. Phillip Powers, ICWA Expert Witness
126. Mrs. Shannon Jena'e Pyle, Shelter Advocate, Kene Me-Wu An American Indian DV/SA Assistance Program
127. Ms. Rose Quilt, Program Coordinator, Southwest Indigenous Women's Coalition
128. Ms. Maria Ramirez, Youth Substance Coordinator/Social Worker, Mooretown Rancheria
129. Ms. Angie Ramirez, Senior Advocate, Family Violence Prevention, Ione Band of Miwoks
130. Mr. Ryan Townsend Rash, Legal Intern, Tribal Law and Policy Institute
131. Mr. Tim Ravago, Tribal Law Enforcement, Pala Tribe
132. Ms. Connie Reitman-Solas, Executive Director, Intertribal Council of California, Inc.
133. Ms. Teddi Roberts, Support Service Coordinator, Kene Me-Wu American Indian Domestic Violence Assistance Program
134. Ms. Marilyn Robinson, Mental Health Coordinator, Sycuan Medical/Dental Center

135. Mr. Michael Roosevelt, Senior Court Services Analyst, AOC Center for Families, Children & the Courts
136. Hon. Geraldine Rosen-Park, Commissioner, Superior Court of California, County of San Francisco
137. Ms. Margarita R. Rubalcaba, Social Worker Supervisor, Quechan Indian Tribe
138. Mr. Enrique Rudino, Safety Commissioner, Choinumni Tribal Project
139. Ms. Linda Ruis, Director of Social Services, Iipay Nation Of Santa Ysabel
140. Hon. Angela Russell, Judge, Crow Tribal Court
141. Ms. Marie Saenz, Family Violence Prevention Advocate, Cahuilla Mission Indians
142. Ms. Theresa A. Sam, ICWA Director, Santa Rosa Rancheria Tachi-Yokut Tribe
143. Mr. Dennis R. Schieffer, Administrator, Valley Oaks Foster Family Agency
144. Mr. Angelo Schunke, Planning Commissioner, Morongo Band of Mission Indians
145. Ms. Pat Sekaquaptewa, Executive Director, The Nakwatsvewat Institute
146. Hon. Christopher Sheldon, Judge, Superior Court of California, County of Riverside
147. Mr. Duane Sherman, Sr., SART Coordinator, Stop the Violence Coalition, Inc.
148. Ms. Lynda Shoshone, Gardenville, CA
149. Ms. Lynda Smallenberger, Executive Director, Kene Me-Wu Family Healing Center American Indian DV/SA Assistance Program
150. Mr. James S. Smith, Attorney, Imperial County Public Defenders
151. Ms. Rosemary Smith, Chairwoman/CEO, Choinumni Tribe of Yokut Indians
152. Ms. Myra Lorelei Smith, Health Education Specialist, Friendship House Association of American Indians, Inc.
153. Hon. Sherri Sobel, Referee, Superior Court of California, County of Los Angeles
154. Ms. Yeshelle Sparks, Family Violence Prevention Advocate, Big Valley Rancheria
155. Ms. Toni St. Clair, CASA Supervisor, Voices for Children
156. Ms. Vicka Stout, MFT/School Counselor, Bishop Union Elementary School District
157. Hon. Dean Stout, Presiding Judge, Superior Court of California, County of Inyo
158. Ms. Donna Strobel, Court Services Analyst, AOC Center for Families, Children & the Courts
159. Ms. Wahnie Sylvester, Choinumni Tribe 101 Representative, California Tribal TANF Partnership
160. Ms. Lisa Tange, Deputy Director, Casey Family Programs
161. Hon. Winona Tanner, Chief Judge, Confederated Salish Kootenai Tribe
162. Ms. Karen Tatum, Social Worker, Morongo Child and Family Services
163. Ms. Misty Taylor, ICWA Tribal Caseworker, Iipay Nation of Santa Ysabel
164. Ms. Tami Tejada, Family Violence Prevention Program Coordinator, Sioux/Inter-Tribal Council of California
165. Mr. Percy Tejada, ICWA Representative, Greenville Rancheria
166. Ms. Lisa Thompson, Executive Director, Wiconi Wawokiya, Inc., Crow Creek Reservation

167. Dr. Hector Torres, Director Human Services, Indian Health Council, Inc.
168. Ms. Mary N. Trimble Norris, Executive Director, American Indian Child Resource Center
169. Hon. Juan Ulloa, Judge, Superior Court of California, County of Imperial
170. Ms. Heather Valdez Singleton, Deputy Director, Tribal Law and Policy Institute
171. Ms. Raquel Villa, Supervisor, Imperial County Behavioral Health
172. Ms. Jennifer Walter, Supervising Attorney, AOC Center for Families, Children & the Courts
173. Ms. Bobbie L. Welling, Supervising Attorney, AOC Center for Families, Children & the Courts
174. Mr. Robert Vincent White, Protective Service Supervisor, County of San Diego
175. Ms. Charity White Voth, Family Services Director, Southern Indian Health Council, Inc.
176. Hon. Denise L. Whitehead, Judge, Superior Court of California, County of Fresno
177. Hon. Christine Williams, Appellate Court Justice, CalCASA & Yurok Supreme Court
178. Hon. Joanne Willis-Newton, Chief Justice, San Manuel Band of Mission Indians
179. Ms. Leah Wilson, Manager, AOC Center for Families, Children & the Courts
180. Mr. Ronald Wood, Senior Law Enforcement Consultant, CA Commission on Peace Officer Standards and Training
181. Ms. Ellen Yin-Wycoff, Associate Director, CalCASA

Appendix D

COMMUNITY MEETING SCRIPT

Community Meeting Script

California Native American Communities Justice Project

Family Violence Community Meeting Script

NOTE: This instrument may be given to any of four types of responders: service providers, advocates, tribal leaders, community members. Please note that while any one of these people may themselves be victims of family violence, we are not asking them for their personal stories. Do, however, listen to any such stories that are volunteered as a way of answering the general questions below.

Explain that while the term family violence may have many meanings, we are defining it for these purposes as domestic violence (including those cases in which a child has been removed from a home because of domestic violence), sexual assault, teen dating violence, stalking, elder abuse. We would like to hear about male as well as female victims.

*** Represents the top priority questions.*

General Information about Family Violence

Discussion Question: Tell me about family violence in your community.

Potential follow-up questions:

- Do family violence cases get into court? If not, why not?
- Are family violence incidents reported to authorities? If not, why not?
- Are family violence incidents investigated properly by authorities? If not, why not?
- If family violence incidents *are* reported to authorities, is the response appropriate? If not, why not?

**** Discussion Question: What sources of data exist (or should exist) to document the problems?**

Identifying Barriers to Accessing Courts

Discussion Question: Do Native American community members have any problems accessing courts or court connected services? *Examples: family court mediation*

Potential follow-up questions:

- How far is the nearest courthouse located from your community?
- Does the distance create problems for victims accessing the court?
- How do people without transportation get to the court?

Discussion Question: Are restraining orders available and sought? *(Please separate Criminal, Family law, and Juvenile)*. Why or why not?

Discussion Question: Does Child Protective Services ever say they will remove children if the family violence victim does not get a restraining order against the person committing the violence? *(If so, probe for details of circumstances)*

Identifying Services Available to Native American Victims of Family Violence

Discussion Question: In general, what kinds of services are available to Native American families and children that are victims of family violence?

Potential follow-up questions:

- Are services readily accessible? If not, how and why?
- Are services culturally appropriate? If not, how and why?
- Are services respectful of Native American victims? If not, how and why?

Discussion Question: Are Native American victims made aware of services when coming to court?

Potential follow-up question:

- If so, are those services culturally appropriate and respectful? If not, why not?

Treatment in State Court

Discussion Question: How are members of your community treated in state court?

Potential follow-up Questions:

- Is the treatment the same in family, juvenile, and criminal court?
- Is the court system biased against Native Americans? If so, how (*If possible, please separate judges, court clerks, prosecutors, social workers, probation officers, attorneys, facilitators, self help centers, others*).

Discussion Question: Is the Indian Child Welfare Act followed?

Enforcement Issues

Discussion Question: Do tribal courts and tribal police have access to the California Law Enforcement Technology System (CLETS)? If not, why not?

Full Faith and Credit Issues

****Discussion Question:** Do state and tribal courts recognize each others order? If not, why not?

Discussion Question: Is state court system biased against Native Americans? If so, how (*please separate judges and court clerks*).

Promising Practices

**** Discussion Question:** What advice would you give to the Courts (*try to separate family, juvenile, and criminal court if possible*) when working with Tribes and Tribal communities regarding family violence?

Probe for:

- Access to court.
- Access to services.
- Respectful treatment.
- Enforcement of court orders.

NOTE: Depending on the setting, the following should probably be done by the group, using a flip chart.

**The following are some potential promising court practices in the area of family violence incidents. Please rate your opinion of each:

- 1 = don't like
- 2 = somewhat like
- 3 = like very much

- The creation of a tribal court (single or inter-tribal) that would deal with family violence incidents.

1 2 3

- State court holding hearings on the reservation to handle family violence incidents.

1 2 3

- Tribal/state court forum for holding collaborative system meetings.

1 2 3

- Community meetings held on reservation by state court personnel for informational purposes.

1 2 3

- Training for state court personnel on Native culture and/or sovereignty.

1 2 3

- Cultural competency guide for state court judges on Native culture and information on family violence in Native communities.

1 2 3

- Development of support services and programs that are sensitive to the needs of Indian families.

1 2 3

**Can you identify other promising practices or programs in the area of courts as related to domestic violence, sexual assault, teen dating violence, stalking, or elder abuse?

**Of the promising practices listed above and those that you mentioned, which four do you think are the most *realistic* and promising?

1. _____
2. _____
3. _____
4. _____

**Of those four, what do you think needs to happen first, before they can be accomplished?

**What obstacles stand in the way of accomplishing these promising practices?

If nothing offered, inquire about the following:

- a. Funding?
- b. History of negative relationship?
- c. Community readiness?
- a. Current personality differences between key stakeholders or potential change agents?
- b. State court willingness?
- c. Tribal council willingness?

Concluding Questions

**Is there any particular story you would like to tell that illustrates how this issue has been treated by the non-Indian system when Indians have been involved?

**Do you have any knowledge of how this issue was handled by families/villages prior to involvement of the non-Indian system?

Appendix E

WRITTEN QUESTIONS DISTRIBUTED
AT COMMUNITY MEETINGS

Written Questions Distributed at Community Meetings

California Native American Communities Justice Project

Please answer the following questions about your community.

The term “family violence” as used in this survey covers domestic violence (including those cases in which a child has been removed from a home because of domestic violence), sexual assault, teen dating violence, stalking, and elder abuse.

1. Of the types of family violence listed below, which three happen the **most often** on your reservation? (*Please rank, by writing a 1, 2, and 3 next to the types that occurs most frequently.*)

Domestic Violence

Teen Dating Violence

Sexual Assault

Elder Abuse

Stalking

Don't know

2. Who most often acts violently in these incidents of family violence? (*Please pick one.*)

Tribal members

Non-Indians

Members of different tribes

No one more than another

3. Are the people who act violently generally family members?

Yes / No / Don't know

4. Who are usually the victims in these incidents of family violence? (*Please check all that apply.*)

Women

Young boys

Men

Elder women

Young girls

Elder men

5. Do these incidents of family violence usually get reported to law enforcement?

Yes / No / Don't know

If no, why not?

6. Do these incidents of family violence get reported to child protective services if children are involved?

Yes / No / Don't know

If no, why not?

7. Do some types of family violence get reported *less* than others?

Yes / No / Don't know

If yes, please check below which types of family violence get reported *less*. (*Please check all that apply.*)

Domestic Violence

Teen Dating Violence

Sexual Assault

Elder Abuse

Stalking

8. Does the victim usually report family violence?

Yes / No / Don't know

If the victim does not report the incident, who does?

- Teacher Health Care Provider
 Neighbor No one
 Other: _____

9. Are members of your community treated fairly by law enforcement regarding reports or investigations of family violence incidents?

Yes / No / Don't know

10. Are members of your community treated fairly by child protective services during reports or investigations of family violence incidents?

Yes / No / Don't know

11. Are members of your community treated fairly by the probation department regarding family violence incidents?

Yes / No / Don't know

12. Do some incidents of family violence get investigated *less* than others?

Yes / No / Don't know

If yes, please check below which types of family violence get investigated *less*. Please check all that apply.

- Domestic Violence Teen Dating Violence
 Sexual Assault Elder Abuse
 Stalking

13. Does your community use the state courts o help when family violence happens?

Domestic Violence	Yes	No	Don't know
Sexual Assault	Yes	No	Don't know
Stalking	Yes	No	Don't know
Teen Dating Violence	Yes	No	Don't know
Elder Abuse	Yes	No	Don't know

14. Do you have a tribal court? Yes / No

If yes, do these incidents get resolved in the tribal court? Yes / No

15. Are there other tribal ways in your community that help solve or talk about family violence? Yes / No

Please explain:

16. Does your tribe or agency collect any data on:

a. Incidents of family violence? Yes / No / Don't know

b. Calls for service to law enforcement? Yes / No / Don't know

c. Calls for service to Child Protective Services? Yes / No / Don't know

d. Prosecutions? Yes / No / Don't know

e. Other family violence related data: _____

f. If yes, what agency collects this data (please provide contact information)?

Justice gaps for Native American victims of family violence

17. For each justice gap listed below answer whether or not you think this is true in your community:

- State court process takes too long.

1= Not a problem 2= Somewhat of a problem 3= Big Problem

- State courts are too far away to be useful.

1= Not a problem 2= Somewhat of a problem 3= Big Problem

- State court judges lack knowledge of tribal culture.

1= Not a problem 2= Somewhat of a problem 3= Big Problem

- State court staff lack knowledge of tribal culture.

1= Not a problem 2= Somewhat of a problem 3= Big Problem

- Perceived unfair court process when Indian victims of family violence are involved.

1= Not a problem 2= Somewhat of a problem 3= Big Problem

- Poor understanding by state court system (judges, attorneys, social workers, probation officers) of the Indian Child Welfare Act.

1= Not a problem 2= Somewhat of a problem 3= Big Problem

- Services provided to family violence victims are not culturally competent.

1=Not a problem 2=Somewhat of a problem 3=Big Problem

- State court orders issued to protect family violence victims are not enforced.

1=Not a problem 2=Somewhat of a problem 3=Big Problem

- Tribal court orders issued to protect family violence victims are not enforced.

1=Not a problem 2=Somewhat of a problem 3=Big Problem

18. Can you identify any other justice gaps in the court system, specific to domestic violence, sexual assault, teen dating violence, stalking and elder abuse that we have not mentioned?

Any Additional Comments?

Please answer the following questions about yourself:

19. What is your gender? ___Male ___Female

20. Which of following best describes you? (Please check all that apply.)

- | | |
|-----------------------------------|---------------------------|
| ___ Advocate | ___ Tribal Council Member |
| ___ Service Provider | ___ Tribal Leader |
| ___ Community Member | ___ Tribal Judge |
| ___ Other (please specify): _____ | |

Thank You!!

Appendix F

WRITTEN QUESTIONS AND ANSWERS
FROM COMMUNITY MEETINGS

Written Questions and Answers from Community Meetings

Overview

The community meetings were conducted beginning in late February and continuing through mid-May. Although the discussion questions and notes provide the fullest report about what was said, written questions were also distributed for participants to answer. While these questions do not constitute a formal, representative survey of California's Native American community they did help spur discussion and provided a method of contribution for those who might not have wished to speak up. Their answers are summarized here for purposes of augmenting the meeting notes and themes reported above and represent only the opinions of those individuals who chose to attend these meetings. They are not the official view of any tribe or organization, nor do they necessarily represent the actual situation in Native American communities in California.

Participants

Just over 400 people filled out the written questions. About two-thirds of the respondents identified themselves as women. While some people listed multiple roles for themselves, about two-thirds said they were community members, while about one-quarter each said they were advocates or service providers. A few also said they were tribal council members, tribal leaders, or tribal judges as well as some people from the county department of social services.

Table 1: *What is your gender?*

	N	%
Male	116	30.1%
Female	270	69.9%

Note: Answered question = 386; Skipped question = 22.

Table 2: *Which of the following best describes you?*

	N	%
Advocate	92	26.1%
Community member	249	70.5%
Service provider	101	28.6%
Tribal council member	41	11.6%
Tribal judge	3	0.8%
Tribal leader	28	7.9%

Note: Answered question = 353; Skipped question = 55.

Process

Participants were asked to rank the three most common types of family violence in their communities: domestic violence, sexual assault, stalking, teen dating violence, child abuse, elder abuse, and “don’t know.” Domestic violence was by far the most commonly cited as happening most often. Sexual assault and child abuse were the next most common, but both far behind domestic violence and very little different from the other types.

Table 3: *Which three types of family violence happen the most often on your reservation?*

	Most often	Second most often	Third most often
Child abuse	10	54	38
Domestic violence	245	31	15
Elder abuse	8	34	46
Sexual assault	10	76	61
Stalking	9	22	30
Teen dating violence	14	31	40
Don’t know	20	3	11

Note: Answered question = 336; Skipped question = 72.

Perpetrators

When asked whether tribal members, members of another tribe, or non-Indians most often acted violently in family violence incidents most people responded “no one more than the other.” It is perhaps of some interest to note that the respondents did not seem to think that members of other tribes or non-Indians were more or less likely than tribal members to act violently. Most people did seem to think, however, that the people acting violently were family members.

Table 4: *Who most often acts violently in these incidents of family violence?*

	N	%
Members of different tribe	25	6.9%
Non-Indians	46	12.8%
Tribal members	76	21.1%
No one group more than the other	213	59.2%

Note: Answered question = 360; Skipped question = 48.

Table 5: *Are the people who act violently generally family members?*

	N	%
Yes	276	71.3%
No	82	21.2%
Don't know	29	7.5%

Note: Answered question = 387; Skipped question = 21.

Victims

The vast majority of respondents said that women were usually the victims of family violence, although young girls and young boys were also commonly cited. At least a third also said men and seniors were also victims.

Table 6: *Who are usually the victims in these incidents of family violence?*

	N	%
Elder men	118	29.4%
Elder women	166	41.4%
Men	146	36.4%
Women	363	90.5%
Young boys	216	53.9%
Young girls	284	70.8%

Note: Answered question = 401; Skipped question = 7.

Reporting

To law enforcement. The participants at these community meetings reported that generally these incidents of family violence do not get reported to law enforcement. Lack of reporting was attributed to a number of interrelated factors: shame and embarrassment; Fear of repercussions such as ostracism, anger of other family members, breakup of the family (and subsequent loss of financial support), or losing children to child protective services; The stigma attached by police and others to having violence in the family; The futility of reporting due to police being slow to respond or no real action being taken even if there is a response; Uncertainty and mistrust about what will happen next; Lack of accessibility of court systems because they are not culturally appropriate for Native Americans; and the habit of avoiding contact with government systems because of past mistreatment.

Table 7: *Do these incidents of family violence usually get reported to law enforcement?*

	N	%
Yes	67	17.5%
No	281	73.4%
Don't know	35	9.1%

Note: Answered question = 383; Skipped question = 25.

To child protective services. The meeting participants were more divided about whether family violence gets reported to child protective services if children are involved, with some people saying it does but others saying it does not. The reasons for not reporting are similar to those described above, with a particular emphasis on the fear that children will be taken away and separated from their culture (as was done in the past through boarding schools and other means).

Table 8: *Do these incidents of family violence get reported to Child Protective Services if children are involved?*

	N	%
Yes	138	37.1%
No	179	48.1%
Don't know	55	14.8%

Note: Answered question = 372; Skipped question = 36.

Frequency of reporting. While most people felt that certain types of family violence get reported less than others, there did not seem to be any general agreement about which types get reported less, although domestic violence was perhaps the most frequently mentioned type it was also mentioned as the most commonly occurring type of family violence.

Table 9: *Do some types of family violence get reported less than others?*

	N	%
Yes	313	78.8%
No	33	8.3%
Don't know	51	12.8%

Note: Answered question = 397; Skipped question = 11.

Who reports. Most people felt that it is not usually the victim who reports family violence. Teachers, neighbors, and health care providers were frequently cited as being the source of reports if not the victim. Family members and friends were also mentioned.

Table 10: *Does the victim usually report family violence?*

	N	%
Yes	40	10.4%
No	303	78.5%
Don't know	43	11.1%

Note: Answered question = 386; Skipped question = 22.

Types of violence reported. While most people indicated that some types of family violence are reported less than others, the opinions about what type that might be varied widely – although domestic violence was perhaps the most frequently mentioned.

Table 11: *Do some incidents of family violence get investigated less than others?*

	N	%
Yes	280	72.7%
No	41	10.6%
Don't know	64	16.6%

Note: Answered question = 385; Skipped question = 23.

Treatment of Native Americans

Most of the respondents did not feel that members of their community were treated fairly by law enforcement regarding reports or investigations of family violence incidents. Opinions appeared only slightly better with regard to child protective services or probation, but still generally negative or neutral.

Table 12: *Are members of your community treated fairly by the probation department regarding family violence incidents?*

	N	%
Yes	69	17.9%
No	214	55.6%
Don't know	102	26.5%

Note: Answered question = 385; Skipped question = 23.

Table 13: *Are members of your community treated fairly by law enforcement regarding reports or investigations of family violence incidents?*

	N	%
Yes	62	16.2%
No	274	71.7%
Don't know	46	12.0%

Note: Answered question = 382; Skipped question = 26.

Table 14: *Are members of your community treated fairly by Child Protective Services during reports or investigations of family violence incidents?*

	N	%
Yes	105	28.0%
No	201	53.6%
Don't know	69	18.4%

Note: Answered question = 375; Skipped question = 33.

Options for Addressing Family Violence

In response to a question about whether people in their community used state courts to address family violence issues, opinions varied widely, and a large minority of people did not answer the question at all. Of those who did (a little over half) – about half of them thought that state courts were used for domestic violence and sexual assault cases, but not so much for stalking, teen dating violence, or elder abuse. About two-thirds of the respondents said they did not have a tribal court, although about one-third of all participants did not answer this question. Even among those who had tribal courts, comments indicated they did not necessarily handle family violence cases – although some did. Problems such as jurisdictional uncertainty and lack of appropriate tribal codes were mentioned as reasons.

Table 15: *Does your community use the state courts to help when family violence happens?*

	Yes	No	Don't know	N
Domestic violence	51.3% (117)	23.2% (53)	25.4% (58)	228
Elder abuse	33.2% (72)	28.1% (61)	38.7% (84)	217
Sexual assault	44.1% (98)	25.2% (56)	30.6% (68)	222
Stalking	29.2% (63)	30.1% (65)	40.7% (88)	216
Teen dating violence	29.2% (94)	29.7% (65)	41.1% (90)	219

Note: Answered question = 235; Skipped question = 173.

Table 16: *Are there other tribal ways in your community that help solve or talk about family violence?*

	N	%
Yes	131	38.5%
No	181	53.2%
Don't know	28	8.2%

Note: Answered question = 340; Skipped question = 68.

Table 17: *Do you have a tribal court?*

	N	%
Yes	155	40.3%
No	226	58.7%
Don't know	4	1.0%

Note: Answered question = 385; Skipped question = 23.

A little over one third of the respondents said their community had other tribal ways of solving or talking about family violence, but about half said they did not. Among the strategies mentioned were traditional healing and ceremonies; groups, talking circles, and dances; tribal council meetings; handled with the family or by a tribal elder; mediation, workshops, and education. It was pointed out that tribes do not get money to address domestic violence, or for emergency situations, safe houses, or tribal safe areas.

Among those who said they did not have other ways, the need for within community solutions such as talking circles, safe houses, and shelters was mentioned. The need for education about family violence (its causes, how to recognize it, and its solutions) was mentioned repeatedly across meetings. Both adults and children need the education, as do tribal leaders and law enforcement.

Data on Family Violence

The respondents at the meetings were fairly evenly split about whether their tribe or agency collected information about incidents of family violence, calls to law enforcement, calls to CPS, and prosecutions – with about equal percentages saying yes, no, or don't know to each.

Table 18: *Does your tribe or agency collect data on...*

	Yes	No	Don't know	N
Calls for service to CPS	36.4% (132)	31.1% (113)	32.5% (118)	363
Calls for service to law enforcement	30.5% (109)	38.7% (138)	30.8% (110)	357
Incidents of family violence	29.8% (108)	39.7% (144)	30.6% (111)	363
Prosecutions	22.4% (79)	39.8% (140)	37.8% (133)	352

Note: Answered question = 368; Skipped question = 40.

Justice Gaps in Native American Communities

Respondents were also asked whether certain issues were problems in their communities, indicating that each listed issue was not a problem, was somewhat of a problem, or was a big problem. Almost all the issues were thought to be big problems by a majority of the respondents. Three issues were cited by about three quarters of the respondents as being big problems: State court judges' lack of knowledge of tribal culture; State court staff's lack of knowledge of tribal culture; and poor understanding of ICWA requirements by judges, attorneys, social workers, and probation officers. Over half of the respondents thought most of the rest of the issues were a big problem (and about one-third of the respondents thought those same issues were somewhat of a problem): Perceived unfairness of court processes if Indian victims of family violence are involved; Services provided to family violence victims are not culturally competent; Lack of enforcement of state or tribal court orders protecting family violence victims. Only one issue generated responses equally split about whether it was a problem: State courts are too far away from tribal areas to be useful.

Table 19: *For each justice gap listed below, answer whether or not you think this is true in your community?*

	Not a problem	Somewhat of a problem	Big problem	N
State court process takes too long	8.4% (31)	36.4% (134)	55.2% (203)	368
State courts are too far away to be useful	24.1% (90)	37.3% (139)	38.6% (144)	373
State court judges lack knowledge of tribal culture	5.2% (19)	21.5% (79)	73.4% (270)	368
State court staff lacks knowledge of tribal culture	3.8% (14)	20.6% (76)	75.6% (279)	369
Perceived unfair court process when Indian victims of family violence are involved	4.7% (17)	33.9% (122)	61.4% (221)	360
Poor understanding of state court system of the Indian Child Welfare Act by judges, attorneys, social workers, probation officers	5.4% (20)	25.3% (93)	69.3% (255)	368

Services provided to family violence victims are not culturally competent	5.3% (12)	33.3% (75)	61.3% (138)	225
State court orders issued to protect family violence victims are not enforced	6.7% (15)	35.4% (79)	57.8% (129)	223
Tribal court orders issued to protect family violence victims are not enforced	13.8% (26)	32.8% (62)	53.4% (101)	189

Note: Answered question = 381; Skipped question = 27.

Other gaps identified by participants included:

- Lack of information about what state law enforcement can and cannot do on tribal lands.
- Lack of understanding by law enforcement of Native American culture and mental health issues.
- Lack of traditional methods being used.
- Lack of resources.
- Lack of Native Americans in the state court system and elsewhere.
- Lack of Native American liaisons with the state court system.
- Courts (including tribal courts) are too easy on the perpetrators, too concerned with their rights.
- Tribal codes are not sufficient to deal with these issues.
- Lack of shared data and knowledge about how the system works.
- Unclear jurisdictional boundaries.
- Lack of transportation (prohibits access to courts and other services).
- Prejudice and discrimination block Native American voices from being heard, or respected if they are heard.
- Slowness or lack of response (both by law enforcement, prosecutors, and the courts).
- High turnover of workers.

Appendix G

COMPLETE SUMMARIZED COMMENTS
FROM COMMUNITY MEETINGS

Complete Summarized Comments From Community Meetings

The following is a preliminary list of themes that were developed through the community meeting process. Problems and solutions raised at the meetings are listed under the related theme. These problems and solutions reflect only the views of the speakers at the community meetings; we make no claim that they are representative of the diverse Native American communities in California or particular communities within California.

Theme 1: Reporting to Law Enforcement and Law Enforcement Interactions

Problems Identified

- Law enforcement does not respond if called or the response is inappropriate. Other departments (EMT) sometimes arrive on scene before law enforcement.
- Law enforcement responds too late, which leads to frustration on the part of the victim and a misinterpretation of the situation by law enforcement.
- Only 50% of family violence incidents are reported to law enforcement..
- There is a fear that children will be removed if domestic violence is reported.
- There is a sense that law enforcement purposefully make it difficult for the victim, because they do not want to respond to these calls.
- The county sheriff's department is under resourced, so the few officers on duty must prioritize calls. This creates a lack of confidence among community members that law enforcement will respond to calls.
- Repeated calls from the same location make law enforcement cynical.
- Law enforcement is allowed too much discretion in deciding whether or not to report.
- Law enforcement believes that tribal community members do not know about the law, so they take advantage of that.
- Emergency services take too long to respond and are unfamiliar with reservation geography.
- Law enforcement officers are prejudiced against Native people; they perceive Native people as violent.
- Law enforcement harasses people from the reservation.
- Law enforcement officers enforce laws inconsistently on the reservation and off.
- There is a feeling of hopelessness because of failure to enforce restraining orders.
- There is a fear of violence/harassment from law enforcement officers.
- Law enforcement officers file incorrect or misinformed reports.
- A negative relationship between the sheriff's department and the Native American community exists.
- When state authorities fail to act, tribal members can take matters into their own hands.
- When sheriff's deputies are called, they take the mother and children away and leave the father at home.
- Victims do not report because of a fear of losing their children/breaking up the family.

- When city officers respond, it is an inappropriate response.
- Law enforcement training is outdated and inappropriate – there is no proper training for law enforcement on domestic violence.
- Victims are sometimes misidentified as perpetrators because of their frustration with the system. When they try to access services as victims, they are denied because of their perceived perpetrator status.
- Officers sometimes make a “dual arrest” arresting both the victim and the perpetrator.
- When victim is arrested, she is more likely to do time.
- Elders are reluctant to report to county authorities.
- Fear of what will happen if family violence is reported.
- County law enforcement does not respect tribal authorities.
- Housing can be put in jeopardy if the family reports family violence.

Solutions Proposed

- Community meeting with law enforcement and Native American community.
- Multidisciplinary domestic violence task force has increased reporting and cooperation since it came into being.
- There is a need for clearly defined protocols for elder abuse, teen dating violence, and domestic violence cases.
- Communicate and reach out to officers with authority over those that are not responsive to your needs.
- Close working relationships between social services and law enforcement.
- Education for law enforcement on working with Native American people.
- Mediators between Native American people and law enforcement.

Theme 2: Service Provision (State, Tribal and Native American Specific)

Problems Identified

- Some services, including safe houses, are culturally inappropriate, which can lead to failure.
- “Social isolation” from larger society for those on reservations can lead to difficulty achieving success in non-Native programs/services.
- There is a fear that service providers are going to leave; there is a sense of a lack of stability.
- Lack of information on what services are available—nontribal as well as tribal services—and how to access those services.
- When services are lacking, victim will return to perpetrator because of unmet needs.
- Funding sources put constraints on tribal grantees that prevent them from providing services to members living off the reservation or to those not enrolled.

- Funders can put constraints on programmatic approaches because of narrowly defined funding priorities.
- Tribal/Native American programs do exist, but victims do not know about the services.
- Conflicting policies within and between service providers and courts creates confusion for victims.
- The intersection of domestic violence and the Indian Child Welfare Act (ICWA) is not acknowledged; appropriate services are not provided.
- Counseling and advocacy for the victim are not always available. Victims need someone to walk them through the system.
- There is no shelter for women; services for victims are lacking.
- Available programs are ineffective.
- There is no treatment for perpetrators.
- Not enough time in the shelter provided to make a move.
- Lack of tribal services means tribal people must travel very far to access services.
- Child Protective Services workers can be inconsistent in how they handle situations.
- Child Protective Services sometimes takes children inappropriately. Traditional Native American solutions to troubled families are not recognized as legitimate by the non-Indian system.
- Child Protective Services has used the threat of removing children to encourage victims to get restraining orders with the result that victims are reluctant to report incidents.
- Child Protective Services misidentifies Native American children as Hispanic or white; sometimes misidentification is based on surnames.
- Child Protective Services does not afford the same rights to Native Americans as they do to non-Indians. Education on ICWA is needed.
- Victims must deal with multiple systems and services.
- Children are scared to report because of shame, but some do report to schools, and schools report to ICWA program.
- Problems with confidentiality and cultural sensitivity are present in new ICWA program.
- Access to services is limited to business hours, when many victims are at work.
- There are not enough Indian homes to meet the need because rules and regulations for qualifying as a foster family are too restrictive and weed out some good families.
- There is a need for healing families and fixing problems, not just sending perpetrators off to jail.
- Tribal services may lack confidentiality.
- Break down barriers to accessing tribal programs: have live person answering phones; publicize and educate about programs.
- Non-Indian service providers can be judgmental and sometimes stereotype.
- Women are faced with ultimatum—either you get a restraining order or Child Protective Services will take your children.
- Drugs and alcohol are cofactors and should be addressed in service provision.
- California has victim services programs and resources, but victims do not access these services.
- County programs do not use positive, strength-based language.

- Lack of trust leads to not accessing services.
- Tribal programs are underfunded in general, and there is no money specifically allocated to non–federally recognized tribal communities.
- Child Protective Services does not want to apply ICWA to children of non–federally recognized tribes.
- Probation officers are not knowledgeable about ICWA and are not familiar with the tribes in their area.
- Health centers do not serve non–federally recognized Native Americans.
- Urban Indian community is not a political unit so there is no centralized government to work on the issue.

Solutions Proposed

- Create local, tribally or Native American–run, culturally relevant victim’s services.
- A more holistic approach that addresses the perpetrator is needed.
- Prevention should be an important part of services.
- Use traditional methods, like a panel of elders to oversee case planning and follow-up.
- Provide training for Child Protective Services workers regarding Native American cultures and issues.
- Creating a list showing the steps to get through the system will help victims.
- Native women’s retreat that includes non-Indian service providers.

Theme 3: Restraining Orders

Problems Identified

- Restraining orders are not effective.
- Confusion and disagreement in sheriff’s department on enforcing restraining orders from tribal court.
- Language of restraining orders can be vague and difficult to enforce—e.g., what is “peaceful contact”?
- Information on how to keep a restraining order updated when moving is needed as well as information on when the restraining order is valid and when it is not.
- Information about temporary restraining orders and what is needed to get a real restraining order.
- Restraining orders are difficult to get, and they sometimes cost money.
- Restraining orders are available, but they are not enforced, therefore victims do not seek them out.
- Evidence of serious physical harm is required in order to get a restraining order.
- Judges deny restraining orders when the request is solely based on a Child Protective Services referral.

- State courts do not honor restraining orders issued in tribal courts [out-of-state example given].
- A restraining order is not necessarily the answer—preventing the breakup of the family is sometimes the answer.
- Judges are inconsistent in honoring restraining orders.
- Victims are not aware of the requirements for processing an effective restraining order.
- Restraining orders are not sought because historically this was viewed as a private matter.
- Victims may want a restraining order but do not want to report the abuse.

Solutions Proposed

- Intertribal council has a legal advocacy program that assists with restraining orders
- Some counties in California recognize tribal court decisions.
- Fax filing for a temporary restraining order will alleviate the issue of access.
- Videoconference court hearings alleviate the issue of access.

Theme 4: Access to and Interaction With State Court

Problems Identified

- Court (and services) geographically far from the reservation.
- People from the reservation do not get equal treatment from judges. Judges can be too harsh.
- There is a deep distrust of state systems, and a sense of prejudice against Native Americans exists. Historical trauma is not understood by non-Native people.
- Filing costs are prohibitive, and the process is confusing and long.
- There is a lack of knowledge in tribal/Native American communities about how to use the state court system.
- There are problems with child care and the time it takes to get a restraining order at the court.
- Not enough training for court personnel on cultural issues, racial profiling, and gaming.
- There is a lack of respect among court personnel for tribal members/Native Americans.
- The court is not welcoming to Native people.
- Court system needs to understand and acknowledge the government-to-government relationship that tribes have with the federal government.
- The court needs to acknowledge that services are not culturally appropriate.
- Judges need better communication skills with Native American people.
- Rotating judges causes lack of consistency in the way cases are handled.
- State judge is more interested in drug cases and ignores the domestic violence issues.
- When cases are not prosecuted, perpetrator returns to the community and puts survivor in danger.

- Engaging the court can be dangerous because it forces victims to interact with perpetrators. In this way, the system reabuses the victim.
- Perpetrators have too many rights and they manipulate the system.
- Cases do not make it to court, often because they are not even reported.
- District attorney does not prioritize domestic violence cases (they are perceived as difficult cases).
- Being seen in court can be stigmatizing.
- It is necessary to have a good ICWA worker to be successful.
- State court too readily defers cases to tribal court.
- Collaborative meetings between state courts and tribal communities may not be productive.

Solutions Proposed

- Communication courses for judges.
- Court should communicate more often and more effectively with the community.
- Courts should have user-friendly paperwork.
- Create a liaison, a go-between, between state courts and tribal/Native American communities. This must be an easily identified Native American individual.
- Smaller, less intimidating courtroom that is closer to the reservation.
- State courts should create a unified database with tribal courts.
- Conduct an audit at both state and federal levels to determine number of court cases and the outcomes.

Theme 5: Creating/Sustaining Effective Tribal Courts/Tribal Police

Problems Identified

- Membership in an intertribal court is very expensive.
- Tribal code development is an obstacle. Assistance is needed in code development.
- Tribal court does not provide a public defender.
- Some tribal government organizational work needs to be done before tribal court can be effective. Tribal court restraining order process is burdensome. State court process is easier.
- More education for community members on the operation of the tribal court and tribal law enforcement is needed.
- There are obstacles to recruiting tribal police and reporting in a small community.
- Tribes must compete with wealthier jurisdictions to retain trained officers—counties can offer better pay and benefits.
- Funding for tribal programs is a problem—California does not do its part in sharing funds.

Solutions Proposed

- Incorporate more tribal tradition and philosophy into tribal court operations; also identify the community court needs.
- Hold a tribal summit with information sharing for tribes on what they need to do to address the issue in a tribal court.
- Tribes develop their own codes regarding family and child welfare—codes that take into account generational abuse and historical trauma and that include traditional values.
- Tribes need to govern themselves.

Theme 6: Family Violence Data

Problems Identified

- Sheriff's department has data, but it is difficult to get it.
- Some data is not accurate.
- Reports often come "through the grapevine."
- Domestic violence is underreported.
- Data is collected by outside agencies and organizations. The data is then used to obtain money and other resources that are not shared with tribal/Native American people. Giving back the data to the tribes and communities from which it was collected is a crucial issue.
- Data is sometimes collected from different sources. More information is needed on how to mine data and calculate data from different sources.
- Incarceration data is not broken down by ethnicity.
- The Department of Justice has statistics for tribes that they do not share.
- Child Abuse Services Team (CAST) has data.
- Tribal hospital uses Indian Health Service (IHS) data system.
- Would like access to Computer-Aided Dispatch (CAD).
- Methamphetamine Awareness and Prevention Act data is needed.
- If it's not reported, there is no data.
- Data collection is directly related to securing funding.
- Any data collection or reporting should be mindful of confidentiality for victims.

Solutions Proposed

- Cooperative efforts with the county and the tribe/Native American community to collect data.
- Some service providers collect data.
- Tribal Temporary Assistance to Needy Families (TANF) has some statistics—90 percent of cases are domestic violence related or from domestic-violence-involved families.
- Tribe needs funding for a full-time salaried employee to mine data from all sources.
- Recognize and standardize reporting for different sources to make data mining easier.

Theme 7: Violence Against Men

Problems Identified

- Education on violence against men is needed.
- There are no services for men who are victims of domestic violence. Authorities assume the man is the perpetrator.
- Grants to address the problem only cover women, not men.
- There is a stigma attached when men report domestic violence.
- Pride and shame prevent men from reporting abuse.

Solutions Proposed

- Domestic violence education for men is needed.

Theme 8: Youth and Violence

Problems Identified

- A lot of teen dating violence—particularly girls against boys.
- There is a lack of services for youth.
- Teens are misinformed that violence is considered “normal.”
- There is not enough done to address teen dating violence.
- More programs and services are needed for children.
- Children don’t have a voice.
- General prevalence of violence and drug abuse among urban youth.

Solutions Proposed

- Youth need to be informed and educated about issues of family violence.

Theme 9: Differing Definitions of Domestic Violence/Family Violence

- Violence must be current for court to take action, but violence is ongoing and subtle and can include stalking, etc.
- Family violence is a *family* event; it affects entire (extended) family, not just perpetrator and victim.
- Abuse is too narrowly defined in non-Indian world. It can be any kind of violence (emotional, etc), not just hitting.
- In a tribal community, child care can be a community or extended family responsibility, but Child Protective Services defines this as neglect.
- Domestic violence is a subset of historical trauma, a reality that may not be understood by the non-Indian community.

Theme 10: Systemic Problems

Problems Identified

- People are revictimized by the system.
- Process is too complicated, long, and difficult.
- Differences in how a Native American person and a non-Indian person experience the system need to be acknowledged.
- More awareness is needed system wide on the specific tribal histories and historical trauma.
- Cultural barriers and social isolation make it difficult to navigate court and social services systems.
- It is *necessary* for law enforcement and courts to have a relationship with tribes.
- Historical distrust exists.

Theme 11: Concerns at the Community Level

Problems Identified

- Pride or shame and guilt can interfere with telling someone.
- There are cultural ramifications in reporting abuse.
- Lack of confidentiality.
- Fear of harm from extended family and failure of criminal justice system to protect victims from retaliation.
- Risk of becoming an outsider when you report.
- Family violence should be better understood by male leadership.
- Victims may not tell for fear of losing their jobs.
- Victim's identity may be tied up with the abuser.
- The social isolation from the larger society that exists on reservations leads to the need to leave home to have your voice heard by government, non-Indian world, etc.
- There is denial of the problem, particularly in the tribal council/leadership. Some of this relates to a loss of traditional spirituality.
- Children may be in "denial" about abuse or are not educated about what abuse is.
- There is a sense of hopelessness that results in abuse being kept secret—people do not feel safe talking about the subject.

Solutions Proposed

- Tribal youth groups that discuss history of violence.
- Traditional methods of healing, including healing circles and talking circles.
- Peer counseling—strong person for victims to talk to/confide in.
- Healthy Native families as models.
- Education for male, female, and young tribal members on family violence.

- Teach women to be empowered and children about values, morals, respect.
- Education for tribal leaders on family violence.
- Community members/family members need to hold perpetrators accountable—recognize violence, report, communicate, etc.
- Create a forum for community members to talk to one another about these issues as a way of healing.
- Workplace education would assist victims in understanding domestic violence and create added protection.
- As community members, take a stand: talk to your family, tell them it's wrong, to stop.
- More people are talking about family violence and domestic violence than ever before—knowledge about resources (or lack of resources) makes a difference.
- State children's health insurance program, behavioral health, talking circles, women's talking circles, and tribal domestic violence programs all address domestic violence in an appropriate way.
- Explore Navajo Peacemaking as a possible model for other tribes to resolve issues.

Promising Practices Identified by Participants

- Go back to traditional ways of addressing violence and teaching children.
- Native trainers are needed for cultural training.
- Workshops and outreach for children and youth.
- Education for tribal leaders and community readiness assessment.
- Training across agencies/systems on American Indian political status.
- Nonmembers who live on reservation with members must sign an MOU that they are willing to be governed by tribal laws. If they violate tribal laws, they are banished.
- Fax filing a temporary restraining order would alleviate the issue of access to the courts for geographically isolated communities.
- Videoconferencing court hearings would alleviate the problem of accessing the courts for geographically isolated communities.
- Education for court personnel (including attorneys) on cultural issues, education for community on Public Law 280, etc.
- A tribally specific domestic violence benchguide.
- Community service programs for young offenders.
- Early intervention and education programs are needed.
- Programs for perpetrators are needed.
- Daughters of tradition, sons of tradition.
- Wellbriety.
- Red Road.
- Change also needs to happen at the academic level.
- Positive strength-based language should be used by county and state.
- Community education on family violence is needed.
- Talking circles are an effective way to discuss family violence.
- Creating safe environments for victims is necessary.

- Support systems are needed.
- Resource guide to assist tribes and other Native American communities in finding resources that address family violence.
- Native American people working in state court would be beneficial.
- Mandatory training for families on their rights, the law, etc.
- One-stop center for Native American–specific services.
- Information is needed:
 - Educate law enforcement;
 - Clarify what law enforcement can do;
 - Clarify what district attorney can do;
 - Clarify what district attorney needs in order to prosecute.
- Collaborative meetings between all service providers, the tribal and state court and information passed on to tribal council.
- Involve entire community in domestic violence, family violence cases for support.
- Elders as role models.
- State court personnel should visit tribal courts for information, so that they don't make assumptions about tribal people.
- Issues of discrimination against Native people within law enforcement and the court system need to be looked at very closely.

Obstacles to Implementing Change Identified by Participants

- Funding
- Tribal politics
- Law enforcement retention
- Funding
- Education
- Parent involvement and support
- Time and time management (time of day or day of the week)
- Dedication
- Mental health
- Cultural competency training would be needed first before state courts come to reservation.
- Lack of data to understand the problem and secure funding.
- Buck passing as a result of jurisdictional confusion/overlap.

Native American Communities Justice Project –

BEGINNING THE DIALOGUE:
DOMESTIC VIOLENCE, SEXUAL
ASSAULT, STALKING, &
TEEN-DATING VIOLENCE

POLICY PAPER

MAY 2010



ADMINISTRATIVE OFFICE
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A companion piece, Native American Community Justice Project—Beginning the Dialogue: Domestic Violence, Sexual Assault, Stalking & Teen-Dating Violence Research Report, is also available and covers additional material from the project.

Both reports are available on the California Courts Web site:
www.courtinfo.ca.gov/programs/cfcc/resources/publications/articles.htm.

For additional copies or more information about this report or the research report, please call the AOC Center for Families, Children & the Courts at 415-865-7739, or write to:

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Introduction

This project brought together, for the first time, a substantial cross section of the Native American community in California with the California court system to discuss issues of family violence, including domestic violence, sexual assault, stalking, and teen-dating violence. Throughout the first half of 2009 a historic and successful series of meetings brought together well over 500 Native Americans and California court personnel to hear the voices of Native American family violence victims and those who help them—and to consider how California’s courts can better serve them.

Addressing court-related issues of family violence has been a major policy priority of the Judicial Council of California’s Administrative Office of the Courts (AOC) for over twenty years. The AOC’s Center for Families, Children & the Courts (CFCC) has several projects aimed at providing courts with information, technical assistance, educational materials, and programs on the courts’ role in responding to cases involving family violence.

In October 2008, the CFCC launched the Native American Communities Justice Project (NACJP), an eight-month project to assess the needs of Native American victims of family violence in California and to inform the AOC’s actions and projects to enhance access to, and improve the administration of, justice for Native American victims of family violence.¹

In California, Native American families come from a variety of tribes, each tribe having unique traditions and histories. According to the 2000 census, there are over 600,000 American Indian and Alaskan Native citizens residing in California in both rural and urban communities. California’s Native American communities include descendants or members of 107 federally recognized tribes (about 20 percent of all tribes in the U.S.). As of 2008, an additional 74 tribes in California are petitioning for federal recognition. Finally, more than half of the Native Americans in California are members of tribes based outside California.²

With federal funding through the California Emergency Management Agency and the tight time frame associated with these funds, the AOC’s challenge was to find a respectful way to begin a dialogue with Native Americans throughout California on their experiences with family violence. The AOC would not have been able to meet this challenge without the tireless and passionate contributions made by the tribal consultants who worked on this project. (See *Acknowledgements*, below.)

¹ Support for this project was provided by the California Emergency Management Agency (Cal EMA) through Grant Award Number CW08071535 awarded to the Administrative Office of the Courts. Points of view expressed are those of the authors and do not necessarily represent the official position or policies of Cal EMA. The Grant from Cal EMA was supported by Grant No. 2008-WF-AX-0036 awarded by the Office on Violence Against Women (OVW), U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

² See Census, <http://www.census.gov/population/www/cen2000/briefs/phc-t18/tables/tab019.pdf>.

Public Safety Crisis in Indian Country

American Indian and Alaska Native communities have been severely affected by family violence. Such violence, much of it directed against women, tragically occurs throughout the world as well as in the United States. Especially high and alarming rates of victimization have been found among Native American women both on and off reservations. Data gathered by the U.S. Department of Justice indicates that Native American and Alaska Native women are more than 2.5 times as likely to be raped or sexually assaulted than women in the United States in general. A U.S. Department of Justice study on violence against women concluded that 34.1% of American Indian and Alaska Native women—more than one in three—will be raped during their lifetime; the comparable figure for women in the United States as a whole is less than one in five.³

According to the *American Indians and Crime* report from the U.S. Department of Justice in 2004, Native American women were more likely to be victims of assault and rape/sexual assault committed by a stranger or acquaintance rather than by an intimate partner or family member. In 86 percent of reported rapes or sexual assaults on Native women, the perpetrators are non-Native. In comparison, only 35 percent of white rape victims reported that the perpetrator was not white. This disparity is not typical of any other ethnicity since perpetrators are usually found to be the same race as the victim.⁴ These statistics underscore the very real public safety crisis in Indian Country.

The family violence situation in California, home to 15 percent of all Native Americans living in the United States (more than any other state), mirrors the rest of the country.

Public Law 280 and the Impact of Family Violence on Native Americans

Native American tribes are federally recognized as sovereign entities with inherent governmental authority over their territory and their members. This sovereign authority includes judicial authority except where such authority has been expressly limited. The general rule is that states have no jurisdiction over the activities of Indians and tribes in Indian country. Public Law 280 (PL 280) created an exception to this rule in certain states (California being one of them): the U.S. Congress gave these states criminal jurisdiction over all offenses involving Native Americans on tribal lands.

The effect of the enactment of PL 280 in 1953 has been to erode the ability of tribal governments to adjudicate sexual assault and other serious crimes in two ways: first, it extended state criminal jurisdiction and state criminal laws to tribal lands and, second, it eliminated the federal

³ See Patricia Tjaden and Nancy Thoennes, U.S. Department of Justice, *Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women* (2000).

⁴ See U.S. Department of Justice, Bureau of Justice Statistics, *American Indians and Crime* (NCJ 203097) (December 2004).

jurisdiction over crimes in those same states. Through PL 280, the federal government transferred to states, such as California, the federal government's criminal jurisdiction over Indian country, and it opened state courts up as forums for civil litigation that had previously only been able to be brought in tribal or federal courts.

While PL 280 did not strip tribes or tribal courts of criminal or civil jurisdiction, it served as a justification for the federal government to reduce funding to tribal justice systems in PL 280 states, because it was assumed that the state government would take the lead in investigating and prosecuting crimes committed on tribal lands. Subsequent research has shown, however, that in PL 280 states many state law-enforcement agencies and court systems are reluctant to become involved in Indian country crimes.⁵

While California is home to more Native Americans than any other state, historically tribes in California have received very little of the federal moneys allocated to remedy a long litany of problems relating to access to justice. As a consequence, few tribes in California have had the capacity to develop tribal justice systems. Today, 19 tribal courts (all of them limited in the range of legal issues they address) serve only 40 of the 107 federally recognized tribes in California. Although this number is small, it is up sharply from just several years ago when there were fewer than 10 courts.

The effect of PL 280 is that in many areas, criminal and civil, state and tribal courts share jurisdiction. What this means for Native American women, given the high rates of victimization by non-Indians and the fact that tribes have no criminal jurisdiction over non-Indians whatsoever, is that Native women must rely on state courts and local law enforcement for protection.

Recent research confirms the unfortunate fact that in the area of family violence, California Native women face particular challenges in seeking assistance and justice because they are in a PL 280 state.⁶ These challenges include accessing and utilizing state and local services, as well as trusting such resources. The Native American Communities Justice Project (NACJP) was launched to provide a California lens on what we know to be a national public safety crisis in tribal communities and to ensure that tribal voices inform the direction state courts take to address that crisis.

⁵ Sarah Deer, "Expanding the Network of Safety: Tribal Protection Orders for Survivors of Sexual Assault," *Tribal Law Journal*, v. 4, p. 5 (2003).

⁶ See *Final Report Focus Group on Public Law 280 and the Sexual Assault of Native Women* (Tribal Law and Policy Institute, Hollywood, Calif., 2007).

Project Description

The following section of this report provides a description of the NACJP, its structure and goals, the tribes contacted, and the meetings, both local and statewide, which were part of the project.

Structure and Goals

Using as its model the Indian Child Welfare Act (ICWA) Initiative, a project focusing on improved compliance with the ICWA, the AOC was mindful that tribal engagement would need to be undertaken in a thoughtful and comprehensive manner in order to ensure that all AOC activities, including any prioritizing of steps to address the problems, would be informed by tribal voices and benefit from tribal experiences and solutions.

The design of the NACJP reflected specific core values:

- Native American victims of family violence deserve equal access to justice, fairness, and due process;
- Safety should be enhanced for Native American victims of family violence;
- Tribal and state courts must be engaged in the process of identifying and addressing family violence;
- All Native American communities should be given the opportunity to participate;
- Tribal sovereignty, history, and culture must be respected;
- The state’s responsibility toward Native American communities must be recognized;
- Strategies and solutions must come from each Native American community itself and reflect the community’s own values and priorities;
- We cannot impose a “one size fits all” solution—solutions must be tailored to the needs of each individual and each community; and
- Work that is already being done in this area needs to be respected and drawn upon.

The project consisted of three activities: (1) comprehensive outreach to tribes, Native American service organizations, and Native American populations throughout California; (2) a series of local community meetings to gather information on challenges for American Indian and Alaska Native victims of family violence accessing the courts and services; and (3) a statewide planning meeting to present the findings of the local meetings and solicit direction from participants on how to address the issues raised in the local community meetings.

Tribal Outreach

The project adopted a strategic approach that accorded respect to tribal sovereignty. Conducting tribal outreach on a government to government relationship, the project sent a letter to each federally recognized tribe in California and each non-federally recognized tribe currently petitioning for recognition. The letter described the intent of the project and invited tribal chairs to participate by recommending a tribal consultant with whom they would like to work and would trust to convene and facilitate a local tribal community meeting. The project contracted with the first or second choice of the tribal chairs. Based on tribal response, the consultants on

this project included the Inter-Tribal Council of California, Inc.; Lebron Consulting Group; Pacific Mountain Philanthropy; and the Tribal Law and Policy Institute.

Local Community Meetings

Over fifty tribes participated in the project, and 16 community meetings were held between February and April of 2009, with 500 attendees overall, on tribal lands or at a Native-run social service agency. The meetings varied in length, depending on the number of attendees and the issues raised. The consultants asked a series of questions to help facilitate the meetings, recorded the information collected, and made time and space for additional questions or concerns to be raised. While each tribal community meeting was unique, reflecting the needs and issues of a given tribal community, common themes emerged.

Statewide Meeting

The project culminated in a statewide meeting on May 21–22, 2009, in San Diego, California. That meeting brought together state court judges, tribal court judges, state agency partners, service providers, attendees from the tribal community meetings, and tribal representatives who had not attended the local meetings but wished to attend the statewide meeting to learn about and discuss the findings from the tribal community meetings. The AOC and tribal consultants designed the two-day event according to a traditional Native format, incorporating cultural traditions typically followed in a meeting that a tribe or tribal agency would host.

A traditional healer performed an opening blessing. The evening featured a welcome from a local tribal leader, followed by remarks by Diane Nunn, division director of the Center for Families, Children & the Courts at the AOC; a description by NACJP staff of the project; remarks from Olin Jones, director of the Native American Affairs Office of the California Attorney General’s Office; and ending with a teen-dating violence workshop entitled “Purple Shawl.” The next day began with a welcome by a local tribal leader and was followed by panel discussions highlighting issues raised during the tribal community meetings, and model programs, services, and solutions.

Throughout the event, life stories of family violence victims were recounted. Also, at various times during the event, attendees of the local community meetings were acknowledged with culturally appropriate gifts for their contributions. These acknowledgements were consistent with Native community events, celebrations, or meetings and are a way of showing respect and honoring those in the tribal community who have been working to improve and help tribal communities. The meeting ended with a performance by a local troupe of children and youth who performed traditional dances and drumming.

Summary of Key Findings

At the local community meetings and the statewide meeting, the Native American voices confirmed what the national data shows: there are high rates of family-violence victimization in Native communities, and the available data do not accurately portray the extent of family violence in tribal communities. The Native American voices echoed the Native stories described in the Amnesty International Report *Maze of Injustice*⁷, in which Native women repeatedly recounted their difficulty in accessing legal redress and adequate services. In addition to these overarching points, seven key themes arising from the meetings are described below, highlighting some problems reported by participants and some of the key solutions they identified. (For more details on these themes, please consult the companion piece, entitled Native American Communities Justice Project – Beginning the Dialogue: Domestic Violence, Sexual Assault, Stalking, and Teen-Dating Violence Research Report.)

Theme 1: Reporting Family Violence and Treatment of Native Americans

Problems Reported

There is serious underreporting of family violence to law enforcement and others because of fear, prejudice, lack of information, and misunderstanding. While the reasons for underreporting are not unique to Native American communities, the response, when it is reported, is. Native Americans describe a range of responses from local law enforcement—from no response to long delays to inappropriate responses. If Native Americans do not believe they will receive an effective response when a crime has occurred, they will not report it.

Solutions Identified

- More education and training for law enforcement personnel and others in official contact with Native Americans about Native American culture and history;
- Increased and better communication between Native American communities, law enforcement personnel, service providers, prosecutors, self-help services, and others; and
- Acquiring Native American liaisons to serve between the state court system—including law enforcement personnel, service providers, and self-help centers—and Native American community members.

Theme 2: Services

Problems Reported

Services—including safe houses, emergency shelters, counseling, legal advocacy, and other assistance for victims—are often culturally inappropriate, difficult to access because of distance, or unknown to tribal communities.

⁷ See <http://www.amnestyusa.org/women/maze/report.pdf>.

Solutions Identified

- Make available to Native American victims services that are local, tribally or Native-run, and culturally relevant;
- Ensure that non-Native services serving Native American populations are more holistic (with their focus on the whole person: physically, emotionally, and spiritually);
- Give legal service providers more of a presence in tribal communities and hire more Native advocates or liaisons; and
- Provide more education and training about Native American culture and history for those working with Native populations.

Theme 3: Restraining Orders

Problems Reported

State courthouses are located very far from some Native communities, making travel to a hearing impossible for these victims. There is a lack of information on the part of tribal communities about how to obtain civil and criminal restraining orders and their limitations. Law enforcement personnel, prosecutors, and state court judges often lack an understanding of PL 280 and Indian law issues when it comes to family violence. The result is a lack of enforcement of state and tribal court restraining orders and a failure of the state justice system to give full faith and credit to tribal court orders.

Solutions Identified

- Use of technology to improve access to the state courts for tribal communities that are located far from the court, such as fax filing and court appearances through video conferencing;
- More information on how to navigate the state court system and obtain restraining orders; and
- More education and training about PL 280 and Indian law issues.

Theme 4: State Courts

Problems Reported

Native American histories, cultures, values, and experiences are generally not well-understood by judges and court personnel. Historic oppression of and discrimination against Native Americans continues to resonate with the Native American population and affects their interactions with state courts and local agencies. They report that, in general, judges, attorneys, and state and local agency staff have no knowledge of and do not understand the historical experiences of Native American populations and how these experiences continue to affect their lives. Specifically, they identified that these same individuals typically lack knowledge about key cultural and legal concepts, such as sovereignty, PL 280, and historical facts that have caused many tribal governments in California to be denied funding to develop tribal justice systems and services. The lack of trust and of basic knowledge about state court procedures and legal services on the part of Native Americans, and the corresponding lack of knowledge and understanding on the part of state courts and non-Native agencies, were the two primary reasons that Native

American victims of family violence may not seek assistance from the courts, other justice agencies, and service providers.

Solutions Identified

- More education and training for judges and court personnel about Native American history and culture;
- More education and training for judges and court personnel about PL 280 and Indian law issues;
- Appointing Native Americans as liaisons between Native communities and the state court system;
- More training of tribal communities by Native Americans on how to use the state court system; and
- Regular interaction between local Native American communities and the local court systems.

Theme 5: Tribal Courts and Police

Problems Reported

Historically, the Bureau of Indian Affairs denied funding to tribes in PL 280 states because the bureau assumed that state justice systems would protect Native American citizens in their states. This federal policy has thwarted the development of tribal justice systems in California and other PL 280 states. And where tribal courts exist in California, it was reported that there was a lack of information about these courts, such as what types of cases they hear and the extent of authority tribal police have on tribal lands.

Solutions Identified

- More support for the development of tribal justice systems;
- Tribes should seek technical assistance from tribal organizations to develop their own legal codes; and
- Tribal legal codes should take into account generational abuse and historical trauma and foster traditional values and approaches.

Theme 6: Family Violence Data

Problems Reported

State and local agencies do not collect data that is useful to tribal communities. There is no uniform method of collecting crime statistics, such as the location of a crime—whether it is on tribal lands and, if so, the tribe’s name. Data collected does not usually identify the tribal affiliation of the victim. Crime reports and investigations typically do not indicate if the victim is Native American, and when they do, they rarely indicate the person’s tribe. This is a significant problem for Native Americans for two reasons: (1) because sexual assault is an underreported crime, the lack of tribal-specific data means that the underreporting for this population is that much worse, and (2) without tribally specific data, tribal governments and organizations in California are at a disadvantage when applying for grants, because many grants require this level of data.

Solutions Identified

- Identify useful data sources and how to access them;
- Require tribally specific data to be collected by local and state agencies; and
- Develop joint data collection projects between Native and non-Native partners.

Theme 7: Community-Level Concerns

Problems Reported

Some tribal communities in California lack the resources and infrastructure to respond adequately to family violence. In the smaller tribal communities in California, it is a challenge to ensure confidentiality because everyone knows each other. Some of the tribal councils do not give priority to preventing and treating family violence.

Solutions Identified

- Provide more support for the development of tribal justice systems;
- Incorporate traditional healing practices, talking circles, and community-based and restorative justice approaches in tribal service provision; and
- Provide education for tribal government and community leaders on family violence.

Next Steps

In response to the information gathered through this project, the AOC quickly took several steps and is in the process of taking several more. Those steps are summarized below.

As a preliminary response to the information gathered through this project, the AOC took four steps:

1. Established a Tribal Projects Unit;
2. Convened a meeting of tribal and state court leaders;
3. Implemented quickly achievable solutions such as education, resource sharing, and technical assistance; and
4. Created a coalition of state court leaders and tribally nominated tribal court judges.

These steps are described in more detail in the following paragraphs.

1. Tribal Projects Unit.

In November 2009, the AOC established, as part of the Center for Families Children & the Courts, a Tribal Projects Unit. The purpose of this unit is to serve as liaison to tribal communities in California and to assist the state judicial branch with the development of policies, positions, and programs to ensure the highest quality of justice and service for California's Native American communities in cases relating to the Indian Child Welfare Act, domestic violence, dating violence, sexual assault, and stalking.

The AOC's Tribal Projects Unit identified the following seven goals:

1. Conduct community outreach to California's Native American citizens to provide information about state courts and court-connected services;
2. Collaborate with Native American communities and service providers to gather information about Native American justice-related needs;
3. Develop and promote strategies and programs that are responsive to identified justice-related needs;
4. Provide education and technical assistance to state courts and court-connected services on Public Law 280; Indian law issues relating to domestic violence, dating violence, sexual assault and stalking; the Indian Child Welfare Act; and indigenous justice systems;
5. Act as a liaison between the state and tribal courts to build professional relationships and improve access by tribal courts to education, technical assistance, and other resources;
6. Promote mutually beneficial intergovernmental cooperation between tribal courts, state courts, and appropriate tribal, state, and local agencies; and
7. Develop and disseminate justice-related information and reports needed by tribal and state agencies to work together effectively.

The AOC's Tribal Projects Unit activities include: (1) the establishment of a clearinghouse of resources to support tribal court justice systems; (2) the promotion of state and tribal court collaboration on local and statewide levels; (3) curriculum development; (4) the promotion of self-help and legal services to provide effective services for Native Americans in California; and (5) education and technical assistance for tribal court judges.

These activities are described in more detail below.

- **Clearinghouse of resources to support tribal court justice systems**

The AOC has established and will maintain a clearinghouse of resources that includes:

- (1) a calendar of AOC educational events for tribal and state courts;
- (2) a directory of services for Native American families;
- (3) a listing of tribal justice grant opportunities;
- (4) a list of tribal courts in California and information they would like to share publicly, such as contact information and cases currently heard; and
- (5) resources relating to compliance with the Indian Child Welfare Act in juvenile, family, and probate cases.

To date, the AOC has established such a clearinghouse on its Web site. AOC educational events are accessible to tribal courts through a secure Web site for state court judges. The directory of services for Native American families can be found at:

<http://www.courtinfo.ca.gov/programs/cfcc/programs/description/tribalservices/>

All ICWA resources can be found at:

<http://www.courtinfo.ca.gov/programs/cfcc/programs/description/TribalJobAids.htm>

- **Collaborations**

The AOC will continue to promote communication and information sharing between the tribal and state court systems, bringing together state and tribal court judges, as well as tribal and state/local agencies, to improve the administration of justice in cases relating to ICWA, domestic violence, dating violence, sexual assault, and stalking. The AOC will provide staff for the coalition of tribal court and state court leaders that will review this report and discuss how the state judicial branch can be more responsive to the needs of tribal communities and tribal courts in California regarding family violence issues.

To date, the AOC has continued working with the informal coalition of tribal court judges and state leaders who came together in December of 2009, taking steps to support tribal justice systems and work on areas of mutual concern.

- **Curriculum development**

The AOC will develop curricula on the following topics: (1) civil and criminal jurisdiction in a PL 280 state for state court judges; (2) Indian law issues that may arise in cases involving domestic violence, dating violence, sexual assault, and stalking for state court judges and practitioners; (3) the Indian Child Welfare Act for state court judges, attorneys, child welfare agencies, and probation departments; and (4) specifically for tribal advocates, on accessing and navigating the state court system in cases of domestic violence, dating violence, sexual assault, and stalking.

To date, the AOC is working with its tribal partners to develop the above curricula. The active efforts module of the ICWA curriculum has been completed. The request for proposals on the remaining modules of the ICWA and the tribal advocate curricula were posted in April of 2010.

- **Self-help and legal aid services**

The AOC will work with local self-help and legal aid programs to provide effective services to Native Americans in California.

To date, with grant funding, the AOC posted a solicitation offering technical and funding assistance to local courts for their self-help services for family violence cases involving Native Americans. Four local courts, Alpine Superior Court, Butte Superior Court, Imperial Superior Court, and Inyo Superior Court, were awarded grants to focus their outreach efforts and services to tribal communities in their region.

- **Education and technical assistance for tribal court judges**

The AOC has made available to tribal court judges existing in-person and distance-learning educational programs and materials relating to domestic violence, dating violence, sexual assault, and stalking that are provided to state court judges. In addition, the AOC has made available all Judicial Council forms for use by tribal courts if they choose to adapt them for their own court systems. The AOC will also provide technical

assistance to tribal court judges interested in applying collaborative court principles for problem solving and in starting, or enhancing, a supervised visitation program.

To date, the AOC has made available to tribal court judges all existing in-person and distance learning educational programs and materials that are available to state court judges. Also, the AOC has announced the availability of technical assistance in the areas of collaborative court principles and supervised visitation, and has begun providing this assistance.

2. Meeting of tribal and state court leaders. One of the first activities of the AOC's Tribal Projects Unit was to convene a meeting of tribal court judges and state court judges. On December 21, 2009, the Chief Justice of the California Supreme Court, tribal court judges, and other state court leaders met to discuss issues of family violence and the role their respective judiciaries could play to address many of the themes raised in this report. The attendees made a firm commitment to continue working together, particularly with respect to the following six areas:

1. The enforcement and recognition of orders relating to family law, civil procedure, juvenile law, and domestic violence;
2. Addressing concurrent jurisdictional issues;
3. Developing and sharing educational resources;
4. Undertaking joint development and revision of rules and forms, as well as providing assistance to adapt state Judicial Council forms for use by interested tribal courts;
5. Sharing grant resources; and
6. Addressing the lack of tribal court access to data.

The result of this historic meeting was the decision to form a coalition and to continue forging positive judicial relationships and working on priority areas of mutual concern and shared interest. With AOC's Tribal Projects staff support, these tribal and state court leaders have continued to this work together, and the results have been positive, resulting in quickly, achievable solutions.

3. Quickly achievable solutions. Several short-term goals have already been achieved by the AOC's Tribal Projects Unit. Tribal court judges now have access to all AOC educational resources through a secure Web site maintained for state court judges. Tribal court judges also have access to Judicial Council forms and technical assistance from the AOC to adapt those forms for their own courts if desired. Tribal courts have access to a list of grants maintained by the AOC. Tribal Projects staff is working with tribal and state court judges to develop presentations to showcase tribal and state court partnerships at the local level and to present on court protocols to mutually enforce orders. These presentations, along with a presentation on PL 280 will be featured at the AOC's annual conference, Beyond the Bench, in June 2010.

4. Coalition of state court leaders and tribally nominated tribal court judges.

Simultaneously with the release of this policy paper, in May 2010, the Chief Justice of California appointed the California Tribal Court / State Court Coalition. The members of the Coalition include seven tribal court judges, nominated by their tribal chairs, representing nine of the nineteen tribal courts currently operating in California as well as the Director of the California Attorney General’s Office of Native American Affairs and ten state court judiciary including the Chairs of Family and Juvenile Law Advisory Committee, Access and Fairness Advisory Committee, Civil and Small Claims Advisory Committee, Criminal Law Advisory Committee, Traffic Advisory Committee and representatives of the local courts in which many of the tribal courts are situated. (See Appendix A: Coalition Members.) The coalition will review this report and the companion piece, the Native American Community Justice Project—Beginning the Dialogue: Domestic Violence, Sexual Assault, Stalking, and Teen-Dating Violence Research Report, and implement solutions relating to the reciprocal recognition and enforcement of court orders, coordination and transfer of jurisdiction, support for creating and sustaining tribally controlled justice systems, access to data relevant to tribal communities and tribal courts, and treatment of Native Americans and tribal advocates in state court proceedings.

In addition to the specific steps that have already been taken, solutions are identified in this report that cannot be implemented by the state judicial branch alone as they are outside the control of the state court system. One of the first priorities of the coalition, when it meets in June 2010, will be to identify those areas and reach out to the appropriate justice partners for help in addressing them.

Finally, the AOC is actively seeking funding to support the work of the coalition and the Tribal Projects Unit. Federal funding has already been obtained to support this work through January of 2011.

Conclusion

The NACJP was unique and groundbreaking in its design, implementation, and forward-looking approach to “next steps” to take to address the issues involved. With respect to its design, it was the first time in California that any state governmental agency, specifically the judicial branch, through its administrative body, the AOC, contacted and engaged tribal communities, taking care to contact every tribal government in California regardless of federal recognition, and reaching northern, centrally based, and southern, as well as rural and urban, Indian communities. It was the first time in California that such a strategy of wide-ranging community engagement was used, and the result was the start of a certain level of trust on the part of Native people in California, a trust reflected by the large numbers who participated and bravely gave an honest portrayal of their experiences. With respect to implementation, the AOC partnered with well-respected tribal consultants, nominated by participating tribes, and the partnership was a true partnership whereby the local community meetings and the statewide meeting were largely shaped by the consultants who knew their tribal communities. Local meetings were held where Native people would feel comfortable and safe to share their experiences. The statewide meeting

format was in keeping with a traditional Indian conference. With respect to next steps, the NACJP was launched to provide a California lens on what was already known (i.e., that there exists a public safety crisis in tribal communities) and to ensure that tribal voices inform the direction the state courts will take to address that crisis. Given the diverse Native communities in California, it was critical that the AOC conduct this type of unique needs assessment in order to prioritize its next steps in response to the needs identified by Native people.

The NACJP, and resulting research report and policy paper, identify the themes that must be addressed, demonstrate that the AOC is committed to taking “next steps” as it has obtained limited funds, taken some of these next steps, and established a mechanism to achieve long-term goals through the establishment of a tribal projects unit and the California Tribal Court / State Court Coalition. The coalition will serve to implement solutions that are within the direct purview and control of the state courts, and it will also serve to be the vehicle to reach out to our justice partners when those solutions fall outside the control of the state judicial branch. Consistent with the NACJP approach, the AOC will continue to partner with California tribes, tribal courts, and tribal communities to implement the solutions identified in this report.

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We want to extend our thanks to all of those who assisted in making this project a success.

- First, we want to thank all of those community members who participated in this project. We acknowledge the courage it took for these individuals to come forward and share their stories and their experiences.
- We thank all of the community consultants, who contributed their invaluable expertise and insight, including the following:
 - Jerry Gardner and Heather Valdez-Singleton from Tribal Law and Policy Institute;
 - Tom Lidot, Margaret Orrantia, and Nilla Hamilton of Pacific Mountain Philanthropy;
 - Connie Reitman-Solas, Lorretta Greycloud, Tami Tejada, Reola Park, and Chairman H. Nelson Pinola from the Inter-Tribal Council of California; and
 - Dorothy Lebron of Lebron Consulting in conjunction with Al Garcia and Cindy Jong of United American Indian Involvement in Los Angeles, and Myra Smith, Ashley Phillips, and Wayne Grigsby of Friendship House in San Francisco.

- We also thank all of the tribal leaders and tribal court judges who have been and continue to be so patient, supportive, and generous with us in our work with tribal communities.
- We are grateful for the participation of tribal elders and service providers in the project and particularly their contributions to our May 2009 meeting.
- We thank all of the presenters at our May 2009 meeting whose knowledge and wisdom has helped inform our work.
- We thank our state agency partners and in particular thank Olin Jones at the California Attorney General’s Office of Native American Affairs for his willingness to partner with us and the California Department of Social Services Office of Child Abuse Prevention for their support of our work with tribal communities through the grant to the Indian Child Welfare Act Initiative.

Appendix A

COALITION MEMBERS

California Tribal Court/State Court Coalition

May 18, 2010

Tribal Court Members

- Hon. Abby Abinanti, Chief Judge of the Yurok Tribal Court
- Hon. Richard C. Blake, Chief Judge of the Hoopa Tribal Court and Presiding Judge of the Smith River Rancheria Tribal Court
- Hon. Anthony J. Brandenburg, Chief Judge of the Intertribal Court of Southern California
- Hon. Michael Golden, Chief Judge of the Morongo Tribal Court and Chief Judge of the Redding Rancheria Tribal Court
- Hon. Charles N. Henry, Chief Judge of the Karuk Tribal Court
- Hon. William Kockenmeister, Chief Judge of the Bishop Paiute Indian Tribal Court
- Hon. Lester J. Marston, Chief Judge of the Blue Lake Rancheria Tribal Court

State Court Members

- Hon. Jerilyn L. Borack, Judge of the Superior Court of California, County of Sacramento and Cochair of the Family and Juvenile Law Advisory Committee
- Hon. Richard D. Huffman, Associate Justice of the Court of Appeal, Fourth Appellate District, Division One
- Hon. Susan D. Huguenor, Judge of the Superior Court of California, County of San Diego and Cochair of the Family and Juvenile Law Advisory Committee
- Mr. Olin Jones, Director of the Office of Native American Affairs, California Attorney General's Office
- Hon. James R. Lambden, Associate Justice of the Court of Appeal, First Appellate District, Division Two, and Chair of Access and Fairness
- Hon. Dennis M. Perluss, Presiding Justice of the Court of Appeal, Second Appellate District, Division Seven, and Chair of the Civil and Small Claims Advisory Committee
- Hon. Steven Z. Perren, Associate Justice of the Court of Appeal, Second Appellate District, Division Six, and Chair of the Criminal Law Advisory Committee
- Hon. Deborah A. Ryan, Commissioner of the Superior Court of California, County of Santa Clara, and Chair of the Traffic Advisory Committee
- Hon. Dean Stout, Judge of the Superior Court of California, County of Inyo
- Hon. Juan Ulloa, Judge of the Superior Court of California, County of Imperial
- Hon. Christopher G. Wilson, Presiding Judge of the Superior Court of California, County of Humboldt

Native American Communities Justice Project –

BEGINNING THE DIALOGUE:
DOMESTIC VIOLENCE, SEXUAL
ASSAULT, STALKING, &
TEEN-DATING VIOLENCE

RESEARCH REPORT

MAY 2010



ADMINISTRATIVE OFFICE
OF THE COURTS

CENTER FOR FAMILIES, CHILDREN
& THE COURTS

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A companion piece, Native American Community Justice Project—Beginning the Dialogue: Domestic Violence, Sexual Assault, Stalking & Teen-Dating Violence Policy Paper, is also available and covers additional material from the project.

Both reports are available on the California Courts Web site:
www.courtinfo.ca.gov/programs/cfcc/resources/publications/articles.htm.

For additional copies or more information about this report or the policy paper, please call the AOC Center for Families, Children & the Courts at 415-865-7739, or write to:

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I. Background

The Native American Communities Justice Project (NACJP) brought together, for the first time, a substantial cross section of the Native American community in California with members of the California court system to discuss family violence issues: domestic violence, sexual assault, stalking, and teen-dating violence. Throughout the first half of 2009, a historic and successful series of 17 meetings brought together well over 500 Native Americans and California court personnel to hear the voices of Native American family violence victims and those who help them—and to consider how courts can better serve them.

Addressing court-related issues of family violence has been a major policy priority of the Judicial Council of California's Administrative Office of the Courts (AOC) for over twenty years. The AOC's Center for Families, Children & the Courts (CFCC) has instituted numerous efforts to address this issue, including education of judicial officers, court staff, and court-based mediators; the development of court guidelines; and funding of court-based interpreters. Despite these efforts, successful engagement of Native American communities had not been accomplished prior to this effort.

In October 2008, the CFCC launched an eight-month project hoping that the results would enhance access to and improve the administration of justice for Native American victims of family violence. Drawing on Native American community expertise and guidance, this project engaged those communities in identifying needs relating to family violence. The project involved collaborating with tribes and community members to gather information about, and develop strategies to address the needs of, Native American victims of family violence.¹

This report summarizes the information gained from the project. The project team sought input from all federally and non-federally recognized tribes in California, along with urban Indian communities in Los Angeles and the San Francisco Bay Area. Led by Native American community selected consultants, a series of meetings was held around the state to discuss barriers and solutions to addressing family violence. This project would not have been successful without the help of those consultants: Inter-Tribal Council of California, Inc., Lebron Consulting Group, Tom Lidot— Pacific Mountain Philanthropy, and the Tribal Law and Policy Institute. A statewide meeting was held at the end of May, 2009, to present and discuss the results of the local meetings. This report compiles the information gained into separate themes, listing problems and solutions identified by meeting participants under each theme.

¹ Support for this project was provided by the California Emergency Management Agency (Cal EMA) through Grant Award Number CW08071535 awarded to the Administrative Office of the Courts. Points of view expressed are those of the author(s) and do not necessarily represent the official position or policies of Cal EMA. The Grant from Cal EMA was supported by Grant No. 2008-WF-AX-0036 awarded by the Office on Violence Against Women (OVW), U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

A companion document reviews the history and prevalence of family violence in Native American communities, describes the project goals, and details the next steps taken by the AOC, based on information and suggestions gathered during this process.

II. Methodology

A. Overview

The findings presented here represent the experiences and wisdom of over 500 Native Americans concerned about family violence in their communities and constitute the most comprehensive look at this issue in California to date. Given the unprecedented nature of the meetings held during this project, the knowledge gained provides an invaluable base from which to continue the efforts to find solutions for California Native communities. The major goal at the outset of this project was to contact and engage a wide range of Native American communities in California in an on-going problem solving discussion about family violence in those communities, with a specific emphasis on what the state court system can do to address the issue. A key part of that process was the documentation of problems and solutions, taking into account the many different populations and perspectives making up California's Native American communities.

At the very beginning of the project, the AOC identified a number of values to guide the effort. These are fully set out in Appendix A, "Fact Sheet." Three values were of particular relevance to the community meeting and data collection process: "Tribal and state courts must be engaged in the process of identifying and addressing the problem"; "All Native American communities should be given the opportunity to participate"; and "Tribal sovereignty, history, and culture must be respected."

The qualitative strategy described below was developed to meet this goal, emphasizing a wide-ranging engagement with the community and culminating in the collection and synthesis of personal testimony, professional experience, and opinion. This information will be used in an ongoing dialogue with the Native American community to develop achievable goals for the California state court system. The information will also be shared with the Native American communities in the state and governmental and nongovernmental organizations for whom it is relevant.

Neither the meeting notes nor the answers to the written questions constitute a formal, representative survey of California's Native American community. The information presented below represents only the experiences and opinions of those individuals who chose to attend these meetings. It does not represent the official view of any tribe or organization, nor does it necessarily represent the exact situation of Native Americans in California.

B. Engagement With Native American Consultants

At the outset of the project, letters were sent to every federally recognized tribe in California, all non-federally recognized tribes that could be located, and Native American service providers in Los Angeles and the San Francisco Bay Area. Each was asked to nominate a community consultant to work with them to organize and hold a community meeting to discuss family violence. The basic format eventually settled on for these meetings was a meeting script using open-ended spoken questions (See Appendix D, “Community Meeting Script”), augmented by a series of written questions (both multiple choice and short answer) distributed at the community meetings (See Appendix E, “Written Questions Distributed at Community Meetings”). This allowed those who wished to participate the choice of doing so either orally or in writing. It also allowed slightly different types of questions to be presented to the group.

Approximately half the tribes in California and both urban Indian communities in Los Angeles and the San Francisco Bay Area participated in the project. Each chose to work with one of four consultants:²

- Inter-Tribal Council of California, Inc.
- Lebron Consulting Group
- Tom Lidot – Pacific Mountain Philanthropy
- Tribal Law and Policy Institute

Each consultant was responsible for organizing meetings with specific tribes or in specific areas. The consultants joined weekly conference calls with AOC staff throughout the project to discuss strategies, findings, and challenges. The consultants were also integral to the planning and conduct of the statewide meeting as well as the subsequent review and analysis of data. In addition, the Tribal Law and Policy Institute was engaged to oversee the collection of information from the meetings and draft summaries of the information collected (See Appendix B, “Consultant Biographies”).

Participants in community meetings were assured confidentiality, so we do not have a list of those people. Those who attended the statewide meeting, however, are listed in Appendix C.

C. Community Meetings

1. Participants. Over the course of three months (late February through mid-May 2009), the four teams of community consultants held 17 community meetings in Northern, Southern, and Central California. The meetings were generally attended by Native American community members and only to a limited extent by law enforcement personnel, state service providers, and

² Tribes were asked to pick from a list of Native American consultants who had agreed to work with the AOC on this project or to nominate their own consultant. Most tribes worked with their first (in a few cases with their second) choice of consultant.

state court personnel. Approximately 500 people participated in meetings, with a focus on the following groups:

- Advocates;
- Community Members;
- Elders;
- Social Service Providers;
- Tribal Leadership; and
- Victims/Survivors.

Meetings lasted from one to four hours and attendance ranged from 6 to 60 people, with a usual size of about 20 participants per meeting. The written questionnaire was made available to all meeting participants, and 408 people, out of approximately 500 participants, chose to fill it out. While the roles of people attending the community meetings were not identified, those who filled out the written questions were asked to identify their roles. Judging from the written questionnaires completed, about two-thirds of the participants were female. Slightly over one quarter were service providers, and another quarter were advocates. A further breakdown of the participants can be found in tables at the beginning of Appendix F, “Tables Summarizing Answers to Written Questions.” While the participants knew the meeting was about family violence in Native American communities, and could choose whether to participate, participation did not depend on any particular experience or expertise in the area of family violence.

2. Discussion Questions. The meeting script questions were open-ended and meant to start a discussion among the participants about family violence in their community. Not all questions were asked at every meeting. Facilitators used their best judgment on which questions to ask. Issues normally covered in all meetings included:

- Family violence in the local community;
- Sources of data that exist (or should exist) to document the problems;
- Problems Native American community members have accessing courts or court-connected services;
- Whether restraining orders are available and sought; and
- What kinds of services are available to Native American families and children that are victims of family violence.

For the full script of the community meetings, see Appendix D, “Community Meeting Script.” A note taker was present at each meeting to record key discussion points. Participants were not asked to identify themselves, and no identifying information (names, tribes, counties, etc.) was collected. The summarized findings from the meetings are presented below.

3. Written Questions. For all participants, but particularly those participants who were not comfortable participating in the group discussion or who had more to add, a written

questionnaire was handed out at each meeting. Just over 400 of these questionnaires were completed. Only meeting participants filled out the questionnaires.

The questions asked participants for their opinions about such matters as the most common types of family violence in their communities, the tribal status of offenders, the gender of victims, and whether or not the crimes get reported to law enforcement or child protective services. The written questionnaire is in Appendix E. Tables summarizing the responses to the written questions are presented in Appendix F.

D. Data Analysis

Data from 16 community meetings³ were analyzed through a detailed review of the notes taken during the meetings and additional weekly debriefings with the community consultants.

All comments made at meetings were grouped together by theme (e.g., problems with the response of law enforcement, restraining orders, etc), resulting in seven major themes. An effort was made to be as comprehensive as possible in including all comments from notes taken at meetings. Each comment was then translated into a summarized sentence to pull out the key elements of the thought. The seven themes, along with the sentences summarizing the comments, were reviewed by all community consultants and discussed to ensure that the information captured the major ideas discussed at the meetings. The themes, along with the summarized sentences from the meetings, make up the bulk of the information presented in this report.

In addition, the responses to the written questionnaires were entered into a database. The quantitative answers to those questions were compiled into frequency tables, and the narrative answers were reviewed separately and summarized (see Appendix F).

E. Generalizability of the Data

The information presented in this report comes from a *judgment sample* comprising selected experts and volunteers who are interested in family violence in Native American communities. It does not derive from a representative, random sample of California Native Americans. Given the historical mistreatment of Native Americans and the mistrust such treatment engenders, it is doubtful any accurate, fully representative study could be conducted by a governmental entity. That anyone was willing to come forward and speak is perhaps surprising—and that surprise was echoed throughout the meetings. It was accompanied, however, by a firm belief that the problems being discussed were grave and the willingness to address them sincere. These are the circumstances that lend this information credibility.

³ While 17 meetings in total were held, 1 was held too late in the process to be included in results presented at the statewide meeting and in this report.

If data from this report is cited, appropriate caveats should be included that explain its limitations and strengths. At a minimum, the following language is suggested:

This data is compiled from a historic, first-time preliminary investigation of family violence in California Native American communities. It represents the experiences of over 500 (or 400 if citing the tables in Appendix F) community members, service providers, advocates, and tribal leaders, working and/or living in California Native communities. Those that participated were from northern, central, and southern California and from federally recognized, non-federally recognized, and urban Indian communities. While this sample is nonprobabilistic, thereby precluding the calculation of error rates, the trends it identifies are strong.

III. Findings: Themes and Solutions Identified From Meetings

A. Introduction

This section summarizes the major themes identified by meeting participants, along with the solutions suggested to address problems related to the theme. The purpose of this project was to gain a better understanding of Native American community needs relating to the state court system and family violence. In order to gather information about this relatively narrow issue, we needed to engage in a more wide-ranging discussion about family violence in Native American communities. This led to participants discussing in detail the obstacles that prevent cases of family violence from ever reaching the court system. For a number of reasons, in Native American communities reporting family violence appears to be a significant problem.

The results presented here reflect a compilation of the views presented in the community meetings. They are taken from spoken and written answers to questions presented at the meetings. While the views of participants are summarized, every effort has been made to report them as completely and accurately as possible. Since the meetings were for purposes of information gathering, no attempt was made to present alternative points of view or contrary facts and the results should be read with that understanding. The opinions and factual statements reported below reflect the views of those who attended the meetings; they do not represent the official views of any Native American tribe, the California Administrative Office of the Courts, or the funder.

B. Themes Derived From Meeting Notes and Written Questionnaires

Theme 1: Crime Statistics and Family Violence Data

Problems

Collecting data on criminal justice issues in Indian country is generally a problem; however, in California (and many other Public Law 280 states) there are additional obstacles. Because the first responders to calls from a reservation dealing with family violence are usually county deputy sheriffs, it is within county sheriff's departments that reservation level data can be found. Many sheriffs in the state, however, do not keep separate data at the reservation level. Instead data is often lumped together into a larger "beat" that includes surrounding non-Indian communities.

This lack of data specific to Native Americans has at least two serious implications: (1) it makes the magnitude of the problem difficult to assess because it is not documented; and (2) it creates obstacles for tribes to securing funding to address family violence issues because most grant proposals require that the potential grantee provide data to document the problem. Several specific concerns about family violence data in Native American communities were raised:

- Participants reported that their local sheriff's department has data on family violence calls/incidents, but it is difficult to get the data.
- Many participants explained that because domestic violence is underreported, any data that does exist would likely be inaccurate.
- While data is sometimes collected by outside agencies and organizations, participants reported that the data is then used to obtain money and other resources that are not shared with tribal/Native American people. Making sure the data gets back to the tribes and communities from whom it was collected is a crucial issue.
- Service providers and others reported that data is sometimes collected from different sources and that more information is needed about how to mine and calculate data from different sources.
- It was reported that addressing the issue of family violence is directly related to data collection, because data showing the nature and extent of family violence and other issues is often a requirement in grant proposals to secure funding.

Answers to written questions about local data collection efforts were mixed (see Appendix F).

Solutions Suggested by Participants

- Document and develop protocols for successful cooperative efforts between the county and the tribe/Native American community to collect data.
- Tribal Temporary Assistance to Needy Families (TANF) may have some data since 90 percent of cases are domestic violence related or come domestic violence involved families.
- Fund a full-time salaried employee to mine data from all sources.
- Recognize and standardize reporting from different sources to make data mining easier. Law enforcement, courts, and service providers all have very different reporting procedures that, if standardized, would create a wealth of information.

Theme 2: Reporting Family Violence and Treatment of Native Americans

Problems

The participants who spoke at the meetings and those who responded to the written questions agreed that much of the family violence in Native American communities is never reported to law enforcement or social service providers. One of the major reasons (although by no means the only reason) for this is the actual or expected negative treatment received by Native Americans from law enforcement, state court personnel, and state social service providers who are not Native Americans and who may not be familiar with Native American culture and history.

One of the most often cited problems surrounding family violence in the Native and tribal communities dealt directly with county law enforcement interactions and barriers to reporting to law enforcement. In California, federally recognized tribes are subject to state criminal jurisdiction under a 1953 law known as Public Law 280.⁴ As a practical matter, this means that county sheriff's departments have the primary law enforcement responsibility on reservations in the state if there is no tribal law enforcement exercising concurrent jurisdiction. The broad range of problems surrounding this arrangement have been documented elsewhere.⁵ Participants in the community meetings had concerns specific to family violence matters and the ability of law enforcement to respond quickly, effectively, and respectfully.

While many of the concerns reported by participants were directed towards county or city law enforcement, some of the participants who live in areas having tribal police explained that

⁴ Public Law 280 (18 USC 1162) transferred federal criminal jurisdiction over crimes occurring in Indian country to certain states. Six states—California, Minnesota, Nebraska, Oregon, and Wisconsin (with certain excluded reservations) and Alaska, upon statehood—were required to accept the transfer of jurisdiction from the federal government. No tribal consent was required for the transfer.

⁵ See, C. Goldberg, D. Champagne, and H. Valdez Singleton, "Final Report: Law Enforcement and Criminal Justice Under Public Law 280," www.tribal-institute.org/lists/pl280.htm (accessed May 5, 2010).

similar concerns could arise in those areas. For others, having a tribal police force was seen as one of the solutions to those concerns.

Lack of reporting to county law enforcement was a major problem cited by participants at community meetings. Estimates by participants ranged from 50 percent to as few as 10 percent of incidents reported to county law enforcement. Several reasons were cited for this lack of reporting:

- Long response time by law enforcement was one of the most often heard comments in community meetings. Whether a result of distance, limited resource allocation, prioritization, or prejudice, response times to calls from reservations were perceived to be inappropriately long.
- Fear of having children removed was also given as a reason Native and tribal community members do not report incidents of family violence. Participants explained that victims entering into the system by reporting a crime of family violence can sometimes fear the breakup of the family more than re-victimization by the perpetrator.
- Inappropriate responses from law enforcement officers were cited as an ongoing problem in some communities. Participants related stories of officers treating victims poorly, arresting the victim instead of, or in addition to, the perpetrator, and prejudice on the part of officers.
- Harassment from law enforcement was reported by some participants. Participants explained that news about harassment or mistreatment travels fast in small communities such as reservations and tends to create a general climate of hesitancy to call law enforcement to a reservation.

Those who answered the written questions confirmed that, in general, incidents of family violence do not get reported to law enforcement. Lack of reporting was attributed to a number of interrelated factors, including shame and embarrassment; fear of repercussions from family members and the community; and mistrust of law enforcement, social services, and courts. A complete listing of written comments regarding reporting can be found in Appendix G, “Complete Summarized Comments From Community Meetings.”

It should be noted that these barriers are not unique to Native American communities,⁶ although in combination with other barriers such as geographical distance and prejudicial attitudes they take on increased salience. For example, while fear of being reported to Child Protective Services for complaining to the authorities about family violence is not unique to Native American communities, participants explained that the barrier becomes much higher because it is combined with the historical trauma of losing Native children to boarding schools and/or the

⁶ See, e.g., U.S. Department of Agriculture: Safety, Health and Employee Welfare Division, “Domestic Violence Awareness Handbook,” www.dm.usda.gov/shmd/aware.htm#HELP (accessed May 5, 2010); C. J. Newton, MA, “Domestic Violence: An Overview,” www.aets.org/article145.htm (accessed May 5, 2010).

actions of child protective service agencies. Similarly, although stories of victims being arrested by law enforcement on domestic violence calls come from many communities, participants felt that such incidents were more common in Native American communities because of prejudicial views about Native Americans (particularly women) or misunderstandings about Native American culture and communication styles.

Solutions Suggested by Participants

- Cultivate long-term trust based relationships by having regular community meetings and collaborations between law enforcement and the Native American community to allow for relationship building and an opportunity to discuss priorities from both the tribal perspective and law enforcement perspective.
- Organize a multidisciplinary domestic violence task force to include law enforcement, health care providers, social service providers, advocates, prosecutors, and public defenders.
- Establish clearly defined protocols for elder abuse, teen-dating violence, and domestic violence cases to help law enforcement provide a consistent, victim-centered response to family violence calls. Such protocols should be developed collaboratively so that all those subject to them would be invested in following them.
- Provide education and training for law enforcement and others working with Native American people that addresses tribally specific cultural issues, domestic violence training, and education about jurisdictional issues regarding domestic violence restraining orders.
- Acquire mediators between Native American people and law enforcement to facilitate communication and allow for more positive outcomes for victims.

Theme 3: Services

Problems

Another issue that was highlighted by participants in community meetings was the availability and quality of services for victims of family violence, including safe houses, emergency shelters, counseling, advocates, and other assistance for victims. Many of the Native and tribal communities felt that the non-Native specific services were culturally inappropriate, difficult to access because of distance, and did not generally meet the needs of victims. Those participants that did have access in their area to Native-specific services, whether the services were tribally based or inter-tribal, were more satisfied with their experiences. Many did comment, however, that victims were not aware of these services. In addition, several critical comments were made about Child Protective Services and their role in removing children from the home. Several specific issues regarding the provision of services were repeatedly raised:

- Some non-Native services, including safe houses, are culturally inappropriate for Native American victims. Highly structured programs with little room for tribal perspectives on

healing or the family were mentioned by participants as creating difficulties. In addition, the geographic distance of these programs from tribal lands was also cited as a problem.

- Participants reported that while there are some services specific to Native people, there is a lack of information about what services are available—non-tribal as well as tribal services—and how to access them.
- Members of non-federally recognized tribes noted a lack of eligibility to access health services, as well as a lack of eligibility for Indian Child Welfare Act (ICWA) protections.
- Child Protective Services misidentifies Native American children as Hispanic or white, based on surnames. This misidentification denies them ICWA eligibility and can have a serious impact on the outcomes for these children.
- Child Protective Service workers sometimes provide victims with an inappropriate ultimatum to get a restraining order against a family violence perpetrator or face removal of the victim’s children.

Several people noted in writing—as did others more informally during the community meetings—that this process was the first real chance they had to talk about this topic. It was pointed out that tribes do not get funding to address domestic violence or for emergency situations, safe houses, or tribal safe areas.

Solutions Suggested by Participants

- Make available victim’s services that are local, tribally or Native American–run, and culturally relevant.
- Make available more holistic non-Native services that serve Native American populations and that include prevention education.
- Train Child Protective Services workers regarding Native American cultures and issues.
- Encourage tribes to consider using traditional methods, such as panels of elders or “talking circles,” to oversee case planning and follow-up.
- Organize a Native women’s retreat where non-Native service providers are invited to attend with the goal of building relationships and trust.
- Build better relationships and enhanced communication between law enforcement and ICWA workers to ensure services for youth at risk, and potentially reduce the number of children and families in the juvenile system.

Theme 4: Restraining Orders

Problems

Native victims of domestic violence in California must seek restraining orders through their state court system since there are few, if any, tribal courts in California that issue protective orders. Concerns were expressed by project participants about obtaining and enforcing restraining orders in the state system:

- A very high number of participants reported that courthouses are located very far from their communities. Victims without personal transportation who live in areas with no or limited public transportation have a very difficult time accessing state courts for a restraining order.
- Participants reported confusion and disagreement in sheriff’s departments about enforcing restraining orders from tribal courts or enforcing state court orders on tribal lands. It was noted that jurisdictional complexities and ambiguity can create this confusion.
- There is a lack of information about how restraining orders work and their limitations, as well as about temporary restraining orders and what is needed to get a “real” (presumably permanent or final, although these are characteristically time-limited also) restraining order.
- Participants stated that the high standard of evidence required to get a restraining order often cannot be met. Some stated that evidence of serious physical harm is required in order to get a restraining order, but sometimes the abuse does not show scars or obvious physical harm.⁷
- Some participants explained that a restraining order is not necessarily the answer—that preventing the breakup of the family is sometimes a better answer.
- Failure to give full faith and credit⁸ to tribal court orders is viewed as a problem. Participants explained that state courts may not honor restraining orders issued by tribal courts, requiring the victim to get a mirror order in state court.

Solutions Suggested by Participants

- Organizing Native-run legal advocacy programs that assist with restraining orders to help alleviate problems resulting from the confusion and complexity of the restraining order process. Participants emphasized that what was needed was not “outreach” to native communities by existing systems, but rather organizations that were staffed by Native Americans and operated in a manner that reflected native traditions and customs, and that served as a bridge to the dominant culture.

⁷ Although this statement accurately reflects the understanding of the speakers, and presumably their direct or related experience in obtaining domestic violence restraining orders, it is not an accurate statement of California law, which does not require any proof of physical harm or visible damage (Fam. Code § 6203). This evidences a serious knowledge gap in the Native American community.

⁸ This term refers to Article IV, Section 1 of the U. S. Constitution, which states: “Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other state.” With regard to protection orders in particular, federal law requires Native American tribal court orders to be given full faith and credit: “Any protection order issued that is consistent with subsection (b) of this section by the court of one State or Indian tribe (the issuing state or Indian tribe) shall be accorded full faith and credit by the court of another State or Indian tribe (the enforcing State or Indian tribe) and enforced as if it were the order of the enforcing State or tribe.” 18 U.S.C. § 2265).

- Fax filing for temporary restraining orders to address the problem of geographic distance from the courthouse.
- Videoconferencing court hearings using a tribal courthouse (or similar building) as a location to transmit victim testimony so that the victim does not have the burden of traveling far from home to seek the protection of a restraining order.
- Wallet sized plastic card identifying perpetrator and essentials of restraining order for victim to carry, such as those offered by the Hope Card Project.

Theme 5: State Courts

Problems

The impression gleaned from the meetings, as well as from the responses (or lack thereof) to written questions, is that state courts are not generally considered a viable forum for addressing family violence. Access to courts is effectively blocked by a lack of understanding about what courts can and should do to address family violence issues—and access is actually blocked by geographical distance and procedures and standards that appear incomprehensible, if not inappropriate.

For those who are able to access the courts, the over-arching concern that participants voiced was a sense that state courts are prejudiced against Native people and/or tribal members from the local reservation. This results in a general lack of trust in the system as a whole, and specifically in the court processes to protect victims. Participants from federally recognized tribes, non-federally recognized tribes, and urban Indian communities all expressed concerns about unfair treatment:

- Participants felt that people from the reservation do not get equal treatment from state court judges.
- Some participants, particularly those in urban areas, felt a deep distrust of state systems, and that a sense of prejudice against Native Americans pervades those systems. For example, the continuing effects of historical trauma were mentioned as not being understood by non-Native people.
- Residents of tribal lands cited the distance between those lands and the nearest state courthouse, along with a general lack of transportation, as major barriers to access.
- Another problem cited was that filing costs in court are prohibitively high, and the process is confusing and long.
- Many participants also explained that there is a lack of knowledge in tribal/Native American communities about how to use the state court system.
- Some also expressed fear that if family violence cases are not prosecuted, the perpetrator can return to the community and put the survivor in additional danger.
- Respondents to written questions indicated that lack of knowledge of tribal culture by state court judges and staff was a big problem, along with poor understandings of Indian

Child Welfare Act requirements by judges, attorneys, social workers, and probation officers.

In response to a written question about whether people in their community used state courts to address family violence issues, opinions varied widely, and a large minority of people did not answer the question at all. Of those who did answer the question (a little over half of all those who answered the questionnaire), about half of them thought that state courts were used for domestic violence and sexual assault cases, but not as much for stalking, teen-dating violence, or elder abuse. A further listing of justice gaps identified through the written questions is found in Appendix F, “Tables Summarizing Answers to Written Questions”.

Solutions Suggested by Participants

- Training of state court judges and court personnel by Native Americans about Native American culture and history in California.
- Acquisition of Native American liaisons to bridge the gap between Native communities and the state court system, especially in the area of legal self-help.
- Instruction by Native trainers in Native American communities about how to use the state court system.
- Regular interaction between local Native American communities and the local court system.

Theme 6: Tribal Courts and Police

Problems

Tribally controlled criminal justice systems, including law enforcement and tribal courts, are relatively common outside of California. Tribes receive funding from a variety of sources, including the Bureau of Indian Affairs, the U.S. Department of Justice, and tribal funds, to create systems that seek to address criminal justice problems at the local level, using tribal customs, values, and traditions. In California, however, tribal criminal justice growth has been stunted for many reasons, including misperceptions about Public Law 280 and a general lack of resources for tribes in the state. Participants in community meetings highlighted the needs for additional resources to create and sustain effective tribally controlled criminal justice systems.

- Several participants reported that a lack of tribal code development is an obstacle to creating tribal law enforcement and courts. It was noted that specialized legal assistance is needed for code development and that more of that assistance needs to be available.
- Tribal justice systems that are not fully developed result in some problems. For example, several participants reported that their tribal court does not provide a public defender, which creates a burden on defendants to find legal representation.

- Lack of information about how tribal justice systems work may also be an obstacle to utilizing those systems. Requests were heard for more education for community members on the operation of tribal courts and tribal law enforcement. It was not clear to some participants exactly what types of cases tribal courts hear, or what types of arrests tribal law enforcement is authorized to make.
- Participants explained that there are obstacles to recruiting tribal police and reporting violence in a small community. On reservations made up of several related families, finding a candidate who can be, or is willing to be, impartial is difficult.
- Funding limitations mean that tribes must compete with wealthier jurisdictions to retain trained officers. Some participants related stories of tribal government expending resources to train law enforcement officers, only to have local counties lure them away with offers of better pay and benefits.

Answers to written questions confirmed the general lack of tribal courts and codes, and that handling family violence cases was not common even among those tribes that did have courts (see Appendix F).

Solutions Suggested by Participants

- Incorporation of more tribal traditions and philosophy into tribal court operations.
- Better identification of the court needs of Native American communities.
- Holding tribal summits with information sharing for tribes on what they need to do to address the issue of family violence in a tribal court.
- Developing tribal codes that take into account generational abuse and historical trauma, include traditional values and approaches, and are designed to meet the needs of the local tribal community.
- Having more tribal courts and police, and better funding for those that exist.
- Increased communication between Tribal and Superior Courts with a goal of building trust.

Theme 7: Community-Level Concerns

Problems

Other concerns voiced at the community meetings included the existence of barriers to reporting on family violence that can only be addressed at the community level. Some issues could be considered common to non-Indian communities experiencing family violence (e.g., shame, fear in reporting, victim's identity tied to the abuser, etc.), but participants also voiced concerns that are unique to Native communities, such as specific cultural concerns that involve the chastity of young women, tribal councils making family violence a low priority, and fear of retaliation in a small community that does not have confidence in law enforcement.

- In small Native communities, fear of harm from members of the perpetrator's extended family and failure of the criminal justice system to protect victims from retaliation is an impediment to reporting violence.
- In some communities there are cultural ramifications to reporting certain types of abuse that might involve implications regarding loss of virginity.
- Small communities with few resources may have problems keeping confidentiality a priority.
- Some participants stated that there is denial of the problem, particularly among the tribal council and leadership. They explained that male leadership needs to be educated about family violence.
- A few participants said that children may be in “denial” about abuse, or not educated about what abuse is, and therefore do not report it.

In addition to statements made during the meetings, several of the written questions were directed at characteristics or concerns within communities. When asked whether tribal members, members of another tribe, or non-Indians most often acted violently in family violence incidents most people responded “no one more than the other.” It is perhaps of some interest to note that the respondents did not seem to think that members of other tribes or non-Indians were more or less likely than tribal members to act violently. Most people did seem to think, however, that the people acting violently were family members. The vast majority of respondents indicated that women were usually the victims of family violence, although young girls and young boys were also commonly cited. At least a third said men and seniors were also victims.

Solutions Suggested by Participants

A little over one-third of those responding to written questions indicated their community had other tribal ways of solving or talking about family violence, but about half said they did not. Numerous strategies were listed:

- Traditional healing measures and ceremonies.
- Groups, talking circles, and dances.
- Praying, singing, dancing, and education.
- Community dinners focusing on family violence.
- Reprisals, including violence against the perpetrator.
- Tribal Council meetings that focus on family violence.
- Handling the problem within the family, including the use of family pressure.
- Addressing of the problem by tribal elders.
- Restorative justice approaches.
- Native American methods or traditions of dispute resolution or mediation.
- One-on-one counseling.
- Women’s groups focusing on building self-esteem.
- Workshops on family violence for Native Americans.

Among those who said their communities did not have other ways of addressing family violence, the need for within community solutions such as talking circles, safe houses, and shelters was mentioned. The need for education about family violence (its causes, how to recognize it, and its solutions) was mentioned repeatedly across meetings—a need of both adults and children, as well as of tribal leaders and law enforcement.

Other Themes

Family violence against men and violence that impacts youth were talked about in many meetings. Violence against men is often not talked about. Since many native communities have predominantly young populations, if family violence occurs, youth often witness it or find themselves in violent situations.

Another major obstacle that many tribes under Public Law 280 jurisdiction face is having an outside jurisdiction and culture define the scope, nature, and parameters of family violence. What may not appear as violence in one community (certain forms of stalking, for example) can be viewed as extremely threatening and socially debilitating in another community that is smaller, culturally cohesive, and close knit. These differing definitions of family violence can create justice gaps wherein a Native victim seeking protection is left feeling helpless.

In addition to problems specific to certain aspects of the criminal justice system, some communities are faced with an overriding concern that prevents effective use of the system: an overall distrust of the system as a whole.

Problems

- There are no services for men who are victims of domestic violence. Participants told us that grants to address domestic violence cover only women, not men.
- It was also reported that law enforcement presents an additional barrier to adequately addressing the problem because authorities assume the man is the perpetrator.
- Participants noted that there is a stigma attached when men report domestic violence, further hampering reporting.
- Participants explained that teens may be misinformed that violence is considered “normal.” Several participants shared personal stories about their experiences growing up in a violent environment and the difficulty in shedding those notions of violence as normal.
- Teen-dating violence was an issue that was discussed specifically. Participants reported that there is not enough done to address teen-dating violence.
- Participants also reported that despite the problem with youth violence, there is a lack of services for youth.
- The urban Indian communities had special concerns about the urban Indian young population—specifically about the general prevalence of violence and drug abuse among urban youth.

- Family violence is a *family* event; it affects the entire (extended) family, not just the perpetrator and victim.
- The origin of violence in Native communities is a significant factor in understanding its dynamics and in gaining a more nuanced view of why violence persists in some communities. Many participants told us that domestic violence is a subset of historical trauma, a context that may not be understood by the non-Indian community.
- Participants reported that Native people are re-victimized by the system if they try to use it.
- Some participants felt that the restraining order process is too complicated, long, and difficult to be useful.
- Differences in how a Native American person and a non-Indian person experience the system need to be acknowledged.
- Participants explained that cultural barriers and social isolation (not knowing about or feeling a part of state systems) make it difficult for Native Americans to navigate courts and social service agencies.
- Many participants felt that historical distrust exists in both the Native American and non-Native American communities towards each other.

Solutions Suggested by Participants

- Education on violence against men is needed since the topic is not well understood at the community level or in non-Indian communities, and there is a lack of information available about the issue.
- Education of youth about issues surrounding family violence.
- For non-Indians, education, discussion, and increased understanding of Native people and their history.
- Increased development of tribal justice systems, and increasing the number and availability of Native American-specific services.
- More awareness system-wide about the specific tribal histories and historical trauma experienced by Native Americans. State system workers who serve Native communities should be better educated about those communities.
- State law enforcement and courts must actively build a relationship with tribes.

IV. Next Steps

In response to the information gathered through this project, the AOC quickly took several steps and is in the process of taking several more. Those steps are summarized below.

As a preliminary response to the information gathered through this project, the AOC took four steps:

1. Established a Tribal Projects Unit;
2. Convened a meeting of tribal and state court leaders;
3. Implemented quickly achievable solutions such as education, resource sharing, and technical assistance; and
4. Created a coalition of state court leaders and tribally nominated tribal court judges.

These steps are described in more detail in the following paragraphs.

1. Tribal Projects Unit.

In November, the AOC established, as part of the Center for Families Children & the Courts, a Tribal Projects Unit. The purpose of this unit is to serve as liaison to tribal communities in California and to assist the judicial branch with the development of policies, positions, and programs to ensure the highest quality of justice and service for California's Native American communities in cases relating to the Indian Child Welfare Act, domestic violence, dating violence, sexual assault, and stalking.

The AOC's Tribal Projects Unit identified the following seven goals:

1. Conduct community outreach to California's Native American citizens to provide information about state courts and court-connected services;
2. Collaborate with Native American communities and service providers to gather information about Native American justice-related needs;
3. Develop and promote strategies and programs that are responsive to identified justice-related needs;
4. Provide education and technical assistance to state courts and court-connected services on Public Law 280; Indian law issues relating to domestic violence, dating violence, sexual assault and stalking; the Indian Child Welfare Act; and indigenous justice systems;
5. Act as a liaison between the state and tribal courts to build professional relationships and improve access by tribal courts to education, technical assistance, and other resources;
6. Promote mutually beneficial intergovernmental cooperation between tribal courts, state courts, and appropriate tribal, state, and local agencies; and
7. Develop and disseminate justice-related information and reports needed by tribal and state agencies to work together effectively.

The AOC's Tribal Projects Unit activities include: (1) the establishment of a clearinghouse of resources to support tribal court justice systems; (2) the promotion of state and tribal court

collaboration on local and statewide levels; (3) curriculum development; (4) the promotion of self-help and legal services to provide effective services for Native Americans in California; and (5) education and technical assistance for tribal court judges.

These activities are described in more detail below.

- **Clearinghouse of resources to support tribal court justice systems**

The AOC has established and will maintain a clearinghouse of resources that includes:

- (1) a calendar of AOC educational events for tribal and state courts;
- (2) a directory of services for Native American families;
- (3) a listing of tribal justice grant opportunities;
- (4) a list of tribal courts in California and information they would like to share publicly, such as contact information and cases currently heard; and
- (5) resources relating to compliance with the Indian Child Welfare Act in juvenile, family, and probate cases.

To date, the AOC has established such a clearinghouse on its Web site. AOC educational events are accessible to tribal courts through a secure Web site for state court judges. The directory of services for Native American families can be found at:

<http://www.courtinfo.ca.gov/programs/cfcc/programs/description/tribalservices/>

All ICWA resources can be found at:

<http://www.courtinfo.ca.gov/programs/cfcc/programs/description/TribalJobAids.htm>

- **Collaborations**

The AOC will continue to promote communication and information sharing between the tribal and state court systems, bringing together state and tribal court judges, as well as tribal and state/local agencies, to improve the administration of justice in cases relating to ICWA, domestic violence, dating violence, sexual assault, and stalking. The AOC will provide staff for the coalition of tribal court and state court leaders that will review this report and discuss how the state judicial branch can be more responsive to the needs of tribal communities and tribal courts in California regarding family violence issues.

To date, the AOC has continued working with the informal coalition of tribal court judges and state leaders who came together in December of 2009, taking steps to support tribal justice systems and work on areas of mutual concern.

- **Curriculum development**

The AOC will develop curricula on the following topics: (1) civil and criminal jurisdiction in a PL 280 state for state court judges; (2) Indian law issues that may arise in cases involving domestic violence, dating violence, sexual assault, and stalking for state court judges and practitioners; (3) the Indian Child Welfare Act for state court judges, attorneys, child welfare agencies, and probation departments; and (4) specifically for

tribal advocates, on accessing and navigating the state court system in cases of domestic violence, dating violence, sexual assault, and stalking.

To date, the AOC is working with its tribal partners to develop the above curricula. The active efforts module of the ICWA curriculum has been completed. The request for proposals on the remaining modules of the ICWA and the tribal advocate curricula were posted in April of 2010.

- **Self-help and legal aid services**

The AOC will work with local self-help and legal aid programs to provide effective services to Native Americans in California.

To date, with grant funding, the AOC posted a solicitation offering technical and funding assistance to local courts for their self-help services for family violence cases involving Native Americans. Four local courts responded, Alpine Superior Court, Butte Superior Court, Imperial Superior Court, and Inyo Superior Court, and all four were awarded grants to focus their outreach efforts and services to tribal communities in their region.

- **Education and technical assistance for tribal court judges**

The AOC has made available to tribal court judges existing in-person and distance-learning educational programs and materials relating to domestic violence, dating violence, sexual assault, and stalking that are provided to state court judges. In addition, the AOC has made available all Judicial Council forms for use by tribal courts if they choose to adapt them for their own court systems. The AOC will also provide technical assistance to tribal court judges interested in applying collaborative court principles for problem solving and in starting, or enhancing, a supervised visitation program.

To date, the AOC has made available to tribal court judges all existing in-person and distance learning educational programs and materials that are available to state court judges. Also, the AOC has announced the availability of technical assistance in the areas of collaborative court principles and supervised visitation, and has begun providing this assistance.

2. Meeting of tribal and state court leaders. One of the first activities of the AOC's Tribal Projects Unit was to convene a meeting of tribal court judges and state court judges. On December 21, 2009, the Chief Justice of the California Supreme Court, tribal court judges, and other state court leaders met to discuss issues of family violence and the role their respective judiciaries could play to address many of the themes raised in this report. The attendees made a firm commitment to continue working together, particularly with respect to the following six areas:

1. The enforcement and recognition of orders relating to family law, civil procedure, juvenile law, and domestic violence;
2. Addressing concurrent jurisdictional issues;
3. Developing and sharing educational resources;
4. Undertaking joint development and revision of rules and forms, as well as providing assistance to adapt state Judicial Council forms for use by interested tribal courts;
5. Sharing grant resources; and
6. Addressing the lack of tribal court access to data.

The result of this historic meeting was the decision to form a coalition and to continue forging positive judicial relationships and working on priority areas of mutual concern and shared interest. With AOC's Tribal Projects staff support, these tribal and state court leaders have continued to this work together, and the results have been positive, resulting in quickly, achievable solutions.

3. Quickly achievable solutions. Several short-term goals have already been achieved by the AOC Tribal Projects Unit. Tribal court judges now have access to all AOC educational resources through a secure Web site maintained for state court judges. Tribal court judges also have access to Judicial Council forms and technical assistance from the AOC to adapt those forms for their own courts if desired. Tribal courts have access to a list of grants maintained by the AOC. Tribal Projects staff is working with tribal and state court judges to develop presentations to showcase tribal and state court partnerships at the local level and to present on court protocols to mutually enforce orders. These presentations, along with a presentation on PL 280 will be featured at the AOC's annual conference, *Beyond the Bench*, in June 2010.

4. Coalition of state court leaders and tribally nominated tribal court judges.

Simultaneously with the release of this report, in May 2010, the Chief Justice of California appointed the California Tribal Court / State Court Coalition. The members of the Coalition include seven tribal court judges, nominated by their tribal chairs, representing nine of the nineteen tribal courts currently operating in California as well as the Director of the California Attorney General's Office of Native American Affairs and ten state court judiciary including the Chairs of Family and Juvenile Law Advisory Committee, Access and Fairness Advisory Committee, Civil and Small Claims Advisory Committee, Criminal Law Advisory Committee, Traffic Advisory Committee and representatives of the local courts in which many of the tribal courts are situated. (See Appendix A: Coalition Members.) The coalition will review this report and the companion piece, the Native American Community Justice Project—Beginning the Dialogue: Domestic Violence, Sexual Assault, Stalking, and Teen-Dating Violence Policy Paper, and implement solutions relating to the reciprocal recognition and enforcement of court orders, coordination and transfer of jurisdiction, support for creating and sustaining tribally controlled justice systems, access to data relevant to tribal communities and tribal courts, and treatment of Native Americans and tribal advocates in state court proceedings.

In addition to the specific steps that have already been taken, solutions are identified in this report that cannot be implemented by the state judicial branch alone as they are outside the control of the state court system. One of the first priorities of the coalition, when it meets in June 2010, will be to identify those areas and reach out to the appropriate justice partners for help in addressing them.

Finally, the AOC is actively seeking funding to support the work of the coalition and the Tribal Projects Unit. Federal funding has already been obtained to support this work through January of 2011.

Conclusion

The NACJP was unique and groundbreaking in its design, implementation, and forward-looking approach to “next steps” to take to address the issues involved. It was the first time in California that any state governmental agency, specifically the judicial branch through its administrative body the AOC, contacted and engaged tribal communities, contacting every tribal government in California regardless of federal recognition and reaching northern, central, and southern, as well as rural and urban, Indian communities. It was the first time in California that such a strategy of wide-ranging community engagement was used and the result was the start of a certain level of trust on the part of native people in California, a trust reflected by the large numbers who participated and bravely gave an honest portrayal of their experiences.

In conducting the NACJP, the AOC partnered with well-respected tribal consultants, nominated by participating tribes. The partnership was a true partnership whereby the local community meetings and the statewide meeting were largely shaped by the consultants who knew their tribal communities. Local meetings were held where Native people would feel comfortable and safe to share their experiences. The statewide meeting format was in keeping with a traditional Indian conference. With respect to next steps, the NACJP was launched to provide a California lens on what was already known (i.e., that there exists a public safety crisis in tribal communities) and to ensure that tribal voices inform the direction the state courts will take to address that crisis. Given the diverse native communities in California, it was critical that the AOC conduct this type of unique needs assessment in order to prioritize its next steps in response to the needs identified by Native people.

Appendix A

FACT SHEET



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FACT SHEET

March 2009

Native American Communities Justice Project— Beginning the Dialogue: Domestic Violence, Sexual Assault, Stalking, and Teen Dating Violence

Purpose

Addressing court-related issues of domestic violence, sexual assault, stalking, and teen dating violence has been a major policy priority of the Judicial Council of California's Administrative Office of the Courts (AOC) for over twenty years. For brevity, this fact sheet will refer to these areas of focus as "family violence." Most recently, the AOC's Center for Families, Children & the Courts (CFCC) has instituted numerous projects in this area, including education of judicial officers, court staff, and court-based mediators; development of court guidelines; and funding of court-based interpreters. As a continuation of those efforts, in October 2008, the CFCC launched a short-term project designed to enhance access to and improve the administration of justice for Native American victims of family violence. Drawing on community expertise and guidance, this project will engage Native American communities in identifying needs relating to family violence. The project involves collaborating with tribes and community members to gather information about and develop strategies to address the needs of Native American victims of family violence.

Values

The project's design reflects specific core values:

- Native American victims of family violence deserve equal access to justice, fairness, and due process;
- Safety should be enhanced for Native American victims of family violence;
- Tribal and state courts must be engaged in the process of identifying and addressing the problem;
- All Native American communities should be given the opportunity to participate;
- Tribal sovereignty, history, and culture must be respected; and
- The state's responsibility toward Native American communities must be recognized.

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Project Design

Phase I

After seeking the input of tribes throughout the state, in February the AOC engaged four community consultants to conduct the first phase of the project, designed to achieve six goals:

- Identify issues of concern to the communities and gather available related information and data;
- Discuss the meaning of the data collected;
- Identify the “justice gaps” that impede meaningful access to tribal and state courts;
- Identify factors that present barriers to the fair administration of justice in proceedings relating to family violence;
- Identify programs and strategies that provide effective access to justice; and
- Develop strategies to better address the needs of Native American victims of family violence.

These consultants are the Tribal Law and Policy Institute, the Inter-Tribal Council of California, Pacific Mountain Philanthropy, and Lebron Consulting (working in collaboration with Friendship House in San Francisco and United American Indian Involvement in Los Angeles). Local meetings have begun and will continue throughout April.

Phase II

During the second phase of the project, the CFCC will convene a statewide meeting May 21-22, 2009, to take place in San Diego at the Marriot Mission Valley Hotel. Data identified by the community consultants and gathered during the local meetings will be compiled with the help of a research consultant working with CFCC staff. A portion of the May meeting will be devoted to presenting the local-meeting results to Native American community representatives; the balance of the May meeting will be used to discuss how to prioritize and address identified needs.

Timeline—Project Activities

Late January–March 2009	Hold local meetings facilitated by community consultants.
Late April–early May 2009	Compile information from local meetings and plan statewide meeting.
May 21–22, 2009	Hold statewide meeting with Native American community representatives, consultants, and state court representatives.
May 31, 2009	Issue final report.

Native American Communities Justice Project

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Future Activities

In keeping with its commitment to improve the administration of justice for all Californians, the CFCC intends to explore ways to expand this project in the future to a more general assessment of the justice needs of Native Americans across all family and juvenile law case types.

Funding

This project is supported with funds awarded by the Office on Violence Against Women, Office of Justice Programs, U.S. Department of Justice and administered through the California Law Enforcement/Victims Services (LEVS) division of the Governor's Office of Emergency Services (OES). Funding must be expended by May 30, 2009, and is limited to activities that must be awarded to state courts, and project activities must be limited to the issues described in this fact sheet.

Further Information

For additional information about the Native American Communities Justice Project activities, please contact:

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National Congress of American Indians, *Fact Sheet: Violence Against Women in Indian Country*, www.ncai.org/Domestic_Violence.51.0.html

The Tribal Law and Policy Institute, *Final Report: Focus Group on Public Law 280 and the Sexual Assault of Native Women* (Dec. 2007), <http://new.vawnet.org/category/Documents.php?docid=1323>

Appendix B

CONSULTANT BIOGRAPHIES

Consultant Biographies

HON. ABBY ABINANTI has been a commissioner for the Superior Court of San Francisco County since 1994. She is also the tribal court judge for the Yurok Tribe. Judge Abinanti was in private practice from 1976 to 1992 and was the legal director and director of the Lesbians of Color Project, National Center for Lesbian Rights, from 1992 to 1994. She also served as directing attorney for California Indian Legal Services in Eureka. Judge Abinanti earned a bachelor's degree from Humboldt State University and holds a juris doctorate from the University of New Mexico School of Law.

BONNIE CLAIRMONT, a citizen of the Ho-Chunk Nation of Wisconsin and a member of the Bear Clan, resides in St. Paul, Minnesota, where she is employed with the Tribal Law and Policy Institute (TLPI) as the victim advocacy program specialist. Prior to her employment with the TLPI, Bonnie was outreach/client services coordinator for Sexual Offense Services (SOS) of Ramsey County (New Mexico), a rape crisis center. While employed with SOS, she provided leadership in the development of sexual assault response teams and guidance with multidisciplinary sexual assault protocol development. She has worked for more than 20 years advocating for victims of sexual assault and domestic violence and providing multidisciplinary training/collaboration on the needs of women and children who are raped and battered. She has dedicated much of her work to providing and improving services for victims/survivors of sexual assault, battering, and child sexual abuse, particularly those from American Indian communities. For four years she coordinated the Strengthening the Circle of Trust conference, focusing on sexual assault and exploitation perpetrated by American Indian "spiritual leaders/medicine men." Bonnie co-edited a recently published book, *Sharing Our Stories of Survival*, an anthology of writing by Native women who've experienced violence. Bonnie provided technical assistance for research conducted by Amnesty International USA and the report "*Maze of Injustice: The Failure to Protect Indigenous Women From Sexual Violence in the USA*."

JERRY GARDNER (Cherokee) is an attorney with more than 30 years of experience working with Indian tribes and tribal justice systems, including violence against Native women issues, juvenile justice issues, and Native criminal justice research projects. He is the founding executive director of the Tribal Law and Policy Institute—an Indian-owned and -operated nonprofit corporation established in 1996 to design and deliver education, research, training, and technical assistance programs that promote the improvement of justice in Indian country and the health, well-being, and culture of native peoples (www.tlpi.org). He has served as an adjunct professor at the University of California, Berkeley, School of Law (Boalt Hall) from 1995 to 2000; at the University of California, Los Angeles, School of Law from 2002 to 2006; and at Southwestern Law School (presently). He has been a tribal appellate court judge for various tribal courts including the Turtle Mountain Band of Chippewa Indians in North Dakota and the Poarch Band of Creek Indians in Alabama. He served as the administrator for the National American Indian Court Judges Association (NAICJA) from May 1998 to December 2000. He served as the senior staff attorney with the National Indian Justice Center (NIJC) from NIJC's establishment in 1983 until December 1996. He also has worked for the U.S. Senate Committee on Indian Affairs, the national office of the Legal Services Corporation, and the American Indian Lawyer Training Program. He has been a council member of the American Bar Association (ABA) Section on Individual Rights and Responsibilities and the Judicial Division—Tribal Courts Council since 2006 and was the co-author of the August 2008 ABA resolution in support of adequate, stable, and long-term funding for tribal justice systems.

DR. DORTHY LEBRON, PH.D., of Lebron Consulting Group, is a results-proven, organization development specialist and skilled researcher with 20 plus years of leadership experience and track record of success in improving service, accountability, profitability, and quality in public health organizations and community based organizations. Lebron consulting group is a private research, evaluation and quality consulting organization that partners with public health sector organizations in their goals to develop and maintain productive workplace environments. Dr. Lebron is an active organizational researcher with particular interest in the cultural influences of indigenous populations on public health and organization development. For the past 15 years, she has partnered directly with American Indian community based organizations of the San Francisco and Oakland California bay area to address total quality management, program/curricula development and organizational sustainability. For the past 6 years, she has worked with the Monterey County Health Department - children's behavioral health division, addressing culturally competent service delivery and system accountability for children, youth and their families who are experiencing mental health disorders and hardships. Mexican Americans are the major group receiving services.

TOM LIDOT is a member of the Central Council of Tlingit and Haida Indians of Alaska, and an enrolled member of Chilkat Indian Village (where grandmother was born). He is actively involved with local, regional, and national Tribal issues related to health, child welfare, and self-determination. His work experience is built on direct service expansion for healthcare and education programs. He walks in two worlds: as a Tribal member who strives to maintain culture and tradition, and an active advocate for the advancement of science and education. His experience in mediation / alternative dispute resolution serves as the foundation for his approach to cross-cultural training and facilitation. He has over 17 years of non-profit experience in fundraising for non-profits through grant writing, corporate sponsorships, foundation campaigns, direct mail, and capital campaigns, with a successful track record of winning over \$8 Million in grants to date.

MARGARET ORRANTIA holds bachelor's and master's degrees from San Diego State University (SDSU). She served in the Peace Corps in Peru from 1962 to 1964. She worked at the Institute of American Indian Arts in Santa Fe, New Mexico, for 18 years. Returning to San Diego, she served as the executive director of Indian Child and Family Services (ICFS), a state-licensed foster family and adoption agency serving the tribal community in San Diego and Riverside Counties. After leaving ICFS, Ms. Orrantia served as a consultant and grant writer for Indian tribes and nonprofit agencies for eight years and as the director of foster family and adoption agencies in the non-Indian community. Currently she works at the Academy for Professional Excellence, a program of the SDSU School of Social Work, as a member of the Tribal STAR (Successful Transitions to Adult Readiness) team. She is also a member of the Pacific Mountain Philanthropy team.

CHAIRMAN H. NELSON PINOLA is Tribal Chairman of the Manchester-Point Arena Band of Pomo Indians, a position he has held for the last 14 years. He also has over 20 years' experience in law enforcement as a lieutenant with extensive experience in investigating homicides, domestic violence, child abuse, and sexual assault. He has developed and conducted cultural competency training for law enforcement with the Police Officers Standards Training (POST) and the Office of the Attorney General and also has taught about issues of family violence.

CONNIE REITMAN is the executive director of the Inter-Tribal Council of California, Inc. (ITCC), a statewide tribal organization of 50 tribes and tribal organizations. Ms. Reitman has 40 years of experience in community development, promoting social and economic development primarily in tribal communities in rural areas. Her expertise includes public policy development at federal, state, and community levels with a focus on recognizing the unique government-to-government relationship between tribes and state/federal government entities. She is a certified Indian child welfare worker and serves on numerous boards, commissions, and committees, promoting Indian Child Welfare Act (ICWA) compliance by the state and county. She has been active on various boards, commissions, committees and councils including; Sonoma State University; Training Curriculum Development on Domestic Violence for In-Home Health Care Providers, University of California Davis; Curriculum Development for Medical and Health Care Providers, University at Channel Islands; Inter-Faith Curriculum Development on Domestic Violence, Lake County Domestic Violence Coordinating Council; Lake County Juvenile Justice Commission; Sutter Lakeside, Board of Trustees; Tribal Advisory Committee, Indian Child Welfare Sub-Committee to the State Department of Social Services; and Tribal Law Enforcement Summit Planning Committee, California Attorney General's Office.

HON. PAT SEKAQUAPTEWA is the executive director of the Nakwatsvewat Institute, a nonprofit organization committed to furthering governance, justice, and education projects in Indian country. She presently serves as a justice on the Hualapai Appellate Court and has also served as a judge pro tempore with the Hopi and Little Traverse Bay Band Tribal Courts. She is also a trained mediator. For the past six years she served as the director of the University of California, Los Angeles's Native Nations Law and Policy Center and its Tribal Legal Development Clinic. At UCLA, as a full-time lecturer in law, she provided instruction in constitution and statutory drafting and tribal court development, and trained and supervised law student clerks for the Hopi Appellate Court. She also taught "Nation Building" in UCLA's American Indian Studies Program. She is the cofounder and former associate director of the Tribal Law and Policy Institute, where she worked in the field with over 100 different tribes in their justice system development. In 1998 she worked for the law firm of Alexander & Karshmer, which represented American Indian tribes, Alaska Native villages, and intertribal organizations.

HEATHER VALDEZ SINGLETON conducts research with a focus on tribal criminal justice policy in Indian country. She has researched and written in the area of tribal legal and community development, as well as California tribal history. Ms. Valdez-Singleton holds a master's degree in public policy from Harvard's Kennedy School of Government, a master's degree in American Indian studies from the University of California, Los Angeles (UCLA), and an undergraduate degree in anthropology from the University of California, Berkeley. Her experience includes serving as project director for UCLA's Native Nations Law and Policy Center's nationwide assessment of Public Law 280; tribal liaison for tribal court grantees in California; research coordinator for UCLA's American Indian Studies Center; and consultant for the Gabrieleno/Tongva tribal recognition project. She currently serves as deputy director of the Tribal Law and Policy Institute and teaches classes through the UCLA Extension Tribal Learning Community and Education Exchange Program.

Appendix C

STATEWIDE CONFERENCE ATTENDEES

Statewide Conference Attendees

1. Hon. Abby Abinanti, Chief Judge, Yurok Tribe and
Commissioner, Superior Court of California, County of San Francisco
2. Ms. Susan Alvarez, ICWA Coordinator, Pit River Tribe
3. Ms. Lisa Ames, Social Services Manager, Tuolumne Band of Me-Wuk Indians
4. Dr. Lisa Andrews, Research Analyst, State of California, Victim Compensation and
Government Claims Board
5. Ms. Lynda Appling, Chukchansi Indians
6. Ms. Angelina Arroyo, Executive Secretary, Habematolel Pomo of Upper Lake
7. Ms. April Elaine Attebury, Associate Judge/Court Administrator, Karuk Tribal Court
8. Ms. Elizabeth Ashley Avelar, Family Preservation Caseworker, Southern Indian Health
Council
9. Ms. Deborah Ann Bain, Deputy Attorney General, Attorney General's Office
10. Hon. Gordon Baranco, Judge, Superior Court of California, County of Alameda
11. Mr. Phillip Bennett, Alpine County Board of Supervisors, Woodfords Washoe
12. Mr. John D. Beresford, Tribal Law Enforcement, La Jolla Band of Indians
13. Hon. Richard C. Blake, Chief Judge, Hoopa Valley Tribal Court
14. Ms. Nadine Blaschak-Brown, Senior Court Services Analyst, AOC Center for Families,
Children & the Courts
15. Ms. Julia Bogany, Gabrielino/Tongra Tribe of San Gabriel
16. Hon. Anthony James Brandenburg, Chief Judge, Intertribal Court of Southern California
17. Ms. Sherry Bridges, Chairperson, Habematolel Pomo of Upper Lake
18. Ms. Rozan Gearldine Brown, Advocate, California Tribal TANF
19. Mr. Marvin Brown, Elem Member, Elem Indian Colony
20. Ms. Donna M. Burt, Court Services Supervisor, Superior Court of California, County of
Riverside
21. Ms. Vida Maria Castaneda, Court Services Analyst, AOC Center for Families, Children &
the Courts
22. Ms. Norma Chanudomchok, Educational Liaison, San Diego County Office of Education
23. Mr. Howard Chavez, Project Manager, Inter-Tribal Council of California, Inc.
24. Ms. Sylvia Cisneros, Goleta, CA
25. Ms. Bonita Clairmont, Victim Advocacy Specialist, Tribal Law & Policy Institute
26. Ms. Donna Clay-Conti, Attorney, Administrative Office of the Courts
27. Ms. Teresa Contreras, Bureau Chief, Child Welfare Policy, California Department of Social
Services
28. Ms. Carmen Crabtree, Advocate, Family Violence Prevention Advocate, Big Valley
Rancheria
29. Ms. Yvonne Cudney, Attorney, Legal Aid Foundation of Santa Barbara County
30. Ms. Nancy L. Currie, Director of Social Services, Soboba Band of Luiseno Indians

31. Ms. Roxana Damas, Sacramento, CA
32. Ms. Terri Davis, Family Violence Prevention Advocate, Yurok Tribe
33. Ms. Guadalupe Elzeda De La Torre, Vice Chairwoman, Greenville Rancheria
34. Ms. Liz Elgin DeRouen, ICWA Advocate, Indian Child & Family Preservation Program
35. Ms. Frances Diaz, Eligibility Technician, Soboba Band of Luiseno Indians
36. Hon. Juana Majel Dixon, Legislative Council Woman, Pauma Band of Mission Indians
37. Ms. Dee Dominguez, Chairperson, Kitanemuk, Yowlumne and Tejon Indians
38. Ms. Joni Drake, Site Manager CTPP, California Tribal TANF Partnership
39. Mr. Thomas D. Drake, Choinumni Tribe 101 Representative, California Tribal TANF Partnership
40. Ms. Maureena Dressler, Vice-Chair of Woodfords Washoe, Woodfords Washoe
41. Ms. Christine Dukatz, Tribal Administrator, Manchester Point Arena Band of Pomo Indians
42. Ms. Christine M Dukatz, Manchester Point Arena Band of Pomo Indians
43. Mr. Randlett Edmonds, SCAIR Senior Advisor, Southern California American Indian Resource Center, Inc.
44. Hon. Leonard P. Edwards, Judge-in-Residence, AOC Center for Families, Children & the Courts
45. Ms. Joan Eliel, Program Specialist, Montana Department of Justice
46. Ms. Valerie Estrada, Family Violence Prevention Advocate, Bridgeport Paiute
47. Ms. Corine M. Fairbanks, Community Liaison, Legal Aid Foundation Santa Barbara County
48. Ms. Helen Fields, Women's Tribal Facilitator, Southern Indian Health Council, Inc.
49. Mr. Alfonso Garcia, Social Worker, MSW, United American Indian Involvement, Inc.
50. Mr. John Garcia, Certified Addiction Specialist II, Tuolumne MeWuk Indian Health Center
51. Ms. Maria D. Garcia, Tribal Social Worker, Pala Band of Mission Indians
52. Ms. Sarah Garcia, Tribal Secretary/Treasurer, Elem Indian Colony
53. Mr. Jerry Gardner, Executive Director, Tribal Law and Policy Institute
54. Ms. Loleta Garfield, Director, Family and Social Services, Tule River Tribal Council
55. Ms. Brenda Gilman-Bagwill, Tribal/Patient Liaison/PEI, Sycuan Medical/Dental Center
56. Ms. Ann Gilmour, Attorney, AOC Center for Families, Children & the Courts
57. Hon. Michael Golden, Chief Judge, Morongo Tribal Court
58. Mr. Wayne Grigsby, Tribal Outreach, Friendship House Association of American Indians, Inc.
59. Ms. Gloria Grimes, Tribal Member, Calaveras Band of Miwuk Indians
60. Ms. Heather Grimes, Tribal Member, Calaveras Band of Miwuk Indians
61. Ms. Consuelo Guillory
62. Ms. Nilla Hamilton, Tribal Consultant, Pacific Mountain Philanthropy
63. Ms. Elizabeth Hansen, Tribal Chairperson, Redwood Valley Rancheria
64. Ms. Sharyne Harper, Executive Director, Smith River Rancheria
65. Ms. Norine P. Hegy, Program Specialist, California Emergency Management Agency

66. Ms. Sally Hencken, Chief, Victim/Witness Section, California Emergency Management Agency (CalEMA)
67. Hon. Charles N. Henry, Chief Judge, Karuk Tribe of California
68. Ms. Patricia Hilliard, Hemet, CA
69. Ms. Diane Holliday, Tribal Council, Blue Lake Rancheria
70. Ms. Cheryl Holstine
71. Ms. Anita Huff, Administrative Assistant, Blue Lake Rancheria
72. Hon. Susan D. Huguenor, Presiding Judge, Superior Court of California, County of San Diego, Juvenile Division
73. Hon. Lon F. Hurwitz, Commissioner, Superior Court of California, County of Orange
74. Ms. Jolanda E. Ingram-Marshall, Hoopa Valley Tribe
75. Ms. Dove Jeude, Family Violence Prevention Advocate, Bridgeport Paiute
76. Ms. Geraldine Johnson, Tribal Chairperson, Elem Indian Colony
77. Mr. Hason Johnson, Consultant, Inter-Tribal Council of California, Inc.
78. Mr. Olin C. Jones, Office of Native American Affairs, California Office of the Attorney General
79. Dr. Cindy Jong, Psychologist, United American Indian Involvement, Inc.
80. Ms. Tatum Joseph (Purple Shawl Presentation)
81. Ms. Karan D. Kolb, Director of Social Services, ICWA Manager, Indian Health Council, Inc.
82. Mr. Jack Laird, Substance Abuse Counselor, Indian Health Council, Inc.
83. Ms. Lorraine Laiwa, Ukiah, CA
84. Hon. Gary LaRance, Judge, Colorado River Indian Tribes
85. Ms. Uyen Le, Trial Court Attorney, Colorado River Indian Tribes
86. Dr. Dorthy Lebron, Researcher, Lebron Consulting Group
87. Ms. Amanda Leivas-Sharpe, Tribal Council Member, Colorado River Indian Tribes
88. Mr. Tom Lidot, Tribal Consultant, Pacific Mountain Philanthropy
89. Ms. Keely Linton, Domestic Violence Advocate, Indian Health Council, Inc.
90. Mr. Seprieono Locario, Project Director, Native American Health Center
91. Mr. Gary Longholm, Deputy Executive Officer, Victim Compensation and Government Claims Board
92. Ms. Francelia Sulviana Luna, Greenville Rancheria Tribal Administrative Assistant, Greenville Rancheria
93. Ms. Janet Maillet, Bishop, CA
94. Ms. Jacqueline Manley, Domestic Violence Director, Southern Indian Health Council
95. Ms. Hazel Martinez, Tribal Law Enforcement Officer, Pauma Band of Mission Indians
96. Ms. Diane McHenry, Project Manager, Los Coyotes Band of Cahuilla and Cupeno Indians
97. Dr. Patrick H McLogan, Children's Social Worker, Riverside County
98. Mr. Jerry Medina, Contractor for Owens Valley Career Development Center
99. Ms. Paula Medina, Contractor for Owens Valley, Gabrieliano Tongva

100. Dr. James F. Mensing, Senior Research Analyst, AOC Center for Families, Children & the Courts
101. Ms. Kimberly Mettler, General Counsel, Viejas Band of Kumeyaay Indians
102. Hon. Marilyn B. Miles, Judge, Superior Court of California, County of Humboldt
103. Ms. Eleanor Miller, Elder Navigator, Southern Indian Health Council, Inc.
104. Ms. Bonnie Mobbs, Executive Secretary, Blue Lake Rancheria
105. Ms. Diane Moreno, Native American Community, Representative, Gabrieliiano Tongva
106. Ms. Colleen Mose, Tribal Elder, Calaveras Band of MiWuk Indians
107. Mr. Elton Naswood, Consultant, Red Circle Project, APLA
108. Ms. Sheryl Nava, Rancho Mirage, CA
109. Ms. Yvonne Ned, Administrative Assistant, Inter-Tribal Council of California, Inc.
110. Ms. Sylvia Nelson, Vendor, State of Arizona
111. Ms. Janie Nevarez, Tribal Treasurer, Redwood Valley Rancheria
112. Ms. Diane Nunn, Division, Director, AOC Center for Families, Children & the Courts
113. Ms. Amy Okamura, Social Work Educator, San Diego State University Foundation
114. Ms. Kayla Olvera, Child Care Program Coordinator, Ione Band of Miwoks
115. Ms. Mary Orlando, Clinic Manager, Tuolumne MeWuk Indian Health Center
116. Ms. Margaret Orrantia, Tribal Consultant, Pacific Mountain Philanthropy
117. Ms. Reola Parks, Administrative Assistant, Inter-Tribal Council of California, Inc.
118. Mr. Chris Partida, Consultant, Big Valley Band of Pomo Indians
119. Mr. Eugene Pasqua, ICWA/Social Services Coordinator, Susanville Indian Rancheria
120. Ms. Wah-lia Pearce, Family Resource Coordinator, Elem Indian Colony
121. Ms. Dorothy L. Perry, Director, Community & Family Services, Smith River Rancheria
122. Mr. Ken Peters, Peer Liason, Recovery Innovations of California
123. Mr. Ashley Phillips, Director of Development and Communications, Friendship House Association of American Indians, Inc.
124. Hon. H Nelson Pinola, Tribal Chairman, Manchester-Pt. Arena Band of Pomo Indians
125. Mr. Phillip Powers, ICWA Expert Witness
126. Mrs. Shannon Jena'e Pyle, Shelter Advocate, Kene Me-Wu An American Indian DV/SA Assistance Program
127. Ms. Rose Quilt, Program Coordinator, Southwest Indigenous Women's Coalition
128. Ms. Maria Ramirez, Youth Substance Coordinator/Social Worker, Mooretown Rancheria
129. Ms. Angie Ramirez, Senior Advocate, Family Violence Prevention, Ione Band of Miwoks
130. Mr. Ryan Townsend Rash, Legal Intern, Tribal Law and Policy Institute
131. Mr. Tim Ravago, Tribal Law Enforcement, Pala Tribe
132. Ms. Connie Reitman-Solas, Executive Director, Intertribal Council of California, Inc.
133. Ms. Teddi Roberts, Support Service Coordinator, Kene Me-Wu American Indian Domestic Violence Assistance Program
134. Ms. Marilyn Robinson, Mental Health Coordinator, Sycuan Medical/Dental Center

135. Mr. Michael Roosevelt, Senior Court Services Analyst, AOC Center for Families, Children & the Courts
136. Hon. Geraldine Rosen-Park, Commissioner, Superior Court of California, County of San Francisco
137. Ms. Margarita R. Rubalcaba, Social Worker Supervisor, Quechan Indian Tribe
138. Mr. Enrique Rudino, Safety Commissioner, Choinumni Tribal Project
139. Ms. Linda Ruis, Director of Social Services, Iipay Nation Of Santa Ysabel
140. Hon. Angela Russell, Judge, Crow Tribal Court
141. Ms. Marie Saenz, Family Violence Prevention Advocate, Cahuilla Mission Indians
142. Ms. Theresa A. Sam, ICWA Director, Santa Rosa Rancheria Tachi-Yokut Tribe
143. Mr. Dennis R. Schieffer, Administrator, Valley Oaks Foster Family Agency
144. Mr. Angelo Schunke, Planning Commissioner, Morongo Band of Mission Indians
145. Ms. Pat Sekaquaptewa, Executive Director, The Nakwatsvewat Institute
146. Hon. Christopher Sheldon, Judge, Superior Court of California, County of Riverside
147. Mr. Duane Sherman, Sr., SART Coordinator, Stop the Violence Coalition, Inc.
148. Ms. Lynda Shoshone, Gardenville, CA
149. Ms. Lynda Smallenberger, Executive Director, Kene Me-Wu Family Healing Center American Indian DV/SA Assistance Program
150. Mr. James S. Smith, Attorney, Imperial County Public Defenders
151. Ms. Rosemary Smith, Chairwoman/CEO, Choinumni Tribe of Yokut Indians
152. Ms. Myra Lorelei Smith, Health Education Specialist, Friendship House Association of American Indians, Inc.
153. Hon. Sherri Sobel, Referee, Superior Court of California, County of Los Angeles
154. Ms. Yeshelle Sparks, Family Violence Prevention Advocate, Big Valley Rancheria
155. Ms. Toni St. Clair, CASA Supervisor, Voices for Children
156. Ms. Vicka Stout, MFT/School Counselor, Bishop Union Elementary School District
157. Hon. Dean Stout, Presiding Judge, Superior Court of California, County of Inyo
158. Ms. Donna Strobel, Court Services Analyst, AOC Center for Families, Children & the Courts
159. Ms. Wahnie Sylvester, Choinumni Tribe 101 Representative, California Tribal TANF Partnership
160. Ms. Lisa Tange, Deputy Director, Casey Family Programs
161. Hon. Winona Tanner, Chief Judge, Confederated Salish Kootenai Tribe
162. Ms. Karen Tatum, Social Worker, Morongo Child and Family Services
163. Ms. Misty Taylor, ICWA Tribal Caseworker, Iipay Nation of Santa Ysabel
164. Ms. Tami Tejada, Family Violence Prevention Program Coordinator, Sioux/Inter-Tribal Council of California
165. Mr. Percy Tejada, ICWA Representative, Greenville Rancheria
166. Ms. Lisa Thompson, Executive Director, Wiconi Wawokiya, Inc., Crow Creek Reservation

167. Dr. Hector Torres, Director Human Services, Indian Health Council, Inc.
168. Ms. Mary N. Trimble Norris, Executive Director, American Indian Child Resource Center
169. Hon. Juan Ulloa, Judge, Superior Court of California, County of Imperial
170. Ms. Heather Valdez Singleton, Deputy Director, Tribal Law and Policy Institute
171. Ms. Raquel Villa, Supervisor, Imperial County Behavioral Health
172. Ms. Jennifer Walter, Supervising Attorney, AOC Center for Families, Children & the Courts
173. Ms. Bobbie L. Welling, Supervising Attorney, AOC Center for Families, Children & the Courts
174. Mr. Robert Vincent White, Protective Service Supervisor, County of San Diego
175. Ms. Charity White Voth, Family Services Director, Southern Indian Health Council, Inc.
176. Hon. Denise L. Whitehead, Judge, Superior Court of California, County of Fresno
177. Hon. Christine Williams, Appellate Court Justice, CalCASA & Yurok Supreme Court
178. Hon. Joanne Willis-Newton, Chief Justice, San Manuel Band of Mission Indians
179. Ms. Leah Wilson, Manager, AOC Center for Families, Children & the Courts
180. Mr. Ronald Wood, Senior Law Enforcement Consultant, CA Commission on Peace Officer Standards and Training
181. Ms. Ellen Yin-Wycoff, Associate Director, CalCASA

Appendix D

COMMUNITY MEETING SCRIPT

Community Meeting Script

California Native American Communities Justice Project

Family Violence Community Meeting Script

NOTE: This instrument may be given to any of four types of responders: service providers, advocates, tribal leaders, community members. Please note that while any one of these people may themselves be victims of family violence, we are not asking them for their personal stories. Do, however, listen to any such stories that are volunteered as a way of answering the general questions below.

Explain that while the term family violence may have many meanings, we are defining it for these purposes as domestic violence (including those cases in which a child has been removed from a home because of domestic violence), sexual assault, teen dating violence, stalking, elder abuse. We would like to hear about male as well as female victims.

*** Represents the top priority questions.*

General Information about Family Violence

Discussion Question: Tell me about family violence in your community.

Potential follow-up questions:

- Do family violence cases get into court? If not, why not?
- Are family violence incidents reported to authorities? If not, why not?
- Are family violence incidents investigated properly by authorities? If not, why not?
- If family violence incidents *are* reported to authorities, is the response appropriate? If not, why not?

**** Discussion Question: What sources of data exist (or should exist) to document the problems?**

Identifying Barriers to Accessing Courts

Discussion Question: Do Native American community members have any problems accessing courts or court connected services? *Examples: family court mediation*

Potential follow-up questions:

- How far is the nearest courthouse located from your community?
- Does the distance create problems for victims accessing the court?
- How do people without transportation get to the court?

Discussion Question: Are restraining orders available and sought? *(Please separate Criminal, Family law, and Juvenile)*. Why or why not?

Discussion Question: Does Child Protective Services ever say they will remove children if the family violence victim does not get a restraining order against the person committing the violence? *(If so, probe for details of circumstances)*

Identifying Services Available to Native American Victims of Family Violence

Discussion Question: In general, what kinds of services are available to Native American families and children that are victims of family violence?

Potential follow-up questions:

- Are services readily accessible? If not, how and why?
- Are services culturally appropriate? If not, how and why?
- Are services respectful of Native American victims? If not, how and why?

Discussion Question: Are Native American victims made aware of services when coming to court?

Potential follow-up question:

- If so, are those services culturally appropriate and respectful? If not, why not?

Treatment in State Court

Discussion Question: How are members of your community treated in state court?

Potential follow-up Questions:

- Is the treatment the same in family, juvenile, and criminal court?
- Is the court system biased against Native Americans? If so, how (*If possible, please separate judges, court clerks, prosecutors, social workers, probation officers, attorneys, facilitators, self help centers, others*).

Discussion Question: Is the Indian Child Welfare Act followed?

Enforcement Issues

Discussion Question: Do tribal courts and tribal police have access to the California Law Enforcement Technology System (CLETS)? If not, why not?

Full Faith and Credit Issues

****Discussion Question:** Do state and tribal courts recognize each others order? If not, why not?

Discussion Question: Is state court system biased against Native Americans? If so, how (*please separate judges and court clerks*).

Promising Practices

**** Discussion Question:** What advice would you give to the Courts (*try to separate family, juvenile, and criminal court if possible*) when working with Tribes and Tribal communities regarding family violence?

Probe for:

- Access to court.
- Access to services.
- Respectful treatment.
- Enforcement of court orders.

NOTE: Depending on the setting, the following should probably be done by the group, using a flip chart.

**The following are some potential promising court practices in the area of family violence incidents. Please rate your opinion of each:

- 1 = don't like
- 2 = somewhat like
- 3 = like very much

- The creation of a tribal court (single or inter-tribal) that would deal with family violence incidents.

1 2 3

- State court holding hearings on the reservation to handle family violence incidents.

1 2 3

- Tribal/state court forum for holding collaborative system meetings.

1 2 3

- Community meetings held on reservation by state court personnel for informational purposes.

1 2 3

- Training for state court personnel on Native culture and/or sovereignty.

1 2 3

- Cultural competency guide for state court judges on Native culture and information on family violence in Native communities.

1 2 3

- Development of support services and programs that are sensitive to the needs of Indian families.

1 2 3

**Can you identify other promising practices or programs in the area of courts as related to domestic violence, sexual assault, teen dating violence, stalking, or elder abuse?

**Of the promising practices listed above and those that you mentioned, which four do you think are the most *realistic* and promising?

1. _____
2. _____
3. _____
4. _____

**Of those four, what do you think needs to happen first, before they can be accomplished?

**What obstacles stand in the way of accomplishing these promising practices?

If nothing offered, inquire about the following:

- a. Funding?
- b. History of negative relationship?
- c. Community readiness?
- a. Current personality differences between key stakeholders or potential change agents?
- b. State court willingness?
- c. Tribal council willingness?

Concluding Questions

**Is there any particular story you would like to tell that illustrates how this issue has been treated by the non-Indian system when Indians have been involved?

**Do you have any knowledge of how this issue was handled by families/villages prior to involvement of the non-Indian system?

Appendix E

WRITTEN QUESTIONS DISTRIBUTED
AT COMMUNITY MEETINGS

Written Questions Distributed at Community Meetings

California Native American Communities Justice Project

Please answer the following questions about your community.

The term “family violence” as used in this survey covers domestic violence (including those cases in which a child has been removed from a home because of domestic violence), sexual assault, teen dating violence, stalking, and elder abuse.

1. Of the types of family violence listed below, which three happen the **most often** on your reservation? (*Please rank, by writing a 1, 2, and 3 next to the types that occurs most frequently.*)

Domestic Violence

Teen Dating Violence

Sexual Assault

Elder Abuse

Stalking

Don't know

2. Who most often acts violently in these incidents of family violence? (*Please pick one.*)

Tribal members

Non-Indians

Members of different tribes

No one more than another

3. Are the people who act violently generally family members?

Yes / No / Don't know

4. Who are usually the victims in these incidents of family violence? (*Please check all that apply.*)

Women

Young boys

Men

Elder women

Young girls

Elder men

5. Do these incidents of family violence usually get reported to law enforcement?

Yes / No / Don't know

If no, why not?

6. Do these incidents of family violence get reported to child protective services if children are involved?

Yes / No / Don't know

If no, why not?

7. Do some types of family violence get reported *less* than others?

Yes / No / Don't know

If yes, please check below which types of family violence get reported *less*. (*Please check all that apply.*)

Domestic Violence

Teen Dating Violence

Sexual Assault

Elder Abuse

Stalking

8. Does the victim usually report family violence?

Yes / No / Don't know

If the victim does not report the incident, who does?

- Teacher Health Care Provider
 Neighbor No one
 Other: _____

9. Are members of your community treated fairly by law enforcement regarding reports or investigations of family violence incidents?

Yes / No / Don't know

10. Are members of your community treated fairly by child protective services during reports or investigations of family violence incidents?

Yes / No / Don't know

11. Are members of your community treated fairly by the probation department regarding family violence incidents?

Yes / No / Don't know

12. Do some incidents of family violence get investigated *less* than others?

Yes / No / Don't know

If yes, please check below which types of family violence get investigated *less*. Please check all that apply.

- Domestic Violence Teen Dating Violence
 Sexual Assault Elder Abuse
 Stalking

13. Does your community use the state courts o help when family violence happens?

Domestic Violence	Yes	No	Don't know
Sexual Assault	Yes	No	Don't know
Stalking	Yes	No	Don't know
Teen Dating Violence	Yes	No	Don't know
Elder Abuse	Yes	No	Don't know

14. Do you have a tribal court? Yes / No

If yes, do these incidents get resolved in the tribal court? Yes / No

15. Are there other tribal ways in your community that help solve or talk about family violence? Yes / No

Please explain:

16. Does your tribe or agency collect any data on:

a. Incidents of family violence? Yes / No / Don't know

b. Calls for service to law enforcement? Yes / No / Don't know

c. Calls for service to Child Protective Services? Yes / No / Don't know

d. Prosecutions? Yes / No / Don't know

e. Other family violence related data: _____

f. If yes, what agency collects this data (please provide contact information)?

Justice gaps for Native American victims of family violence

17. For each justice gap listed below answer whether or not you think this is true in your community:

- State court process takes too long.

1= Not a problem 2= Somewhat of a problem 3= Big Problem

- State courts are too far away to be useful.

1= Not a problem 2= Somewhat of a problem 3= Big Problem

- State court judges lack knowledge of tribal culture.

1= Not a problem 2= Somewhat of a problem 3= Big Problem

- State court staff lack knowledge of tribal culture.

1= Not a problem 2= Somewhat of a problem 3= Big Problem

- Perceived unfair court process when Indian victims of family violence are involved.

1= Not a problem 2= Somewhat of a problem 3= Big Problem

- Poor understanding by state court system (judges, attorneys, social workers, probation officers) of the Indian Child Welfare Act.

1= Not a problem 2= Somewhat of a problem 3= Big Problem

- Services provided to family violence victims are not culturally competent.

1=Not a problem 2=Somewhat of a problem 3=Big Problem

- State court orders issued to protect family violence victims are not enforced.

1=Not a problem 2=Somewhat of a problem 3=Big Problem

- Tribal court orders issued to protect family violence victims are not enforced.

1=Not a problem 2=Somewhat of a problem 3=Big Problem

18. Can you identify any other justice gaps in the court system, specific to domestic violence, sexual assault, teen dating violence, stalking and elder abuse that we have not mentioned?

Any Additional Comments?

Please answer the following questions about yourself:

19. What is your gender? ___Male ___Female

20. Which of following best describes you? (Please check all that apply.)

___ Advocate ___ Tribal Council Member

___ Service Provider ___ Tribal Leader

___ Community Member ___ Tribal Judge

___ Other (please specify): _____

Thank You!!

Appendix F

WRITTEN QUESTIONS AND ANSWERS
FROM COMMUNITY MEETINGS

Written Questions and Answers from Community Meetings

Overview

The community meetings were conducted beginning in late February and continuing through mid-May. Although the discussion questions and notes provide the fullest report about what was said, written questions were also distributed for participants to answer. While these questions do not constitute a formal, representative survey of California's Native American community they did help spur discussion and provided a method of contribution for those who might not have wished to speak up. Their answers are summarized here for purposes of augmenting the meeting notes and themes reported above and represent only the opinions of those individuals who chose to attend these meetings. They are not the official view of any tribe or organization, nor do they necessarily represent the actual situation in Native American communities in California.

Participants

Just over 400 people filled out the written questions. About two-thirds of the respondents identified themselves as women. While some people listed multiple roles for themselves, about two-thirds said they were community members, while about one-quarter each said they were advocates or service providers. A few also said they were tribal council members, tribal leaders, or tribal judges as well as some people from the county department of social services.

Table 1: *What is your gender?*

	N	%
Male	116	30.1%
Female	270	69.9%

Note: Answered question = 386; Skipped question = 22.

Table 2: *Which of the following best describes you?*

	N	%
Advocate	92	26.1%
Community member	249	70.5%
Service provider	101	28.6%
Tribal council member	41	11.6%
Tribal judge	3	0.8%
Tribal leader	28	7.9%

Note: Answered question = 353; Skipped question = 55.

Process

Participants were asked to rank the three most common types of family violence in their communities: domestic violence, sexual assault, stalking, teen dating violence, child abuse, elder abuse, and “don’t know.” Domestic violence was by far the most commonly cited as happening most often. Sexual assault and child abuse were the next most common, but both far behind domestic violence and very little different from the other types.

Table 3: *Which three types of family violence happen the most often on your reservation?*

	Most often	Second most often	Third most often
Child abuse	10	54	38
Domestic violence	245	31	15
Elder abuse	8	34	46
Sexual assault	10	76	61
Stalking	9	22	30
Teen dating violence	14	31	40
Don’t know	20	3	11

Note: Answered question = 336; Skipped question = 72.

Perpetrators

When asked whether tribal members, members of another tribe, or non-Indians most often acted violently in family violence incidents most people responded “no one more than the other.” It is perhaps of some interest to note that the respondents did not seem to think that members of other tribes or non-Indians were more or less likely than tribal members to act violently. Most people did seem to think, however, that the people acting violently were family members.

Table 4: *Who most often acts violently in these incidents of family violence?*

	N	%
Members of different tribe	25	6.9%
Non-Indians	46	12.8%
Tribal members	76	21.1%
No one group more than the other	213	59.2%

Note: Answered question = 360; Skipped question = 48.

Table 5: *Are the people who act violently generally family members?*

	N	%
Yes	276	71.3%
No	82	21.2%
Don't know	29	7.5%

Note: Answered question = 387; Skipped question = 21.

Victims

The vast majority of respondents said that women were usually the victims of family violence, although young girls and young boys were also commonly cited. At least a third also said men and seniors were also victims.

Table 6: *Who are usually the victims in these incidents of family violence?*

	N	%
Elder men	118	29.4%
Elder women	166	41.4%
Men	146	36.4%
Women	363	90.5%
Young boys	216	53.9%
Young girls	284	70.8%

Note: Answered question = 401; Skipped question = 7.

Reporting

To law enforcement. The participants at these community meetings reported that generally these incidents of family violence do not get reported to law enforcement. Lack of reporting was attributed to a number of interrelated factors: shame and embarrassment; Fear of repercussions such as ostracism, anger of other family members, breakup of the family (and subsequent loss of financial support), or losing children to child protective services; The stigma attached by police and others to having violence in the family; The futility of reporting due to police being slow to respond or no real action being taken even if there is a response; Uncertainty and mistrust about what will happen next; Lack of accessibility of court systems because they are not culturally appropriate for Native Americans; and the habit of avoiding contact with government systems because of past mistreatment.

Table 7: *Do these incidents of family violence usually get reported to law enforcement?*

	N	%
Yes	67	17.5%
No	281	73.4%
Don't know	35	9.1%

Note: Answered question = 383; Skipped question = 25.

To child protective services. The meeting participants were more divided about whether family violence gets reported to child protective services if children are involved, with some people saying it does but others saying it does not. The reasons for not reporting are similar to those described above, with a particular emphasis on the fear that children will be taken away and separated from their culture (as was done in the past through boarding schools and other means).

Table 8: *Do these incidents of family violence get reported to Child Protective Services if children are involved?*

	N	%
Yes	138	37.1%
No	179	48.1%
Don't know	55	14.8%

Note: Answered question = 372; Skipped question = 36.

Frequency of reporting. While most people felt that certain types of family violence get reported less than others, there did not seem to be any general agreement about which types get reported less, although domestic violence was perhaps the most frequently mentioned type it was also mentioned as the most commonly occurring type of family violence.

Table 9: *Do some types of family violence get reported less than others?*

	N	%
Yes	313	78.8%
No	33	8.3%
Don't know	51	12.8%

Note: Answered question = 397; Skipped question = 11.

Who reports. Most people felt that it is not usually the victim who reports family violence. Teachers, neighbors, and health care providers were frequently cited as being the source of reports if not the victim. Family members and friends were also mentioned.

Table 10: *Does the victim usually report family violence?*

	N	%
Yes	40	10.4%
No	303	78.5%
Don't know	43	11.1%

Note: Answered question = 386; Skipped question = 22.

Types of violence reported. While most people indicated that some types of family violence are reported less than others, the opinions about what type that might be varied widely – although domestic violence was perhaps the most frequently mentioned.

Table 11: *Do some incidents of family violence get investigated less than others?*

	N	%
Yes	280	72.7%
No	41	10.6%
Don't know	64	16.6%

Note: Answered question = 385; Skipped question = 23.

Treatment of Native Americans

Most of the respondents did not feel that members of their community were treated fairly by law enforcement regarding reports or investigations of family violence incidents. Opinions appeared only slightly better with regard to child protective services or probation, but still generally negative or neutral.

Table 12: *Are members of your community treated fairly by the probation department regarding family violence incidents?*

	N	%
Yes	69	17.9%
No	214	55.6%
Don't know	102	26.5%

Note: Answered question = 385; Skipped question = 23.

Table 13: *Are members of your community treated fairly by law enforcement regarding reports or investigations of family violence incidents?*

	N	%
Yes	62	16.2%
No	274	71.7%
Don't know	46	12.0%

Note: Answered question = 382; Skipped question = 26.

Table 14: *Are members of your community treated fairly by Child Protective Services during reports or investigations of family violence incidents?*

	N	%
Yes	105	28.0%
No	201	53.6%
Don't know	69	18.4%

Note: Answered question = 375; Skipped question = 33.

Options for Addressing Family Violence

In response to a question about whether people in their community used state courts to address family violence issues, opinions varied widely, and a large minority of people did not answer the question at all. Of those who did (a little over half) – about half of them thought that state courts were used for domestic violence and sexual assault cases, but not so much for stalking, teen dating violence, or elder abuse. About two-thirds of the respondents said they did not have a tribal court, although about one-third of all participants did not answer this question. Even among those who had tribal courts, comments indicated they did not necessarily handle family violence cases – although some did. Problems such as jurisdictional uncertainty and lack of appropriate tribal codes were mentioned as reasons.

Table 15: *Does your community use the state courts to help when family violence happens?*

	Yes	No	Don't know	N
Domestic violence	51.3% (117)	23.2% (53)	25.4% (58)	228
Elder abuse	33.2% (72)	28.1% (61)	38.7% (84)	217
Sexual assault	44.1% (98)	25.2% (56)	30.6% (68)	222
Stalking	29.2% (63)	30.1% (65)	40.7% (88)	216
Teen dating violence	29.2% (94)	29.7% (65)	41.1% (90)	219

Note: Answered question = 235; Skipped question = 173.

Table 16: *Are there other tribal ways in your community that help solve or talk about family violence?*

	N	%
Yes	131	38.5%
No	181	53.2%
Don't know	28	8.2%

Note: Answered question = 340; Skipped question = 68.

Table 17: *Do you have a tribal court?*

	N	%
Yes	155	40.3%
No	226	58.7%
Don't know	4	1.0%

Note: Answered question = 385; Skipped question = 23.

A little over one third of the respondents said their community had other tribal ways of solving or talking about family violence, but about half said they did not. Among the strategies mentioned were traditional healing and ceremonies; groups, talking circles, and dances; tribal council meetings; handled with the family or by a tribal elder; mediation, workshops, and education. It was pointed out that tribes do not get money to address domestic violence, or for emergency situations, safe houses, or tribal safe areas.

Among those who said they did not have other ways, the need for within community solutions such as talking circles, safe houses, and shelters was mentioned. The need for education about family violence (its causes, how to recognize it, and its solutions) was mentioned repeatedly across meetings. Both adults and children need the education, as do tribal leaders and law enforcement.

Data on Family Violence

The respondents at the meetings were fairly evenly split about whether their tribe or agency collected information about incidents of family violence, calls to law enforcement, calls to CPS, and prosecutions – with about equal percentages saying yes, no, or don't know to each.

Table 18: *Does your tribe or agency collect data on...*

	Yes	No	Don't know	N
Calls for service to CPS	36.4% (132)	31.1% (113)	32.5% (118)	363
Calls for service to law enforcement	30.5% (109)	38.7% (138)	30.8% (110)	357
Incidents of family violence	29.8% (108)	39.7% (144)	30.6% (111)	363
Prosecutions	22.4% (79)	39.8% (140)	37.8% (133)	352

Note: Answered question = 368; Skipped question = 40.

Justice Gaps in Native American Communities

Respondents were also asked whether certain issues were problems in their communities, indicating that each listed issue was not a problem, was somewhat of a problem, or was a big problem. Almost all the issues were thought to be big problems by a majority of the respondents. Three issues were cited by about three quarters of the respondents as being big problems: State court judges' lack of knowledge of tribal culture; State court staff's lack of knowledge of tribal culture; and poor understanding of ICWA requirements by judges, attorneys, social workers, and probation officers. Over half of the respondents thought most of the rest of the issues were a big problem (and about one-third of the respondents thought those same issues were somewhat of a problem): Perceived unfairness of court processes if Indian victims of family violence are involved; Services provided to family violence victims are not culturally competent; Lack of enforcement of state or tribal court orders protecting family violence victims. Only one issue generated responses equally split about whether it was a problem: State courts are too far away from tribal areas to be useful.

Table 19: *For each justice gap listed below, answer whether or not you think this is true in your community?*

	Not a problem	Somewhat of a problem	Big problem	N
State court process takes too long	8.4% (31)	36.4% (134)	55.2% (203)	368
State courts are too far away to be useful	24.1% (90)	37.3% (139)	38.6% (144)	373
State court judges lack knowledge of tribal culture	5.2% (19)	21.5% (79)	73.4% (270)	368
State court staff lacks knowledge of tribal culture	3.8% (14)	20.6% (76)	75.6% (279)	369
Perceived unfair court process when Indian victims of family violence are involved	4.7% (17)	33.9% (122)	61.4% (221)	360
Poor understanding of state court system of the Indian Child Welfare Act by judges, attorneys, social workers, probation officers	5.4% (20)	25.3% (93)	69.3% (255)	368

Services provided to family violence victims are not culturally competent	5.3% (12)	33.3% (75)	61.3% (138)	225
State court orders issued to protect family violence victims are not enforced	6.7% (15)	35.4% (79)	57.8% (129)	223
Tribal court orders issued to protect family violence victims are not enforced	13.8% (26)	32.8% (62)	53.4% (101)	189

Note: Answered question = 381; Skipped question = 27.

Other gaps identified by participants included:

- Lack of information about what state law enforcement can and cannot do on tribal lands.
- Lack of understanding by law enforcement of Native American culture and mental health issues.
- Lack of traditional methods being used.
- Lack of resources.
- Lack of Native Americans in the state court system and elsewhere.
- Lack of Native American liaisons with the state court system.
- Courts (including tribal courts) are too easy on the perpetrators, too concerned with their rights.
- Tribal codes are not sufficient to deal with these issues.
- Lack of shared data and knowledge about how the system works.
- Unclear jurisdictional boundaries.
- Lack of transportation (prohibits access to courts and other services).
- Prejudice and discrimination block Native American voices from being heard, or respected if they are heard.
- Slowness or lack of response (both by law enforcement, prosecutors, and the courts).
- High turnover of workers.

Appendix G

COMPLETE SUMMARIZED COMMENTS
FROM COMMUNITY MEETINGS

Complete Summarized Comments From Community Meetings

The following is a preliminary list of themes that were developed through the community meeting process. Problems and solutions raised at the meetings are listed under the related theme. These problems and solutions reflect only the views of the speakers at the community meetings; we make no claim that they are representative of the diverse Native American communities in California or particular communities within California.

Theme 1: Reporting to Law Enforcement and Law Enforcement Interactions

Problems Identified

- Law enforcement does not respond if called or the response is inappropriate. Other departments (EMT) sometimes arrive on scene before law enforcement.
- Law enforcement responds too late, which leads to frustration on the part of the victim and a misinterpretation of the situation by law enforcement.
- Only 50% of family violence incidents are reported to law enforcement..
- There is a fear that children will be removed if domestic violence is reported.
- There is a sense that law enforcement purposefully make it difficult for the victim, because they do not want to respond to these calls.
- The county sheriff's department is under resourced, so the few officers on duty must prioritize calls. This creates a lack of confidence among community members that law enforcement will respond to calls.
- Repeated calls from the same location make law enforcement cynical.
- Law enforcement is allowed too much discretion in deciding whether or not to report.
- Law enforcement believes that tribal community members do not know about the law, so they take advantage of that.
- Emergency services take too long to respond and are unfamiliar with reservation geography.
- Law enforcement officers are prejudiced against Native people; they perceive Native people as violent.
- Law enforcement harasses people from the reservation.
- Law enforcement officers enforce laws inconsistently on the reservation and off.
- There is a feeling of hopelessness because of failure to enforce restraining orders.
- There is a fear of violence/harassment from law enforcement officers.
- Law enforcement officers file incorrect or misinformed reports.
- A negative relationship between the sheriff's department and the Native American community exists.
- When state authorities fail to act, tribal members can take matters into their own hands.
- When sheriff's deputies are called, they take the mother and children away and leave the father at home.
- Victims do not report because of a fear of losing their children/breaking up the family.

- When city officers respond, it is an inappropriate response.
- Law enforcement training is outdated and inappropriate – there is no proper training for law enforcement on domestic violence.
- Victims are sometimes misidentified as perpetrators because of their frustration with the system. When they try to access services as victims, they are denied because of their perceived perpetrator status.
- Officers sometimes make a “dual arrest” arresting both the victim and the perpetrator.
- When victim is arrested, she is more likely to do time.
- Elders are reluctant to report to county authorities.
- Fear of what will happen if family violence is reported.
- County law enforcement does not respect tribal authorities.
- Housing can be put in jeopardy if the family reports family violence.

Solutions Proposed

- Community meeting with law enforcement and Native American community.
- Multidisciplinary domestic violence task force has increased reporting and cooperation since it came into being.
- There is a need for clearly defined protocols for elder abuse, teen dating violence, and domestic violence cases.
- Communicate and reach out to officers with authority over those that are not responsive to your needs.
- Close working relationships between social services and law enforcement.
- Education for law enforcement on working with Native American people.
- Mediators between Native American people and law enforcement.

Theme 2: Service Provision (State, Tribal and Native American Specific)

Problems Identified

- Some services, including safe houses, are culturally inappropriate, which can lead to failure.
- “Social isolation” from larger society for those on reservations can lead to difficulty achieving success in non-Native programs/services.
- There is a fear that service providers are going to leave; there is a sense of a lack of stability.
- Lack of information on what services are available—nontribal as well as tribal services—and how to access those services.
- When services are lacking, victim will return to perpetrator because of unmet needs.
- Funding sources put constraints on tribal grantees that prevent them from providing services to members living off the reservation or to those not enrolled.

- Funders can put constraints on programmatic approaches because of narrowly defined funding priorities.
- Tribal/Native American programs do exist, but victims do not know about the services.
- Conflicting policies within and between service providers and courts creates confusion for victims.
- The intersection of domestic violence and the Indian Child Welfare Act (ICWA) is not acknowledged; appropriate services are not provided.
- Counseling and advocacy for the victim are not always available. Victims need someone to walk them through the system.
- There is no shelter for women; services for victims are lacking.
- Available programs are ineffective.
- There is no treatment for perpetrators.
- Not enough time in the shelter provided to make a move.
- Lack of tribal services means tribal people must travel very far to access services.
- Child Protective Services workers can be inconsistent in how they handle situations.
- Child Protective Services sometimes takes children inappropriately. Traditional Native American solutions to troubled families are not recognized as legitimate by the non-Indian system.
- Child Protective Services has used the threat of removing children to encourage victims to get restraining orders with the result that victims are reluctant to report incidents.
- Child Protective Services misidentifies Native American children as Hispanic or white; sometimes misidentification is based on surnames.
- Child Protective Services does not afford the same rights to Native Americans as they do to non-Indians. Education on ICWA is needed.
- Victims must deal with multiple systems and services.
- Children are scared to report because of shame, but some do report to schools, and schools report to ICWA program.
- Problems with confidentiality and cultural sensitivity are present in new ICWA program.
- Access to services is limited to business hours, when many victims are at work.
- There are not enough Indian homes to meet the need because rules and regulations for qualifying as a foster family are too restrictive and weed out some good families.
- There is a need for healing families and fixing problems, not just sending perpetrators off to jail.
- Tribal services may lack confidentiality.
- Break down barriers to accessing tribal programs: have live person answering phones; publicize and educate about programs.
- Non-Indian service providers can be judgmental and sometimes stereotype.
- Women are faced with ultimatum—either you get a restraining order or Child Protective Services will take your children.
- Drugs and alcohol are cofactors and should be addressed in service provision.
- California has victim services programs and resources, but victims do not access these services.
- County programs do not use positive, strength-based language.

- Lack of trust leads to not accessing services.
- Tribal programs are underfunded in general, and there is no money specifically allocated to non–federally recognized tribal communities.
- Child Protective Services does not want to apply ICWA to children of non–federally recognized tribes.
- Probation officers are not knowledgeable about ICWA and are not familiar with the tribes in their area.
- Health centers do not serve non–federally recognized Native Americans.
- Urban Indian community is not a political unit so there is no centralized government to work on the issue.

Solutions Proposed

- Create local, tribally or Native American–run, culturally relevant victim’s services.
- A more holistic approach that addresses the perpetrator is needed.
- Prevention should be an important part of services.
- Use traditional methods, like a panel of elders to oversee case planning and follow-up.
- Provide training for Child Protective Services workers regarding Native American cultures and issues.
- Creating a list showing the steps to get through the system will help victims.
- Native women’s retreat that includes non-Indian service providers.

Theme 3: Restraining Orders

Problems Identified

- Restraining orders are not effective.
- Confusion and disagreement in sheriff’s department on enforcing restraining orders from tribal court.
- Language of restraining orders can be vague and difficult to enforce—e.g., what is “peaceful contact”?
- Information on how to keep a restraining order updated when moving is needed as well as information on when the restraining order is valid and when it is not.
- Information about temporary restraining orders and what is needed to get a real restraining order.
- Restraining orders are difficult to get, and they sometimes cost money.
- Restraining orders are available, but they are not enforced, therefore victims do not seek them out.
- Evidence of serious physical harm is required in order to get a restraining order.
- Judges deny restraining orders when the request is solely based on a Child Protective Services referral.

- State courts do not honor restraining orders issued in tribal courts [out-of-state example given].
- A restraining order is not necessarily the answer—preventing the breakup of the family is sometimes the answer.
- Judges are inconsistent in honoring restraining orders.
- Victims are not aware of the requirements for processing an effective restraining order.
- Restraining orders are not sought because historically this was viewed as a private matter.
- Victims may want a restraining order but do not want to report the abuse.

Solutions Proposed

- Intertribal council has a legal advocacy program that assists with restraining orders
- Some counties in California recognize tribal court decisions.
- Fax filing for a temporary restraining order will alleviate the issue of access.
- Videoconference court hearings alleviate the issue of access.

Theme 4: Access to and Interaction With State Court

Problems Identified

- Court (and services) geographically far from the reservation.
- People from the reservation do not get equal treatment from judges. Judges can be too harsh.
- There is a deep distrust of state systems, and a sense of prejudice against Native Americans exists. Historical trauma is not understood by non-Native people.
- Filing costs are prohibitive, and the process is confusing and long.
- There is a lack of knowledge in tribal/Native American communities about how to use the state court system.
- There are problems with child care and the time it takes to get a restraining order at the court.
- Not enough training for court personnel on cultural issues, racial profiling, and gaming.
- There is a lack of respect among court personnel for tribal members/Native Americans.
- The court is not welcoming to Native people.
- Court system needs to understand and acknowledge the government-to-government relationship that tribes have with the federal government.
- The court needs to acknowledge that services are not culturally appropriate.
- Judges need better communication skills with Native American people.
- Rotating judges causes lack of consistency in the way cases are handled.
- State judge is more interested in drug cases and ignores the domestic violence issues.
- When cases are not prosecuted, perpetrator returns to the community and puts survivor in danger.

- Engaging the court can be dangerous because it forces victims to interact with perpetrators. In this way, the system reabuses the victim.
- Perpetrators have too many rights and they manipulate the system.
- Cases do not make it to court, often because they are not even reported.
- District attorney does not prioritize domestic violence cases (they are perceived as difficult cases).
- Being seen in court can be stigmatizing.
- It is necessary to have a good ICWA worker to be successful.
- State court too readily defers cases to tribal court.
- Collaborative meetings between state courts and tribal communities may not be productive.

Solutions Proposed

- Communication courses for judges.
- Court should communicate more often and more effectively with the community.
- Courts should have user-friendly paperwork.
- Create a liaison, a go-between, between state courts and tribal/Native American communities. This must be an easily identified Native American individual.
- Smaller, less intimidating courtroom that is closer to the reservation.
- State courts should create a unified database with tribal courts.
- Conduct an audit at both state and federal levels to determine number of court cases and the outcomes.

Theme 5: Creating/Sustaining Effective Tribal Courts/Tribal Police

Problems Identified

- Membership in an intertribal court is very expensive.
- Tribal code development is an obstacle. Assistance is needed in code development.
- Tribal court does not provide a public defender.
- Some tribal government organizational work needs to be done before tribal court can be effective. Tribal court restraining order process is burdensome. State court process is easier.
- More education for community members on the operation of the tribal court and tribal law enforcement is needed.
- There are obstacles to recruiting tribal police and reporting in a small community.
- Tribes must compete with wealthier jurisdictions to retain trained officers—counties can offer better pay and benefits.
- Funding for tribal programs is a problem—California does not do its part in sharing funds.

Solutions Proposed

- Incorporate more tribal tradition and philosophy into tribal court operations; also identify the community court needs.
- Hold a tribal summit with information sharing for tribes on what they need to do to address the issue in a tribal court.
- Tribes develop their own codes regarding family and child welfare—codes that take into account generational abuse and historical trauma and that include traditional values.
- Tribes need to govern themselves.

Theme 6: Family Violence Data

Problems Identified

- Sheriff's department has data, but it is difficult to get it.
- Some data is not accurate.
- Reports often come "through the grapevine."
- Domestic violence is underreported.
- Data is collected by outside agencies and organizations. The data is then used to obtain money and other resources that are not shared with tribal/Native American people. Giving back the data to the tribes and communities from which it was collected is a crucial issue.
- Data is sometimes collected from different sources. More information is needed on how to mine data and calculate data from different sources.
- Incarceration data is not broken down by ethnicity.
- The Department of Justice has statistics for tribes that they do not share.
- Child Abuse Services Team (CAST) has data.
- Tribal hospital uses Indian Health Service (IHS) data system.
- Would like access to Computer-Aided Dispatch (CAD).
- Methamphetamine Awareness and Prevention Act data is needed.
- If it's not reported, there is no data.
- Data collection is directly related to securing funding.
- Any data collection or reporting should be mindful of confidentiality for victims.

Solutions Proposed

- Cooperative efforts with the county and the tribe/Native American community to collect data.
- Some service providers collect data.
- Tribal Temporary Assistance to Needy Families (TANF) has some statistics—90 percent of cases are domestic violence related or from domestic-violence-involved families.
- Tribe needs funding for a full-time salaried employee to mine data from all sources.
- Recognize and standardize reporting for different sources to make data mining easier.

Theme 7: Violence Against Men

Problems Identified

- Education on violence against men is needed.
- There are no services for men who are victims of domestic violence. Authorities assume the man is the perpetrator.
- Grants to address the problem only cover women, not men.
- There is a stigma attached when men report domestic violence.
- Pride and shame prevent men from reporting abuse.

Solutions Proposed

- Domestic violence education for men is needed.

Theme 8: Youth and Violence

Problems Identified

- A lot of teen dating violence—particularly girls against boys.
- There is a lack of services for youth.
- Teens are misinformed that violence is considered “normal.”
- There is not enough done to address teen dating violence.
- More programs and services are needed for children.
- Children don’t have a voice.
- General prevalence of violence and drug abuse among urban youth.

Solutions Proposed

- Youth need to be informed and educated about issues of family violence.

Theme 9: Differing Definitions of Domestic Violence/Family Violence

- Violence must be current for court to take action, but violence is ongoing and subtle and can include stalking, etc.
- Family violence is a *family* event; it affects entire (extended) family, not just perpetrator and victim.
- Abuse is too narrowly defined in non-Indian world. It can be any kind of violence (emotional, etc), not just hitting.
- In a tribal community, child care can be a community or extended family responsibility, but Child Protective Services defines this as neglect.
- Domestic violence is a subset of historical trauma, a reality that may not be understood by the non-Indian community.

Theme 10: Systemic Problems

Problems Identified

- People are revictimized by the system.
- Process is too complicated, long, and difficult.
- Differences in how a Native American person and a non-Indian person experience the system need to be acknowledged.
- More awareness is needed system wide on the specific tribal histories and historical trauma.
- Cultural barriers and social isolation make it difficult to navigate court and social services systems.
- It is *necessary* for law enforcement and courts to have a relationship with tribes.
- Historical distrust exists.

Theme 11: Concerns at the Community Level

Problems Identified

- Pride or shame and guilt can interfere with telling someone.
- There are cultural ramifications in reporting abuse.
- Lack of confidentiality.
- Fear of harm from extended family and failure of criminal justice system to protect victims from retaliation.
- Risk of becoming an outsider when you report.
- Family violence should be better understood by male leadership.
- Victims may not tell for fear of losing their jobs.
- Victim's identity may be tied up with the abuser.
- The social isolation from the larger society that exists on reservations leads to the need to leave home to have your voice heard by government, non-Indian world, etc.
- There is denial of the problem, particularly in the tribal council/leadership. Some of this relates to a loss of traditional spirituality.
- Children may be in "denial" about abuse or are not educated about what abuse is.
- There is a sense of hopelessness that results in abuse being kept secret—people do not feel safe talking about the subject.

Solutions Proposed

- Tribal youth groups that discuss history of violence.
- Traditional methods of healing, including healing circles and talking circles.
- Peer counseling—strong person for victims to talk to/confide in.
- Healthy Native families as models.
- Education for male, female, and young tribal members on family violence.

- Teach women to be empowered and children about values, morals, respect.
- Education for tribal leaders on family violence.
- Community members/family members need to hold perpetrators accountable—recognize violence, report, communicate, etc.
- Create a forum for community members to talk to one another about these issues as a way of healing.
- Workplace education would assist victims in understanding domestic violence and create added protection.
- As community members, take a stand: talk to your family, tell them it's wrong, to stop.
- More people are talking about family violence and domestic violence than ever before—knowledge about resources (or lack of resources) makes a difference.
- State children's health insurance program, behavioral health, talking circles, women's talking circles, and tribal domestic violence programs all address domestic violence in an appropriate way.
- Explore Navajo Peacemaking as a possible model for other tribes to resolve issues.

Promising Practices Identified by Participants

- Go back to traditional ways of addressing violence and teaching children.
- Native trainers are needed for cultural training.
- Workshops and outreach for children and youth.
- Education for tribal leaders and community readiness assessment.
- Training across agencies/systems on American Indian political status.
- Nonmembers who live on reservation with members must sign an MOU that they are willing to be governed by tribal laws. If they violate tribal laws, they are banished.
- Fax filing a temporary restraining order would alleviate the issue of access to the courts for geographically isolated communities.
- Videoconferencing court hearings would alleviate the problem of accessing the courts for geographically isolated communities.
- Education for court personnel (including attorneys) on cultural issues, education for community on Public Law 280, etc.
- A tribally specific domestic violence benchguide.
- Community service programs for young offenders.
- Early intervention and education programs are needed.
- Programs for perpetrators are needed.
- Daughters of tradition, sons of tradition.
- Wellbriety.
- Red Road.
- Change also needs to happen at the academic level.
- Positive strength-based language should be used by county and state.
- Community education on family violence is needed.
- Talking circles are an effective way to discuss family violence.
- Creating safe environments for victims is necessary.

- Support systems are needed.
- Resource guide to assist tribes and other Native American communities in finding resources that address family violence.
- Native American people working in state court would be beneficial.
- Mandatory training for families on their rights, the law, etc.
- One-stop center for Native American–specific services.
- Information is needed:
 - Educate law enforcement;
 - Clarify what law enforcement can do;
 - Clarify what district attorney can do;
 - Clarify what district attorney needs in order to prosecute.
- Collaborative meetings between all service providers, the tribal and state court and information passed on to tribal council.
- Involve entire community in domestic violence, family violence cases for support.
- Elders as role models.
- State court personnel should visit tribal courts for information, so that they don't make assumptions about tribal people.
- Issues of discrimination against Native people within law enforcement and the court system need to be looked at very closely.

Obstacles to Implementing Change Identified by Participants

- Funding
- Tribal politics
- Law enforcement retention
- Funding
- Education
- Parent involvement and support
- Time and time management (time of day or day of the week)
- Dedication
- Mental health
- Cultural competency training would be needed first before state courts come to reservation.
- Lack of data to understand the problem and secure funding.
- Buck passing as a result of jurisdictional confusion/overlap.

Goals of CCPOR

To address the task force recommendations, CCPOR has three primary goals:

- Provide the trial courts in all 58 California counties access to CCPOR, enhancing the capability of bench officers to make more informed decisions and avoid issuing conflicting orders;
- Improve public safety and the safety of law enforcement officers by providing access to full text (images), and accurate, complete, and up-to-date order information; and
- Automate exchange of information between the courts and CLETS.

Two key components of CCPOR are the ability to enter and upload protective order data into the system and to search and retrieve that data, including electronic images of court orders. Viewing these electronic images is particularly valuable because this allows users to view special conditions and notes added by judges that are not available through CLETS. In addition, information about court orders that is keyed into CCPOR will be automatically transmitted to CLETS.

Key Features

When fully deployed, CCPOR provides the capability to:

- View order data and images from all 58 California superior courts;
- Access data and order images 24/7 through a secure web-based interface;
- Search orders by name, case number, and other criteria;
- Facilitate protective order sharing between courts;
- Automate California Restraining and Protective Order System (CARPOS—formerly “DVROS”) submission through CLETS;
- Integrate with court Case Management Systems utilizing a standard data exchange in order to provide access to judges on the bench and law enforcement officers in the field;
- Provide shared access to law enforcement agencies.
- A JCC IT Developed Automated Data Exchange web service DSP917 that allows California Court CMS systems to send RPO data and forms to CCPOR.

Orders that will be captured in the registry include:

- Civil Harassment Restraining Orders
- Domestic Violence Restraining Orders
- Emergency Protective Orders
- Out-of-State Domestic Violence Restraining Orders
- Criminal Protective Orders
- Elder Abuse Restraining Orders
- Juvenile Restraining Orders
- School Violence Prevention Orders
- Workplace Violence Orders

Use of Enterprise Technology

CCPOR leverages the technology infrastructure at the California Courts Technology Center (CCTC). Design, development, and deployment of CCPOR to the courts was accelerated by reusing key technologies in use at CCTC, including the Integrated Services Backbone (ISB), and the CCTC connection to CLETS. Taking advantage of these tools and systems reduces costs, improves service delivery and provides better management and administration of the system.

Development & Deployment Timeline

September 2008–June 2010: Design and development of initial system.

April–December 2010: On-board 19 counties: Amador, Calaveras, El Dorado, Fresno, Humboldt, Inyo, Kern, Kings, Lake, Marin, Placer, Plumas, Riverside, San Benito, Santa Clara, Santa Cruz, Tulare, Tuolumne, and Ventura.

April–June 2011: On-board Butte County.

April 2011–Current: Tribal Court Access - Hoopa Valley, Northern California Intertribal Court System (serving the following tribes: Cahto Tribe of the Lafayette Rancheria, Coyote Valley Band of Pomo Indians, Hopland Band of Pomo Indians and Manchester Point arena Band of Pomo Indians) Shingle Springs Rancheria, Quechan , Washoe, Yurok, and Smith River Rancheria Tribal Courts.

September 2012–June 2013: On Board 12 new counties: Merced, Lassen, Tehama, Mendocino, Glenn, Sutter, Solano, San Joaquin, San Luis Obispo, Imperial, Yuba, and Del Norte.

June 2012–May 2014: FACCTS integration: Development, testing and implementation of electronic signed order from FACCTs system to CCPOR via an automated data exchange (DSP917). Other courts and CMS vendors may elect to integrate to CCPOR using this data exchange (DSP917).

April 2014–December 2014; With CA DOJ Grant funding: On Board a minimum of 8 new counties, San Francisco, Napa, Madera, Nevada, Sierra, Trinity, Shasta, and Modoc Superior Courts and their Justice Partners.

January 2015–June 2015; With CA DOJ Grant funding: On Board 3 new counties, Monterey, Sonoma, and Mariposa Superior Courts and their Justice Partners.

December 2015–January 7 2016; Implemented new Gun Violence Protective Order forms and associated logic.

January 2016–October 15, 2016; CCPOR Hardware refresh and software stack upgrade.

February 2017-October 2017; With VOCA grant funding; On Board 4 new counties, Mono, Alpine, Colusa, and Yolo Superior Courts and their Justice Partners.

July 2017-June 2018; On board Orange County Superior Court and the Justice Partners using CCPOR program savings from the previous fiscal year.

January 2017-Current: Kern existing CCPOR Court - Tyler CMS integration: Integration testing and implementation of electronic signed order from Kern Superior Court - Tyler CMS system to CCPOR via an automated data exchange (DSP917).

Project Awards

Winner - 2011 Best of California Award
Best Application Serving an Agency's Business Needs
Center for Digital Government

Winner - 2011 National Digital Government Achievement Award Government-to-government Category
Center for Digital Government

Finalist - 2011 Recognition Awards for Outstanding Achievement in the Field of Information Technology in State Government
Data Information and Knowledge Management
National Association of State Chief Information Officers

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Additional resources:

Guidelines and Recommended Practices for Improving the Administration of Justice in Domestic Violence Cases: Final Report of the Domestic Violence Practice and Procedure Task Force,
www.courts.ca.gov/xbcr/cc/dvpp_rec_guidelines.pdf