

# Tribal Victim Services and Assistance

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## What Will Be Learned?

- Providing effective victim services in Indian Country,
- The history of BIA Victim Services,
- How and when BIA Victim Services responds to victims of crime,
- Gaps in Services,
- Values, traditions of tribes,
- Jurisdiction

# Bureau of Indian Affairs, Office of Justice Services Victim Assistance Program

- In 2008, the BIA/OJS further promoting its mission “to protect life,” developed a victim centered approach in responding to crimes on Indian lands.
- The BIA, Victim Assistance Program (VAP) was created to fill a gap in service and ensure crime victims in Indian Country receive access to services when a crime occurs.
- Federal law enforcement agencies response to the needs of victims were evaluated for priority and placement of Victim Specialists (VS) and once locations were identified, VS were hired to work alongside BIA law enforcement, providing a first response to victims of crime.

# Bureau of Indian Affairs, Office of Justice Services

## Victim Assistance Program

- The VS were strategically placed utilizing:
  1. BIA Jurisdiction
  2. Coordination with HPPG sites,
  3. Based on critical need (i.e., local victim service response or community resources are not available or limited)
- VAP national staffing:
  - Associate Director, BIA Office of Justice Services, Washington, DC
  - National Coordinator, Washington, DC
  - SAC/ASAC, BIA District IV Office of Justice Services, Albuquerque, NM
  - 4 Supervisory Program Specialists
  - 10 Victim Specialists located in 5 BIA Districts across 7 states.

# When does BIA VS respond?

- If it is within the jurisdiction of BIA, BIA law enforcement will respond and notify BIA Victim Services.
- Victim Specialist is notified the victim requests victim services.
- FBI also investigates crimes – if a crime against a child has occurred (child sexual abuse) FBI may be the lead agent in the case. If FBI is lead, their FBI Victim Specialist may be working closely to assist with victim services.

# Who is a Victim, Eligible for Services?

- A Victim is a “person, that has suffered direct physical, emotional or financial harm as a result of a commission of a crime.
  - Defined by the commission of a crime – applies even before charges are filed
  - Service continues until criminal process has ended or when the case has been dismissed federally.
  - If federal charges are dismissed the Tribe has the authority to tribally charge the suspect in Tribal Court.
  - Local response can assist the victims as well as BIA VS

# Types of Federal Crimes

- Sexual Assault
- Domestic Violence
- Child Physical Abuse/neglect
- Elderly Abuse
- Drug Endangered Children
- Any other crime involving victims investigated by BIA Law Enforcement or in conjunction with other law enforcement agencies including FBI, and/or Tribal Law Enforcement.

# Local Response

- If a local response is available, VS will work closely with providers
- There are limitations to what local service providers receive from law enforcement
- Benefit to local response is that victims are provided with immediate assistance
- BIA VS will coordinate with local response based on victims requests
  - Transportation to Federal hearings
  - Order of Protection
  - Case Updates



# **Best practices for providing effective services in Indian Country**

# Types of Services

- On-scene
- Assessing and triaging victim needs;
- Referring victims for assistance with counseling, employment, housing, medical, legal services, and immigration;
- Accompany Special Agents to interviews to provide support to victims;
- Coordinate forensic interviews and sexual assault exams;
- Serve as a liaison between the victim and BIA law enforcement throughout the course of the investigation;
- Coordinate efforts and work with United States Attorney's Office Victim Witness Coordinators, child/adult protective services, FBI Victim Specialists, and local victim service providers.

# Gaps in Services

- High rate of staff turn over,
- Funding runs out so the program is no longer there,
  - Tribes often lack the infrastructure to write, maintain, and expand current funding for programs and services.
- Unless the tribe has other economic enterprises, funding to support tribal development, enhancements or expansion of current progress is dependent on federal funding,
- Lack of local services, often victims travel over an hour one-way,

# Gaps in Services

- Programs and services developed by local nonprofits may not fully understand why or how to develop culturally sensitive programs,
- Shelters are away from the tribe,
  - Due to shelter rules some victims can not take their child/ren if over a certain age and if a male,
  - Shelter staff is not culturally sensitive.
- Victims may recant.

# Gaps in Services

- Victims are not always notified about tribal court hearings or notified that the suspect has been released from tribal custody.
- Family/cultural relations become a factor,
  - Family meetings,
  - Position of suspect within the community.
- Fear of retaliation,
- Lack of local services, often victims travel over an hour one-way,

# Gaps in Services

- Victims are not always notified about tribal court hearings or informed regarding whether or not the suspect is released from tribal custody,
- Victims safety at all times,
  - Court room
  - Transportation
  - Law enforcement interviews
  - Medical appointments
- Victims are not always notified about federal case declinations.

# Best Practice

- Remember you only get one chance to connect with the victim,
- Take the time to meet the victim and his/her identified support team,
- Remind the victim it is not their fault, as there is a lot of guilt and shame that is experienced,
- Keep the victim informed,

# Best Practice

- Include the victim if a plea agreement is being considered, (tribal, state and federal),
- Keep the language simple, if a victim does not understand often they won't ask for further explanation from the Prosecutor,
- See the person as an individual not a “John” or “Jane” Doe, and;
- Listen to the person.



# Values/Traditions of Tribes

- 567 Federally recognized tribes in the United States,
- Sovereign nations
  - Own tribal government,
  - Tribal laws,
  - Customs, language and traditions,

# Values/Traditions of Tribes

- Community cultural practices vary and determine what is/is not acceptable,
- Despite modern social “ills”, the value of children and elders continues to be important,
- Tribes see the youth as hope for the future.

# Working with Tribal Communities

- Victim Specialists work hand-in-hand with the criminal justice response team once it has been determined that a crime has been committed.
- Be flexible when working in tribal communities and incorporate local customs and traditions into the service response.
- Commitment to Tribal Sovereignty from BIA in developing a culturally competent response that meets the needs of each tribal community.



# Video BIA Victim Services



# Questions

# Contacts

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