

Nature of the Problem of Domestic Violence in Tribal Communities in California Transcript

Thank you all for joining us today and welcome to today's webinar Nature of the Problem of Domestic Violence in Tribal Communities in California. This webinar is presented by Bonnie Clairmont, Victim Advocacy Specialist at the Tribal Law and Policy Institute and I will turn it over to Bonnie to get us started.

Hello everyone and thank you so much for joining us in today's webinar. As Abby said I am the Victim Advocacy Specialist here at the Institute. I'm based out of Saint Paul, Minnesota and opened an office here about 17 years ago. Prior to coming to the Institute I served as an advocate for, probably about 25 years or so. I'm a citizen of the Ho-Chunk Nation, my tribe is located in Wisconsin and I live here and based here in Saint Paul, Minnesota.

I want to provide a little bit of an overview of today's presentation. I think if we look at any one of these crimes we could spend a whole webinar, of course, on any one but I was asked to sort of touch on each of these different crime areas; the domestic violence, sexual assault, stalking, and sex trafficking as it occurs in Indian Country. Also to look at how these crimes may intersect, and the impact of these crimes, and the needs of victims of these crimes. Also look at how we can work more collaboratively across jurisdictional boundaries and then also some of the challenges of prosecuting these crimes.

I always like to start on a positive note and I really believe based on our stories, what our elders have taught us, what our elders have told us, that the problem of domestic violence, sexual assault, stalking, sex trafficking wasn't always a problem as it is today. In fact really it didn't exist and I base this on some of these points that I have here but also just a lot more in terms of the history as it's been told, because a lot of our history is oral. We had strong traditional customs values where women were viewed as sacred and as life givers, we bring forth life for our future generations for our nations. Because of that women were protected versus being abused or violated, they were protected physically, emotionally, and so forth. Our tribal nations had a system in place to address any acts of violence as it occurred, and violence against women and children were considered really egregious crimes because again because women were sacred children were considered sacred because they're the future of our nations and had to be protected so it was really believed that the stronger the women, the stronger the children, the stronger the nations, today and in the future. Such acts were addressed swiftly and appropriately. We had our own traditional forms of consequences that were imposed and some of them were were pretty harsh because of the egregiousness of the crime. There were no words for rape in tribal languages and I've kind of through the years, as I've traveled across Indian Country, have asked tribes, do you have a word for rape in your language and the answer is, by and large, no. And if they do have it's not really a word, it's sort of a sentence describing the act of rape. There's my conclusion - that if we didn't have a word for it, it didn't exist. Children were seen as a gift from the creator, mother-child bond was very sacred and protected and I say this because today as we see there's, and I'll talk about that later, but under reporting happens because a lot of victims of violence are women. A lot of the women that are abused are victims of crime, don't want to report because they fear their children will be taken. There's history of that, where our children are removed from us, are taken from us. Also the violence, as it occurred in Tribal Nations, was addressed collectively and oftentimes today we call that a coordinated

community response or a multi-disciplinary team, that kind of a response it really happened in our Tribal Nations so it's not a new thing. When I talk to tribes about responses, I talk about coming together collectively to address those crimes and that way there's less likely a chance of gaps in the system. I'll be talking more about that as well in this webinar.

Again, like I said we could spend a whole webinar on just talking about domestic violence. A good place to start is just asking the question, what is it and of course you all have your state laws/state codes right so again, it's defined there as well as tribes have their laws and they have their definitions which often mimic state/federal laws. As we've done a lot of work with tribes who are developing their DV codes, we really encourage that they incorporate their own traditional language in their codes and I've seen that happen and it's pretty amazing to see tribes use their own languages within their codes. But advocates, I think, we have our own definition and like I said I worked for many years as an advocate and it really helps to have one that people really can understand, because oftentimes victims will come to us when they've been raped or when they've been victimized by one of these crimes and say something happened to me last night and I'm not sure if it is sexual assault, if it is domestic violence, and so they're looking for, probably a legal definition, but they're also looking to have what happened to them validated because they have a certain reaction to what happened to them. They're not feeling well, they're feeling bad about the situation. The advocates working definition is domestic violence occurs when an abusive partner, and it could be in any gender, uses a repetitive pattern, so there's some things that have led up to this ultimate violation, this abuse that happened, to cause the victim to reach out and and ask. It's not just a one-time thing out of the blue and then this this person, the victim, is disclosing. There's generally a pattern or a history of the abusive behavior to maintain power over another person and control their actions. We'll talk more about how power and control is the primary motive but this is a definition that we've used in in lots of tribal communities and this one came from the Strong Hearted Native Women's Coalition, which is a coalition based in California.

Also with sexual assault and stalking again, it's important to review of your old state definitions but also tribal definitions to really refer back those working in the community to what's written in their own laws, if it is, if they have. And up until a few years ago, some of the laws in tribal codes were a little outdated so tribes have been working really hard in updating their laws. And so, the sexual assault refers to sexual contact or behavior that occurs without explicit consent of the victim. Consent is always such a huge factor, if the victim doesn't say anything is it still consent? We say that all the time, the key word is explicit. The consent has to be explicit and these are some of the the different forms of sexual assault that fit under the definition. Stalking is a course of conduct directed at a specific person that would cause a reasonable person to feel fear. And we'll see stalking often in cases of domestic violence. Once the victim reports, that's when things become really a lot more volatile for a victim because this person, the batterer, is losing control. And remember when I said, the primary motive being for power and control. If the victim escapes, if the victim leaves, the victim reports, it increases the the chances of it becoming more volatile. Oftentimes, what will end up happening then is the the batterer will stalk the victim at their place of employment, which will cause problems for the victim because an employer probably doesn't want to have that kind of trouble in the workplace and may pose some consequences for the victim because of what the batterer is doing and ultimately, the victim could lose his or her job

over it. Again, there may be issues there related to legal issues or whether or not she's going to be able to get her unemployment, for example. No single legal definition exists, stalking varies widely in statute definition and also in tribal codes. In the scope of it and the crime classification and associated penalties.

What is sex trafficking, again state definitions and more and more tribes are developing sex trafficking codes, which I think is awesome and because they're seeing more cases of it. Whether it's anecdotally or actually reported cases. We always tell, as I travel across Indian Country, I really encourage people to assume that it's happening because more than likely it is. And if proactively, if you put some responses in place and community awareness, you'll start to see more victims being able to reach out for some help. Advocates working definition, sex trafficking is the sexual exploitation of another person for personal and/or commercial gain, often referred to as modern day slavery. We put it in that context because it really is, it's about ownership. Someone owning a person and controlling their every move; who they talk to, how much money they have to make, and not even being in control of the money that they bring to the trafficker. This crime usually includes the trafficker exercising power and control, we see it again as the motive, over the victim. Victims may not be free to come and go as they choose and we have to see one of these; force, fraud, or coercion if the victim is older than 18 or older. But under the age of 18, there's no need to prove force, fraud, or coercion.

I wanted to say also, backing up, when we look at the crime of sex trafficking. Yes, sexual assault can happen within the crime of sex trafficking, because if we look at the definition of consent; if someone is unable to consent because there is force, fraud, or coercion, or if the trafficker is drugging the victim, if the victim is being drugged, they're not going to be able to consent. There are circumstances like that, but people assume that this person is engaged in prostitution that's consensual, but there is also those factors of the force, fraud, and coercion and also because of that power and control. And also because they may not be able to, either because a physical condition or because they're being forced, so I wanted to say that. There's an intersection there and we really encourage when these cases are being investigated, the possibility of other crimes happening along with the crime that was originally reported or that people are suspecting happened. Like if there's a sexual assault that's been reported there's a chance there's other crimes that may have occurred as well to not exclude the possibility. We want to look at how serious is the problem of sex trafficking in California. For example, because California is one of the largest sites of human trafficking in the United States and this data came from 2018. 1,656 cases of human trafficking were reported in California, of those cases 1,226 were sex trafficking cases. California is the highest and also there are a lot of tribal communities in California and there's also a lot of transiency, a lot of native people moving in and out of their communities to urban areas also. It's difficult to say the actual data that's happening as far as the number of native people being trafficked. It's just it's not reliable at this point and there's more task forces that are springing up around the country, we just started one here in Minnesota, a native task force on trafficking that started a couple of years ago, it was. What we have to go on is more anecdotal evidence and if you look or if you talk to people in tribal communities ask them. It depends on who you talk to. If you talk to advocates, they're going to say, yes definitely we are working with x number of reported cases or cases that have been disclosed to us but if you talk to someone else like law enforcement, they're going to say well we only seen maybe one or two last year. It really depends on who you talk to but if you talk to advocates

they're going to say yes the numbers are increasing all the time. I saw a figure recently, the National Congress of American Indians said that they estimated 40% of women who are victims of sex trafficking identify as American Indian/Alaska Native, so 40% is pretty high when we look at the population overall.

I also want to say about sex trafficking is the people out there that are doing a lot of research on Murdered Missing Indigenous Women are looking at the correlation between the MMIW, a problem that that has existed since time immemorial and also the correlation between that and sex trafficking. That our people are missing; we call each other relatives because in a traditional context we're all related, even related to the animals and the wildlife out there because we're interdependent upon each other so I encourage people to refer to one another as relatives. When our relatives go missing there's a really strong possibility that they're being trafficked and then ultimately they could end up being murdered. There is that strong correlation so it's good to know that where research is being done on MMIW, they look at how does trafficking fit with that and there's some work like that currently being done in Northern California.

Sex trafficking risk factors, according to the U.S. Department of Justice, many have pointed to the over representation of Native women in prostitution and the risk factors for trafficking that Native women and youth face; including prior sexual victimization, poverty, homelessness as key indicators that the problem is significant. A lot of our Indian people, there's a high rate of sexual assault in our communities and it's part of our history of historic trauma, where our children were taken and removed from homes and placed in government boarding schools and where we believe that cycle of violence, of sexual violence, started. And along with the victimization that's impacting victims today, they also have the historic trauma, the intergenerational trauma that also needs to be addressed and taken into consideration, and also poverty. We still have poverty rates that are really high in tribal communities and homelessness and that exists everywhere. Particularly in a lot of the urban communities. You'll see communities of homelessness. And also I want to mention people that identify as LGBTQ also are placed in that risk category, only because they are so marginalized, so oppressed. A lot of hate crimes that also impact our relatives that identify as LGBTQ. When we look at Native youth these are all risk factors, especially for our children as well, our adolescents and our youth. They also can be homeless or couch hopping, so these are all risk factors for for Native people.

We have to ask why. We come from a culture, a history, where we have really strong cultural traditions it's like why are these happening.

I've already mentioned boarding schools, that history of boarding schools and as a whole the cultural oppression, boarding schools where our children were punished for speaking their language. They couldn't practice their own traditional ways of spirituality and also the diminishment and the status of women. A lot of our tribal nations were matrilineal, matriarchal and those changed along with the colonization. We know where our gender roles were much more equal, much more egalitarian in nature and that's changed. Also there's sort of, the shift in power has changed, where there's no longer that

equality between genders and Native women are also in a lot of ways, whether it's media or advertising, are often sexually objectified and if you objectify something it no longer becomes a human being, it becomes an object. And it's easy then to exploit, abuse, and harm an object and often I'll say that we're viewed as disposable commodities, especially when you look at sex trafficking where it's really for monetary gain and then we become a commodity that you can sell, you can buy and sell. Also, when the boarding school movement happened and it continued until just recent years, it broke down a lot of our kinship system. We have a strong kinship system where based on what clan you belong to based on your role, that determines your role in your tribe is your clan and your kinship. That was also broken down as a result of boarding schools. Also the jurisdictional problem that we have, perpetrators coming onto tribal lands where tribes lack jurisdictional authority, even in PL-280 state states, which is California, we can't hold perpetrators that come on to our tribal land accountable for the crimes they commit. It's gradually changing with federal legislation but for crimes like sexual assault we still do not have a full jurisdiction over those that commit major crimes, the non-Native that commit crimes on tribal lands like sexual assault crimes. It's also difficult because a lot of our tribes still are under-resourced. A lot of our tribes in California, for example, are located in very remote isolated areas. I remember visiting a tribe and we had to sort of drive up this little mountain and they were way up there, little small tribe and yet as small as they were they were still addressing these issues of domestic violence within their little community. They had a little tribal office that looked like a double-wide trailer and yet they were doing some really incredible work just creating that kind of awareness in their community around domestic violence. And it's difficult, especially in PL-280, I could sit and talk about the problems, the challenges of living in a PL-280 state. Minnesota is a PL-280 state, you have to rely on your local police departments, your local county sheriff's office, for example. And in a lot of locations here in Minnesota, for example, there's still that sort of small town mentality and if you aren't living within that community in town there, you're sort of this isolated community out here, a tribal reservation. It's sort of like you don't belong and you still are there at their whim, if they can help you because often these sheriff's departments, small town police department are also very under-resourced. Along with some of their own biases, they may have not had adequate training around domestic violence response and have their own judgment about why someone is being abused and especially if they're called to that location. If the tribe doesn't have their own tribal police, for example, becomes really difficult to be able to bring together those responders into a more coordinated community response, as they see this tribe not being really a part of their community, that they should be able to do for themselves. So it's difficult in those ways for people that live in the tribes that are in PL-280 states.

The data, sexual violence 56.1% of American Indian Alaska Native women have experienced sexual violence. 66.4% have experienced psychological aggression by an intimate partner. 55.5% have experienced physical violence by an intimate partner and also, when we look at stalking 24.5% of American Indian Alaska Native women have experienced stalking in their lifetime. I always say when I look at these statistics, it's like as Native women we are the most often raped, the most often battered, the most often physically assaulted, the most often stalked and when we look at all the challenges that are still there for reporting, for obtaining and receiving good victim-centered culturally appropriate services, receiving legal help, legal assistance because it's costly for a lot of Native women and like I said, we still have conditions of poverty. We have Native women, Native battered women, who lose their jobs because of the stalking like I mentioned earlier of their batter or by their batter. So when you put that all

together it creates a situation where these statistics are so high and yet the resources just don't meet the need and the demand.

The question for me begs to be asked, why do batterers batter. When we look at why are these rates so high it's like, where does this come from. It's coming from the people who are perpetrating these crimes. So even when we talk about prevention, I have as an advocate, I really have issues with the word prevention, because right away what enters a person's mind when we talk about prevention of sexual assault. Think about that for a minute, what comes to mind when we start saying we're going to do prevention work on sexual assault.

It has more to do with the onus that falls on the shoulders of victims; that if they walk in well-lit areas, if they walk with someone, if they don't drink with people they don't know, or go home with someone they don't know well that that's going to prevent sexual violence from occurring. And then we look at domestic violence, how do we prevent domestic violence and oftentimes, the responsibility gets placed on the victim's shoulders; well don't get him mad or don't provoke it or don't say something that you know that he's going to get angry about so I just have to say that. We have to ask the question, if it's because of the perpetrators perpetrating these crimes then how do we hold them accountable, how do we create that offender accountability.

I want to talk briefly about this Power and Control Wheel, and you probably have seen this, this was created out of Duluth, Minnesota and it's called the Duluth Model and it's been around for forever, since probably the 80's. And I also want to say, before I go on too much further, if you have any questions/comments, I just want to remind you, put them in the in your chat chat box there and at the end I'll be able to respond to some questions. The power and control wheel, as you see in the center, it says power and control, and that's the primary motive. That's the hub of this wheel, that's at the center. Also, I want to say that these crimes for me, I always call them externally imposed because oftentimes you'll have batterers who'll say; she's crazy, she's out of her mind, she doesn't know what she's talking about, she's making it all up, it's all in her mind, she's mentally ill, she's on this drug, she's not that drunk, no she just she's making all that up. And then when someone is being told over and over; you're no good, you're not a good mother, you're not a good partner, you're not good sexually, you're not a good friend, you can't keep the house clean, you can't make the kids behave, you're this, you're that, you're too fat, you're too skinny, you're too this. After a while that really can impact a woman's mental cognitive ability; her thinking her decision making even, where that person starts to feel like they are crazy, that they have some mental illness. Then oftentimes they'll get referred to therapy or counseling or even a woman who's been raped they'll refer someone like that off to behavioral health within an Indian Health Service clinic for example. When I say the problem is much more externally imposed, there's a culture of violence out there, I always call it a rape culture. When we talk about sexual assault, that it's permission giving based on what we see in the media, what we see in advertising. And our children at really young ages pick up those cues, those messages that it's really okay to make fun of girls, for boys to make fun of girls, for example. So for me I call it, those are all externally imposed reasons why these kinds of crimes happen, it starts from there. So it's important we look at response to victims,

that we're not putting a label of mental illness on the needs of victims, the impact of victims because we have to take into account the tactics that batterers use, so the spokes of this wheel indicate those tactics. The emotional abuse, putting her down, making her feel bad, calling her names, making her think she's crazy, playing mind games, humiliating her, making her feel guilty. For example, if someone is cheating if a batterer is cheating, that batterer may not come back from work, may make excuses and if the battered woman asks well where have you been he'll say there you go again creating these things in your head, I've been working and I pay for all this that you enjoy every day and you're accusing me, that kind of thing that gaslighting, she starts to think she's crazy and is sort of conjuring these things up. Using isolation, batterers will keep the victim from having contact with her relatives, her friends, where she can get support, where she can be empowered. Anytime a victim is empowered it really then makes it more difficult for that batterer to control the victim because she's starting to see that this isn't right; other people are saying you deserve better, that shouldn't be happening to you, that you don't deserve that so he uses isolation as a way then to be able to exert that power and control. And we'll see the same exact things as I'm talking about here in situations of trafficking, a trafficker will use these same tactics. Again that intersectionality is really important to look at. Limiting her outside involvement, even in terms of seeking medical attention for victims of sex trafficking, the trafficker will keep the victim from even seeking medical attention for an STI maybe that she's contracted. If the trafficker does allow the victim to see a doctor or seek medical attention, the trafficker will go with and monitor the victim. So oftentimes we say be aware of other people that the victim is with, that person may be there only to monitor what she says, how much information she divulges, and even to the extent that a trafficker will have a script; he'll say if you're ever questioned, if anyone ever asks you, this is what you say and he'll have the victim even tell him what she's going to say and practice that over and over. Using jealousy to justify actions, I just don't want you looking at anyone else because you're all mine and that makes me upset when you look at anyone else. Minimizing, denying and blaming, like I said, making her feel like she's at fault, that anything that's going wrong is really her fault or really negating what she says, it hurt me when you said that and well that's all in your head, you're you're confusing things. Using children is a huge one for batterers, using children making her feel guilty saying, well you smoked that pot too so if you call the police I'm going to tell them you're here smoking weed, you're using drugs so she begins to think that if I leave him I'll lose the children because he's threatened that. Using male privilege. I also want to say that in tribal communities there's a lot of politics at play, where a batterer can have relatives who are in tribal leadership positions or a batterer may have a relative who works for the police department and it becomes difficult because just like in rural communities the communities are fairly small, even if the tribe is large, communities are fairly small where everyone knows everyone. Everyone is related to everyone, so makes it even more challenging for victims to disclose and report, reach out for help. Use male privilege, really believes I get to do this because I can, that being that master of the castle, being the one to define men's and women's roles. That I'm here to do this, I bring in the money, it's your role to keep the house and make the children behave. Using economic abuse, batterers control the finances. Again, another way to exert that power and control, maybe only give her 20 bucks 50 bucks a week and keeps the rest because if she has financial resources she may have enough resources to leave him so he controls all of that. Using coercion and threats, carrying out those threats. For example, if he has weapons even she knows he has a weapon and he'll use that as needed or he may threaten to, if she threatens to leave; that he's going to kill her, kill himself, kill the children. And we've heard those kind of incidents in the news. So these are all the tactics that are used and again, like I said, there's a lot of crossover when we look at trafficking as it happens.

I also want to say that batterers batter, they make a choice just like rapists rape because they make a choice. There's only very few cases right where it's happening because there's a mental reason that this perpetration is happening. Batterers batter, they choose to be violent, they choose to batter. It's a choice that they're making, a conscious choice.

There's still a lot of myths out there, it's just so important that we realize fully that batterer's abuse is intentional, it's well orchestrated. Often we'll hear, well he's just inherited his dad's temper, you just got to be careful or that old saying "boys will be boys". It's not the result of uncontrollable rage or impulse, batterers choose the violence and it doesn't come out of a disagreement; oh there they go, they're just squabbling, they go through that from time to time they'll be all right. But yet the perpetrator carefully orchestrates which behaviors are acceptable, which behaviors are unacceptable, which behaviors outside of the scope of what the perp deems acceptable, the perp may use one or more of the tactics in the DV wheel, so it's a combination of things given the circumstance at the time. Again, it's very well orchestrated. I really want to encourage when you look at these cases to really look at the role that advocates play in these situations, that advocates are really helpful not only to the victim but those who are working on these cases because they have a good sense of what's going on in the community, where the victim's support system is, even the tribal politics out there. It's really important to work with advocates and they also are very good at identifying where there is domestic violence. They're good at screening without creating that discomfort with a victim, they're good at being able to sit down and develop that trusting relationship with that victim and as you work any of these cases, that's where we need victims. Oftentimes, if a victim says I don't want to pursue this I want to back out, those that we're working with, investigators prosecutors get really upset with us as advocates because they'll say well convince her to stay in there, we've done a lot of work on this case but yet as advocates we really support the decisions that victims make, but if that victim gets a good response at first disclosure and has an advocate working with them, the chances of them moving forward through this case to the end is better/is greater. The chances are greater so it's really important to involve advocates when you can. But it's really important as you educate others, as education is done, to look at these myths and how they're perpetrated. I've had perps in the courtroom who even send me a glare because they know I'm the advocate, it's kind of like "I'll get you", I recognize that. Even that for me is like power and control because I'm there for the victim and it's like how dare you. It's at play all the time and all the more reason to keep those places safe for victims and be aware of that, the nuances of how batterers do that. They're really good at it. I'm not going to go into detail but these are some and I really encourage the use of educating about myths that still are used, are out there.

Impact, I have to say it's going to vary based on how long the abuse occurred, how long it's been going on. I worked with a woman here as an advocate, the abuse started when her kids, when her first one was born, she had three daughters. When the youngest one turned 18, she left the abuse and that happened throughout the whole marriage. A very affluent family from one of the suburbs here in Saint Paul, Minnesota. He was, I believe, a doctor or something I can't remember, very affluent family and that went on for years probably a good...I would say maybe 30, close to 30 years the abuse went on and the trauma that that took on her, it ultimately took her life. I say it's a whole person impact, it's not just

a physical and yet when victims disclose; if they're communicating with us pretty clearly, they seem pretty coherent, you don't see any bruises on them. Especially for a victim of sexual assault, for example, you don't see her bruised up injured there's some assumptions, well she seemed fine, I saw her in the emergency room and didn't see any injuries. It's really important for us to think about it as a whole person impact that it may be impacting other parts of her life and and her person. Physical injuries, like I said with sex trafficking, some may go untreated. The same with battered women, they may have broken bones that never were treated. Difficulty concentrating, oftentimes we'll hear victims say I feel crazy. It is crazy making, when someone who on one hand says I love you I care for you I can't live without you, at the same time they're saying that then the next moment they may be battering you or harming you, that can make someone feel really crazy. Sleep deprived for a lot of victims, if they've been assaulted while their asleep or woken up and beaten sleep is going to be very difficult for them. Partial amnesia, our minds have a way of shutting down because that helps us to deal with reality and when our minds shut down it creates some level of amnesia or forgetfulness because we want to block out some of that, those negative experiences, that trauma. Economic hurdles, I've already mentioned that, when your batterer/your trafficker controls the finances it becomes really difficult to be able to afford the things that you need, even medication. The needs that you have just for yourself and your children. If you've been fired from your job you're not going to be able to afford those things. Fears, whether it's just general fear or fear of something specific. Fear of losing your children. Loss of faith, just that sense of helplessness and hopelessness where you also see elements of depression. I often say that if someone has a history of depression and it's been controlled with medication, probably that depression is going to be exacerbated with the trauma of violence. Eating disorders; if you're told you're too fat, you're this, you're too that then it's going to affect someone's eating or just the inability to eat because what's happened to you is pretty sickening and eating becomes difficult. Depression, drug addiction can also lead to suicidal ideation. Anger, I actually think anger is kind of an okay feeling to have and I always tell victims that I work with, if you're feeling anger about what happened to you that's really an okay sign, it's what you do with the anger. I help them as an advocate to help them express their anger in a healthy way. They make frequent visits to the emergency room, there may be a history of that. And also the possibility of any sexually transmitted infections.

This is a partial list. Again it really depends on the severity of the violence, the duration, and also the person themselves and how they respond. Some of us are really good at going in automatic overdrive, even if we're hurting in any way, shape, or form. That's the same with people who've been traumatized, they can still continue on and it amazes me, if you're working with someone who's a victim of any of these crimes how they are still able to parent, how they're able to still keep a job, still go to school. I always have to tell them, you're amazing. It's really okay to do that if you're working with a victim of any of these crimes, to really remind them that they're doing a good job.

I use this, I call it whole person impact. The line is the violation that happens, whether it's sexual, physical, emotional violation. I drew this one through the emotions part and it can impact all parts of the body. Once it's impacted one part, it can impact the other parts of a person. It's important to keep this in mind, I always say that the physical for battered women, the physical can heal up if it's a broken bone you can have it set, your physical injuries can heal up. It's so much more challenging to heal the emotional wounds because they go so deep and they impact the other parts of that person who may have experienced prior victimization because for a lot of us, we talk about that historic trauma. We carry

that trauma that our ancestors carried in our bones is what I always say, and because of that there's layers of that trauma that's happened that can also get triggered with the trauma that happens today. It's important to look at that in terms of how healing needs to happen then, whether it's through western healing methods or whether it's a Native person's own traditional healing, because there are people who are really good at that and I really recommend if a Native woman, for example, wants to do some healing work to work with another Native woman because it is, for me, a lot safer environment for women to work with women but it's easy for us to sort of minimize the trauma if we don't see the physical bruises.

I want to say one more thing about this, this is called a medicine wheel what I just showed you, the four colors. The number four is a really sacred number for us and also the colors within this wheel all represent different things in our culture. It represents the four directions, it represents four seasons, there's a lot of different representations along with using the medicine wheel. When we look at healing; when I talk with, when I do training with advocates, I always say look at not just physical but also what kind of resources does a victim of trauma; whether it's sexual assault, stalking, domestic violence, sex trafficking. Chances are it's impacted them in all of these areas. They're going to need some resources to heal in all of these areas, so look at what are the resources within your community, outside of your community and be aware of those resources. How can you help them heal physically. They may need to see a doctor, maybe they would benefit from seeing someone who does acupuncture, a chiropractor, or whatever it might be to help this person heal or maybe see someone who does more things on aromatherapy or using herbs and and medicines like that. Also emotionally, how can they heal emotionally. They may want to see a therapist, sure but also there's ways of healing by seeing traditional healers as well as the spiritual part. When we look at mental, what does that mean. I talk about things like if you have it in your mind because you've heard this over and over that why domestic violence happens, get some education about it, talk to other people who've experienced domestic violence, attend a support group. Well you'll hear really why domestic violence happens. It happens because of that externally imposed problem, the societal messages. It happens because someone chose to be violent not because there's something you did. That's going to start to heal that person in their mental thinking about what happened to them, so I always encourage people to look at all the resources that you have access to. What doesn't exist in your community, where you have to rely on those services outside of your community.

We also have to believe that, given that domestic violence is such a huge problem, we can also assume that for a battered woman that has children it's going to impact them as well and this just speaks to how they can be impacted by witnessing that violence. It can impact them academically. If they go to bed, they hear their father abusing their mother, they hear those sounds. It may impact their sleep patterns, their ability to get a good night's sleep which may affect them the next day in school. It may affect them physically, where they may not want to eat or they may overeat. All of these different ways that it can impact children who witness the violence. It can have that kind of short-term impact but it also can have long-term impact on children. Again, it's really important to look at protecting children; create some protocols as far as what do children need. Oftentimes what ends up happening is children will be removed from the mom, the non-offending parent, for what they call unable to protect. It's kind of like,

then the mother and the children both get punished for something that they've not chosen to do, it's the batterer who has chosen to abuse the mother in that situation and the children have been impacted and yet because oftentimes battered women will return to their abusive situations; because of economic reasons, because she still loves him, because she feels like she could make a difference. She's punished for that and also the children by removing the children and placing them in foster homes and so forth.

These are just a few effects that domestic violence may have on children. I've already mentioned some, the academic impact.

I'm not going to read these to you, just provide them for you

We had a project, it was called the Attorney General's Advisory Committee on American Indian Alaska Native Children Exposed to Violence and I encourage you to take a look at that, if you haven't already. Ending violence so Children can Thrive, it was an amazing couple years spent on developing that study. It had a lot of excellent testimony from people who witnessed violence as children, who were exposed and victimized by violence as children.

Often we hear, if she doesn't like it then why didn't she just leave. Lots of reasons why women stay but I think the greater question is why do batterers batter?

I've already mentioned that why victims may return to the perpetrator or refused to leave the relationship; to hold a family together, to believe that children should have a father and a mother or both parents, she still loves him, the victim still loves the batterer, feels ashamed, feels to blame because that's what the perpetrator said, especially for sex trafficking victims. I should have known better, I thought I could get out of this after one time and here I am, I can't I'm scared to leave, I don't want to go home because I will be ostracized, I'll be looked on as a prostitute. There also may be that low self-esteem, believing that I don't deserve better, he's told me that no one else is going to want me after this. Feel that the victim is the only one that can save the perpetrator; if I just love him enough, if I just do enough for him, have his children he'll change. Also the financial aspect, not being able to afford developing another household for herself and her children, fear of losing the children, I've said that numerous times. May have cultural values that discourage disclosure of domestic violence and also sexual abuse. It's still difficult, I think, for a lot of Native people/Native women to talk about sexual abuse, especially to people in cross-gender situations.

Lots of reasons, we could fill up several pages of why victims return to the perpetrator. The perpetrator saying I'll never do that again, I'm sorry and yet as we see that there's a high incidence of repeated abuse.

What I want to take you through is a little journey through the the lives of battered women, in particular. I keep referring to victims as women, as you probably have heard, it's not to say that men aren't victims of domestic violence, they can be and they are. The statistics say it's much more likely that it'll be a woman, so just out of convenience I use the the female gender. I want to take you through these slides pretty quickly. We could do an entire training on one slide and what the protocols consist of within each of these options that are provided. As advocates we provide options for victims that we work with, we don't say this is what you have to do. This is an option you have available to you, at any point you can choose to say no; I don't want that option, I don't want to do that, I don't want to pursue that. There's also that possibility that that option/that resource doesn't exist in a tribal community in California, for example. I want to take you quickly through these slides, I'm not going to spend a whole lot of time because it would just take too long but I do it really mainly for visual purposes and to put a picture together for you. The other thing I also encourage advocates to do, the work of advocates it goes beyond hand-holding. We're there to support them absolutely, we want to be their main support, we're in their corner, we believe them, we provide the validation but the one thing I always tell advocates is know your resources, know them well, know the people who work in those in those programs/those agencies/those departments, know them on a first name basis, get to know them, have coffee with them, know their protocol, know their policies. That way you're going to be able to inform that victim of who they're going to be coming in contact with. I encourage advocates to really do their homework when they're going to be working with victims directly and providing advocacy.

This is when a 9-1-1 call is made by a victim to report domestic violence, then the law enforcement/the appropriate law enforcement will respond. This is challenging for a lot of Native victims of domestic violence in tribal communities and like I said before, there's a lot of tribal communities in California that are very remote, very isolated and they have to rely on law enforcement that aren't right there within their own community. They may have to travel those little mountainous roads and that could be really challenging, the response time might be really delayed, it may be half an hour. A lot can happen in a half an hour, more violence can happen. Keep that in mind as well, as far as what's challenging and it's all of these reasons why victims may not want to report, because of these situations. If I call 9-1-1, they're not going to get here right away and what can happen in the meantime, so they won't even call. They'll try to stay in the situation and make the best of it but this takes us through that process of what happens. There could be an arrest, there's an investigation, there's an arrest or no arrest.

Hopefully at the first point of contact an advocate can be called, maybe to the scene or maybe meet the victim at the hospital, however that can work. Then from there an advocate can continue to work with the victim and then it takes you through the whole arraignments where a no contact order can be made and all the pre-trial, the trial, sentencing, monitoring, and probation. Through all of this whole process victims should be kept informed of where the process is at, that doesn't always happen either. Someone drops the ball and doesn't inform the victim.

This one is the shelter, if there is a shelter in the community victims have the option to seek shelter. When that person enters the shelter there's a process that's involved. There's intake, the advocate doing the intake will inform the victim of what all is available there as far as services. There might be a child advocate there who can work with the kids, they'll help her get the kids in school. They'll help her retrieve her belongings from home. They'll find out if she wants to seek a protection order. They'll share information about house rules and policies which include her attending house meetings, signing up for house chores, curfew times, the care of her children, and so forth and all the other outside services that might be available to her. They'll inform her of those, maybe give her brochures about the outside services that are available. This all can happen if there is a shelter and if there is, chances are it's not going to be tribally based where the services are going to be culturally appropriate for that victim. That's the ideal situation and there are not many across the country, as far as Native tribally based shelters, but if the victim is fortunate enough to have one then that's that's great.

The next is child protection. If she has a case it may be reopened, or maybe she is already involved in a child protection case, maybe her kids are in placement so this is a whole 'nother system that this victim has to be working with in order to not lose her children or in order to get her children back from child protection. The term that I was looking for was failure to protect, where battered women's children are taken because she returns to the batterer and again, they witness that violence and they take the children because the woman returned. That's something that really should not happen, rather the victim of the domestic violence should be empowered, should be protected along with her children, rather than taking the children.

There's other nuances, of course, that happens where maybe that removal is warranted. If there's drug use, drug trafficking, if there's other things abused by the mother to the children absolutely you know that there's some situations but in a broader picture, some of those things weren't in place when women have lost their children. Once they lose their children, it's so difficult to get them back. Especially if the batterer controls the finances, if they have connections with tribal leadership, with people who work in child protection/child protective services where the woman, the battered woman doesn't have legal representation. It makes it really challenging for her to get her children back out of that system, so again often Native battered women are so in need of civil representation/civil attorneys. If you know of any good help out there, definitely that's in need.

This is housing. When law enforcement is called repeatedly to a certain location, after awhile especially if the house is in her name she may lose it, she may get evicted from her house. If the batterer has a close relative who works in tribal housing, she may lose her house so there's all these different circumstances and she may be having to deal again with that civil process of eviction and also be in need of/looking for alternative housing and heaven forbid, that she would have to go to a homeless shelter because they're just not amenable to helping victims of domestic violence or sexual assault or trafficking because there's a lot of perpetrators that also are sheltered in homeless shelters so again this is a whole other system that she has to that she has to work with.

Protection orders, you all are probably familiar with protection orders, and they're a way for this person to obtain some additional protection, although we still hear a lot of battered women saying it's just a piece of paper, it's not going to stop him. Also the challenge of getting protection orders enforced, when she's in a tribal community travels to a non-tribal community outside and it's not enforced because it doesn't meet all the requirements and that becomes really challenging for her so that's again a whole other system that she has to work with, with the courts and the likelihood that she has to see him again and all of that.

Child custody and I already kind of went through this, she loses her children or she is involved in a legal separation or wants to get a legal separation or a divorce she may need access to a civil attorney. If he's controlled all the finances chances are she can't afford much, if any at all but she wants to obtain or retain custody of her children. Again, a whole other process that she has to contend with and deal with of seeking that legal option.

When we put this all together, all of these options she has available to her.

What's your thoughts?

I just want to get some feedback.

What's your thoughts when you see this slide, you can put your comments in chat if you would please.

give you a couple minutes running out of time

so

Also when we toss in the fact that I said earlier, leaving could be volatile for a battered woman as the batterer is losing control

There's also that threat along with having to deal with all of this, all of these options

Any comments?

Bonnie, a couple came in the question box. Overwhelming and overwhelming to an already emotionally overwhelming situation.

Exactly, so when we talk about why don't battered women leave I always encourage people to think about this slide. What we're thinking is it's just easy to leave a situation like that when no, it's not always that easy especially when we look at are all these resources readily available to a battered woman in a community in California? No, they're not always easily accessible to battered women in those little remote villages/rancherias

We say that complex service needs of battered women, number one is safety always safety. That's the first question as we have contact with battered women, are you safe? Where is your perpetrator? Start looking at what will it take to help you be safe and I say that should extend through the whole process. All of these options that we just showed you that question of are you safe here. If you're seeking a protection order you're going to the courthouse, are you safe there what's the chances that he'll show up there. If you seek medical attention, we didn't put that on the screen, that's a whole other system that a rape victim would have to deal with. Going into the emergency room, are you going to know people there, are they going to tell the perpetrator that you're there to seek medical attention. Because tribal communities are small where privacy/confidentiality challenges exist. The fear of a victim losing her children to the batterer because he might abduct the children, all of these make these service needs and challenges even more so for a lot of victims

I already said, victims often have to travel great distances from remote areas in California. Some tribes don't have well-established courts to address these crimes, like I said tribes are working diligently on improving their responses, they're pulling together multi-disciplinary teams. They're also updating and revising their tribal codes, some are just now creating domestic violence codes but there's a lot of work being done by tribes.

Additional challenges, we have a lot of Native people living in urban areas in California and also those that are pretty transient, they move in and out especially for sex trafficking victims. It's really important to be aware of that as well. Challenges having protection orders enforced, the PL-280 challenges that I've mentioned earlier, lack of formalized agreements, which also is part of being from a PL-280 state, there's not always those formal agreements between jurisdictions because we have the sovereign Tribal Nations, that's located within another sovereign and oftentimes others don't recognize that tribes are sovereign and it's important to work with tribes. I was working with a little community in Southern California, near San Diego and San Diego had a multi-disciplinary team (MDT) and they were really supposed to be doing outreach to the local tribes and they weren't, so the tribe there decided to start their own sexual assault response team (SART) and they reached out to people like the San Diego County Sheriff's and so forth and they said well we're already on an MDT, we just don't have the manpower to sit on two MDTs. Well it's like yes, but you also respond to these crimes just like border patrol, border patrol were more than happy to sit on that tribes MDT. We had to encourage them to

invite the sheriffs to their meetings that were being held in the community, the MDT in the community so they did and actually the main sheriff there came and we explained to him why it was important, because they considered a duplication of efforts to have their own SART in San Diego County, which is one of the biggest SARTs probably in the country and why they would duplicate efforts by having one of their sheriffs sit on the tribe's SART and once he came out and saw the community, what the community is doing, their needs, the needs of the victims there, he really got it. They started sending sheriffs to the SART meetings there in that community. One example of the challenges that tribes that are in PL-280 states encounter. Under resourced law enforcement departments and staff shortages. I talked about that. We have a reservation, on one end of the reservation there could be a critical car crash, for example, on the other end there could be this domestic violence incident where cops have been called numerous times and they're going to downgrade and say well but they're just squabbling again, they'll be fine we'll go report to the scene of this accident. In the meantime, this battered woman could be killed, so it really creates again those additional challenges on getting a shorter response time for domestic violence.

I already talked about the other limited access to attorneys, to advocate and represent Native victims, it's a need it's a huge need.

I've already talked about a lot of this, victim safety and services. The importance of providing front loaded assistance including; court accompaniment, crisis intervention, not every community has advocates which is another huge challenge. I can't express the importance of victims having advocates as soon as possible. Creating that coordinated community response. Efficient case processing, timely and effective management of DV caseloads by trained staff. I think it's really also very important having, even in terms of how cases get calendared, that they should be seen as being really important and being seen as a priority as far as a domestic violence docket because time is really of the essence for a lot of victims. Informed judicial decision making, creating a judiciary who are knowledgeable in the dynamics of domestic violence and have access to accurate immediate case information, where appropriate. Again, just moving things in a timely efficient manner and being handled by people who have good training. Offender accountability, holding perpetrators accountable, working closely with probation and so forth to maintain that level of accountability is really important and where everyone is informing each other, I think is also important so that there aren't those cracks in the system.

Challenge of prosecuting crimes, based on all of these factors that I've mentioned already. A lack of collaboration between jurisdictions, inter-government cooperation, lack of formalized agreements. Sharing of information databases, making sure that tribes have access to where some of these this information is stored and kept in those databases. Sometimes they don't have the ability to access them, they haven't been given the permission to access them, maybe don't have the technology to access them so again, resources are growing but they need to have access to those databases. Understanding about each other's protocols and also cultural values. Sharing information, doing cross discipline cross-jurisdictional training, I think is really important as well.

I've already talked a lot about the intersections of physical assault, sexual assault, stalking, abduction, false imprisonment. Just encourage investigators to look at all of these crimes. There's a strong possibility that these crimes all may be occurring, particularly like in sex trafficking so not to miss the opportunity to look at them and to be able to charge them accordingly because if you can't get a conviction on one, maybe we can get one on one of these other crimes. I've already talked a lot about the importance of engaging advocates early on if possible, because they really do provide a lot of support for victims. What's the benefits of all of these responders being a part of an MDT, it helps you make your job easier if you're a prosecutor to have access to an advocate, to be able to communicate with an advocate if you need additional information on making a case stronger, an advocate can help you do that, can work with the victim to say who else witnessed this crime, where can we find that person, where do they hang out at, oh yeah they hang out at so-and-so's house. Those are kind of inside information that I think can be really helpful in creating stronger cases and being able to have that advocate working with that victim. Also protecting victim information, protecting the victim's right to confidentiality and privacy and those can be challenging in small communities but advocates are there to sort of be a watchdog over that to make sure that their rights are not violated, their right to confidentiality. I think I've said all these things before already. When working with tribal representatives, so important to understand and respect tribal sovereignty. Even myself when I go into a tribal land I ask permission for certain things, I say thank you for allowing me to be here to share information with you, I'm not from here but thank you for allowing me to be here. Sharing resources, always. Tribes are always open to that, because again not all tribes have all the resources, even if they have tribal gaming and revenue from that doesn't mean they have all the resources that they need. Honest, open communication, listen and learn. Being able to ask what you don't know is really important, you'll gain the respect of tribal members by doing that. Honor their tribal history and traditions, do your own homework about a tribe that you might be working with, and their history because there's a lot of tribes that are proud that they survived a lot of the cultural oppression. Speak to tribal leaders, ask who the tribal leaders are, who should I be talking to, who should I be asking. Those are all important questions to ask and then really to not make assumptions about any one tribe. Even as small as some tribes are, they're making great gains, they're doing a lot of good work in their community with very little resources, so it's important for us not to make those assumptions.

A couple of resources, there's some good work being done by Sovereign Bodies Institute, they have a website sovereignbodies.org. Also the Strong Hearted Native Women's Coalition are doing excellent work with direct service providers, advocacy programs in California so I ask you to look them up as well, they're called StrongHeartedNativeWomen.org

These are websites that we've developed, I was personally involved in developing the TribalTrafficking.org website, has a lot of really good resources on trafficking as it's happening in tribal communities all over. This is my contact information, email is the best way. I just want to say thank you for joining us, I hope I've provided some helpful useful information for you and if you have any other questions you can certainly feel free to email me as well.

