

Native American Communities Justice Project –

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

POLICY PAPER

MAY 2010



ADMINISTRATIVE OFFICE
OF THE COURTS

CENTER FOR FAMILIES, CHILDREN
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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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Contents

Introduction	1
Public Safety Crisis in Indian Country	2
Public Law 280 and the Impact of Family Violence on Native Americans	2
Project Description	4
Structure and Goals	4
Tribal Outreach	4
Local Community Meetings.....	5
Statewide Meeting	5
Summary of Key Findings	6
Theme 1: Reporting Family Violence and Treatment of Native Americans	6
Theme 2: Services	6
Theme 3: Restraining Orders.....	7
Theme 4: State Courts.....	7
Theme 5: Tribal Courts and Police.....	8
Theme 6: Family Violence Data	8
Theme 7: Community-Level Concerns.....	9
Next Steps	9
Conclusion	13
Acknowledgements	14
Appendix A	17

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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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