

**Final Report:
Focus Group
on Public Law 280
and the Sexual Assault
of Native Women**

December 31, 2007



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FINAL REPORT:

**FOCUS GROUP ON PUBLIC LAW 280 AND THE
SEXUAL ASSAULT OF NATIVE WOMEN**

DECEMBER 31, 2007

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Maureen White Eagle

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**Focus Group on Public Law 280 and the Sexual Assault of Native Women:
Final Report**

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Attachment 1:
Further Reading on Public Law 280 and Sexual Assault

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***Focus Group on Public Law 280
And the Sexual Assault of American Indian Women***

**August 15 - 16, 2007
Oneida Nation Reservation, Green Bay, Wisconsin
AGENDA**

Tuesday, August 14, 2007

7:00 pm - 9:00 pm **Meeting Registration**

Day One, Wednesday, August 15, 2007

7:30 am - 8:30 am **Registration and Buffet Breakfast**

8:30 am – 9:30 am **Invocation, Welcome, Introductions, and
Review of the Agenda**

- Chairman Gerald Danforth, Chairman, Oneida Nation of Wisconsin
- Lorraine P. Edmo, Deputy Director for Tribal Affairs, Office on Violence Against Women (OVW), U.S. Department of Justice
- Carole Goldberg, Professor, UCLA School of Law
- Participants introduce themselves

9:30 am – 10:15 am **Presentation: *Understanding Public Law 280***

- Carole Goldberg, Professor, UCLA School of Law

10:15 am – 10:30 am **Questions and Answers: *Understanding Public Law 280***

10:30 am- 10:45 am **BREAK**

Day One, Wednesday, August 15, 2007, Continued

- 10:45 am- 11:45 am **Presentation: *Overview of Sexual Assault and American Indian Women***
- Sarah Deer, Victim Advocacy Legal Specialist, Tribal Law and Policy Institute (TLPI)
- 11:45 am - 12:00 pm **Questions and Answers: *Overview of Sexual Assault and American Indian Women***
- 12:00 pm – 1:00 pm **Lunch on your own**
- 1:00 pm – 2:00 pm **Panel Discussion: *Inter-Jurisdictional Coordination in Wisconsin***
- Gene Red Hail, STOP Coordinator, Oneida Nation
 - Oneida Nation Coordinated Community Response (CCR) Team Members
- 2:00 pm - 2:15 pm **Questions and Answers: *Inter-Jurisdictional Coordination in Wisconsin***
- 2:15 pm – 3:15 pm **Panel Discussion: *Development of Tribal Sex Offender Registries in Minnesota***
- Bill Brunelle, Director of Public Safety, Red Lake Reservation
 - Nicole Mathews, Executive Director, Minnesota Indian Women's Sexual Assault Coalition
 - Sarah Deer, Victim Advocacy Legal Specialist, TLPI
 - Lisa Brunner, Executive Director, Community Resource Alliance
- 3:15 pm -3:30 pm **Questions and Answers: *Development of Tribal Sex Offender Registries in Minnesota***
- 3:30 pm – 3:45 pm **BREAK**

Day One, Wednesday, August 15, 2007, Continued

- 3:45 pm – 4:45 pm **Panel Discussion: *Challenges to Building a Local Coordinated Response in California***
- Norma McAdams, Grants Specialist/Domestic Violence Advocate, Hoopa Valley Tribe
 - Jolanda Ingram-Marshall, Executive Director, Niwhongwh xw E:na:wh Stop the Violence Coalition, Inc.
- 4:45 pm – 5:00 pm **Questions and Answers: *Challenges to Building a Local Coordinated Response in California***
- 5:00 pm- 5:15 pm **Summary of the Day**
- Carole Goldberg, Professor, UCLA School of Law

Day Two, Thursday, August 16, 2007

7:30 am – 8:30 am **Buffet Breakfast**

8:30 am – 8:45 am **Overview of the Agenda for Day Two**

- Carole Goldberg, Professor, UCLA School of Law

8:45 am – 9:00 am **Participants transition to small group discussion rooms**

9:00 am – 10:15 am **Focus Group Session #1, Homogenous groups:**
Barriers to Cooperation

- Facilitators:
 - Maureen White Eagle, Consultant, TLPI
 - Sarah Deer, Victim Advocacy Legal Specialist, TLPI
 - Carole Goldberg, Professor, UCLA School of Law

10:15am-10:30 am **BREAK**

10:30 am – 11:45 am **Focus Group Session #2, Heterogeneous groups:**
Sexual Assault in Indian Country

- Facilitators:
 - Maureen White Eagle, Consultant, TLPI
 - Sarah Deer, Victim Advocacy Legal Specialist, TLPI
 - Carole Goldberg, Professor, UCLA School of Law

11:45am -12:00pm **Morning Recap**

- Carole Goldberg, Professor, UCLA School of Law

12:00 pm – 1:00 pm **Lunch on Your Own**

1:00pm – 3:00 pm **Focus Group Session #3, Heterogeneous groups: *Actions Steps to Address Sexual Assault in PL 280 Jurisdictions***

- Facilitators:
 - Maureen White Eagle, Consultant, TLPI
 - Sarah Deer, Victim Advocacy Legal Specialist, TLPI
 - Carole Goldberg, Professor, UCLA School of Law

Day Two, Thursday, August 16, 2007, Continued

3:00 pm – 3:30 pm **BREAK and Participants transition to plenary meeting space**

3:30 pm – 4:15 pm **Sharing of Recommendations for Future Action**

- Carole Goldberg, Professor, UCLA School of Law

4:15 pm - 4:30 pm **Discussion of Next Steps**

- Lorraine P. Edmo, Deputy Director for Tribal Affairs, Office on Violence Against Women (OVW), U.S. Department of Justice

4:30 pm **Adjourn**

**Attachment 3: Focus Group on Public Law 280 and the Sexual Assault of Native Women
August 15-16, 2007**

Attendees

Last Name	First Name	Organization/Tribe
Aycock	Steven D.	National Council of Juvenile and Family Court Judges
Barber	Roseanne	American Indians Against Abuse, Inc.
Bojorquez	Marlaine	Pauma Band of Mission Indians
Branham	Ben	Hoopa Valley Tribe
Brennan	Belinda	Oneida Domestic Abuse Program
Brunelle	William	Red Lake Tribal Police
Brunner	Lisa	Community Resource Alliance
Burris	Dean	Executive Office of United States Attorneys, U.S. DOJ
Chasson	Susan	International Association of Forensic Nurse Examiners
Cole	Camille	Klamath Tribe of Oregon
*Edmo	Lorraine	Office on Violence Against Women, U.S. DOJ
Galbraith	Christine	National Sheriff's Association
Godwin	Julie	Klamath Tribe of Oregon
Hagen	Leslie	Office of Justice Programs/SMART Office
Hostler	Monika Johnson	Resource Sharing Project
*Howkumi	Kathy	U.S. DOJ - OVW
Hurst	Linda	Reach Counseling Services (Oneida)
Ingraham- Marshall	Jolanda	Niwongwhw xw E:na:wh Stop the Violence Coalition, Inc.
Long	Jennifer	American Prosecutor's Resource Institute
Majel Dixon	Juana	Pauma Band of Mission Indians
Manley	Jacqueline	Southern Indian Health Council
Matthews	Nichole	Minnesota Indian Women's Sexual Assault Coalition
Olson	Tina	Mending the Sacred Hoop Coalition
Omish- Gauchena	Germaine	Strong Hearted Native Women's Coalition
Parker	Jessica	Sexual Assault Center of Family Services (Oneida)
Pole-McAdams	Norma	Hoopa Valley Tribe
Red Hail	Gene	Oneida Nation STOP Program
RedCloud	Jan	Stockbridge-Munsee Community
*Rowe	Kirsten	U.S. DOJ - OVW
Thundercloud	Deborah	Oneida Nation
*Tyner-Dawson	Gena	U.S. DOJ- OJP
Waldrop	Lindsay	International Association of Chiefs of Police
Wolfe	Judy	Indian Health Service
*Woodard	Kimberly	U.S. DOJ - OVW

* indicates observer only, did not participate in focus groups.

Attachment 4
Public Law 280 and the Sexual Assault of Native Women:
Focus Group Guide

9:00am – 10:15am: **Focus Group Session #1: Homogenous groups**
THEME: Current Practices and Aspirations

Sarah: Homogenous Non Tribal Group

- 1) What did you hear in the presentations yesterday that were important to your organization?
- 2) What is your organization doing to address violence against native women?
- 3) To what degree is your organization addressing responses to sexual assault in PL 280 jurisdictions?
 - a. i.e. policy, education, training?
- 4) What would you *like* to do?
- 5) Do you hear from people in your organization about these issues?
- 6) If so, what are they saying?
- 7) If not, why not?

Carole and Maureen: Homogeneous Tribes and Tribal Coalitions (Maureen: substitute “your tribe” for “tribes in your coalition”)

- 1) What did you hear in the presentations yesterday that was important to your tribe?
- 2) What is your tribe doing to address violence against native women?
- 3) To what degree is your tribe working with other jurisdictions to address sexual assault?
 - a. i.e. policy, education, training?
- 4) What would you *like* to do?
- 5) Do you hear from people in your organization about these issues?
- 6) In what ways does the tribe suffer from lack of cooperation?
- 7) How have you benefited from cooperation that exists?
- 8) What are the external barriers to cooperating?
- 9) What strategies have been effective in approaching in state/county authorities to enter into cooperative agreements?
- 10) What strategies have been ineffective in approaching in state/county authorities to enter into cooperative agreements?
- 11) Are there problems within your tribe that make it difficult to work cooperatively?
 - a. Are there problems conceptualizing the terms of agreement?
 - b. Are there are obstacles associated with the process?

10:15am-10:30am

Break

10:30am – 11:45

***Focus Group Session #2: Heterogeneous groups
THEME: Sharing impressions of current practices***

- 1) How serious is the problem of sexual assault of Indian women on reservations?
- 2) What is the perspective of non native organizations on this?
- 3) Are sexual assaults on reservations reported to tribal authorities? to state or county authorities? Why or why not? What could increase the likelihood of reporting?
- 4) Do tribal and state/county law enforcement and criminal justice agencies show respect for one another? What would constitute evidence of such respect?
- 5) How well trained are law enforcement and criminal justice personnel to deal with sexual assault in PL 280 jurisdictions?
- 6) How well do state/county law enforcement and criminal justice agencies understand tribal cultures? How important is such understanding? If you think it's important, what kind of training would be preferable?
- 7) Are sexual assaults of Indian women taken seriously and effectively prosecuted by the state/county criminal justice system (prosecutors, courts, etc.)? If not, why not?

11:45am -12:00pm

Morning Recap

12:00 pm– 1:00pm

Lunch on your own

1:00pm – 3:00:

***Focus Group Session #3: New Heterogeneous Groups
THEME: Action Steps to Addressing Sexual Assault in
Public Law 280 Jurisdictions***

- 1) What kinds of incentives (financial or otherwise) would make it more likely that tribal and state/county authorities would cooperate effectively in addressing sexual assault of Indian women?
- 2) In what ways, if any, would the system other than your own (tribal or state/county) have to change in order for cooperation in addressing sexual assault of Indian women to increase?
- 3) Would it be preferable to have tribal law enforcement and justice agencies take greater responsibility for sexual assault of Indian women? Why or why not? What obstacles, if any, stand in the way of greater tribal responsibility (e.g., funding, jurisdictional limits, etc.)?
- 4) If a Public Law 280 state government prosecutes a case of sexual violence that occurred on the reservation, how can the state authorities best cooperate with tribal advocacy programs?
- 5) How can tribal and state coalitions work together to respond to the issues and challenges raised by sex offender control laws, such as civil commitment and Adam Walsh Act requirements?

- 6) Should national (non-Native) sexual assault trainings and initiatives attempt to incorporate Public Law 280 tribal issues? If yes, how should this be done?
- 7) Should existing non-Native Sexual Assault Response Teams (SARTs) be expanded to include tribal issues or are separate SARTs needed?

*Attachment 5:
Summarized Comments from Focus Groups*

Below is a comprehensive bullet pointed list of the comments made during the nine focus group sessions. The challenges and opportunities/recommendations are divided by jurisdiction: tribal; state/county; and national.

Please note that because this list includes all comments made at all focus group sessions, there is significant repetition. This repetition should indicate to the reader that the point was brought up more than once in separate focus groups.

Tribal

Challenges at the Tribal Level

Non-reporting/fear of testifying

- Victims don't report because nothing will be done. Incidence of sexual assault is much higher than statistics indicate.
- The non-reporting of rape is because of shame and concern that nothing will be done.
- Underreporting of sexual assault sends message to perpetrators that they will not be held accountable.
- There is a fear of providing testimony.
- Fears exist that perpetrators who are related to tribal leaders and/or law enforcement will be protected from the reach of the law, so victims want to remain anonymous.

Retaining Qualified Tribal Law Enforcement

- Tribes need higher salaries for offices/officers.
- There is a high loss of trained officers [to higher paying positions].
- Tribes train police officers, and then lose them to higher paying state and county law enforcement agencies.

Strained Tribal – State Law Enforcement Relations

- Many tribes that have developed law enforcement are not incorporated into the state system. An example: tribal police are not linked to 911 dispatch.

- Some states and sheriffs' associations aren't open to working with tribes or treating tribal police as full peace officers, despite their training.
- Cooperation with county agencies is too dependent on who happens to be occupying county offices at any given time.
- Some state police officers don't want to come in tribal area to network, some counties will cooperate, and some will not.
- Off-reservation communities have hostility toward tribes, sometimes because of resource conflicts (water, fish), which can lead to prejudice against tribal members among state court juries.

Training Needs

- There is a need for training of law enforcement on ethical issues or recusal if officers are related to victim or perpetrator.
- There is difficulty excluding people (non-Indians as well as Indians) who are perpetrating sexual assault on the reservation, because of gaming and intermarriage that bring outsiders into the community.

Funding/Resource Issues

- There is great inequality between the tribes – some with adequate gaming revenue can take effective action to address the issues. Most tribes can't.
- Some tribes would like to try some more culturally specific activities with men for prevention purposes – but lack funding.
- Tribal police are understaffed and under-funded.

Data Collection/Statistics

- Data collection problems include access to state/national criminal justice databases.
- Victimization surveys do not address the location of offense.
- We lack accurate statistical information to substantiate the problem of sexual assault.
- The absence of accurate statistics regarding sexual assault against Native women makes documenting the problem difficult.

Lack of Trust

- Tribal communities lack trust in some state law enforcement and prosecutors because they don't carry through with arrests and prosecutions.
- Tribal communities lack trust in some state child welfare and child protective services departments, because of concern that children will be removed from victims and the state system will not be very cooperative.
- Fear and trust issues are a barrier for collaboration.
- There is insufficient trust and collaboration at the tribal level.

Cultural Challenges

- Tribes are very slow to change.
- There is a difficulty in talking about sexual assault.
- The loss of culture (through boarding school system and otherwise) has stripped tribal communities of value system that prevented sexual assault, leaving the idea that men are entitled to rape women.

Lack of Knowledge of the Issue

- Tribal leaders are not hearing about the issues.
- There is insufficient awareness on the part of community and leadership regarding incidence of rape of Native women.
- Some local counties don't see sexual assault as a serious problem.

Problems at the Leadership Level

- Tribal leaders and police officers are sometimes the perpetrators.
- Tribal leadership is sometimes too willing to hand over responsibility to outside agencies in the state.

Lack of Legal Infrastructure/Barriers to Creating Legal Infrastructure

- Most Public Law 280 tribes don't have the system (court or law enforcement) to take on enforcement and prosecution of sexual assault.
- There are sentencing barriers at the tribal level - ICRA (Indian Civil Rights Act).
- Some tribes don't yet have tribal courts.

- Some states demand that the tribes match their laws before they will cooperate.

Other

- There are no programs for molesters who are not substance abusers.
- Native women are taken across the border into Mexico and sexually assaulted. There are trafficking concerns.
- Focus on domestic violence (within and outside tribe) can distract attention from sexual assault as a distinct crime.
- Relying on one agency/one person makes success less likely.
- Reliance solely on the state is ultimately not going to make women safe.
- Border towns are still challenged to address tribal issues in a progressive way.
- Vicarious Post Traumatic Stress Disorder is not being addressed.

Opportunities at the Tribal Level

Creative Collaboration/Standardization

- Collaborating and using the same procedures in the tribe and county is important and helpful in dealing with sexual assault cases. The Coordinated Community Response (CCR) model could work and builds good relationships.
- Cooperate agreements between the state (not individual counties) would be more effective.
- Tribal CCR fosters cooperation, as well as participation in county's CCR.
- Tribes should take more responsibility through Memorandums of Understanding (MOUs) with counties.
- Tribes need to be meeting with liaisons for the Federal Bureau of Investigations (FBI) or counties when they are not doing their job. They need to be proactive in demanding accountability.
- We need cooperative efforts, tribes and states, to document numbers of sexual assault.

Commitments from Prosecution

- Get states and counties to commit to prosecution even if cases aren't the strongest, because even if there is no conviction the woman's story has been validated.

Increased Exercise of Sovereignty/Tribal Police

- Tribes could use more of their power. Some tribes have commenced prosecuting all sexual assaults in tribal court because state was not doing the job.
- It is better to have tribes take greater responsibility on sexual assault cases.
- Increase support for tribal police to expand activities and become more of an active presence in the community.
- Tribe needs control over prosecution and detention of offenders; tribes in southern CA and elsewhere are in early stages of doing so.

Education for Tribe and County/State

- Education of Tribal Judges on sexual assault issues is important in empowering the tribal courts. More tribal court systems need development in the criminal area and more Tribal Judges are needed.
- Tribes can film elders giving public service announcements about how violence is not part of the tradition.
- Share Cangleska and other materials with tribal community and non-tribal community.
- Tribes should provide sovereignty classes to tribal leaders who don't understand the history of Public Law 280.
- Tribes can invite county officials to meet with tribe so the county officials can be made aware how serious the problem is.
- Build a greater understanding at the tribal level.
- Identify leaders in the community who are strong and able to articulate the importance of sexual assault responses.

Promising Practices

- The audit of the urban community (Duluth) should help in identifying the problem areas in addressing sexual assault and provide some statistical analysis of the problems.

- Sexual assault awareness month at Klamath included weekly events, such as candle light vigil, a march, honor song, dance troupe of students. Klamath partnered with a local church for these events.
- It would help to highlight successful programs in Indian Country through something like Harvard Project's Honoring Nations program.
- At Klamath and Stockbridge Munsee, tribal service providers and programs work collaboratively with local county crisis center and victim advocate when there is a tribal member victim.
- One tribe gave out \$50/person to spend in local county in order to help build good relations.

Economically Successful Tribes

- Some tribes with gambling funds have been able to increase law enforcement by contracting with the county for additional officers, building a substation on reservation land and hiring tribal police.
- Tribes with money can get a response from the state or federal government.
- Greater economic success and political influence of some tribes is bringing greater responsiveness from county law enforcement and prosecutors.

Culturally Based Programs

- Programs which focus on cultural development can be helpful in prevention and also, helpful in healing.
- Tribes can impose traditional sanctions on offenders, such as service to elders (with assurances of safety for elders).
- Tribes can institute programs such as women's groups and women's cultural activities (berry-gathering) to facilitate healing and enable women to do positive things for themselves and their families.
- Communities can empower women through stories of resistance to sexual violence, as in Sarah's presentation.
- Women of the community, such as female leaders of clans, need to take control (even from Tribal Councils) and express what they expect of offenders.

- Try to be creative in attracting community to programs, including informal talk circles, giveaways, music, food, and gifting women with shawls.
- Create men's programs that teach respect without labeling the men, using referrals from probation, from ICWA, and self-referrals.
- Cultural immersion programs can be an option for perpetrators.
- Tribally-initiated projects have the highest likelihood of success.

Tribes Providing Services to Non-Tribal Community

- Tribes are not limited to providing services to just tribal members – tribes can offer services to non-tribal members as well.
- Tribal programs can do outreach to state organizations.

Other

- Gaining trust from tribal community may be easier for programs that don't advertise or have high profile regarding labels of domestic violence or sexual assault.
- Tribal judges can lead initiatives.
- Include food in grants, because that facilitates communication.
- Provide havens for victims on other reservations.
- Sometimes one person can make a difference – they can be the glue that holds us together.
- Tribally-initiated Public Law 280 summits are very important in opening communication lines.

County/State

Challenges at the County/State Level

Lack of Education/Training

- Lack of understanding of Public Law 280 and Indian law issues at the state level is a big challenge to overcome.
- Tribal sovereignty is misunderstood by state authorities.
- There is a lack of knowledge of Indian law by state authorities.
- Sexual assault cases are difficult for police officers, who often lack training.
- There is no awareness of the seriousness of the problem in the community. Awareness on the treatment of victims also lacking.

Data Collection Problems

- Crime data from counties is not being accepted at Bureau of Indian Affairs. Some counties do not have accurate data collection for race or location of crime – (whether or not crime happened on reservation).
- Some counties are using Native community crime data for funding, but then not helping tribal communities.

Lack of Accountability

- There is a lack of accountability in the system – states are not held accountable for the lack of investigation/prosecution of sexual assault cases.

Long Response Times/Low Priority

- Law enforcement doesn't come for hours and by that time the perpetrator is long gone. Response time and system delays prevent effective action.
- Sexual assault has a low priority within some law enforcement agencies.

Problems with Prosecution

- It is difficult to get a conviction because of the cost of investigation and the difficulty of convincing a jury when any drinking has been involved on the part of the victim.
- Law enforcement will respond, but some prosecutors do nothing.
- If cases aren't reported, there's nothing prosecutors can do.

- There is inconsistency in prosecutorial response.
- The least experienced prosecutors are often assigned to sexual assault, and out of fear or lack of knowledge they may wind up dropping cases.
- Some prosecutors and courts won't recognize community nurses as experts.
- Sometimes victims want to drop the cases.

Reporting

- From the law enforcement perspective, reporting is as far as it goes. Victims are concerned about their reputation. People don't trust the system so they don't report. Why report if nothing is going to happen?

Cultural Barriers

- Many Native women are reluctant to report to non-Native law enforcement.
- Language barriers lead to non-reporting.

Racism/Historical Animosities/Attitudes Toward Tribal Police

- Awareness alone will not increase reporting. A victim must have trust in the system to report and when the system does little or nothing, victims naturally will not report. Good relationships take time to develop.
- Racism, disparities in power, and lack of respect are all barriers to collaborative agreements between tribes and states/counties.
- Some non-Indian agencies don't want to serve Native clients.
- Lack of trust between tribes/states is a problem.
- Racism/ignorance about Native people creates a barrier to collaboration.
- An anti-Indian bias among jurors makes conviction difficult.
- There is poor treatment of Native women in some hospitals and a lack of properly trained Sexual Assault Nurse Examiners (SANE) nurses. We need more local advocates.
- It's hard to take tribal police seriously when they are so under-funded and understaffed.

Other

- Sexual assault protocol is big problem on or near reservations.
- Some law enforcement are perpetrators of sexual assault.
- Public Law 280 is viewed in a negative light.
- Sometimes there is a need for a mandate to ensure state cooperation.

Opportunities at the State/County Level

Increased Law Enforcement Training

- Peace Officer Standards and Training (POST) should require Public Law 280 training.
- State should provide ongoing training for law enforcement on victim issues.
- Training programs need additional time to train law enforcement that come onto reservations– county or tribal.
- A wider distribution of materials authored by Carole Goldberg will help.
- More training on SANE and Sexual Assault Response Teams (SART) is needed.

Implement SANE/SART

- SANE/SART teams are helpful, but we are only seeing the tip of the iceberg.
- CCR's should always include someone from SART.
- Train more Native forensic nurses and connect them with national organizations and criminal justice personnel.

Legal Education/Training

- Prosecuting attorneys who may seldom have sexual assault cases should get training/mentoring.
- Provide support for law school clinics and provide clinical experience out of Law School.
- Provide training/education at the undergraduate level and in law school on sexual assault and domestic violence.

- Provide continuing legal education credit for sexual assault and domestic violence trainings.
- Some law schools have loan forgiveness programs; these are needed for prosecutors and public defenders.
- Need a uniform way to educate attorneys on Indian law and Public Law 280 issues. Make it a part of the State Bar Exam, for those states with tribal communities.

Develop Data Collection Methods

- States need to develop better methods to obtain accurate statistical information.
- We need to ensure that we can get statistics of Native women victims from counties and U.S. attorneys.
- Use anonymous reporting so at least we have a record of the case for statistical purposes, even if it is not reported to police.

Initiate Audits

- Do a state-wide audit of the state response to sexual assault of Native women.
- Initiate audits of state responses to sexual assault of Native women – this will help identify problems.

Increased County Respect for Tribal Police/Tribal Programs

- There is a need to build respect for police – possibly by requiring relationships between the tribal and county law enforcement. Have states require counties to cooperate with tribes – fund those that cooperate (possibly through state legislation).
- County should provide referrals to tribal services.

Sexual Assault Specialists

- Funding should be provided for sexual assault specialists within the district attorney's office.
- Counties should have position in law enforcement/prosecution dedicated to sexual assault.

Prosecutorial Changes

- Encourage prosecutors and judges to recognize community nurses as experts, and partner community health aides with licensed nurses.
- The district attorney can set the proper tone on how to handle sexual assault cases.
- Cultivate incentives with prosecutors to put most experienced attorneys on sexual assault and domestic violence cases.
- Change the institutional culture, which currently is that sexual assault cases are terrible, and victims are difficult to work with.
- Have separate benchmarking of sexual assault cases. Do surveys of victims, asking them how their cases were handled (outcomes and processes), and evaluate prosecutors' work on that basis rather than solely on conviction rate.
- Address anti-Indian bias through the *voir dire* process at trial.

Utilizing Advocates

- Non-Native prosecutors need to know the tribal advocates.
- It is important to have cross-training between law enforcement and advocates.
- Tribal advocates need to be contacted.

Training and Incentives Tied to Violence Against Women Act (VAWA) Grants

- Have a training component in VAWA grants that helps prosecutors understand how their own culture affects real or perceived ability to relate to victims and convince jurors.
- Give a bonus in VAWA grants where an MOU has resulted.

Promising Practices

- "Project Passport" and similar programs have laid foundation for cross-jurisdictional enforcement.
- Use surveys/evaluations for victims on sexual assault cases (outcomes), using a point system to determine victim satisfaction.
- One county created a special domestic violence unit with help from a grant.

- One tribe worked with county's CCR to help the hospital get SANE nurses, one of whom was Native, and built her credentials through opportunities for case review.

Other

- Hold counties (law enforcement & prosecuting attorneys) responsible for lack of response to sexual assault of Native women.
- Collaboration between tribal and state coalitions can bridge gaps.
- Having the tribe as a partner can make it easier to get grants from the government and foundations.
- Working on prevention may be at least as important as working with the criminal justice system.
- Some sheriff's departments have good relationships with tribal law enforcement – build on successful MOUs.

National

Challenges at the National Level

I.H.S. Procedural Issues

- There are challenges in ensuring that IHS doctors/nurses respond to subpoenas. Turnover of staff also causes difficulties.
- In the past, IHS wasn't asking questions about sexual violence in examinations for injuries or otherwise, and they didn't know where states had mandatory reporting requirements. (They are now.)
- IHS procedures in many facilities do not properly respond to sexual assault.

Adam Walsh Act Problems

- The tribal resistance to new sex offender registry requirements is due to the lack of consultation with tribes.
- Public Law 280 tribes not given ability to create their own registries.
- Residence restrictions for sex offenders can drive them underground.

Problems with Investigations

- There are difficulties of proof and victim/witness cooperation in sexual assault cases.
- There may be difficulty getting reports from the tribal system, where tribe has done the investigation.

Lack of Federal Involvement

- Many U.S. Attorneys not using VAWA to punish offenders federally.
- Sexual assault is not a priority.

Obstacles to Obtaining Funding

- Competitive grants cause tribes to compete with states for funding.
- Homeland Security funding is only available to states.

Other

- Sometimes there is a gap between "tribal" section and "violence against women" section in national organizations.
- Perpetrators are not being held accountable.

- Communication gaps exist. The national non-tribal organizations don't understand the problems because of the lack of communication.

Opportunities at the National Level

Funding Requirements/Priorities

- Federal government should not supply money to states unless there is real collaboration with the tribes.
- Federal government should require cooperation with local tribes as a condition of VAWA grants in Public Law 280 jurisdictions.
- OVW and other federal funders can "strongly encourage" cooperative agreements between states and tribes.
- Grants should require certain types of training for prosecutors and law enforcement and that they have MOU's in place with tribes within their jurisdiction.
- Make cooperative outcomes (such as MOUs) the basis for a bonus at the end of VAWA grants.
- Provide funding to support tribes in expansion to sexual assault cases.
- Provide more funding for victim services.
- Provide support for law school clinical training to work on sexual assault cases in Public Law 280 states.
- Reward/highlight those programs which are examples of excellence.

I.H.S. Changes

- IHS standard procedures need to change to properly respond to sexual assault.
- Medical providers need the appropriate training and forms to ask the appropriate questions.
- Sexual assault exams need to be in budgets.

More Federal Involvement

- Have U.S. Attorney's prosecute VAWA cases when Public Law 280 states don't act or there is a delayed response.

- Secure commitment from U.S. Attorneys to use VAWA provision where possible. Hold U.S. attorneys responsible for the lack of response to federal laws protecting women.
- Sexual assault needs to be a national priority.

Training

- Registries and commitments bring in new categories of federal officials who need training, such as US Marshals and sex offender registry management folks, as well as sex offender treatment providers. A task force should be created.
- US Attorney's offices (especially Assistant U.S. Attorney tribal liaisons) can initiate cross-training.
- Numerous opportunities to include Public Law 280 issues in already-existing training.
- Provide training for advocates on forensic exam issues – don't just limit the training to nurses. Advocates can be an information source.
- Train other health care workers (other than nurses) to do exams.
- More tribal judges are needed. More training for tribal judges.
- Prejudices of tribal judges, courts and law enforcement against sexual assault should be dealt with.
- Include a training component for state criminal justice officials in VAWA grants.

Support for CCR's

- CCR's are useful to establish standard protocols for categories of victims (as in San Diego).
- Foster more CCRs for sexual assault cases.
- Nothing prohibits inviting the U.S. Attorney's Office to be on a CCR – even in a Public Law 280 state.

BIA Changes

- Have position dedicated to sexual assault in BIA law enforcement.

- BIA has maps that will be helpful to state law enforcement agencies in determining Indian Country locations.

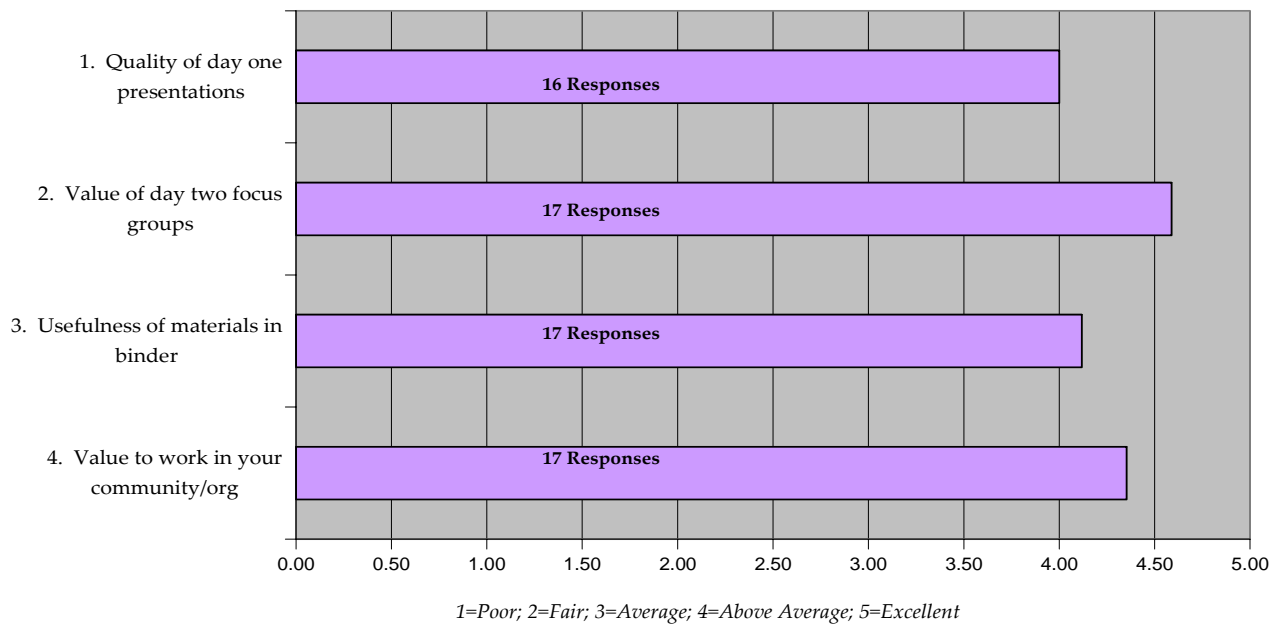
Other

- Use the “Capone” approach, prosecuting assailants for gun crimes or other ancillary offenses.
- Commitments to include tribal prosecutors in national membership organizations can improve communication and enhance education.
- Sexual Assault Coalition National Resource Sharing Project is a good opportunity to increase awareness with sexual assault coalitions.
- Provide national recognition, just like Honoring Nations, for effectively coordinated activity between tribes and counties in Public Law 280 jurisdictions; use celebrities or highly visible political figures.
- Tribal advocates should have US Marshall’s authority to arrest.

**Attachment 6:
Focus Group on Sexual Assault of Native Women and
Public Law 280
August 15-16, 2007, Green Bay, WI
Compiled Evaluations**

The assessment instrument for the focus group used a scale of 1 to 5. The results are shown in the table below (1=Poor; 2=Fair; 3=Average; 4=Above Average; 5=Excellent)

Average Assessments of Focus Group on Sexual Assault of Native Women and Public Law 280



	Appropriate	Too basic/general	Too advanced	Total Responses
5. Level of Presentations (overall)	14 (93.33%)	1 (6.7%)	0 (0%)	15
6. Did FG meet you expectations?	15 (93.8%)	1 (6.2%)		16
7. FG discussions educational?	16 (100%)	0 (0%)		16

Written comments on evaluations

What one point was positive about these discussions?

- That OVW [Office on Violence Against Women], DOJ [Department of Justice], US attorneys, and OJP [Office of Justice Programs] were in attendance to learn about these issues of PL280.
- Action plans of agency representatives and hearing how fellow participants can help.
- How individuals have worked creatively to ensure the success of their CCRs [Coordinated Community Response Teams].
- Creative new approaches.
- Reminder that SANE [Sexual Assault Nurse Examiner] exams are for the woman, not the prosecutor.
- Multi-disciplinary and multi-jurisdictional.
- Lots of great ideas.
- The discussion groups on day 2 were very informative.
- Thread of similarities (sameness).
- Learning different viewpoints.
- Each barrier identified was coupled with a solution.
- Everyone was given the opportunity to give input from various backgrounds and expertise.
- That finally a U.S attorney participated in a discussion in a respectful manner.
- Being able to brainstorm and get some of the issues on the table with people in positions that can make changes in DC.
- That if you care about what you do, don't give up.

What one thing would you changes about this focus group?

- More time spent identifying issues and solutions.
- I would change the days so I could've made day 1.
- The format – more mix between small and large group.
- More discussion, less panel; more food please. Was very hungry at this event. Or flag to us that we will have to find our own food.
- Nothing.
- Really nothing –all good.
- Invite more people in.
- Need food!!!
- Make it clear what you are doing with this information. It was never made clear who the audience is for the report, nor what they will do with it.

- Nothing.
- Have facilitator talk less and allow participants to talk.
- All focus groups were good.

What was the most valuable thing about this session?

- Fact that PL 280 and violence against Indian Women in this particular jurisdiction is finally being focused on.
- Hearing ways participants thought of to increase collaboration between tribal and non-tribal agencies.
- The opportunities to hear others experiences, challenges and successes.
- Sharing ideas for national partners.
- Education, meeting with passionate people, hard recommendations to take back to my organization.
- Hearing about creative programs from the community. Need to work on starting up SANE [Sexual Assault Nurse Examiner] unit again.
- Good discussions on day 2.
- Making contacts with other people.
- Networking ideas.
- Networking.
- Ability to form relationships with individuals in community with whom we can work to address issues and problems related to PL 280 and prosecutions of violence against women.
- That it happened at all! Need follow up from this event.
- Collaborations between agencies.
- Knowing that others are looking at the same or almost the same problems.

General

- What now? I hope OVW and the federal government intends to do something with all the ideas. We don't need another report – we need action! Thank you!
- Please give us a copy of the report.