

Minutes of the Section 904 Violence Against Women in Indian Country Task Force Meeting

**Agua Caliente Hotel, Palm Springs, CA
December 8-9, 2008**

Meeting Participants

Task Force Members

Jacqueline Agtuca, Director of Public Policy, Clan Star, Inc.
Karen Artichoker, Director of Administration and Shelter Services, Cangleska, Inc.
Cheryl Neskahi Coan, Director of Training and Technical Assistance, Southwest Indigenous Women's Coalition (Co-Chair)
Virginia Davis, Associate Counsel, National Congress of American Indians
Jolanda Ingram Marshall, Director, Niwhongwh xw STOP the Violence Coalition
Pamela Iron, Executive Director, National Indian Women's Health Resource Center (Co-Chair)
Billy Jo Jones, Director, Northern Plains Tribal Judicial Training Institute
Lori Jump, Program Manager, Advocacy Resource Center, Sault Ste. Marie Tribe of Chippewa Indians Victim Services
Bernadette LaSarte, Director, Coeur d'Alene Tribal Domestic Violence Program
Patricia McGeshick, Program Director, Ft. Peck Family Violence Resource Center
Denise Morris, President, Alaska Native Justice Center, Inc.
Vikki Shirley; First Lady, Navajo Nation

Task Force Members Not in Attendance

Shannon Cozzoni
Dana Grey Jim
Arlen Quetawki
Nancy Soctomah,
President Theresa Two Bulls

Meeting Moderator

Dianne Barker Harrold, Attorney General, General Counsel and Director, Legal Assistance for Victims, United Keetoowah Band of Cherokee Indians

Guest Speakers

Carolyn Aoyama, Senior Consultant for Women's Health and Advanced Practice Nursing, Indian Health Service (IHS)

Garrick DeClay, Office of Justice Services, Bureau of Indian Affairs (BIA)

Diane Gout, Research Associate, Institute for Child and Family Policy, Muskie School of Public Service, University of Southern Maine

Leslie Hagen, Native American Issues Coordinator, Executive Office for United States Attorneys

Lynn Jenkins, Chief of Etiology and Surveillance Branch, Division of Violence Prevention, Centers for Disease Control and Prevention (CDC)

Sharon Smith, Behavioral Scientist, Division of Violence Prevention, CDC

U.S. Department of Justice Employees

Summer Acevedo, Research Assistant, Violence and Victimization Research Division, National Institute of Justice (NIJ)

Christine Crossland, Senior Social Science Analyst, NIJ

Cindy Dyer, Director, Office on Violence Against Women (OVW)

Lorraine Edmo, Deputy Director for Tribal Affairs, OVW

Kathy Howkumi, Program Specialist, OVW Tribal Unit

Katherine Mera, Program Specialist, OVW Tribal Unit

Angela Moore, Associate Deputy Director for Research and Evaluation, NIJ

Kelley Moulton, Research Assistant, Violence and Victimization Research Division, NIJ

Catherine Poston, Attorney/Advisor, OVW

Members of the Public

Cecelia Fire Thunder, Oglala Sioux Tribe

Tammy Jerue, Director, Alaska Native Women's Coalition

Julie Johnson, Lummi Tribe

Eileen Lopez, Tohono O'odham Nation

Juana Majel Dixon, Pauma Band of Mission Indians

December 8, 2008

Matters Discussed

1) Cheryl Neskahi Coan, a task force member from the Southwest Indigenous Women's Coalition in Phoenix, began the second meeting of the Section 904 Task Force with a Traditional Opening.

2) Office on Violence Against Women (OVW) Director Cindy Dyer and Angela Moore, Associate Deputy Director, National Institute of Justice (NIJ), welcomed the task force members.

After introducing OVW Deputy Director of Tribal Affairs Lorraine Edmo; and Christine Crossland, Senior Social Science Analyst at NIJ, Director Dyer thanked the task force for its dedication to addressing issues involving violence against American Indian and Alaska Native (AI/AN) women. She encouraged task force members to add their voices to the development and implementation of the program of research. She indicated that later today representatives from the federal government would be addressing current data collection efforts regarding violence against AI/AN women. Director Dyer said that if task force members were contacted by the news media about the committee's work, members should let Lorraine Edmo know and Ms. Edmo could then provide those members with information or arrange for public affairs personnel to assist.

Angela Moore thanked the Section 904 members, presenters, and OVW staff, as well as the Agua Caliente Band of Cahuilla Indians for welcoming the task force.

3) Attendees, including task force members, presenters and DOJ staff, introduced themselves. Lorraine Edmo noted that several members were unable to attend today's meeting.

4) Lorraine Edmo updated the task force on OVW's recent tribal affairs activities. In October 2008, she presented to the National Congress of American Indians Task Force on Violence Against Indian Women and to the Clan Star Institute. Another presentation was made in September to representatives from the United South and Eastern Tribes. OVW staff also made several site visits to various tribes. These included visits with the Montana Indian Women's Coalition; the White Buffalo Calf Women's Society; and the Shoshone-Paiute Tribal Domestic Violence Program.

Ms. Edmo reviewed some of her duties at OVW. She oversees the OVW Tribal Unit which includes four program specialists and a program assistant. She also oversees the development of technical assistance to tribes and serves on OVW's Technical Assistance Management Team. Other duties include overseeing grant assignments for specialists and advising on audit issues.

The Tribal Unit has also been working with a contractor on planning for the 2008 Tribal Consultation. Scoping calls and conference calls were made and there have been mailings to all 563 federally-recognized tribes of the consultation report. The Unit has also been overseeing website development for the Tribal Consultation.

Other activities planned for 2009 include a new grantee orientation in January; the Oklahoma Summit on Violence Against Native Women late in the year; and a focus group, also in January, on adapting the Attorney General's Sexual Assault Protocol to Indian Country.

This year, OVW has also provided funding to establish new tribal coalitions in Idaho, Oklahoma, Alaska, Arizona and New York. The Office continues to work with the Clan Star Institute and First Nations Development Institute to provide technical assistance to the tribal women's coalitions.

The solicitation release for the Grants to Indian Tribal Governments Program is expected in December or January, with a tentative application deadline of late February 2009. A revised guidebook on understanding the program will be posted at www.ovw.usdoj.gov.

Additionally, ACKCO, Inc. will be offering four, free regional pre-application workshops in January for new tribal applicants to OVW. The workshops are designed to provide applicants with grant requirements and an overview of the application process.

The solicitation for the Tribal Domestic Violence and Sexual Assault Coalitions Program is tentatively set for release in February, with the application due in March. Funding availability is dependent on a final budget allocation from Congress.

Other OVW initiatives in FY 2009 included a focus group on development of a Sex Offender and Protection Order Registry. The registry was funded at \$940,000. Also, the Research Program on Rates of Violence Against Native Women (in cooperation with NIJ) was funded, also at \$940,000.

Other TA providers to OVW include the Tribal Law and Policy Institute; Mending the Sacred Hoop; the Southwest Center for Law and Policy; the National Indian Justice Center; the American Indian Resource Center; Red Wind Consulting; and ACKCO, Inc.

5) Christine Crossland noted that NIJ, in consultation with OVW, has been asked to conduct a national baseline study (which is being referred to as a “program of research”) to look at violence against Indian women in Indian country. The study will examine domestic violence, dating violence, sexual assault, stalking and murder. It will evaluate federal, state, tribal and local response to violence against Indian women and will propose recommendations to improve the effectiveness of those responses.

NIJ/OVW convened this task force to help it develop a program of research with the goals outlined by task force members at the panel’s first meeting in August. At that meeting, NIJ/OVW presented a primer on the research process, and presenters gave an overview of the research conducted to date. Then, each member was asked to articulate goals for the program of research.

Since that time, NIJ/OVW has disseminated a summary of that meeting and worked to get the information task force members requested. NIJ/OVW is also starting to put together a statistical and social science research panel to review the proposal and task force recommendations.

The task force has asked NIJ to address three specific areas regarding AI/AN women: declination rates (from the U.S. Attorney’s Office); homicide rates; and sexual assault rates. A key criticism from the task force and from tribes is that the federal government collects data but often doesn’t report out on it. So representatives from federal agencies were invited to the meeting to present some of this information. Questions that Ms. Crossland asked these representatives to address include: What AI/AN violence against women data do you collect? Can NIJ or the public access the data, and why or why not? How often are these data collected, and by whom? For what purpose and use? How reliable are the data collected? Do you have any data collection activities planned or underway?

6) Dianne Barker Harrold, the meeting’s moderator/facilitator introduced representatives from federal agencies here to give an overview of federal data systems and data collection efforts.

- **Summer Acevedo**, a doctoral student at the University of Maryland and a research assistant at NIJ, provided the panel with an overview of federal criminal justice statistics. First, she noted the request was to evaluate the effectiveness of federal, state, local and tribal response to violence (murder, stalking, sexual assault, domestic violence and dating violence) against AI/AN women for the goal of providing recommendations to improve that effectiveness.

Jurisdictional issues in Indian Country can be complicated, she noted. For the most part, jurisdiction is dependent on the identity of the suspect; the seriousness of the offense; and where the offense was committed (tribal land or non-tribal land in addition to the state the offense

occurred in). Broadly speaking, tribal courts have jurisdiction for crimes in Indian Country, but there are special cases.

Federal jurisdiction was granted by the Major Crimes Act (major crimes include murder, kidnapping, incest, assault with a dangerous weapon, robbery, and others). States generally don't have jurisdiction, except those that are PL 280 and for crimes involving a non-Indian offender and non-Indian victim. Given the five crimes being addressed, only dating violence would not be included as a federal case (with the exception, again, of the PL 280 states where the state would hold jurisdiction for the four other crime types). In other words, there would be federal data for murder; stalking; sexual assault; and domestic violence offenses in non-PL 280 states.

Statistics on these crimes are available from the Federal Justice Statistics Resource Center (FJSRC), a Bureau of Justice Statistics funded website that houses data from multiple federal agencies. The system allows users to follow a single case through the entire federal criminal justice system and to do online data analyses. The data are organized in three stages: law enforcement data focusing on arrests and investigations initiated by the U.S. Attorney's Office; prosecution data addressing charging and sentencing; and incarceration data that can tell users the amount of time served by a prisoner.

Several steps must take place for a case to appear in the FJSRC system. First, of course, a crime must occur. The crime must then be reported to tribal, local, state or federal law enforcement and an investigation opened. The U.S. Attorney must be notified of the case and then open the matter for investigation. Then the case information is entered into the National Legal Information Office Network System (LIONS). According to the Bureau of Justice Statistics (BJS), between 30-50 percent of violent crime is not reported to police; perhaps much higher in the case of AI/AN women.

Data are collected and publicized annually. These data are downloaded from the U.S. Marshals Service, the DEA, the Bureau of Prisons; the Executive Office of U.S. Attorneys; the Administrative Office of U.S. Courts; and the United States Sentencing Commission. Participating federal agencies accounting for the US Marshals arrest figures include the FBI, ATF, ICE, the IRS, DEA, Park Police, the BIA, and others.

Within the Executive Office for United States Attorneys' LIONS system are various program category codes to identify certain types of cases. One of these codes is for violent crimes in Indian Country. However, since only one program category code needs to be checked (it's optional to select multiple codes), that code may not be the one for "violent crimes in Indian Country". If a gun crime occurred on a reservation, for instance, and the person inputting the case only checked the code for gun crimes, the "violent crime in Indian Country" box would not get checked. So, in 2006, for example, the system shows that 688 violent crimes were reported in Indian Country. This means that the "violent crime in Indian Country" box was checked in 688 cases.

Several task force members expressed concern that the reported violent crimes in Indian Country, as shown in the database, were too low. Summer Acevedo agreed that it was very difficult to use this database - which was designed as a case management system for attorneys to manage their cases - to help answer the questions that task force is trying to answer. Dianne Barker Harrold pointed out that proper data collection is dependent upon who enters that data and how accurately it is entered. Leslie Hagen of EOUSA said that the system had two program categories for Indian Country; one for violent crime, another for nonviolent crime.

Summer Acevedo suggested there were several reasons why the data from this database was not particularly practical for looking at murder, stalking, sexual assault, dating violence and domestic violence crimes. First, the system only covers *reported* crime. Also, because dating violence is not considered a major crime, it is not covered. And PL 280 states generally will be absent from the federal data.

According to the US Marshals, here is how the system handles coding of race/ethnicity: Law enforcement asks for race information at the time of the arrest; the offender reports; and there is a visual confirmation by the arresting officer. There is no place for the officer to identify tribal affiliation at that time.

There is also no data on victims in the FJSRC, not even on victims' gender. Another issue, already addressed, is that only one program category code is required. There is a box to input "reservation" as a location for where a crime took place. However, this box is what is known as "free form;" the person inputting data can type anything he/she needed to. One last point: data entry is not standardized across all offices.

Some strengths of FJSRC: Data are publicly available from 1998-2008; there is ability to follow cases through the entire criminal justice process; and the coverage is national.

Weaknesses of FJSRC: These are official records of crimes reported to police. FJSRC wasn't designed to report data on specific populations. The database only follows the offender. There is no information on victims. And there is imprecise collection of race and tribal affiliation data.

- **Leslie Hagen**, Native American Issues Coordinator at EOUSA, addressed the task force next on EOUSA's data collection efforts. LIONS, she noted, was the automated case management system used by EOUSA to manage and record casework information. Also, USA-5 (United States Attorney's Monthly Resource Summary Reporting System) is used to record U.S. Attorney's Office (USAO) employees' time.

When a law enforcement agency presents information about an investigation to a USAO, the USAO records this information in LIONS as a "matter referred". This matter then becomes a "case" in LIONS once the USAO files an indictment or information in court. The mechanism by which the law enforcement agency seeks the advice or involvement of the USAO in a particular matter can be formal (e.g., a written presentation) or informal (e.g., a phone call). How and when an agency decides to refer a matter to a USAO depends on several factors: the nature of the case, the stage of the investigation, and the relationship between the agency and the USAO. Ms. Hagen also pointed out that an AUSA doesn't just take cases from the FBI or BIA; he or she may take a case directly from tribal law enforcement if he/she has confidence in the abilities of that tribal agency or officer.

Ms. Hagen noted that there is a federal statute stating that if a Native child has been abused and the suspect is Native American, then the investigating agency shall contact the FBI immediately. Sometimes, though, the USAO may get a case months after the fact. She said she has heard of cases where a Native American child may have been abused and died on the reservation and neither the FBI or USAO was contacted by tribal law enforcement.

She addressed the issue of declinations. A declination is a decision by a USAO not to pursue criminal prosecution of a referral from a law enforcement agency. Merely referring a case to a USAO doesn't mean that a prosecutable case exists. The vast majority of declinations involve

cases where the USAO lacks a legal and/or evidentiary basis to prosecute. The most common reason is insufficient evidence to prove a case beyond a reasonable doubt or to otherwise meet the legal and ethical standards of the Principles of Federal Prosecution. Other reasons for declination include: lack of jurisdiction or venue problems; no federal crime has been committed; or the suspect is being prosecuted by another state, federal or tribal prosecutor.

She noted that even if the USAO declines a case, it may be referred elsewhere (e.g., to a state prosecutor) that does have the jurisdiction to prosecute. Declined cases may be reopened later and successfully prosecuted.

One type of declination is “immediate declination”, in which the USAO doesn’t open a file on a referral and doesn’t pursue prosecution of the referral (e.g., a crime thought to have been committed in Indian Country, was actually committed on state land. The state, not the federal government, would have jurisdiction). There are 30 different options for immediate declinations, and they are not defined within LIONS. EOUSA is working to come up with definitions for these 30 options, so there is more uniformity in the selection various personnel make.

Then there is “later declination” which occurs when the USAO opens a file on the referral, conducts a significant amount of work on the matter, but ultimately doesn’t pursue prosecution of the referral.

In answer to a question, Ms. Hagen said that it was possible for the USAO to pursue cases on PL 280 reservations in some instances, called “ crimes of general federal applicability”. For example, if there was a drug trafficking case in which drugs were being moved across state lines onto a reservation. Asked about federal prosecution of habitual domestic violence offenders in Indian country, she responded that there was an official decision that federal prosecutions of such offenders was possible if the crime occurred in a PL 280 jurisdiction.

In answer to another question, Ms. Hagen said that interstate domestic violence or violation of a protection order could be prosecuted by the federal government in a PL 280 state. Billy Jo Jones asked about the impact of a guilty plea in tribal court on a subsequent federal prosecution. If a person is sentenced in tribal court, is that considered as a factor in declining a case on the federal level? He expressed concern about cases in which, for example, a defendant plead guilty in tribal court to a sexual assault, got the maximum penalty – one year – and then the case was declined by the federal prosecutors. Ms. Hagen said that a previous tribal prosecution should not, per se, result in a declination. Denise Morris asked about data showing, for instance, that an individual was charged and convicted for a serious sexual assault and then later, or concurrently, charged in federal court. Ms. Hagen said she didn’t think such data was available. She said a common problem was that many systems/databases don’t “talk” with each other.

In response to a question, Ms. Hagen acknowledged that there was no USAO protocol for specifically handling sexual assault or domestic violence cases. However, there are training opportunities, and some best practices are generated among the federal districts. Jacqueline Agtuca recommended that the USAOs consider adopting a violence against women protocol for handling such cases. Virginia Davis said that any protocol must address deficiencies in data collection and reporting. Director Dyer suggested that a violence against women protocol be focused on women in general, not just violence against Native women.

Patricia McGeshick spoke of the need for standard practices among federal, state and tribal authorities, defining each government entity’s roles and responsibilities. Ms. Hagen agreed and added that any model protocol developed should take into account both sexual assaults based on

immediate reports and those that are disclosed long after the incident when there may be no medical evidence available. Several members talked about the need for task force members and tribal advocates to help in developing these protocols.

Jolanda Ingram Marshall suggested that when VAWA goes up for reauthorization in 2010, a provision be inserted stating that VAWA funds will only be given to entities that follow uniformity in protocols, gathering data, etc.

Ms. Hagen noted that the United States Attorney's Manual (USAM) provides guidance as to proper considerations for charging or declining a case. The attorney for the government should commence or recommend federal prosecution if he/she believes that the person's conduct constitutes a federal offense and that the admissible evidence will probably be sufficient to obtain and sustain a conviction, unless, in his/her judgment, prosecution should be declined because 1) no substantial federal interest would be served by prosecution; 2) the person is subject to effective prosecution in another jurisdiction; or 3) there exists an adequate non-criminal alternative to prosecution. For Indian Country, guideline #1 is typically not applicable because of the unique role of the USAO in prosecuting crimes there.

Ms. Hagen addressed communication with tribes regarding declinations. Each USAO with Indian Country has a tribal liaison. Federal statute 25 USC, Section 2809(b) states "In any case in which a United States attorney declines to prosecute an alleged violation of federal criminal law in Indian Country referred for prosecution by the FBI or the Bureau, or moves to terminate a prosecution of such an alleged violation, the United States attorney is authorized to submit a report to the appropriate government and law enforcement officials of the Indian tribe involved that state, with particularity, the reason(s) why the prosecution was declined or terminated." Section d of that statute states "Nothing in this section shall require any federal agency or official to transfer or disclose any confidential or privileged information...to the officials of any Indian tribe..."

How a particular federal district communicates declinations to a tribe can vary from district to district. Some use declination letters with detailed written reports. This, however, can run the risk of compromising victims and witnesses; and creates potentially discoverable materials that could jeopardize subsequent criminal cases. Also, sometimes the law can prohibit sharing of protected information, such as in the case of grand jury proceedings or Title III wire intercepts.

Patricia McGeshick spoke of the need for the USAO to give timely information to tribal officials about declinations, so victims can at least achieve some sort of closure. Leslie Hagen said that if USAO officials were not responding to them, tribes could contact Ms. Hagen so that she could facilitate such contact.

Denise Morris said that while it was important to keep the tribe informed about what was going on with a case, a Native victim might feel it was somewhat paternalistic to send a letter about her case to the tribe. It is vitally important to keep the victim informed, however. Leslie Hagen spoke of the importance of AUSAs having a good working relationship with the victim's tribal advocate.

Ms. Hagen summarized some of the major issues regarding data collection and declination reporting: There are 30 different options for immediate declination of a case; the options are undefined; differences exist in the 94 federal districts about when "matters" are opened and how informal declinations are recorded; and there is a need for more double-coding within LIONS.

- **Garrick DeClay**, a member of the White Mountain Apache Tribe currently with the Office of Justice Services, Bureau of Indian Affairs, spoke about OJS. The OJS is comprised of six primary areas: Division of Law Enforcement Operations (including Criminal Investigations and Police Services); Division of Drug Enforcement; Division of Corrections; Division of Professional Standards (including Inspection and Internal Affairs); Division of Tribal Justice Support (courts); and Division of Training – The Indian Police Academy.

OJS's primary long-term goal is to reduce violent crime in Indian Country. It has several intermediate measures that track performance related to achieving this goal. These measures center around: increasing community policing; increasing staffing for law enforcement and corrections; improving case closure rates; reducing serious incidents in correctional facilities; implementation of corrections crisis management plans; and increasing the number of courts with corrective action plans.

The OJS collects FBI Uniform Crime Reporting (UCR) statistics. In the absence of a valid records managements system, OJS had a temporary automated data collection system developed that allows for data storage and verification of data submitted by respective agencies. The system allows for data entry at the field level. About three years worth of crime data has been entered into the system. OJS is now trying to improve the scoring of crime data and the use of supplemental reports to ensure proper alignment with the national standards of UCR data. NIJ and the public can access the data with a formal letter of submission (The current data policy is under review).

Data are submitted monthly by field programs to their District offices. These data are used to report to the Department of the Interior as a means of program (BIA) performance standards. The data are as valid as the submitting agency's reporting of the incident. Current data improvement plans are being evaluated. There are several data collection activities planned: IMARS, the Incident Management Analysis and Reporting System, a record-management system; UCR/Incident Based Reporting training (from the FBI's Criminal Justice Information Services); and BIA Indian Services (social services)/OJS partnerships.

Mr. DeClay was asked whether tribal police departments report to the FBI UCR system. He said some tribes will report directly to the states and the states will report both back to the UCR program and to BIA. Then BIA reports an aggregate number on to DOI. Patricia McGeshick expressed concern about double reporting and triple reporting, but said she had also heard of problems with tribes not submitting reports to BIA at all.

Ms. McGeshick made several recommendations: that a FBI representative be invited to a future task force meeting to discuss what data the agency was collecting and how it was collecting it; that local law enforcement receive greater funding to get more local first responder manpower; and that local law enforcement should have mandated, standardized training on dynamics of domestic violence. Sometimes, law enforcement forgets that domestic violence is a crime so doesn't enforce laws against that crime, she said.

Garrick DeClay noted that if one goes to the website expectmore.gov and types in "BIA OJS", the site will outline advances the agency has made in trying to meet the performance goals for OMB and will address data collection improvement plans.

Mr. DeClay showed a screen shot display of data entered into OJS' Lotus Notes system (which then can be exported into an Excel spreadsheet). The data – from UCR data submitted by tribes - shows the year and month, state, tribe, and the number of crimes categorized by “forcible rape,” “attempted forcible rape,” “sex offenses,” “child abuse” and “domestic violence”. There are totals for each crime statewide and totals for each crime for all states that report combined. For example in FY 2007, 473 forcible rapes were reported; 843 sex offenses; and 11,050 cases of domestic violence.

He next showed a screen shot showing how data are entered at OJS. The reports are categorized based upon the program type.

Since tribes can't access Lotus Notes to get into the system, OJS asks all tribes with law enforcement programs to provide their agency profile, future data requests and monthly crime statistics information to their district law enforcement office, and not the BIA regional offices. This is to ensure that tribal data can be included in the data reporting process. OJS is anticipating to add on tribal courts, child abuse/neglect and additional law enforcement and detention components to this system for FY2007 reporting. This system is a bridge that OJS will use until DOI's Office of Law Enforcement Services' Incident Management and Reporting System (IMARS) becomes ready for Indian Country law enforcement programs.

Patricia McGeshick recommended that OVW look into ways that tribes could access the OJS Lotus Notes program. Garrick DeClay said that OJS is looking into various systems/products for sharing sensitive, but unclassified, information and would share progress in this effort with NIJ/OVW.

- **Kelley Moulton**, a research assistant in NIJ's Violence and Victimization Research Division next gave a summary of existing homicide-related data of AI/AN women. She spoke of several data sets: the Supplementary Homicide report (SHR); the National Incident-Based Reporting System (NIBRS); the National Violent Death Reporting System (NVDS); and Indian Health Service (IHS) mortality data.

There are two broad focuses in terms of homicide data: the criminal justice-focused data set and public health death data. For criminal justice death data, the Supplementary Homicide Report, which is part of the UCR collection effort, and the NIBRS collect information on incidents reported to police, among them homicides. They typically report the demographics of the victim, offender and offense (e.g., race, sex, age); and the circumstances of the crime (e.g., where it took place, what weapons were used, etc.). The limitations of this kind of data are that it only represents incidents reported to police; there are Indian Country jurisdictional issues; and it is voluntary for states to report to UCR/NIBRS.

On the other hand, public health data are collected by the National Center for Health Statistics, which publishes annual homicide rates based on information provided by all death certificates filed in every state and Washington, D.C. It typically reports the cause and manner of death and basic demographic data. However, there are no details on what led to the violent death (e.g., it started as a fight; or was the result of domestic violence).

The Supplementary Homicide Report is available from 1976 onwards. It collects detailed, incident-level data on nearly all murders and non-negligent manslaughter; for example, agency information; population and county data; the age, sex and race of the offender and victim; the victim/offender relationship; and the circumstances of the crime. Local law enforcement enters this information onto a form. This is a critical point: What one gets out of data are only as good as

what goes in, so the question of who is inputting the data and how well they know the classifications is important.

One of SHR's strengths: Legal definitions for homicide are unchanged (unlike "sexual assault" or "domestic violence" where definitions have changed), and the data are therefore comparable. Also, underreporting is not as problematic as with non-fatal crimes.

Some limitations of the SHR: It doesn't collect much contextual data (there is limited space in the form's boxes to write information, so, for example, specific locations are often left out). It also allows non-specific coding; so one could code an incident as "other" without explaining exactly what "other" means. There's very little definitional guidance. There is some missing and inaccurate data (for example, a "zero" in a box could mean that there were no homicides in a particular jurisdiction at a particular time, but it could also mean that no one filled in the homicides that occurred in that jurisdiction at that time). The SHR also doesn't provide each case with a unique case number or identifier. And the data are incomplete (it doesn't cover all periods or all states, for example).

In an effort to improve the UCR, the FBI started NIBRS. NIBRS has data available from the 1990s. It collects more detailed and specific information on murder, among other crimes, including victim, offender and offense data. It is electronically entered by law enforcement, which cuts down on some opportunities for error. Some of the strengths of NIBRS: it collects much more detailed information; agencies must be certified before submitting data, with mandatory training for personnel inputting data; there is detailed documentation and instructions; data can be edited by the FBI; and additional incident-level data can be added. Limitations of NIBRS: it doesn't remedy all of UCR's problems; definitional guidelines provided are limited; and it's not clear what information should be added later. Also, only slightly more than half the states report. And even though NIBRS is an improvement in regard to data collection, higher numbers of unsolved crimes impact the ability of this data to serve one's purposes (e.g., there is less offender information and less evidence of an offender/victim relationship, obviously, if one doesn't know who committed the crime).

According to SHR data, between 1976-2005, 3,986 homicides of AI/AN persons took place, 27% of which were women. In terms of the relationship of AI/AN female victims to offenders, acquaintances account for slightly more than 30% of the offenders. In slightly more than 20% of the cases, the relationship is unknown.

Another data set is the National Violent Death Reporting System, collected by the CDC and available from 2003-2006. This system tries to marry the criminal justice and public health data sets. It collects state-based information on violent deaths; victim and suspect information; and injury and incident-related information. It collects information from death certificates; coroner/medical examiner records; and police, crime lab, and fatality review reports.

Race of the victim is collected from four sources: death certificates; a medical examiner report; a police report; and supplementary information. Most often, the race classification comes from the coroner's report, which relies on family/witness identification. Many cases are coded as "unknown" in at least one document.

The strengths of NVDRS is that it combines criminal justice and public health data sources; it correctly captures about 95% of homicides and suicides; and the classification of individuals as AI/AN is consistent across four document sources in 99% of the cases. Limitations of NVDRS: There can be inconsistencies between documents (e.g., different case types/definitions or

time/location information); there are practical problems in linking data systems; demographic data, including race, is usually identified by a family member; and a limited number of states participate.

Indian Health Service mortality data, meanwhile, is collected by the National Center for Health Statistics (CDC) and the Indian Health Service. The data cover 12 IHS administrative areas and is available from the 1980s onward. It also collects detailed case information.

The primary strength of this data set is that it is AI/AN focused. The IHS service population comprises about 60% of all AI/ANs in the U.S. It also provides the most complete data for those accessing IHS services. Limitations: It is based on census information; and it doesn't distinguish between persons living on a reservation and those living near that reservation.

In summary, existing homicide data has some limitations: It is based on voluntary reporting by states or doesn't cover all states; race/ethnicity is generally some form of self-identification; and it is difficult to coordinate different data systems.

Asked for a recommendation on how to address the limitations of the data systems, given restrictions of time and funding, Kelley Moulton suggested a triangulation of the various data sources, combining the strengths of each source to get the best homicide data that exists. Jacqueline Agtuca expressed concern that some data on murdered AI/AN women did not identify those victims as AI/AN women. Angela Moore said that it was key to address the issue of reporting at the local level. Sometimes, she noted, the homicide gets recorded to a law enforcement agency, but the race of the victim does not. She suggested perhaps creating a pilot program within a tribe to address reporting issues.

- **Dr. Sharon Smith**, a behavioral scientist with the CDC's Division of Violence Prevention spoke on a couple of the CDC's data systems. The interactive Web-based Injury Statistics Query and Reporting System (WISQARS) provides customized reports of injury-related data from the National Center for Health Statistics and violent death data from NCIPC's National Violent Death Reporting System. It offers reports and charts on fatal injuries, such as cause of death, as well as reports of nonfatal injuries, treated in hospital emergency rooms, and nonfatal accidents, leading causes, and years of potential life lost. Information is available from 1999-2005. The database can be accessed at <http://www.cdc.gov/ncipc/WISQARS/>.

Dr. Smith displayed graphs showing AI/AN child and adolescent homicides from 1999-2005 and adult homicides. The graphs showed that deaths of infants and young children are fairly high for both boys and girls. Then, the number dips until adolescence, when the number of male deaths increases greatly, and there is also a smaller increase in female deaths. For adults, male homicides are very high in the early 20s, then decrease into the mid-50s, before bottoming out. However, the level of homicides of women are relatively stable from the early 20s to mid 40s, before starting to drop.

NVDRS (National Violent Death Reporting System) is a fairly new data system that collects violent death data from death certificates, coroner and medical examiner reports, police records, and crime labs. Abstractors at state health departments compile information and input it into NVDRS. These abstractors write brief narratives about the circumstances of the incident (e.g., Was there an argument? Was this an intimate partner situation? Was there a stressor going on at that time?). This gives users a lot of detailed information unavailable from other systems and allows for the creation of a prevention strategy to address the issues underlying these deaths. NVDRS also allows for the linking of homicides in serial homicide situations, or for the linking

of murders and suicides in the case of murder-suicide scenarios.

Secondary, optional, data sources include child fatality reviews; the Supplementary Homicide Reports; hospital records; and ATF gun traces. NVDRS allows the user to learn about why a violent death happened, where it happened and, in many cases, why it happened based on circumstance information. Seventeen states are currently funded; the intent is to implement NVDRS in all U.S. states and territories. NVDRS was recently implemented into the WISQARS site and is publicly available.

Dr. Smith explained how homicide data gets into NVDRS. After a violent death occurs, the death is examined by a medical examiner or coroner. Usually there is a police report and sometimes a crime lab report. The ME/coroner completes the death certificate and files it with the state, which passes it on to the state health department. The health department also has access to police and crime lab reports. Then the abstractor enters data into NVDRS. CDC gets the data and analyzes it, trying to get a clearer idea of why violent deaths occur. Then it uses this information to develop prevention strategies. That information is released to the states and other federal agencies, which may use it for their own prevention programs.

Dr. Smith highlighted examples of how NVDRS can give information on the circumstances of homicides. For example, from 2003-2006, intimate partner violence played a role in 27% of murders of AI/AN women and sexual violence in 13%. In 41% of the homicides, the suspect and victims were intimate partners; in 18% acquaintances; and 10% were family members (child, parent, etc.).

Some task force members expressed concern about the lack of tribal access to NVDRS and the fact that the system does not include information on which deaths occur on reservations and which do not. Virginia Davis said that the inability to determine a reservation crime rate ties the hands of tribal policymakers. Dianne Barker Harrold also noted that not all tribes are located on reservation land. Jacqueline Agtuca showed concern over the findings of a separate CDC study that noted that intentional homicide was the third leading cause of death for Indian females between 10-34 and that suicide was the second leading cause.

- **Dr. Lynn Jenkins**, Etiology and Surveillance Branch Chief, Division of Violence Prevention, CDC, updated the panel on the National Intimate Partner and Sexual Violence Surveillance System (NISVSS). NISVSS is a system currently under development, created to provide an ongoing source of data for monitoring the magnitude and characteristics of intimate partner violence (IPV), sexual violence (SV) and stalking in the U.S. The system will increase the understanding of the nature, context, severity and consequences of violence against females and males.

The use of a standardized approach allows an assessment of the variability in state-specific prevalence rates. This allows states to make comparisons with the nation as a whole; to identify groups at greatest risk; to design and evaluate policy changes and prevention strategies at the state level; and to monitor trends long term.

The survey is being developed in collaboration with DOJ and DoD. Survey design was informed by the results of a pilot survey. The questionnaire was redeveloped with input from a panel of content-area experts. Revisions to the questionnaire address: frequency of IPV, SV and stalking across different time periods (12 month, 36 month and lifetime); the severity of these incidents; patterns of violence (physical and psychological aggression; coercive control and entrapment; forced sex); and changes over time within a current relationship and whether the violence is

increasing, decreasing, varying over time, or there's been no change. Other questions address the impact of this violence (well being; fear; interference with social networks; risk of harm to self, family and friends; injuries; physical and mental health; number of missed work and school days; number of hospitalizations and doctor's visits; and service usage from hospitals, police and shelters).

NISVSS is expected to receive IRB approval this month. Annual ongoing data collection is anticipated to begin in 2010, depending on OMB approval. National-level estimates will be available after the first year of data collection, and state-level estimates are to be obtained by pooling data across multiple years. The 2010 sampling plan includes the U.S. adult population 18 and older, with approximately 5000 people interviewed. Built into that is an oversampling of AI/AN populations in urban areas (n~700). Also to be sampled are females in the military (n=3600), both active-duty females and spouses of active-duty military.

The CDC has budgeted about \$2 million per year for ongoing surveillance and the contract has 3 option years. Assuming funding remains at current levels, the annual sample size would be approximately 7000, and CDC would continue to oversample the AI/AN population each year. NISVSS will be incrementally funded to increase sample size if additional resources become available. State-level data for all states should be available after about 2-3 years.

Dr. Jenkins noted that detailed questions could be addressed to Michele Lynberg Black, the NISVSS project lead (MLynberg@cdc.gov).

Dr. Jenkins and Dr. Smith noted that the survey would address lifetime victimization and would ask respondents questions on when they were first victimized.

A task force member asked how many survey interviewers would be AI/AN, and if it would be possible to train AI/AN persons so that members of tribes could themselves, in the future, start doing surveys in Indian Country. Dr. Jenkins said that not all interviewers had been recruited yet, but CDC would keep in mind the desire for Native interviewers and would likely be happy to share any training materials developed for interviewers with others interested in embarking on their own surveys. Dr. Smith noted that the telephone interviews would be drawn from a random calling pool; interviewers wouldn't know ahead of time whom they were calling. Dr. Jenkins said that interviewers would be trained to be culturally sensitive, regardless of the ethnicity of the respondent. In the future, depending on issues such as response rates, it might be possible to try and match interviewers more with respondents.

Lori Jump suggested adding a question to the survey asking if the respondent had a tribal affiliation. Dr. Jenkins and Dr. Smith said that a question about tribal affiliation was possible, but likely as a "yes/no" type question; the task force should not have the expectation that such a question would provide estimates on violence occurring in particular tribes.

Virginia Davis noted another survey's finding that about 8 out of 10 *urban* Indian women had been victimized by a non-Indian man, and said that DOJ has contended that that statistic is problematic because one cannot extrapolate from urban Native women to make a general statement about all Native women, such as those on reservations. Ms. Davis said that this may suggest a problem with the methodology of NISVSS, if that survey is sampling both urban and reservation-based Native women, and oversampling the urban women. She said she would personally prefer oversampling of women on reservations. However, if the survey was going to oversample urban Indian women, it would perhaps be better to exclude reservation women altogether, since she expects that there would be several differences between sampling of urban

Native and reservation-based women. At least by excluding reservation-based women, one could get reliable data on the urban population, she said.

Dr. Jenkins said that CDC would keep that in mind for the future, but that the sampling plan for this year was already complete. Angela Moore also noted that the survey was essentially a random digit dial from a telephone bank, and the interviewers did not know where the respondents were from until those respondents provided that information. So to exclude reservation-based women would mean excluding information after the fact, requiring changing the whole sampling design. In answer to another question on whether the survey would ask whether the respondent lived on a reservation, Dr. Jenkins said that question is not part of the survey now.

- **Carolyn Aoyama**, Senior Consultant for Women's Health and Advanced Practice Nursing, Indian Health Service (IHS) spoke about IHS violence against women data. IHS has a project called the National Data Warehouse (NDW). NDW data includes patient care data from IHS' Resource Patient Management System (RPMS) Patient Care Component (PCC). Patients that need specialty care, however, are referred to the private sector; data from that source is known as Contract Health Service (CHS) data. There is also data from non-RPMS sites using commercial packages. These sites have mapped their data to the NDW industry standards. Finally, there is patient registration data.

In terms of violence against women data (domestic violence/sexual assault), denominator data comes from the "user population" data. "User population" is defined as "the count of American Indians and Alaska Natives eligible for IHS services who have used those services at least once during the last 3-year period." This population comprises both Indian people on and off a reservation. The user has to be registered in the IHS Patient Registration system and must have at least one of the following in the last 3 years: a direct or contract health services visit; at least one direct or contract inpatient stay; or outpatient visit or direct dental visit.

The numerator data is an unduplicated patient count of female patients 12 and over treated for specific ICD-9 "purpose of visit" codes identified by IHS' Women's Health program. For example, for domestic violence, there are ICD-9 codes for adult maltreatment; physically abused and battered persons; adult emotional abuse; adult sexual abuse; adult neglect (nutritional); and other adult abuse and neglect.

If individuals with private insurance choose not to use IHS services, that information is not captured. Similarly, sexual assault data are not captured by IHS when other facilities conduct forensic exams. Ms. Aoyama explained that because of funding and time constraints, training issues, and the difficulty of the work for nurse examiners, sexual assault victims who come in to an IHS facility will generally be referred to a private-sector SANE program, with IHS often transporting patients up to 1 1/2 hours away. Other patients, for various reasons, may want to avoid an IHS hospital and will take themselves directly to the SANE facility. In answer to a question about tribes asking for a local SANE program, Ms. Aoyama said that tribes should definitely lobby for such services, but noted that it would be very difficult for every hospital to have SANE capacity.

Ms. Aoyama also spoke about "E-codes," codes that describe the circumstance of an injury or illness, and in the case of domestic violence, the nature of the abuse, the perpetrator, the intent of the neglect, and whether or not it was intentional. E-codes help identify domestic violence, as opposed to other forms of adult maltreatment.

V-codes, meanwhile, provide information about the history of the abuse or the need for counseling as a result of domestic violence. They include codes describing physical abuse and rape; emotional abuse; other abuse; counseling for the victim; and counseling for the perpetrator.

Ms. Aoyama displayed various graphs showing AI/AN females seen for domestic violence-related injuries; AI/AN females with E-codes identifying domestic violence; and AI/AN females with a history of, or counseling for, domestic violence. Each graph was arranged by age and fiscal year, and the shape of the curves in each was similar, with violence increasing for women between their late teens and early 40s. Another graph addressed the V-code for AI/AN females seen for rape. The youngest age on the graph was 12, and the highest number of females seen for rape was also at age 12.

- **Diane Gout**, Research Associate, Institute for Child and Family Policy, Muskie School of Public Service, University of Southern Maine spoke on the VAWA Measuring Effectiveness Initiative. The Muskie School entered into an agreement with OVW in 1999 to develop and implement reporting tools to capture the effectiveness of VAWA grant funding. Of 11 current discretionary grant programs, two provide federal funds to AI/AN tribal governments and organizations: the Grants to Tribal Domestic Violence and Sexual Assault Coalitions program and the Grants to Indian Tribal Governments program. Tribes can also apply for funding from any other discretionary grant program or from the STOP Formula Grant Program through their state.

Data variables were established to meet legislative reporting mandates of VAWA 2000 and were developed with input from OVW, researchers, practitioners, grantees, technical assistance providers and other experts. The first part of the mandate requests information on the number of persons served and the number of persons seeking services who could not be served and other information as prescribed by the Attorney General or Secretary. Second, OVW is required to submit a biennial report to Congress that includes data relevant to each funded grant program.

Data collected does include the number of sexual assault, domestic violence/dating violence, and stalking victims requesting services, but the primary purpose of the data collection is to demonstrate the effectiveness of activities funded by OVW including services provided to victims and families, and the effectiveness of the criminal and civil justice response to violence against women by VAWA-funded agencies.

To this end, data collected covers additional areas such as staff, training, community education, coordinated community response, law enforcement, prosecution, probation, courts, etc. Data also include a qualitative or narrative component that provides grantees an opportunity to discuss the effectiveness of their grant-funded activities and how those activities work to increase safety for AI/AN women.

Data collection was not intended to establish an incident rate of violence against women. Only those grantees funded by OVW provide data. For the July-December 2007 reporting period, 63 tribal grantees provided data under the STOP Violence Against Indian Women grant and 21 grantees reported under the Tribal Coalitions program. Also, grantees may only report on activities specifically funded and/or supported by VAWA grant funds.

Several areas of the reporting forms collect data specific to the type of victimization served by the OVW-funded programs. Some of the data variables are race, age and gender of victim (not by type of victimization); relationship to offender (by type of victimization); number of calls to a hotline; number of victims receiving each service offered and number of times service was

provided (not by type of victimization); number of victims referred to victim services; number of cases received accepted and declined by prosecutors by type of crime and the disposition of those crimes; and number and type of criminal cases filed.

Ms. Gout outlined some of the limitations of the collected data. In each section collecting data on type of victimization, domestic and dating violence are combined, so it is impossible to determine the number of victims specific to each type of victimization. No variables are collected reflecting intimate partner homicides.

Grantees can only report an unduplicated count of victims receiving services each 6-month reporting period, though it's possible a victim may be served across several reporting periods. Victims can also only report the victim under one type of victimization or primary victimization.

Grantees also only report on OVW grant-funded activities. So, if a victim services provider employs two full-time advocates, but only one is funded under the OVW grant, then only the victims served by that grant-funded advocate can be reported. And not all grants fund programs to provide services to victims. For example, in the July-December 2007 reporting period, 78% of STOP VAIW grantees provided victim services (16% supported law enforcement activities, 10% prosecution activities, etc.). This suggests not all victims requesting or receiving services from a tribe are being reported. From July-December 2007, only 2300 victims were reported as requesting services (171 were sexual assault victims, 48 stalking, 2081 domestic/dating violence).

In terms of the reliability of the data, data are reported by grantees and is subject to errors such as over- and under-reporting, recordkeeping issues, misunderstanding of instructions, etc. So, OVW and Muskie have taken a number of steps to improve the quality of the data collected. These include training sessions held every six months before the reporting deadline to assist grantees with their reporting. The progress reporting forms also contain validations. Each is computer coded to enhance accuracy. If key data fields are left empty or contain questionable information, the grantee receives an on-screen message asking that the information be verified. OVW staff also review grantee progress reports for completeness and accuracy. After staff approval, OVW transmits data to Muskie where Muskie staff identify "red flags" indicating the need for follow-up with grantees.

After each 6-month reporting period and once the data are cleaned and analyzed, Muskie staff create summaries called "Graphic Reports." These reports reflect aggregate information provided by grantees in their semi-annual progress reports. Included are the number of grant-funded staff, number of people trained, number of victims served and number seeking services who were not served, demographic data on victims served, etc. Once approved by OVW, the reports are posted to the Muskie website. The biennial reports to Congress and the annual STOP grant reports are also made available once OVW submits them to Congress.

7) Catherine Poston, OVW's Attorney Advisor, spoke about the purpose and importance of Federal Advisory Committees. This task force was established under the Federal Advisory Committee Act (FACA).

Federal Advisory Committees provide collective and independent advice to a federal agency. With the expertise of committee members, the government is able to get advice on a broad range of issues, and task force members and members of the public are afforded an opportunity to give advice to those agencies. Recommendations from these committees are not binding on the government.

The scope of activities for the Section 904 task force is to assist NIJ and OVW in the development and implementation of their program of research. The task force will report to the directors of NIJ and OVW and can decide to appoint a chairperson and vice chairperson or to collectively coordinate the reporting of its consensus advice. The task force can create a written report.

8) Cindy Dyer and Dianne Barker Harrold thanked the participants and the meeting adjourned for the day.

December 9, 2008

Matters Discussed

1) Dianne Barker Harrold welcomed the task force members back for the second day of the meeting and thanked the previous day's presenters.

She reminded the task force that the various federal agencies' data collection efforts were primarily for those agencies' own purposes and were not meant to be comprehensive. So, most of the research for this new NIJ/OVW program of research will not come from existing models but from original research.

2) Angela Moore noted that Cindy Dyer would be arriving later and that, in her absence, Dr. Moore would serve as Designated Federal Official, convening today's meeting.

3) Christine Crossland presented the Section 904(a) Violence Against Indian Women in Indian Country research program proposal. She reminded the task force that NIJ, in consultation with OVW, had been tasked with conducting a national baseline study to examine domestic violence, sexual assault, dating violence, stalking and murder among Indian women in Indian Country. The study will evaluate the effectiveness of federal, state, tribal and local response to these violations and make recommendations to improve that effectiveness.

NIJ/OVW had asked the task force to assist in developing this program of research. At the first task force meeting, NIJ/OVW presented an overview of the research that had been conducted to date and asked each member to articulate goals for the program. General themes from these goals include: accountability at all levels; the need for sovereignty of the tribal Nations; global tribal representation; and the need to resolve jurisdictional issues to establish authority and responsibility to respond to violence against Indian women.

The task force asked for specific information on the following: age of participants; victim/offender relationships; underreporting by victims; incidence and prevalence rates; causes, and continuum, of violence; prosecution rates; effects of dual jurisdiction; border issues; full faith and credit; alcohol and other drug presence; and mapping of community response. Some of the requests were outside the scope of the mandate; nevertheless NIJ will consider those as it develops the program of research. Some requests are being addressed by other studies that NIJ is currently funding.

The program involves conducting a tribally-representative study that will collect survey data from a representative sample of tribal communities and a sample of Indian women from those communities. There will be a secondary data analysis of federal, state, local and tribal crime and health data systems. Finally, there will be an evaluation of promising programs.

A goal is to capture both crime and health data. The preferred catchment area for the representative sample would include American Indian reservations: Alaska Native villages; American Indian off-reservation trust lands; American Indian tribal subdivisions; and Oklahoma Tribal Statistical Areas. Factors to consider include geographic location and size; population size; physical jurisdiction; and criminal justice, political and social systems within the communities.

The target population is Indian women from these selected tribal communities (18 years and older; or 12/13 years and older). The women would be enrolled members and/or self-identified members. Discussion at the panel's previous meeting focused partly on recruitment efforts; voluntary participation in the survey; incentives to participate; and the need to maintain confidentiality. Questionnaire data on public safety and health issues are to include: Indian women's childhood and adult experiences with violence and victimization; their responses to that victimization; forms of victimization; the offender/victim relationship; risk factors; help-seeking efforts (addressing both the effectiveness of services and help-seeking barriers); and an assessment of current psychosocial outcomes associated with victimization.

Within the questionnaire, there would be six primary objectives: 1) determining the extent of victimization and revictimization, regarding domestic and dating violence, sexual assault and stalking 2) determining the existence of other forms of victimization (witnessing indirect victimization and experiencing multiple forms of victimization throughout their lifetime); 3) examining formal service utilization (reporting victimization to police, legal remedies, the use of therapeutic and medical services and satisfaction with those services); 4) examining formal and informal help-seeking behaviors (disclosing to, and receiving support from, peers/friends, family, criminal justice system agents, first responders, and medical personnel; and addressing cultural barriers and privacy concerns); 5) examining the risk factors for subsequent victimization (demographic variables, history of victimization, alcohol or drug use, and culturally-relevant factors such as historical trauma) and 6) determining the psychosocial impact of victimization (revictimization, poly-victimization and psychological distress; and the relationship between victimization and social functioning).

Jolanda Ingram Marshall suggested that rancherias be added to the list of catchment areas for the survey. Denise Morris suggested expanding the survey beyond Alaska Natives to urban areas in the state, as many Alaska Natives are moving from villages due to economic concerns and many Native women no longer live in those villages because they don't feel safe there.

A task force member suggested adding "victim advocacy services" to goal 3 (examining formal service utilization). Regarding goal 5 (examining risk factors for subsequent victimization), Jacqueline Agtuca said that it seemed there were several other types of risk factors that needed to be considered. These would include inadequacies in law enforcement services on reservations; a lack of jurisdiction and/or authority to respond to some crimes; and the perception that Native women were more vulnerable to crimes of domestic violence, sexual assault, etc. Angela Moore agreed that these were issues that needed to be addressed. She suggested the need for a variety of tools; for example, a separate survey of service providers and individuals in the communities (not necessarily just women/victims). Jacqueline Agtuca recommended that "lack of criminal justice services" be added to the list of risk factors for subsequent victimization. Karen Artichoker said that the problem went beyond a criminal justice response to a lack of services in general for Native women.

Several task force members criticized the inclusion of "alcohol and drug use" by women as risk factors for victimization, noting that Native women who are victims of domestic violence or sexual assault are often blamed because they may have been consuming alcohol or illegal drugs at the time of the offense. Other risk factors, such as political/economic/educational isolation should perhaps be considered instead. Christine Crossland said that "alcohol and drug use" would be referring to the offender, not just the victim. Sharon Smith explained that much current sexual assault research tries to distinguish between forceful assaults and assaults in which, for example,

an offender purposefully takes advantage of a victim who is either passed out or too intoxicated to consent.

Christine Crossland emphasized that the questionnaire has not yet been developed. The six data objectives she outlined, including the one on risk factors, were simply general guidelines. NIJ will also be reviewing what questions have been used in other studies. Angela Moore added that the issue of substance abuse's impact on tribal communities was continually brought up in focus groups with tribal representatives, and so it was important to address it. The focus on this issue would be in terms of prevention and intervention, not victim blaming.

Jacqueline Agtuca asked about the possibility of focusing on perpetrator behavior as well as the victim's. Christine Crossland said that the target population was Indian women and that men would not be included in the sample. She noted that the survey would include questions to women about their relationship to the perpetrator. Angela Moore said that from experience it was very difficult to create a study that included both victims and perpetrators as respondents. Perpetrators do not want to report on their perpetration, and so there is a very low response rate from them. Garrick DeClay suggested that some information about perpetrators could be obtained by working with the Bureau of Prisons to find out who had been convicted for crimes against women in Indian country and seeing, for example, if jurisdictional issues were a motivating factor in them seeking out women on reservations.

Christine Crossland said there were many challenges that NIJ could expect in undertaking the program of research, including getting tribal communities to agree to participate in the research; the likelihood that many women in the communities that *do* agree will not want to participate themselves; the perception that tribes have of having "been researched to death"; the cost of the project; and the possibility of needing different sampling plans for each community that is part of the sample.

Karen Artichoker suggested that there be research on changing perceptions within tribes about violence; how victim blaming has become more prevalent; and how women are perceiving their victimization. Christine Crossland said that these issues would be built into the questionnaire.

(Cindy Dyer returned to the meeting and took over as Designated Federal Official).

In answer to a question, Angela Moore said that victim service providers would play a role in the survey, including facilitating access to respondents. Jolanda Ingram Marshall said she hoped for a large sample of AI/AN women, while acknowledging that it will be difficult to get a large sample. Also, those conducting surveys should be AI/AN, she said.

Denise Morris said that many tribes may decide not to participate in the program of research; however, it is important to reach out to those tribes so that women there have an opportunity to participate in this survey. Christine Crossland said she understood there would likely be many denials and that NIJ would respect those denials. NIJ would make an initial outreach and follow-up and try to allay any concerns.

Cheryl Neskahi Coan recommended that task force members appear at tribal consultations to introduce themselves and the survey project. Cindy Dyer said that at tomorrow's consultation, during her welcoming remarks, she could mention the task force and ask members to stand for recognition. Bernadette LaSarte said it was important to immediately start the initial outreach campaign and to tell tribal leaders why NIJ was conducting this survey and its importance.

Karen Artichoker asked about the possibility of obtaining tribal-specific information through the survey.

Christine Crossland outlined various challenges of the study. These include: overcoming a history of inappropriate and misleading research; addressing issues of trust; and the perception that some have of being “researched to death”. There is also a need to build relationships with tribal members and explain the benefits to the tribes and Indian women of this research. Other challenges include the need to address representativeness and sample size; permission and access to the communities and to data such as enrollment logs; lack of available data; and establishing strong community relationships. The study will also involve developing a questionnaire; IRB review and approval; OMB clearances; and the development of procedures for obtaining responses, including the need for asking culturally-appropriate questions. It will be necessary to address the length of the questionnaire and to develop standardized collection procedures and training materials.

Other challenges will include hiring and training data collection staff; determining the mode for data collection (in person, Computer Assisted Personal Interviewing, etc.); implementing data collection and managing multi-site data linking and processing; addressing respondent participation and response rates; and resource limitations.

While Native Americans may be hired to conduct surveys, those hired would probably not come from the communities being surveyed, so as to protect confidentiality, she said.

Front-end activities will likely include: outreach to tribes; sample selection; tribal notification; and an agreement to participate. These could be in the form of participatory agreements (for getting access to the community and to data; and agreeing on the dissemination of the findings); tribal resolutions; or memorandums of understanding or agreement.

Project initiation activities with participating tribes would include a marketing strategy to the tribal communities and to potential respondents; human subjects’ protection and institutional review board requirements; and creation of community-based research/evaluation oversight committees.

Throughout the process, there would be continuous, open and honest communication with participating tribes and accountability to the participants. Finally, there would be dissemination of the findings to participating tribes.

Ms. Crossland outlined a tentative, best-case scenario timeline for the various steps in the study, noting that steps in the timeline may have to be pushed back. For 2009, the first step would be outreach to tribes; followed by initiation of the primary data collection mechanism; then development of a questionnaire; development of sample plans and selection; and development of a research protocol and training materials. For 2010, outreach to tribes would continue; followed by questionnaire development and testing; human subjects’ review and approval and OMB clearance; sample plan refinement; tribal sample selection notification; participation agreements; marketing strategy work; training of data collectors; recruitment of participants; data collection, processing and analysis; report writing; and dissemination of findings. Program activities would likely continue into 2011 and possibly 2012.

She next addressed the secondary data analysis of federal, state, local and tribal crime and health data systems. Federal data sources/systems include DOJ, DOI, and DHHS; as well as primary

service providers (e.g., OUSA, FBI, OJP, OVW, BIA, CDC, COPS, and IHS). Within OJP (Office of Justice Programs) are several offices that grant funds to tribal programs, but the progress reports from those programs are narrative in form, and therefore there isn't solid data available for collection on specific services being delivered. This is why there was no presentation from OJP. FBI data representatives should be at a future meeting to discuss that agency's data collection efforts.

State data sources/systems include law enforcement (police, courts, corrections). Trauma data and death review team data, and child maltreatment case data are other state sources.

Local data sources would include law enforcement/courts and health facilities. Tribal sources would include law enforcement; victim service providers; and tribal health facilities.

It is expected that reports on the various data collected would be written and then rolled out over time, perhaps as published documents, perhaps as Web-based documents.

Criminal justice secondary data analysis would involve examining calls for service; arrests and charges; preliminary and permanent protective orders; prosecution/case outcomes (case processing time, pleas, declinations, acquittals, convictions); sentencing; and homicides, cold cases and missing person cases. Challenges of this secondary data analysis would include reliability of, access to, and validity of data. The data must also be put in the correct context.

Ms. Crossland spoke of the possibility of conducting interviews with FBI/BIA agents, US Attorneys, victim advocates, tribal police officers, etc. to get a better picture of violence against AI/AN women.

The study would also involve evaluating promising programs: criminal and tribal justice programs and services (prevention and intervention efforts; comparative analysis of PL 280 vs. non-PL 280 tribes, examining the way cases are prosecuted as well as sentencing practices); victim service and advocacy programs (traditional, Western and mixed approaches); community assessments and mapping (identifying the extent to which justice systems network with one another and other organizations serving Indian women); and offender programs and services.

Ms. Crossland spoke of several studies that appeared to be outside the mandate of this program of research but that were recommended as relevant to the research. These include studies on the trafficking of Indian women; tribal laws and codes; and the Project Safe Neighborhoods' model as applied to Indian country (so funding could be provided to hire more agents and attorneys; provide more training and resources; and have more local researchers to evaluate efforts).

Other studies might include cross-deputization and Special U.S. Attorney's mechanisms; victim notification programs/policies; qualitative studies (e.g., case studies); and the comparison of tribes with low rates of reported violence and victimization to those with high rates.

Carolyn Aoyama suggested also researching tribal Sexual Assault Nurse Examiner programs. Angela Moore noted that if a suggestion from a task member didn't fit in to *this* program of research, it may be able to be incorporated in a future NIJ violence against women research solicitation.

Christine Crossland outlined the next steps in the process. First will be task force review, discussion and recommendations. NIJ hopes to convene a research experts meeting to review the science behind sampling issues involved in the program of research. NIJ would also report to

Congress on the activities conducted to date and the proposal to address the mandate. There will be further investigation into federal, state, local and tribal data systems/sources; and identification of promising programs. Outreach and dissemination to tribal communities will be necessary, with outreach starting immediately.

Implementation of the research program is expected to involve hiring of research staff; development of sampling plans, questionnaire, training materials and a research protocol; data collection, entry and analysis; report writing; and dissemination of findings.

After-action items are expected to include a task force meeting summary; the convening of a researcher panel; a report to Congress; continued coordination among federal agencies; the drafting and issuing of a program plan; the collating and reporting out on federal and other data sources; and researching specific task force data requests.

4) Ms. Crossland next posed a number of questions to the task force: Does this proposal address the task force goals? How would members prioritize the different components of the proposal? What are its strengths and weaknesses? Should enrollment be the key factor for the program? What about self-identified AI/AN? Who should be the primary target group and why – women over 12/13, or women over 18? If NIJ could conduct only one study, what would it be? What are ethical considerations of the research and what strategies would the task force suggest to address these considerations? What are strategies for data collection, for reaching out to tribal communities; for increasing community participation; and for developing tribal and research partnerships? Are there specific organizations that can add value to this research? What role can individual members play in facilitating access to and buy-in with the tribes?

Jolanda Ingram Marshall suggested that the primary target group should be females 12 and over because it appeared from the data presented yesterday that a high number of females seen by IHS for sexual assaults were around that age. Others agreed with the concern that younger girls and teens were being assaulted at higher rates, and noted that many youth in the 15-18 age range were experiencing dating violence. But she noted that VAWA funds have typically been targeted at those 18 and over, because there seems to be much more funding for children under 18 (and more data on them). Lori Jump agreed that the study should start at age 12, saying that many youth are dating or sexually active. Angela Moore said that because children are classified as a vulnerable population, it can be very challenging to get information from them. Many safeguards must be put into place, and these can add time and cost to the project. However, NIJ can discuss this issue with the CDC and other agencies to determine ways around the constraints. Many researchers get around this problem by asking older respondents about their victimization as youths, rather than trying to questions youths directly. Karen Artichoker recommended sticking with women 18 and over, saying that the needs of the population under 18 were different than those of adult women. She said that it would be best to focus on adult women, for whom less information is available, and who seem to receive less attention from prosecutors. Patricia McGeshick suggested targeting women 18 and over, expressing several concerns, including issues such as possible guardianship of those under 18.

Jolanda Ingram Marshall suggested that the program of research focus on self-identified AI/AN, not on tribal enrollment. Patricia McGeshick recommended that if a respondent said she was a member of a federally-recognized tribe then that person should be qualified for the study.

Pamela Iron said she felt the proposal does address the task force's goals. She said she would prioritize the first, large, study before the secondary data analysis. She had a mixed opinion on the issue of enrollment. She noted that in Indian communities, some participate as active tribal

members but are not enrolled in the community. On the other hand, many people self-identify as Indian but are not actively engaged in a tribal community. Christine Crossland said that from a scientific standpoint, NIJ would ideally like to prioritize enrollment so it could identify who Indian women are and then randomly select from that pool of women. But she expects that not all tribes will be willing to share those enrollments. Vikki Shirley said the survey should interview self-identified AI/AN, noting that there is now a lot of intermarriage between members of different tribes, and women may not want to say that they are only members of one tribe or another.

Jacqueline Agtuca spoke to the strengths and weaknesses of the proposal. One strength is the participatory approach, partnering with tribal governments and tribal advocacy programs. Some places, like many Alaska Native villages, have little-to-no law enforcement presence, so advocates often play the role of justice and safety providers. One weakness of the survey is that the problem it is addressing is large and complicated, so this study simply can't satisfy everyone. It will be necessary to prioritize the large survey and do it well, rather than trying to do too much and winding up with something that is watered down.

Karen Artichoker suggested that enrollment should be the key factor, adding that the definition of American Indian in the VAWA was a legal definition. Whether or not a woman is enrolled in a tribe often comes into play; for example in whether she's eligible for IHS services. She noted that many people may be physically identifiable as Native American but are not enrolled in a tribe. She said many people have identified themselves as Native who may or may not be, and this has created much confusion. It is also important for researchers to be aware of different systems of enrollment, she said.

It was noted that it is necessary to show one's CIB (Certificate of Indian Blood) card to get services at an IHS hospital or clinic. She said it was also very unlikely that a U.S. Attorney's Office would prosecute a case where a woman victim is a self-identified AI/AN because of jurisdictional challenges.

Lorraine Edmo noted that the enrollment process was a tribal decision. So, once NIJ gets permission to survey a sample of a tribe's population, the tribe will be determining who should be sampled.

Pamela Iron said that researchers need something tangible to randomize a sample, and this is why an enrollment list is necessary. Denise Morris cautioned that if just enrollment is considered, a large population will not be surveyed, so it will not be an accurate representation of the community. A lot of people self-identify as AI/AN and many people have a Certificate of Indian Blood that may not be enrolled in a tribe. Virginia Davis noted that the program of research was not a census of Native women. She said it was possible that the results could show that enrolled Indian women actually experience *higher* rates of violence than self-identified Indian women who are not enrolled, or perhaps the data might show that enrolled women experience a *lower* rate of violence than self-identified women who are not enrolled.

Angela Moore said that to conduct a study of Indian women, it was necessary to develop a sampling frame and that there needed to be some document provided by the tribes giving information about who the people are that could possibly be surveyed. If researchers did not know about a person to include her in the sampling frame, then she would not be part of the study anyway, irrespective of whether she was enrolled or self-identified.

Denise Morris suggested taking some of the issues being discussed and presenting them to a subcommittee for review, because it may be difficult to reach consensus on some issues. She said the first priority of the proposal should be outreach to tribes; for broad participation to occur, they need to understand what they're agreeing to and what the expectations are.

The task force addressed the question about ethical considerations (e.g., victim safety and participant confidentiality). Christine Crossland said that based on experience with prior research, there have been concerns with AI/AN persons collecting data in their own community because of the small size and tight-knit nature of some of the communities. Bernadette LaSarte agreed with using Native people to conduct the survey, preferably from outside their own reservations.

Denise Morris said that the existence of confidentiality issues depended on how the survey will be conducted (By telephone? In person? By mail? A combination?). Christine Crossland said this would depend a lot on how the sampling frame is done. Research has shown that one gets higher response rates with face-to-face interviews, although this can be time consuming and perhaps costlier. Ethical considerations may also include the safety of the interviewer as well as the victim.

Speaking of confidentiality issues around having in-person interviews on tribal land, Denise Morris said that in a small community, it wouldn't take long to spot a stranger and know what he/she was doing on the reservation. Pamela Iron suggested conducting interviews in a neutral location, like a community library. Lori Jump talked about scheduling for purposes of confidentiality, making sure one respondent has enough time to leave before the next respondent shows up. Pamela Iron said that an interviewer would need to know a local resource to refer a respondent if that respondent became upset during the interview. Christine Crossland talked about the possibility of hiring community coordinators, well-respected persons in the community who could facilitate scheduling and assist with the research process.

Several panel members suggested providing an incentive for women to participate in the survey; for example, a small payment or gift card. One member suggested a small item with an educational focus. Because of lack of transportation or money for gas, it might be necessary to offer a ride to respondents to a central meeting place. Providing child care during the meeting might be another incentive.

The panel discussed reaching out to tribal communities. Suggestions included having one or more of the task force members speak at initial meetings with the individual tribes; involving IHS tribal epidemiology centers; asking public health nurses to help, since these nurses can enter a home and talk with a woman confidentially; announcing the project on the OVW web page; and fax blasting technical assistance providers and grantees. Panel members also suggested providing information at any gathering of AI/AN leaders; and reaching out to tribal community colleges and tribal educators. Jacqueline Agtuca suggested putting up a PowerPoint presentation on the OVW website about the research project, and she spoke of the importance of the messaging of outreach materials being consistent in terms of purpose, goals, process and participation.

5) Cindy Dyer asked the task force to consider whether it wanted to select a chairperson and, if so, a vice chairperson, to gather the consensus of the committee. The chairperson could be responsible for providing the report to the director of NIJ and to Director Dyer. The FACA does not specify a procedure for choosing a chairperson or vice chairperson; it would be up to the Task Force to decide if it wanted to nominate individuals to these positions. The Designated Federal Official would still be responsible for calling the meetings and setting the agenda.

The task force nominated Cheryl Neskahi Coan and Pamela Iron to be co-chairs. Catherine Poston read from the charter, which stated in part that OVW in conjunction with NIJ would provide all necessary support services to the task force.

6) The committee discussed when to hold the next task force meeting. Christine Crossland noted that before that meeting, NIJ wants to convene the experts' researcher workshop, as well as a federal agency stakeholder meeting. The expert's workshop would be a gathering of about 20 researchers with expertise in conducting research in Indian Country and addressing issues involving violence against Indian women. The experts would discuss scientific issues, such as sampling, and would comment on the proposed research program. The stakeholders meeting would involve convening federal counterparts, such as the CDC, IHS, BIA, FBI, and EOUSA who are collecting data on Indian Country/violence against women issues, to make sure there was no duplication of efforts.

Panel members discussed possible researchers to invite to the experts' meeting.

The task force tentatively set its next meeting for June 29-30, 2009 in Washington, DC. Christine Crossland asked panel members what they thought should be on the agenda for that meeting and what NIJ at that time should provide for members. Panel members asked NIJ/OVW to report out on the experts and federal stakeholders meetings; and to provide more detailed information on the methodologies being proposed for the large, tribally-representative study. It was also recommended that at this next task force meeting the panel discuss the marketing strategy for tribal participation outreach.

7) Next followed a period for public comments.

Julie Johnson, a Lummi Indian from Washington state, spoke first. She noted that there is now a statement in the national Democratic Party Platform in support of domestic violence prevention programs for Native Americans. She said she was pleased that NIJ was gathering data on violence against AI/AN women, adding that when testifying before Congress, it is necessary to give statistics in order to justify increased funding for programs.

She expressed concern that reservation data from yesterday's presentations seemed to be mostly from Indian Health Service clinics, not the tribal clinics. She also noted that Carolyn Aoyama had mentioned drafting a new national policy for IHS for the management of sexual assault and forensic exams and suggested that the Section 904 task force review this policy.

Eileen Lopez of the Tohono O'odham Nation asked how many members were on the task force; how many members are statutorily required; and how many of the members represent tribes. She expressed concern about how to help members of border tribes, such as the Tohono O'odham, who lived in Mexico. Another concern was that many tribes consider their data sacred and confidential and will be wary about giving out information. She said it was important for interviewers to be persons who understand the culture and traditions of the tribes. Finally, she said she believes all AI/AN women should be considered for the survey and expressed concern about relying on enrollment data, saying that many Indian women, like herself, marry into different tribes and may not be counted as enrolled members of their new tribe.

Juana Majel Dixon of the Pauma Band of Mission Indians advised the panel to come to an agreement on the meaning of terminology such as "Indian Country" and "Native women". She

expressed concern about who would “own” the data that is collected and how it would be used. How would tribes access and be able to use this data once it’s acquired?

Ms. Dixon spoke of the problem of only applying federal interpretations of what is “Indian Country” to the project, saying that “the geography of Indian Country is very different than the geography of America.” She also suggested that the task force consider issues of trafficking of women. Though trafficking is not expressly mentioned in the legislation, it is related to other crimes, such as sexual abuse and homicide, that are.

She talked about the importance of “pushing the envelope” in research with tribes; for example, using extensive models of narrative research to tell the whole story of what is happening on reservations.

Ms. Dixon expressed concern about research studies that extract information from larger tribes and apply their data to all of Indian Country. She said some tribes are concerned that severe conditions, especially for smaller tribes with limited resources, are not captured in the aggregated data analysis. This can, for example, have a direct impact on block grant funding.

Cecelia Fire Thunder from the Oglala Sioux Tribe thanked the task force for its work. She expressed concern about law enforcement on tribal lands, saying there was a need to prioritize the strengthening of law enforcement’s capability and capacity in Indian Country. She said there was an immediate need for more police officers on the ground, adequately trained, and ready to respond in a timely and professional manner.

Rape is the most under-reported crime in Indian Country, she said. There needs to be a better response from police and courts to hold rapists accountable. Rape victims require long-term care; however in tribal communities, few services are available for these victims.

She said that as a courtesy, the task force should not make any decisions without letting tribal leaders know what is being proposed. She also noted that some tribes are creating internal research boards now because of the feeling that they have “been researched to death” and that the data from this research does not get back to the tribe and thus the tribe is not able to use the data to help create programs.

She agreed that the program of research should focus on women 18 and over, saying there were a large number of adult Native women not receiving adequate medical or legal services.

Tammy Jerue, director of the Alaska Native Women’s Coalition, told the panel that because of the isolation and lack of resources in Alaskan Native villages, there is very little data available on Alaska Natives. And this lack of data prevents advocates in Alaska from applying for funds to create services. She said her organization would like to be involved in the research process with the hope that the data from the research program will be helpful in getting funding to make a difference in AN communities.

Cindy Dyer responded to some of the questions and comments from the public. She first addressed the questions regarding the membership of the task force, noting that the membership is dictated by the VAWA of 2005, which established it. The wording of that statute states that the director shall appoint the task force representatives from three areas: 1) national domestic violence and sexual assault nonprofit organizations 2) tribal governments and 3) national tribal organizations. Currently, there are 17 members on the panel, though the charter does not address how many members there should be. The charter does state that OVW and NIJ will collaborate in

submitting member nominations for the Attorney General's approval, which is what happened. Lorraine Edmo contacted federally-recognized tribes and asked for nominations of individuals to the task force who fit into one of the three categories. OVW and NIJ reviewed the nominations, making sure there was good geographic representation as well as representation of disciplines. And then the Attorney General signed off on the nominations.

In answer to another question from the public about the possibility of joining the task force, Director Dyer noted that nominations are now closed. The task force charter is good for two years. At this time, persons now serving on the task force will remain on the task force for that two-year period. Catherine Poston explained that under FACA, the charter is subject to renewal if the task force still has work to do. If the charter were renewed, it would be up to the Attorney General, working with the OVW Director, to determine whether the same members would be reappointed.

Director Dyer, responding to Eileen Lopez's comments, said that she believed this program of research would only study individuals within the U.S. borders. Regarding the issue of Native women marrying a member of another tribe, Virginia Davis said that the panel was in the process of debating the issue of sampling enrolled members vs. sampling self-identified AI/AN women, and no decision had been reached on how the task force will identify the population of Native women to be sampled. She said it sounded like Ms. Lopez was saying that the program of research needs to include Indian women who may have left their home reservations and moved to other reservations. She said that she could not think of a good reason to draw the line someplace to exclude women in that situation.

Tammy Jerue said that Alaska is unique in that tribes live in villages, not reservations, and that many women have been displaced from their villages into urban areas because of the economy and issues of violence against women. Denise Morris noted that many Alaska Natives, asked whether they are a member of an enrolled tribe, will instead indicate they are a member of a regional corporation.

8) Angela Moore said that NIJ/OVW will be sending task force members electronic files of the presentations and posting the summary of the meeting. A copy of the charter will also be sent to each member.

9) Dr. Moore and Director Dyer thanked the task force members, Dianne Barker Harrold, participating NIJ/OVW staff, and the federal presenters.

The meeting concluded with Cheryl Neskahi Coan leading a Traditional Closing.