

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

**Department of Justice, Washington, D.C.
August 20-21, 2008**

Meeting Participants (in attendance)

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
Shannon Cozzoni, First Assistant Attorney General, Muscogee (Creek) Nation
Jolanda Ingram-Marshall, Director, Niwhongwh xw E:na:wh STOP the Violence
Coalition
Pamela Iron, Executive Director, National Indian Women's Health Resource Center
Dana Grey Jim, Staff Attorney, Cherokee Nation, and Secretary, Oklahoma Indian Bar
Association
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 Megeschick, Program Director, Ft. Peck Family Violence Resource Center
Denise Morris, President, Alaska Native Justice Center, Inc.
Arlen Quetawki, former Governor of the Pueblo of Zuni
Vikki Shirley; First Lady, Navajo Nation
Nancy J. Soctomah, Project Coordinator, Peaceful Relations Domestic Violence
Response Program, Pleasant Point Passamaquoddy Tribe

Meeting Facilitator

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

Guest Speakers

Ronet Bachman, Professor, University of Delaware
Michele Lynberg Black, Epidemiologist, CDC
Duane Champagne, Professor, UCLA
Ada Pecos Melton, President, American Indian Development Associates
André Rosay, Associate Professor, University of Alaska, Anchorage
Sharon Smith, Behavioral Scientist, CDC

U.S. Department of Justice Employees

Bernie Auchter, Senior Social Science Analyst, NIJ
Karen Bachar, Social Science Analyst, NIJ
Bethany Backes, Social Science Analyst, NIJ
Claire Brickman, Special Assistant to the Director, OVW
Christine Crossland, Senior Social Science Analyst, NIJ
Cindy Dyer, Director, OVW
Lorraine Edmo, Deputy Director for Tribal Affairs, OVW
Beverly Fletcher, Program Specialist, OVW Tribal Unit
Laura Gorman, Program Assistant, OVW Tribal Unit
Kathy Howkumi, Program Specialist, OVW Tribal Unit
Sheila Jerusalem, Media/Public Affairs Specialist, OJP
Jan Langbein, Senior Policy Advisor to the Director, OVW
Joan LaRocca, Media/Public Affairs Specialist, OVW
Catherine McNamee, Social Science Analyst, NIJ
Christina Mathews, Executive Assistant for OVW
Katherine Mera, Program Specialist, OVW Tribal Unit
Angela Moore, Associate Deputy Director for Research and Evaluation, NIJ
Kelley Moulton, Research Assistant, NIJ
Cathy Poston, Attorney/Advisor, OVW
Kiri Rowe Phillips, Principal Deputy Director, OVW
Winnie Reed, Chief, Crime Control and Prevention Research Division, NIJ
Jaclyn Smith, Research Assistant, NIJ
Louis Tuthill, Social Science Analyst, NIJ
Kathy Zebell, Deputy Director, Office of Tribal Justice
Solmaz Sharifi, Outreach Specialist, OVW

Other Attendees

Angela Barney Nez, Staff assistant to Navajo Nation First Lady Vikki Shirley
Eulberta Bryant, Staff Assistant to First Lady Vikki Shirley
Caroline Aoyama, Indian Health Service
Erik Stegman, Attorney, National Congress of American Indians

Task Force Member Not in Attendance

Virginia Davis, National Congress of American Indians
Honorable Billy Jo (BJ) Jones, Director, Northern Plains Tribal Judicial Training Institute
Senator Theresa Two Bulls, Senator, South Dakota State Senate

August 20, 2008

- 1) Nancy Soctomah, a task force member from the Pleasant Point Passamaquoddy Tribe, started the first meeting of the Section 904 Task Force with a Traditional Opening.
- 2) Office on Violence Against Women (OVW) Director Cindy Dyer welcomed the task force members to the group's first meeting. She noted that David Hagy, Director of the National Institute of Justice (NIJ) and Jeffrey Sedgwick, Acting Assistant Attorney

General for the Office of Justice (OJP) programs were unable to attend but would be briefed on the discussion that occurred at the meeting.

Director Dyer noted she had served as the chief family violence prosecutor in Dallas County for 14 years and as a weekly hotline volunteer at a battered women's shelter for nine years. Having served in those capacities, she said, she understood how important the task force members' work was toward helping victims of violence.

She explained that the task force was established as a Federal Advisory Committee (FACA) and as such, the Department was required to announce the establishment of the committee and place a meeting notice in the Federal Register. FACA rules also require a Designated Federal Official for the committee; Ms. Dyer will serve in this capacity. The meetings are open to the public and media.

Director Dyer addressed how members were selected to serve on the task force. FACA rules require membership be balanced, and Title IX of the Violence Against Women Act (VAWA) of 2005 required that members represent national tribal domestic violence and sexual assault organizations; tribal governments; and national tribal organizations. OVW had solicited nominations for memberships and the Attorney General approved the list of members. In March, he signed the charter to establish the committee.

Minutes from this meeting will be posted on OVW's website.

3) Angela Moore, Ph.D., Associate Deputy Director for Research and Evaluation, NIJ, welcomed the task force and gave some background on NIJ. NIJ is the research, development and evaluation agency of DOJ and is dedicated to researching crime control and justice issues. Its work involves systematic investigation, including research development, testing and evaluation designed to contribute to generalizable knowledge. It provides independent evidence-based knowledge and tools to meet the challenges of crime and justice, particularly at state, local and tribal levels. NIJ funds the research, development and evaluation of criminal justice programs through competitive solicitations.

Recognizing the unique legal circumstances of American Indian/Alaska Native women, Title IX of the Violence Against Women Act contains numerous provisions addressing violence against Native women. One of the provisions of Title IX mandated that NIJ develop and implement a program of research on American Indian/Alaska Native women. Currently, no comprehensive and systematic data system for research exists that specifically collects information about violence perpetrated against American Indian/Alaska Native women. The development of this program of research will be the task's force focus for the meeting.

The task force's input will have important implications as to how NIJ will design the program, define and conceptualize the problems to be examined, and what methods will be used to conduct the research. After the meeting, NIJ will begin to develop a research plan and agenda to present to the task force at its next meeting. The program of research

should create a foundation to inform policymakers, researchers, practitioners, and others with a stake in addressing violence against American Indian/Alaska Native women.

4) Attendees, including task force members, presenters and DOJ staff, introduced themselves.

5) Lorraine Edmo, OVW Deputy Director for Tribal Affairs welcomed the group and said she looked forward to working with the task force members. She gave the panel an update on OVW tribal activities and some background on Title IX of the VAWA of 2005.

Ms. Edmo noted that three panel members were unable to attend the meeting: Virginia Davis, a legislative associate with the National Congress of American Indians; Billy Jo Jones, Director, Northern Plains Tribal Judicial Training Institute; and Senator Theresa Two Bulls, Senator, South Dakota State Senate.

She noted that Congress had reauthorized the Violence Against Women Act in 2005 and it was signed into law in January 2006. Congress recognized the unique circumstances of American Indian/Alaska Native women by enacting Title IX, the Safety for Indian Women Act. Title IX created the Deputy Director for Tribal Affairs (Ms. Edmo's current position), which has been filled since November 2006. The Act requires annual consultations with Tribal governments about the needs of Indian women honoring the relationship between the tribes and the U.S. government.

Title IX also calls for new research and Tribal databases, and it provides for increased funding for Indian tribes and coalitions. Since November 2006, the Tribal Unit at OVW has worked with NIJ to implement Title IX research provisions.

The new Grants to Tribal Governments Program was created and implemented in 2007. In addition, OVW funds 18 Tribal domestic violence and sexual assault coalitions.

Ms. Edmo reviewed several of OVW's accomplishments from 2006-present. During this period, the new Grants to Tribal Governments Program was developed and grants awarded; OVW has made presentations at many national conferences and tribal meetings. There have been presentations at several Tribal Justice and Safety Training and Technical Assistance sessions; and at least two presentations at the Native American Issues Subcommittee of U.S. Attorneys meetings in North Carolina and Rapid City, SD.

OVW has funded other meetings including a panel on jurisdictional issues in Public Law 280 states on the Oneida Indian Reservation in Wisconsin in 2007. The "Building Momentum" conference on improving the systematic response to violence against Native women in Anchorage, Alaska was held in late April 2008.

DOJ/OVW outreach includes participating in the DOJ Advisory Council on Tribal Justice Issues; coordinating with the Office of Tribal Justice and other offices on safety for Indian women; and participating in several interagency roundtable discussions on Sexual Assault Nurse Examiners/Sexual Assault Response Teams (SANEs/SARTs).

OVW is working on plans for a Tribal Consultation on the Seminole Reservation in Florida. Tribal leaders and designated tribal representatives have been invited to attend.

6) Christine Crossland, a senior social science analyst with NIJ, gave an overview of Title IX of VAWA 2005, particularly Section 904(a). The purposes of the Act (Section 902) are to decrease the incidence of violent crimes against Indian women; strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women; and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior.

Section 904 of Title IX calls for NIJ, in consultation with OVW, to conduct a national baseline study to examine violence against Indian women in Indian Country. The study will examine domestic violence; dating violence; sexual assault; stalking; and murder. It will evaluate the effectiveness of federal, state, tribal and local responses to such violations. Finally, the study will propose recommendations to improve these responses.

The task force's goals, under Section 904, are to assist in the development of the study and guide implementation of the recommendations.

Ms. Crossland said that what the legislation asks NIJ and the task force to do could not actually be accomplished in a single study. NIJ is therefore using the term "program of research" rather than "study".

Finally, Section 904 calls for a report describing the study to be submitted by the Attorney General to the Committee on Indian Affairs of the Senate; the Committee on the Judiciary of the Senate; and the Committee on the Judiciary of the House of Representatives. The provision calls for the report to be made no later than two years from the date of the legislation's enactment. NIJ interprets the wording in the Act to mean that once a program of research is developed, NIJ will present it to Congress. The task force will provide guidance and advice to NIJ, which will develop the program of research. This program will then be presented back to the task force at its next meeting, and based on input from that meeting, the Attorney General will submit a report to Congress in early 2009.

The three key parts of the legislation are development of a program of research; implementation of the program of research; and outreach and dissemination to policymakers, practitioners, and involved communities.

Ms. Crossland outlined a timetable for the project:

- Initial project planning, coordination and development
- Nomination and appointment of task force
- Inaugural task force meeting
- Program planning, coordination and development
- Presentation of the research program plan to the task force
- Report to Congress on program of research and proposed agenda

- Implementation of the research program, with attention paid to: project funding; request for proposals; identifying appropriate and qualified researchers; training culturally appropriate fieldworkers; data collection efforts; updates, findings and recommendations.

Special considerations include addressing the magnitude of the scope of work proposed; funding the program of research; and gaining support and participation from tribal communities.

Ms. Crossland expressed concern about the magnitude of the program, noting the lack of a current ongoing research program on this topic, nor a comprehensive or systematic data collection system to tap into. The U.S. Congress has authorized \$2 million for the study, but having determined that this is a program of research, NIJ feels it will take more funding to get all the work done that is needed. Still, the agency is committed to the project.

It will be important to establish and enhance partnerships with other agencies and tribal communities. It will also be necessary to consider the sovereign status of those in Indian Country. Some Nations may not want to be part of the program of research or individuals within a Nation may not want to participate.

Next, task force members discussed the legislation and the program of research. One key topic of discussion was the need to define and clarify certain terminology within Title IX, such as the meaning of “Indian country.” Ms. Crossland said, for example, that “in Indian country” in Section 904 might seem to suggest the exclusion of Alaska from the scope of the program of research, and that DOJ attorneys had reviewed this wording and come to different interpretations. But she assured the task force members that Alaska Natives would remain a focus of the research. She said it was important, first and foremost, to adhere to the legislation as written, but justification could also be provided as to why certain groups should be included in the program of research. Other issues were whether the Act’s wording might exclude urban Native Americans; and, further, whether the research should focus only on individuals enrolled in a federally-recognized tribe or those self-identified as American Indian/Alaska Native. The task force should discuss these questions, Ms. Crossland said, and then make recommendations to NIJ/OVW. Jacqueline Agtuca suggested that when such questions came up, it would be important to stick to the definitions in VAWA and the purposes of Title IX.

Ms. Crossland addressed the issue of Institutional Review Board (IRB) review of the program of research. NIJ is mandated to make sure IRBs review the work of those conducting the research. Some tribes have IRBs and some do not. Some tribes require researchers to come to their Tribal Council or General Council to present their work for review and approval.

Participants discussed the evaluation component of the Act - Section 904(b) – which states that the study “shall evaluate the effectiveness of Federal, State, tribal and local responses” to violence against Indian women. They said that the language in the

legislation was very broad. “Effectiveness” would have to be defined and there would need to be a way to measure it. Once a project plan was created, it would be necessary to obtain data. But the lack of data, or difficulty getting access to it, could complicate the research. And the magnitude of the evaluation component could be huge. Ms. Crossland asked the task force to consider what it thought “effectiveness” means and what kind of projects would help measure that.

Jacqueline Agtuca raised several issues. She said that there were different opinions on statistics showing the extent of violence against American Indian/Alaska Native women. Some said those statistics were overblown; others that they were understated. She raised the question of why many Native women never report being victimized. They may think, for example, that nothing positive will result from reporting incidents to law enforcement. In some communities, there may never have been a single prosecution of a sexual assault, for example. Individuals may believe that if they do report being victimized, they will be at increased risk for retaliatory violence.

Patricia Megeschick talked about the need to hold law enforcement accountable for its response to American Indian/Alaska Native victims. Karen Artichoker said there was a perception in Indian Country that either there was no response or an inadequate response.

Christine Crossland noted there were several types of response: victim services/social services response; criminal justice response; and others. In tribal communities, what is most important is a system response; all of the community is involved in one way or another. Evaluating the effectiveness of the criminal justice response could be quite complex. Does this mean whether tribal police responded? Other law enforcement such as local, state or federal? What is the federal response from BIA? After the initial response, was there an arrest? Was an investigation initiated? Was there a charge? And then prosecution? What about Public Law 280 jurisdictions vs. non-PL 280 jurisdictions?

Shannon Cozzoni cautioned against severing the criminal justice response from the social services response, saying that the services were needed in order to get a criminal justice response. The major reason crimes aren’t prosecuted is lack of victim cooperation. Social services help to heal the victim and can persuade a victim to cooperate during prosecution.

Angela Moore stressed the need for researchers to speak to women who don’t use these social services as well.

Patricia Megeschick stressed that women must feel empowered enough to cooperate during prosecution. Often, victims feel the criminal justice process is too lengthy and involved and they get little in return for being involved with an investigation. Denise Morris expressed concern about getting law enforcement to accept the statistics in research data and take it seriously.

Arlen Quetawki said that tribes are skeptical of research studies. They have been studied over and over again, but nothing seems to ever come of the research. Tribal leaders want

to know they “own” the study; that they can use the research to go to Congress and elsewhere to help in requests for funding and to hold law enforcement and state and local governments accountable.

Jacqueline Agtuca said that questions of sentencing and jurisdiction impacted every woman considering whether to report or prosecute a case. A woman has to believe that if she risked her safety to report a crime, that the crime will be punished and that the offender will get more than a slap on the wrist. Currently, tribal sentencing authority for rape is only one year, for example. Even if the tribal community has the resources to prosecute, it may not have the resources to incarcerate. Another question is the effectiveness of the tribal government’s response. If a crime occurs, the tribal government may not have jurisdiction over the offender if the offender is not a Native American.

Cheryl Neskahi Coan said it was also important to understand tribal laws; for example, on the question of rape within marriage.

7) During the prior discussion, Cindy Dyer had to leave the meeting to attend to an ill child. Jan Langbein, senior policy advisor to the OVW director, now announced she would be taking her place for the rest of the day as Designated Federal Official.

8) Christine Crossland and Kelley Moulton, a research assistant in the Violence and Victimization Division of NIJ next addressed the basic principles of research and evaluation.

Ms. Crossland asked the task force to consider the “who, what, when, where and how” of past research conducted on this topic. She said the program should build upon the foundational work that has been done on violence against American Indian/Alaska Native women. The panel should also take a critical look at that research that has been done, making sure that the methods used were appropriate and that the findings were portrayed in the proper context. It was important to understand what, and how, data were collected before making conclusions. Who asked the question? What questions were asked and how were they phrased?

She highlighted three commonly cited research studies: the *National Violence Against Women Survey* (1998, 2000, 2006); *American Indians and Crime* statistical profile (BJS, 2004); and *Maze of Injustice: The Failure to Protect Indigenous Women from Sexual Violence in the USA* (Amnesty International, 2007). Findings from these studies show that American Indian/Alaska Native persons are at greater risk for violent victimization than other Americans. However, while these studies may represent the best information on this issue to date, they have limitations.

One issue with the national surveys is that there is a great diversity among tribal populations, which makes it difficult to get an accurate picture of violent victimization in tribal communities. Another concern is that the actual number of self-identified American Indian/Alaska Native in these studies were so small that it’s hard to say that they actually

reflect what's occurring. Finally, it doesn't appear that there are any national studies that have asked for tribal affiliation as well as enrollment status.

Ms. Crossland outlined the benefits and limitations of the three studies:

*The *American Indians and Crime* study is very informative from a statistical profile. It uses a variety of data sources related to victims, including recidivism, the federal system, capital punishment, corrections, and tribal-specific studies. One-third of the report is based on BJS's National Crime Victimization Survey (NCVS) study. It also uses the *Uniform Crime Report* (UCR) and the *National Incident-Based Reporting System* (NIBRS). The UCR is a compilation of data on murder, rape, robbery, burglary, assault, larceny, arson, and motor vehicle theft reported monthly to law enforcement. These data are published by the city, county, metro areas and states and contain information on a number of characteristics, such as the age, race, and gender of the individual arrested. Data are collected from 17,000-plus police departments.

NIBRS is a court program that attempts to improve the UCR and collects detailed incident-based information for reported crimes. While NIBRS collects much more information than UCR on a greater number of crimes, not all states have their NIBRS in place. The system also relies on reported crimes, so it can't collect unreported crimes any better than the UCR. However, this is one of the most valuable sources of data and represents information almost impossible to collect as an individual researcher or team of researchers.

Still, research has shown that almost half of the crimes aren't reported to police and therefore don't show up in the administrative records of the justice system. Discrepancies have also been found in the data based on the definition of the crimes that were categorized; there has been under-classification and incorrect data entry. More importantly, it is a volunteer system, so not all police departments participate. Also, the arrest rates of Native Americans as described in the UCR are regarded with wariness because the data do not estimate offenses committed on reservations, or criminal and juvenile delinquency arrests and subsequent processing by federal agents.

The NCVS, meanwhile, is an important complement to the official data, since it captures unreported crime and doesn't rely on police reports. It's an ongoing data collection system and national sample-based survey that asks respondents to report their personal experiences with rape, sexual assault, robbery, theft, assault and motor vehicle theft. The survey uses a complex sampling method to produce an unbiased valid estimate of national trends based on a representative sample of households. In 2005, the study interviewed 134,000 people age 12 and over from 77,000 households. But the number of American Indian/Alaska Native participants in the study is very small. Moreover, American Indian/Alaska Native status of individuals is self-identified and the individuals don't have to be enrolled members of a tribe.

The studies also do not include such data as victim-offender relationships and the crime's location.

**The National Violence Against Women Survey* (NVAWS) was a national representative study too. The data described in it are limited to those individuals who actually responded to the survey. The number of American Indian/Alaska Native individuals in the survey was very small.

**Maze of Injustice*, the Amnesty International report, was conducted in 2005-2006 in consultation with American Indian/Alaska Native organizations and individuals. The survey used mixed methods of collecting data, including interviews; survey questionnaires, and program data and reports. The report paints a vivid picture of women's experience of sexual violence by using interview data from survivors, families and service providers. This is very valuable data; however, statistical information is not supplied. Therefore, it is difficult to gauge whether those experiences are widespread, and whether they are actually localized experiences. The case studies/observations used in the report are a good method for getting focused, detailed information that may be representative of similar situations. However, when using cases, one needs to be careful about intentions. If a researcher is planning to make a causal claim that X causes Y, then there needs to be more than one comparable case. It is important to know whether what was seen was an extreme case or was comparable to other things that have happened.

Ms. Crossland mentioned a recent report out of the South Dakota Attorney's office that on the face of it would like look the South Dakota data invalidated the study conducted by the Bureau of Justice Statistics (BJS). The BJS report looked at American Indian and Alaska Natives as a national group, not just the population in a single state, as was the case for the South Dakota study. Presenting the information only from South Dakota, for example, showed trends and characteristics that are not evident when that same South Dakota data were incorporated with the rest of the states. Trends, which were evident when analyzing the South Dakota data on its own, were "swallowed up" in the larger picture. On the other hand, having a "national picture" is equally important. Most important, one study does not invalidate the other, and one kind of data is not better than the other. Different data systems were used in the analysis, and as the research primer indicates, different results can easily be found when studies use different research methods and analyses.

One of the research participants said that another limitation of the UCR is that it excludes many crimes that *are* reported to police. For example, it only includes *forceful* assaults, but many arrested assaults are not forceful assaults.

Ms. Crossland next explained that NIJ/OVW will take the feedback from the task force and incorporate it into a "menu" of what the panel feels needs to be done to get at each component of the program of research. NIJ will then present that "menu" back to the task force members, who may want to prioritize the items on the list. One example of a menu item could be "reviewing effective victim services programs". Another example might be "Determining the prosecutorial response".

An attendee noted that the prosecution of rape intersects with the medical care system, and without forensic data, a conviction is unlikely. So there is a need for an evaluation of accessibility and acceptability of sexual assault forensic examinations within Indian Health Services (IHS) and other facilities serving Indian country.

Another participant expressed concern that NIJ would not have to use money allocated for the program of study to get statistics that should be part of the public record anyway.

Pamela Iron spoke to the design of the study. She said that it was important to include statistics in the study, but that case studies were equally important and often viewed favorably as testimony.

Kelley Moulton explained that the use of mixed methods in the Amnesty International report was known as “triangulation.” So in talking about using triangulation within a survey, different types of data would complement each other

A panel member asked what benefits would come to the tribes from the program of research.

Christine Crossland said it was essential that the tribes reaped benefits from their participation in this program of research. NIJ plans to establish participatory agreements up front to make sure tribal leaders are part of the research process from beginning to end and that they have a role in the interpretation of the data.

Jacqueline Agtuca said there has been a systemic failure in the response to missing Native women and spoke of a need for statistics on missing and murdered Native women.

9) Ronet Bachman, Ph.D., a professor of sociology and criminal justice at the University of Delaware, addressed the panel on the criminal justice response to violence against American Indian/Alaska Native women. In 2007, NIJ commissioned a report from Dr. Bachman and her colleagues to get a handle on the research that had been done on violence against Native women.

Dr. Bachman told the task force that national homicide rates against American Indian/Alaska Native women were below those of African-American women but higher than those for Caucasian women. However, these national averages hide the extremely high rates of murder against American Indian/Alaska Native women in some counties comprised primarily of tribal lands. Some counties have murder rates against Native women over 10 times the national average. Like all women, American Indian/Alaska Native women are more likely to be killed by known offenders compared to strangers; the greatest likelihood is to be killed by an intimate partner.

Using data to estimate nonfatal victimizations from the UCR and NIBRS is difficult since less than half of assaults against women are ever reported to police, and even fewer rapes.

According to NCVS data, 159 assaults against American Indian/Alaska Native women in this data set were reported to survey researchers. Of those, 80 women (50%) said they reported the assaults to police. Twenty-eight (17%) of the 80 women said there was a subsequent arrest. (The NCVS does not ask about convictions, but it is known that even fewer result in a conviction).

Studies using official data tend to show different patterns of victimization compared to survey data. (For example, the picture of the typical rape victim from survey data would look much different than the typical victim of a convicted rapist serving time in prison – the majority of their victims are 14 or younger). What researchers want to know is how many women are victimized *regardless* of whether they reported the crime to police.

Scientists contend that *random* sample surveys are the best way to examine magnitude estimates of violence. This means that every element in the population has an equal chance of being represented. If not, it's not generalizable to the entire population. There is no way to make generalizations from results using convenience samples.

Two national studies have used random samples: NCVS and NVAWS. The NCVS is a random sample of urban and rural jurisdictions. The NVAWS has certain advantages. For one, it includes information on stalking victimization. Also, unlike NCVS, it asks about lifetime prevalence, so a researcher can get a sense of the entire cycle of violence women endure starting in childhood. Getting a random sample in these national surveys can cost millions of dollars.

Two local studies that have used random sample surveys are Harwell et al. (2003); a random telephone survey of individuals living on or near Montana reservations. The survey found that intimate partner violence against American Indian/Alaska Native women there were similar to rates for white women in the state. Yuan et al. (2006) surveyed individuals living within tribal lands of six tribes selected from tribal lists, voter and health registries.

Dr. Bachman addressed the measuring of violence. One consideration is differences in definitions of violence. Does a survey, for example, include verbal assault as well as physical assault? Attempted rape as well as completed rape? Even when intending to measure the same acts of violence, question wording across surveys is often extremely different. The more specific and clear the terminology used, the better. The question “Have you been forced or coerced to engage in sexual intercourse? (vaginally, anally or orally)” is preferable to “Have you been raped?”

Additional measurement issues to consider include:

- Differences in time reference: When was the rape? During the respondent's lifetime? Since age 18? In the last 12 months?
- Differences in the cut-off age of the sample: Adults 18 and older? Age 12 and older? Age 16 and older?
- Differences in survey context: As a crime survey? As a health survey? As a safety survey?

- Other methodological differences: Pros and cons of telephone and in-person surveys. The cultural sensitivity of interviewers. Anonymity and confidentiality. (No one will disclose unless they are guaranteed not to be identified).

Results from national and local surveys using random samples indicate that American Indian/Alaska Native women are more vulnerable to nonfatal violence including rapes and other physical assaults compared to women of other races/ethnic groups. Nonfatal violence against women, regardless of race, is more likely to be committed by known offenders.

Dr. Bachman outlined a series of measurement recommendations:

*Victimizations of American Indian/Alaska Native women continue to be monitored by already existing national surveys.

*The NCVS is the only ongoing survey conducted annually. This survey measures American Indian/Alaska Native violence both on and off tribal lands: 36% of American Indian/Alaska Native respondents in the current NCVS survey reside in rural locations (Census data shows about 39% of American Indian/Alaska Native living in rural areas). However to ensure the confidentiality of victims, it is unethical to disaggregate the data to the local tribal level.

*Every attempt should be made to restore the sample size of the NCVS to monitor violence against small subsets of the population, including American Indian/Alaska Native women. The current sample of the NCVS is insufficient to monitor patterns and trends of violence against these women.

*Over-samples of the American Indian/Alaska Native population in the NCVS should be conducted at least biannually.

*The NVAWS, which currently intends to over-sample American Indian/Alaska Native women, provides no way to monitor violence over time, nor is the sample large enough to estimate annual incidence rates.

*Future survey research efforts should focus on understanding the causes of violence against AIAN women, not just measuring the magnitude of this violence. To do this, collection efforts must be theoretically guided.

*Different research designs using different wording in questions to uncover victimization events at the local level will continue to produce disparate findings. Surveys conducted at the local level should use existing measures to make comparisons across locales meaningful.

*New resources directed at counting “how many” American Indian/Alaska Native women are victims is misguided. Even the most conservative estimates indicate that violence is an extremely serious problem in many American Indian/Alaska Native communities.

*The limited resources available would be better invested in developing intervention and prevention programs, scientifically evaluating their efficacy for protecting American Indian/Alaska Native women and making sure all female violence victims have safe havens in the meantime.

Dr. Bachman addressed some criminal justice issues. She said American Indian/Alaska Native women living off tribal lands – who comprise nearly 60% of all American Indian/Alaska Native women – have access to the same adjudication mechanism as other women. However, American Indian/Alaska Native women victimized on tribal lands often face a complex web of jurisdictional issues that do not affect those victimized off tribal lands.

Dr. Bachman reviewed several major laws affecting victimizations on Tribal land:

- The Major Crimes Act (1885): Under this Act, the federal government asserted jurisdiction over certain crimes committed in Indian Country.
- Indian Civil Rights Act of 1968: The current limits imposed by the ICRA mandate that Tribal governments are not allowed to sentence offenders to more than \$5000 in fines and/or one year in jail, or both.
- Public Law 280: PL 280 gave state governments jurisdiction over offenses committed in Indian Country in mandated and some volunteer PL 280 states. Some states and tribes have since retroceded authority back to the federal level.

Regarding the ability of tribal governments to prosecute non-American Indian/Alaska Native offenders, Dr. Bachman noted that, according to *Oliphant v. Suquamish Indian Tribe* (1978), American Indian/Alaska Natives do not have jurisdiction over non-American Indian/Alaska Natives, even on tribal lands. The case, however, does not limit tribal governments' ability to impose *civil* sanctions on non-American Indian/Alaska Natives.

Because of these federal laws, jurisdiction over enforcement varies by the locations of the offense (on or off reservation land); what parties are involved (American Indian/Alaska Native status of victim and offender); the nature of the crime (major crime or misdemeanor) and if the tribe resides in a PL 280 state. As such, officers who have jurisdiction on reservations include officers from the FBI; BIA; tribal government police; and in PL 280 states, state police. Tribal and state governments can also enforce laws through cross-deputization.

Other factors that may plague adjudication are insufficient funding, particularly on PL 280 lands, where federal funds are not received; inadequate training; victims' lack of trust for outside authority and unwillingness to report victimizations, particularly those perpetrated by non American Indian/Alaska Natives.

Other barriers include the social isolation of many tribal lands that precludes some American Indian/Alaska Native women from obtaining adequate medical care including the availability of rape kits being performed by trained medical staff to aid prosecution. Cultural barriers also prevent some American Indian/Alaska Native women from seeking assistance from those outside the community, while issues of privacy may prevent others from seeking help *inside* close-knit tribal communities where everyone seems to know what is going on with their neighbors.

Dr. Bachman outlined several criminal justice recommendations:

- *Evaluate the efficacy of “cross-deputization” mechanisms in place between several tribal and state law enforcement authorities.
- *Improve efforts at collecting and maintaining official police report data at the local level; The NIBRS is the best format for such endeavors.
- *Improve the cultural understanding of outside law enforcement officials (e.g., state and federal) in addition to increasing the understanding of all officers to issues regarding violence against women, which is often cyclical.
- *Examine and ameliorate the problems associated with maintaining “full faith and credit” for protection orders (POs).
- *Tribal governments should amend their tribal codes to include all forms of violence, including stalking, and to assure that all forms of intimate partner violence are included (e.g., dating violence).
- *Even though Tribal Nations are limited by the ICRA, resources should still be provided to ensure offenders are held accountable at the tribal level as well. In this way, any deterrent effect provided by the criminal justice system can be ensured.

To prevent violence against American Indian/Alaska Native women, Dr. Bachman said that research intended to evaluate the efficacy of programs and policies created to protect American Indian/Alaska Native women must employ scientifically rigorous standards to determine if programs had their intended “impacts”. Unfortunately, much of the evaluation research to date has predominately evaluated the “process” by which programs were implemented. While this is important, it doesn’t address whether programs had the intended consequences of protecting women.

The task force discussed Dr. Bachman’s presentation. One participant spoke to the need for information sharing among law enforcement, victim services and the victim to let the victim know where her case is within the judicial system. This can help victims to be more cooperative with law enforcement.

Dr. Bachman talked about the need to be as accountable to victims who don’t want to prosecute as to those who do.

A task force member asked whether there had been studies on perpetrators, particularly non-Indian perpetrators who were repeat offenders. She said offenders prey on the vulnerable, in part because of the short sentences often given to offenders. Also, one perpetrator could assault multiple women in a community. Another task force member suggested that NIJ’s study look at offending behavior as well as victimization behavior.

Arlen Quetawki said that offenders often come through the “back door” of a reservation, and law enforcement may not want to prosecute an offense because it happened on a reservation. He also spoke to the need to provide better training for tribal police officers on how to recognize violent crimes against women, how to prepare reports, how to work with advocates, and other steps needed to move forward toward prosecution. Shannon Cozzoni talked about forging relationships with local, state and federal law enforcement officers and training these officers on jurisdictional issues.

10) Dianne Barker Harrold, director of the Legal Assistance for Victims for the United Keetoowah Band of Cherokee Indians, served as moderator for a panel discussion entitled “A Snapshot from the Frontlines of Research”. The three research panelists were asked by the task force members to each share recommendations for the task force to consider in making suggestions for the development of the program of research.

Ada Pecos Melton, President of American Indian Development Associates, spoke first. She suggested:

- Making sure that there is tribal involvement in the research. The tribe should have input in the design, methods, and approaches of the survey. Involving the tribe also demonstrates respect for the tribal community.
- Establishing up front the benefits of the research for that specific tribe. Ask the tribal leaders what they want to get out of this partnership.
- Understanding the political leadership issues within the tribes and the political structure of the communities.

Duane Champagne of the UCLA American Indian Studies Center addressed a variety of issues. He stressed the need to understand the diversity of tribal governments and criminal justice systems. Who administers which facet of criminal justice (police, court, jails), and what kind of relationships do communities and tribal governments have to that system? He also spoke of the need to make comparisons; for example, between communities where there are low domestic violent rates and communities where the rates of domestic violence are high. What are the causes of these different rates?

Dr. Champagne’s research has shown that both in county and federal systems, domestic violence is rarely prosecuted, largely because prosecutors often feel they don’t have enough evidence, and very few people will stand witness in many cases. His research also examines why more people don’t report crimes in Indian Country. About 20% of study respondents say they don’t trust the criminal system; about the same percentage fears retaliation if they stand witness in a case; and another 20% cites financial reasons; an imprisoned person may be the family’s breadwinner.

In Dr. Champagne’s research, alcohol and drug abuse, along with domestic violence, are commonly cited by American Indian/Alaska Natives when asked about the major crime issues in their communities. There are other research studies on the prevalence of alcohol and domestic violence on reservations and on the reasons why so many Indian people are incarcerated relative to the population.

Dr. Champagne said that in traditional Native American society, rules and mechanisms existed to deal with issues such as abuse of women. Today, there does not seem to be the same focus on protection of women as in the past. The emphasis may in fact be more on protecting a family member from getting into the criminal justice system, which tends to protect abusive men more than women victims. Ultimately, a solution must incorporate and empower the tribal communities and families and bring them into “an agreement” with the justice system that may involve compromise on both sides.

André Rosay, Ph.D, Interim Director of the Justice Center and Associate Professor at the University of Alaska, Anchorage spoke on these issues:

- The importance of community-based participatory research, with tribal members involved from the beginning. This is the only way to ensure that local needs are truly addressed by the research.
- The need to study violence against American Indian/Alaska Native women in both urban and rural locations.
- The importance of sample size.

Rural areas, such as those in Alaska, can be isolated, suffer from bad weather, and feature poor or non-existent roads. They can prove a challenge for the provision of victim treatment services or law enforcement response. Often rural research is criticized because it is not thought of as generalizable to other locations, but there are actually fewer confounding factors in rural areas, and one can often have more confidence in research in these areas.

Research in rural areas is also sometimes criticized for small sample sizes. But in some cases, sample size, while important, is not a limitation. In any case, the key concern should be the degree to which the sample accurately reflects the larger population.

A period of open discussion followed:

Dr. Champagne addressed the question of how to conduct surveys. He favors in-person interviews over phone or mail interviews. It is important to go into the community, get to know the people there, and come away with a holistic view of what is happening in that community. He spoke of the benefit of lengthy, deep research, and seeing how a community really works. In-person visits also help researchers establish trust with persons in a community.

Ada Pecos Melton said her firm AIDA conducted a study based on the NCVS with the Zuni and Passamaquoddy tribes. AIDA talked with Passamaquoddy tribal leaders about how to select the households that the firm would talk to. In that discussion, tribal leaders said that the respondents should be people living on the reservation and come from tribal enrollment. AIDA tried to talk to both men and women of different ages. The indigenous researchers and an advisory committee were asked about what they felt would make a safe environment in which to interview participants. Researchers from the community were needed because some of the interviewees needed translations into their own language. Male interviewers were needed as well, since not all domestic violence victims are female, and the survey asked about more general types of victimization, as well.

Duane Champagne said that one of the most difficult aspects of conducting a survey was getting permission and cooperation from tribal communities, but that this was important to do.

André Rosay said that community-based participatory research could be very time consuming and noted that tribal leaders are very busy and their job is not to help

researchers get their work done. If the research is truly participatory, adhering to project timelines can be very difficult. Also, there is occasional turnover in tribal leadership.

A task force member asked about the gaps that have not been researched. Duane Champagne said there was a need to address causality; to understand how and why things happen, in order to figure out solutions.

Kelley Moulton asked the task force to consider the questions the program of research should address; how they should be asked in a way that makes sense in terms of time, money and expertise; what it wants to get from the research; and how the research will be used.

The meeting adjourned for the day

August 21, 2008

1) Task force members gathered for a group photograph, and Cindy Dyer welcomed the participants back for the second day of the meeting.

2) Dianne Barker Harrold, serving as meeting facilitator, announced the start of the public comment period. While there were no verbal comments from members of the public in attendance, two letters from the public had been sent to Lorraine Edmo and were read aloud into the meeting record. Copies of the letters were distributed to the task force members, who read through them. One was a joint letter from the American Civil Liberties Union, the National American Indian Housing Council, and the National Law Center on Homelessness & Poverty encouraging more research into the intersection of domestic violence, dating violence, sexual assault and stalking with housing needs on tribal lands. The letter states that the “lack of emergency shelter and lack of awareness about domestic violence results in a significant number of abuse victims who are homeless on tribal lands or who are forced to leave the reservation to seek help.” The letter also says that many domestic violence victims face evictions or housing denials because of their abusers’ conduct, and that a lack of emergency shelters and safe housing on tribal land magnifies the problem.

The second letter, from the Minnesota Indian Women’s Resource Center (MIWRC) addressed the issue of trafficking of AI women and girls into commercial sexual exploitation. Ms. Edmo explained that the letter was a follow-up to a lengthy phone conversation with MIWRC Executive Director Suzanne Koeplinger about trafficking of Indian women and girls, particularly in northern Minnesota. The Minnesota Indian Affairs Council has provided support for a research project on the scope of the problem in the state. In the letter, the MIWRC, asks for OVW to bring its expertise and resources to bear in assisting in the initiative.

As part of the public comment period, the task force, along with other attendees, entered into open discussion on the letters and related issues. Panel members discussed options for protecting victimized women from being evicted from their residences. One participant wondered whether there was a provision under the Native American Housing Assistance and Self Determination Act (NAHASDA) that provided a remedy for domestic violence victims.

Bernadette LaSarte noted that lack of housing is a major issue on her reservation. Victimized women can only be sheltered for a short period of time. Many return to their homes; though some do not. She also encouraged the task force to make a study on offenders part of the program of research. Why are they offending? What is happening in their lives?

Jolanda Ingram said that the federal government needs to impose accountability on law enforcement agencies and others to assure that reports and databases are kept, allowing researchers to get access to statistics they desperately need.

A participant asked the task force about voting the two public comments/letters into the public record and then keeping that record open long enough to prepare a document for the panel's next meeting. Cindy Dyer replied that the two letters are part of the record now and would remain so. She noted the next opportunity for persons outside the task force to make recommendations to the panel would be the public comment period of the next meeting. Those comments/documents, in turn, would also go into the public record. Vikki Shirley suggested responding in writing to the authors of the two letters submitted into public comment, noting that they were discussed and entered into the public record.

Arlen Quetawki spoke about transitional housing for women and children on the Zuni Pueblo. He said that whether such housing is a priority depends on the leadership of a reservation. He also noted that tribal leaders, in their travels to Washington, D.C. for conferences, often attend housing-related meetings. It is possible that these leaders, backed up by statistics showing the need for temporary housing for domestic violence victims, could request more funding at that time for such housing. It is important for NIJ and the task force to get research information into the hands of tribal leaders and advocates so that when there are opportunities to address issues relevant to violence against American Indian/Alaska Native women, they have the necessary data to make their case.

André Rosay spoke of the scope of the program of research. He encouraged the task force to consider adding sexual abuse of minors to the study, perhaps under the category of sexual assault. He recently completed a study in Alaska that found that 73% of victims were under 18 and 36% were under age 12. These individuals are typically excluded from most national studies.

Lori Jump spoke of her experience working in victim services with the Sault Ste. Marie Tribe of Chippewa Indians. The tribe has a number of reservation sites spread over seven counties in Michigan's Upper Peninsula. Only a small percentage of the population lives on reservations, but those living in the service area are eligible for services. So even

though they may not live on the reservation, many Chippewa work and recreate there, and some are victims of violence on the reservation as well. One question for the task force to consider is how to count those persons who may not live on a reservation but become victims there. She said it would be important to clarify the VAWA definitions, particularly of “Indian Country,” noting that for her tribe, persons living near reservations were considered to be a part of Indian Country.

She also expressed concern that a large percentage of women victims do not make a police report. Service providers may be a way to get statistics on the number of victims who don't report.

Dianne Barker Harrold noted that many tribes have casinos and non-natives often come onto a reservation for the purpose of going to those casinos and then commit a crime there.

Jacqueline Agtuca suggested it should be the responsibility of the federal and state governments to provide statistical data on crimes against American Indian/Alaska Native women, and that the task force should not have to spend valuable time and money gathering this information. She asked if the task force could be provided data on sexual assaults in terms of reports, arrests, prosecutions and convictions; as well as statistics on murders.

Sharon Smith of the CDC noted that her agency operates a database, the National Violent Death Reporting System (NVDRS), that includes data from police and coroner reports on violent deaths, including information on the suspect and their relationship to the victim. She said it might be possible to glean information from the database about, among other things, murder rates and American Indian/Alaska Native women, and more efficiently than from the UCR.

A question was asked about legislation in the 2005 VAWA addressing rape exams. The legislation calls for sexual assault victims to be able to obtain free sexual assault exams and collection of rape kit evidence, even if they do not want to talk to authorities or pursue the crime in the criminal justice system.

Cindy Dyer explained that under the legislation, states have until January 2009 to come into compliance or risk losing federal VAWA STOP formula funds. There is no requirement for victims to receive anonymous rape exams; in fact, some states state that if a person presents for a rape exam, doctors are considered mandated reporters and must pass on to law enforcement the name of the victim and the fact that she was a rape victim. The Act states that if no one else pays for the exam, the state must pay. The legislation does not address situations in which the federal government is responsible for prosecuting felony sexual assault cases.

Director Dyer noted that it is unlikely that if a sexual assault victim rejected proceeding with a criminal case that her rape kit would be processed, since it can cost over \$2000 to run a DNA test on the kit. Asked whether there was a mandatory minimum time for a medical facility to keep the processed kit before being destroyed, she said that the Act did

not address that issue, but most places would keep the evidence for the statute of limitations for sexual assault. The Act also does not address jurisdictional issues such as what would happen if the kit was processed in an IHS clinic, paid for and run by the federal government. It simply states that the state has to pick up the cost of all rape exams not otherwise paid for.

Cindy Dyer said that it is up to each jurisdiction to decide for itself how long to keep the kit and it is possible that as Denise Morris said that when a woman in Alaska reports to a SART center, even if she doesn't want to report a crime, the center is required to conduct a rape exam and keep the evidence. Later, the victim may decide to prosecute and the evidence will be available.

On another topic, Dana Grey Jim talked about U.S. District Court policies that allow tribal prosecutors in some districts to act as Special U.S. Attorneys to help prosecute domestic violence and other cases. Another task force member said that while that provision existed, it was rarely used.

Shannon Cozzoni, referring to an earlier discussion on accountability, expressed concern about mandating provisions into law for tribes, saying that mandates are disliked by tribal leaders and would only result in the tribal community losing support for violence-against-women efforts. Using words like "support" or "recommend" would be preferable, however.

The public comment period ended.

3) Angela Moore asked the panel members to consider what question(s) they most want answered in order to help them more effectively respond to violence against American Indian/Alaska Native women. Prior to the next meeting, NIJ will work to develop a research agenda that will be provided to the task force for discussion at that meeting.

Ada Pecos Melton and André Rosay offered some more thoughts on conducting research, particularly on filling the gaps in research.

Ms. Melton said the first step involved doing a literature review, to find out what studies are already available. She noted that a handout from Ronet Bachman counted 15 studies at the local and national level intended to measure physical abuse and 13 on sexual assault.

That is not enough, she said, and some of this research is not current.

A major reason for doing research is to make information available and accessible to practitioners who are trying to find models that they can adapt for their culture and community. The task force can try to help tribes define and develop their program theories. For example, research can empower tribes by helping them understand how they can establish their own tribal review boards.

Violence often happens in isolation, but the response to it has to be collaborative and

coordinated. Yet, the systems are often not integrated; law enforcement is not “talking” to courts, courts are not “talking” to corrections. Data systems are important, and researchers need to address how information is being captured, made accessible, being retrieved, stored, and kept safe and confidential.

André Rosay said that a major gap in research involved victims who don’t report crimes. There is little information on these victims. There is anecdotal, though not direct, evidence that underreporting is more prevalent among American Indian/Alaska Native victims, particularly with interracial victimizations, and that underreporting is greater with child victims. Dr. Rosay spoke about research he conducted for NIJ. For that research, he and his colleagues reviewed 10 years of data to find hundreds of cases of stalking. A conclusion from that research was that stalking is severely underreported, or it is reported but not recognized as stalking by law enforcement.

There is a need to get more information on persons who don’t report crimes. Why don’t they report? Perhaps the answer lies in how victims view “success” as opposed to law enforcement and advocates. For law enforcement, success might be a full prosecution for a lengthy prison term. But that might not be what victims want. If researchers can get a sense of how individual victims define success, they might be able to get an idea of why there is so much under-reporting. One of the purposes of Title IX is “to decrease the incidences of violent crimes against Indian women”. But what else do victims want, and how can it be provided? Exploring traditional responses to crime in Indian country may be necessary.

Also, researchers should avoid getting too bogged down in the details of research design, sampling, and methodology. A lot of those details can be figured out once the research question is determined, once it is clear who the research partners are, and once the type of methods *they* prefer is known. The larger issues should be addressed first, such as defining terms like “Indian,” “Indian Country,” etc.

A task force member asked if there had been research on public perception of the definitions of various crimes against women such as domestic violence and stalking. To get a conviction at a jury trial, jurors must understand what these terms really mean and must believe in the seriousness of the offenses.

Michele Lynberg Black of the Center for Disease Control said it was the CDC’s approach to use behaviorally-specific questions when speaking to victims. For example, instead of asking a woman whether she is experiencing domestic violence, one might ask her “Has anyone who has ever been your partner attempted to choke you?” Asking about the behavior tends to result in much higher reporting.

Task force members discussed the issue of over-reporting vs. under-reporting and again noted that the number of American Indian/Alaska Native women in the sample for the national surveys was very small. There was some discussion about random sampling using all 562 federally-recognized tribes and the complexity and expense of that endeavor.

Jacqueline Agtuca addressed the criminal justice response system, saying that underreporting would perhaps not be surprising, for example, in an isolated village with few resources and no law enforcement officers nearby.

She also suggested looking at the list of crimes in Section 904(a) of VAWA 2005— domestic violence, dating violence, sexual assault, stalking and murder – and separate out the crimes for which some resources have been funneled into the tribal justice systems to address them.

Denise Morris talked about the need to address prevention of domestic violence and other crimes against American Indian/Alaska Native women, rather than just response to those crimes. What are particular communities doing in terms of prevention?

Patricia Megeschick suggested a mailing, either to all 562 federally-recognized tribes, or at least to those tribes that receive VAW funding, asking them if they would participate in the survey. The tribes would be given a deadline to decide. Then, it would be up to the tribal leaders of those who agreed to participate to set criteria on how they would like to do so. She said that out of respect it would be better to visit in person, rather than use mail or telephone calls. Also, there may be language barriers for some American Indian/Alaska Native individuals.

Angela Moore told the panel that NIJ had already planned to send out an information packet to all 562 tribes about the study.

Duane Champagne next added some more thoughts on the topic of gaps in the research.

He said that a critical hole in the literature was that there has been no systematic study of domestic violence in Indian Country. The national surveys have sampled only small numbers of self-reported American Indian/Alaska Native people and most people who look at them critically don't find them entirely reliable. It's not clear whether the respondents lived on reservations or urban areas. This is something that needs to be addressed in the new program of research.

Rather than getting involved in another national survey in which American Indian/Alaska Native individuals are only a segment of the population survey, he suggested that the program of research focus on the 562 federally-recognized tribes.

He asked the task force to consider the scope of the survey and what it wanted to achieve. A basic, straightforward survey could look at the incidence of domestic violence, prosecution levels, etc. This would provide data that could help tribes and advocates secure resources.

He also mentioned that perhaps that kind of study could be the first cut of a more ambitious research program that addresses causality – why things happen – and addresses issues such as law enforcement and jurisdictional issues. But that may be too large a task

in terms of time, money and complexity. So it is important for the task force to figure out how it should allocate its resources.

Dr. Champagne reiterated his suggestion to conduct in-person interviews. He said that American Indian/Alaska Native individuals are reluctant to give out information to strangers without some feeling that some value will come back to the community. It is also important to listen to the respondent's stories and the way they tell these stories. This probably means having qualitative questions and, perhaps, some life history material. This takes time to record and analyze, but it's the best way to get quality research and have people open up to the interviewer. If it is necessary to do phone interviews, do not do so without the permission of the tribe. This is a sign of respect for the tribal governments. At some point in the research program, it is also important to study existing prevention and rehabilitation programs and see which ones are effective, and why.

4) Dr. Michele Lynberg Black, an epidemiologist at the Centers for Disease Control and Prevention and Dr. Sharon Smith, a CDC behavioral scientist, next gave an overview of the CDC's National Intimate Partner and Sexual Violence Study (NISVSS) and talked about research into violence against women.

Intimate partner violence (IPV), dating violence, sexual violence, and stalking are often separate, but sometimes interwoven, crimes, and all are major public health issues with significant social and public health costs and long term serious health consequences. The CDC looked at adverse health conditions and health risk behaviors and found that women who reported experiencing IPV during their lifetime were also more likely to also report having long-term chronic health problems in addition to physical injuries. These include asthma, arthritis, heart disease, stroke, irritable bowel syndrome. Immune and endocrine functioning can also be affected as a reaction to chronic stress. IPV can also affect emotional health, including one's mental health and self esteem. It is also associated with harmful health behavior, including the increased likelihood of abusing drugs/alcohol and engaging in risky sexual behaviors.

DOJ and the Department of Health and Human Services have shared and interrelated goals regarding intervention and prevention of violence against women. These include stopping further harm to victims; providing services, legal assistance, support and shelter; holding perpetrators accountable, and issuing protection orders. But the first goal is primary prevention; stopping the violence before it starts, breaking the cycle, eliminating causes, addressing risk factors, and promoting protective factors.

Dr. Black outlined the public health approach involving NISVSS. The first step is what the CDC calls "surveillance." Public health surveillance is the systematic and ongoing collection, analysis, interpretation and dissemination of data to guide public health action. It essentially means determining the problem, its magnitude, and to the individuals who are affected. It is key to be able to monitor the problem over time. The next step is to identify causes. Understanding the level of the problem and who it is happening to helps in identifying these causes. Once those causes are identified, one can develop and evaluate prevention efforts. Ultimately, those prevention efforts can be implemented and

disseminated. In turn, when coming back to do surveillance again, one can determine how successful one's efforts are in decreasing the prevalence of IPV.

CDC had published materials featuring uniform definitions and recommended data elements for both IPV surveillance and sexual violence surveillance.

Using uniform definitions and recommended data elements provides more accurate estimates. Using consistent surveillance methods allows comparisons between populations (e.g., race, ethnicity, sex, income, rural/urban). Improved surveillance is necessary to better understand the scope of the problems of IPV, sexual violence, dating violence and stalking.

Uniform definitions for IPV/domestic violence include the following:

- IPV/DV is abuse that occurs between two people in a close relationship.
- "Intimate partner" includes current or former husband or wife, or current or former girlfriend, boyfriend, or dating partner.
- IPV exists along a continuum from a single episode of violence to ongoing violence.
- IPV ranges from relatively minor violence to severe and even fatal violence.

IPV includes four types of behaviors: physical abuse; sexual abuse; threats; and emotional abuse. Physical abuse involves hurting or trying to hurt a partner by hitting, kicking, burning, or other physical force. Sexual abuse is forcing a partner to take part in a sex act when the partner does not consent. Threats of physical or sexual abuse involve the use of words, gestures, weapons or other means to show the intent to cause harm. Emotional abuse includes psychological aggression (verbal abuse, put downs, humiliation) and abuse of power/control (coercion, intimidation, isolation, entrapment).

There is a need for both national and state/tribal-level data. The use of a standardized approach allows an assessment of the variability within states/tribes. Specific prevalence rates allow states/tribes to make comparisons with the nation as a whole; monitor trends; identify groups at greatest risk; and design and evaluate policy changes and prevention strategies at the state/tribe level.

Dr. Black talked about the Behavioral Risk Factor Surveillance System (BRFSS), a random-digit dial telephone survey that is nationally representative in 50 states, Washington D.C. and the U.S. territories. There are several types of questionnaires; a core questionnaire which everyone is given; a "rotated core" where some questions are added or subtracted in any given year; and "optional modules" which states can decide to add or not add. States also may develop their own questions. The survey covers a wide range of health behaviors/outcomes, such as smoking, hypertension, and diabetes. In 2005, 2006, and 2007, there were also optional IPV and sexual violence modules.

The optional modules asked whether the respondent in the last 12 months had experienced unwanted sexual touch; non-contact sexual abuse (e.g., verbal harassment, flashing, peeping toms); non-consensual sex; or attempted non-consensual sex. The

modules also ask about lifetime non-consensual sex and attempted non-consensual sex.

The presenters displayed a map of states that administered the 2005 BRFSS optional IPV and sexual violence modules, noting that many states had chosen not to include either of these two modules. Overall about 18.5% of women in the 2005 sexual violence module reported experiencing rape or attempted rape in their lifetime, but 27.2% of American Indian/Alaska Native women reported experiencing rape or attempted rape. Dr. Black noted that each year, almost 70,000 interviews are conducted for the survey and in 2005, only slightly more than 1,000 were American Indian/Alaska Native. For the 2005 IPV module, 39% of American Indian/Alaska Native women reported experiencing IPV at some point in their lifetime.

Dr. Black addressed the issue of surveying for IPV, sexual violence, dating violence, and stalking among American Indian/Alaska Native women. She noted there were 562 federally-recognized tribes. But in surveying, does one limit one's study to these tribes? What about other tribes/Nations/groups? Also, self-identified American Indian/Alaska Native individuals are not the same as individuals enrolled in a tribe.

A key question is how to best gather information to improve understanding of these issues among American Indian/Alaska Native women. Another question: What are the unique risk and protective factors that should be explored: Are there language barriers? How would one do a telephone interview? Would a telephone interview even work on tribal land?

Regarding surveillance of IPV, sexual violence and stalking, there is a substantial need to measure these outcomes over time using uniform definitions and survey methods.

Dr. Black spoke about the NISVSS. The survey is the first standardized, ongoing survey with sufficient information to monitor national and state trends in IPV, sexual violence and stalking. NISVSS is a telephone survey using random digit dial. The design was informed by the results of a pilot study, and questions were designed with input from outside experts. CDC has chosen a contractor with highly trained and specialized female interviewers. There is an emphasis on confidentiality, informed consent and respect for participants and measures are built in to insure the respondent's safety. Respondents are told that they can stop the interview at any time and it is OK if they need to hang up suddenly because they are not in a safe place to answer questions. There are also distress protocols, and following the interview, respondents are asked for reactions to the survey. The survey also explores the reasons behind the violence.

In the pilot survey, both victimization and perpetration questions were asked. But while about 25% of the women reported being sexual assaulted, only about 3% of men reported perpetrating sexual assault, even though the study was anonymous. Because of the lack of response about perpetration and the money involved in including perpetration questions on the survey, these questions were removed from the NISVSS. However, another CDC survey will focus solely on this issue, asking what is known about sexual violence perpetrators and what can be done to prevent this type of violence.

The NISVSS will include questions on both IPV and sexual violence. While the survey will be limited to those 18 and older, it will ask respondents about their younger years. These questions will cover physical aggression, psychological aggression, control issues and sexual violence. The survey will also look at sexual violence by non-intimates, with questions covering sexual abuse in childhood, unwanted sexual situations, unwanted sexual touch, and rape and attempted rape. Questions will also address stalking and technology-related victimization (such as via cell phones and internet sex solicitation).

The survey will cover the individual's total number of victimizations; types of victimizations; age of first and last incident; number and relationship to perpetrators. It will also try to look further beneath the surface into the context of the incidents.

CDC's goals for the NISVSS are to work with partners and stakeholders; to provide improved surveillance to better track and monitor the problems of IPV, sexual violence and stalking; to provide data at the national and state level for all states; and to inform intervention and prevention efforts.

Currently, CDC is engaged in infrastructure development with NISVSS, and 2009 will be the first year of data collection. Year 1 will be in collaboration with DOJ and Department of Defense (DoD). There is a plan to over-sample the American Indian/Alaska Native population. The female military population will also be sampled. The total number of interviews will be based on available resources. NISVSS will be incrementally funded to increase sample size as additional resources become available.

A task force member asked about the training of interviewers to deal with persons who may have a traumatic response in discussing her experiences. Dr. Black said that interviewers would be carefully selected to make sure they were comfortable asking the questions and had empathy for the victims. Interviewers will give every respondent a point of contact if they need someone to talk to after the interview. Some of the interviewers themselves are survivors of violence, and they will have a debriefing with a psychologist. The CDC is also sending letters out first to the potential respondents. The letter is very general and states that an interviewer will be calling them with questions about women's health issues. When the interviewer calls, they ask them basic questions first. Before the interviewer asks any questions about sexual violence/IPV, etc., she will tell the respondent what the next set of questions deal with and give them the option of proceeding or skipping those questions. But, based on the pilot study, respondents are choosing to proceed.

Dr. Black noted that the language on the survey was public health language, not the language of the criminal justice system.

In answer to a question, Dr. Black explained that the survey would look at domestic violence, and other violence against women, as a lifetime pattern, rather than focus on random acts of violence. The survey will look at the frequency and severity of the incidents.

A task force member asked how the survey would separate a legitimately battered man from a man who is actually a batterer but perceives himself as the victim, perhaps because of one instance in which the battered woman fought back and hit the man. Dr. Black and Dr. Smith noted that the survey would not be interviewing both individuals and thus couldn't really get at this question at a level that a counselor might. But the NISVSS will measure the frequency and severity of the violent incidents and such things as coercive patterns of control and entrapment.

Currently, the survey does not ask questions about alcohol abuse but there are questions related to alcohol- and drug- facilitated sexual assault. The survey also asks about multiple perpetrators in one incident.

A panel member asked about the difference between domestic violence and intimate partner violence. Dr. Black said that the CDC didn't use the term "domestic violence" because it implied domestic relationships occurring only among people living together, while IPV is a broader term, connoting a dating relationship, a fiancée, etc.

Dr. Smith noted that the CDC did not consider doing a mail survey because of safety issues; one can never be sure who's going to see the survey, or who might fill it out. Cell phone surveys are possible, but since there are many locations without cell towers nearby, this would require a very resource-intensive effort. While an in-person survey would be the best way to insure safety, resources preclude that option currently.

Dr. Black said that the CDC will be looking into the cost of the long-term consequences from dating violence, IPV, sexual assault and stalking on American Indian/Alaska Native women. Ongoing stress, for example, can have physiological impact on one's heart, immune function, etc. The cost for these long-term consequences are likely to be larger than those for the immediate physical injuries suffered when women are victimized.

5) Christine Crossland and Angela Moore asked the task force to focus on addressing the program of research and give guidance to NIJ/OVW on the goals of that research, based upon the Section 904 legislation. They asked each member also to come up with a research question he or she thinks needs to be answered in order to help achieve those goals.

Dana Grey Jim spoke of the need to define "Indian Country" and "Indian women" as featured in the Title IX legislation. He noted that in many Indian communities, traditional ceremonies mark the transition from a girl to a woman, and he suggested that the research cover American Indian/Alaska Native females age 13 and over.

Shannon Cozzoni said her research goal, though one not likely to be easily achieved, would be to restore complete jurisdiction back to the tribes. To move toward that end, the research could address the problem of under-reporting, because it seems to show a distress in the system, and also focus on statistics showing the low rates of prosecutions for crimes against American Indian/Alaska Native people on tribal lands.

Karen Artichoker said a key goal was to comply with Title IX. She suggested that the program of research focus on the causal factors that Dr. Champagne had talked about earlier. The research should make a case for a continuum of response in tribal communities that goes beyond emergency crisis intervention.

Jacqueline Agtuca said that because of limited financial resources and the difficulty of trying to resolve so many issues, she advocated starting where the task force could have the greatest impact. She suggested addressing the largest issues possible to gauge what reforms could be undertaken, either in policy or legislatively, to effect a change. One big question centers on jurisdiction: If there is an inadequate response, at the federal or state level, could the tribe enhance the safety of the victim by intervening and handling the case as a local government? Another issue is the sentencing authority for violent crimes against women. What is the impact, for both the victim who is considering whether to report, as well as the perpetrator, of knowing that even if the crime is prosecuted and the offender sentenced, that the offender may only get one year in prison.

Nancy Soctomah expressed a concern about trying to accomplish too much with limited funding. She suggested keeping the scope of the survey to a manageable level, then building on that research later. One of her concerns is finding out the number of Native women living in urban areas (if these women are, indeed, considered to fall under the definition of "Indian Country" in the legislation). Evaluating effectiveness is a big concern. Other questions to explore: the relationship of perpetrators and victims: the reason why victims don't report crimes; and whether alcohol or drugs were involved. . What are the problems, and how severe are they?

Jolanda Ingram said she would like to have statistics about murdered and missing women from every American Indian/Alaska Native community. She also suggested that some surveying could be done by local domestic violence/sexual assault programs within Indian Country.

Vikki Shirley said her main goal would be helping all tribes to combat violence against American Indian/Alaska Native women. The three issues she would like to focus on are adequate funding for law enforcement; jurisdictional questions and IHS funding. A key jurisdictional issue, she said, was the lack of authority tribes had over non-Indians committing crimes on tribal lands. In terms of health care funding, she noted that a report by the U.S. Commission on Civil Rights found that average national per capita health expenditures in 2003 would be \$5,775, while the IHS would spend an average of \$1,900 per person on Native lands.

Patricia Megeschick said the task force needed to fulfill its responsibility and honor the requests made in Title IX for a national baseline study. She added that she understood legal limitations, such as the one year/\$5000 fine maximum placed on tribal prosecutors by the ICRA, but that it was important for all law enforcement personnel to be held accountable to American Indian/Alaska Native individuals. She also suggested that in approaching Congress and others for funding and resources, the product of the program of research should include pictures/graphics/maps that would give them a visual sense of the problems faced by Indian women.

Bernadette LaSarte said that it was necessary to get accurate statistics on violence against Indian women, including data on violence that is not reported to law enforcement and why it is not reported.

Arlen Quetawki noted that advocates often provide information and statistics to tribal leaders who, in turn, bring this data to Congress and federal agencies to make the case for help with funding and resources in Indian Country. He said there was a need to acquire more and better data to help in this endeavor. He also suggested that advocates and others encourage tribal leaders to take the information to officials and agencies and request that those officials take specific action. Advocates should follow up with tribal leaders to make sure their requests haven't been forgotten. Mr. Quetawki also spoke of the need to acquire data on American Indian/Alaska Native women living off reservations and in urban areas in order to protect those women as well. Finally, he said the study could address issues with tribes that share a border with Mexico and Canada; for example, looking at the problem of Mexican or Canadian residents who come onto a reservation in the U.S., murder or assault a woman, then escape back to their own country.

Denise Morris suggested researching murder rates and unsolved homicides. Also since Title IX speaks about studying the victimization of "Indian women," it is necessary to define "women" in terms of age.

Lori Jump talked about the need to be inclusive of all the different types of communities on which American Indian/Alaska Native individuals live. If the program of research only surveys Indian women on reservation land, then it will only be studying a minority of American Indian/Alaska Native women. The survey should also look at Indians in urban areas, smaller tribes and tribes with checkerboarded land.

Another issue is effectiveness of law enforcement response, particularly in terms of the length of time it takes for federal prosecutions to occur. She expressed concern that if tribes proceed with a prosecution, federal authorities will then not prosecute. Just as important is effectiveness of victim services response. Advocates help keep victims engaged and their work increases the likelihood that victims will cooperate with the prosecution. Some questions: Does a particular tribe have victim services? Are they available around the clock? How wide is that range of services? The effectiveness of the victim services can impact the prosecution rates. But they can also impact what a victim may consider an effective response to her victimization. It is possible that victims may be disappointed with the criminal justice response but be very happy with their ability to heal from what they have gone through.

Cheryl Coan said it was important for the task force to do what it could to comply with Section 904. She noted that homicides of Native women on reservations were being committed not only by persons off the reservations but by tribal members, including intimate partners of American Indian/Alaska Native women.

Pamela Iron said the study should look at trafficking of American Indian/Alaska Native women and girls and trafficking's relationship to violence. Addressing prevention efforts, she suggested that the study explore existing prevention-oriented programs that build on healthy relationships and have been proven effective, particularly programs for youth.

6) The task force tentatively planned to hold its next meeting during the National Indian Nations Conference in Palm Springs, CA in December. Task force members discussed how they should continue to communicate with each other, agreeing to use e-mail and Listservs.

Cindy Dyer said that while the OVW Director is the Designated Federal Official for the task force, and thus is supposed to chair the meetings, the task force had the power to select an official liaison or committee chairperson to communicate with NIJ/OVW. The panel could also break up into subcommittees if members wished.

Director Dyer said that it would be mailing task force members definitions of "Indian," "Indian Country," etc. from the Section 904 VAWA legislation. A task force member suggested that copies of the complete Title IX be sent as well.

Angela Moore said that NIJ/OVW would be sending task force members hard copies of, and hyperlinks to, some of the reports mentioned during the meeting, as well as a list of federal, and other, data sources. NIJ/OVW will also let the task force know which sources are easily obtainable and which are not. At the next meeting, the task force will be presented with a research program plan for the panel to review and comment on.

Before adjourning the meeting, Cindy Dyer and Angela Moore thanked the task force for its hard work. They also thanked the presenters, as well as NIJ/OVW staff.