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## **EXECUTIVE SUMMARY**

# **Tribal Strategies Against Violence**

## **Cross-Sites Evaluation Report**

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## Overview of the Evaluation

In July 1997, ORBIS Associates, an American Indian non-profit organization, was contracted by the National Institute of Justice (NIJ) to conduct an evaluation of the Tribal Strategies Against Violence (TSAV) initiative, a U.S. Department of Justice (DOJ) effort begun in FY 1995. ORBIS Associates' process and impact evaluation goals were to:

- document how TSAV approaches evolved at each site;
- document how each site implemented its comprehensive strategies;
- analyze and report how differences in local cultures, physical environments or government structures may have affected implementation at the sites and may or may not have implications for potential success of TSAV in other American Indian communities; and
- provide useful evaluation findings for tribal and DOJ decision makers as well as other criminal justice stakeholders.

The evaluation culminated in two types of reports: (1) *Case Studies* of each evaluation site, and (2) a *Cross-Sites Evaluation Report*.

One objective of this TSAV evaluation has been to assess what, if any, effects TSAV had on crime, violence and substance abuse rates and the extent to which any changes in those rates were statistically significant. Another overall objective of this evaluation has been to determine what impact the TSAV initiative has had on the participating Tribes' local systems of dealing with crime and violence. A third objective has been to assess whether the TSAV planning model was an appropriate model not only for the four evaluation participating TSAV sites, but also for American Indian Tribes in general.

This evaluation has been conducted mindful of the crime and violence context in which the TSAV initiative was implemented and also mindful of certain major issues of concern to Tribes regarding the degree to which their own tribal criminal justice systems can handle crime, violence and substance abuse issues. For those reasons, the following three points served as a backdrop for the evaluation.

(a) First, per capita crime and violence rates are higher in Indian Country than they are for the nation as a whole; furthermore, crime and violence rates in Indian Country are rising while nationwide they are receding — according to a 1999 report.<sup>1</sup> Also, the rate of violent victimization for American Indians is more than twice as high as for non-Indians. In more than half of the violent crimes against Indians, alcohol and/or drug use were a factor. According to a 2000 report,<sup>2</sup> Indian youth represent an extremely disproportionate percentage of new state prison commitments in comparison to their proportion of all youth. In North Dakota, where one of the four TSAV sites is located, this disproportion was literally 500%.

(b) Secondly, to the extent to which their jurisdictional status allows, American Indian Tribes are attempting to more effectively address crime and violence issues with their own law

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<sup>1</sup> *American Indians and Crime*, Greenfield, L.A. & Smith, S. K., Bureau of Justice Statistics, February 1999.

<sup>2</sup> *And Justice for Some*, National Council on Crime and Delinquency, Youth Law Center, May 2000.

enforcement and their own judicial systems. In line with this expressed desire, the Department of Justice has committed “to support and assist Indian tribes in the development of their law enforcement systems, tribal courts, and traditional justice systems.”<sup>3</sup> Nevertheless, the current system of justice places much of the jurisdiction for criminal investigation, prosecution and adjudication of crimes committed by American Indians in Indian Country in the hands of the federal or state criminal justice systems. Tribal justice systems are limited, by various statutes, to misdemeanor sanctions, with the maximum criminal penalties assessable by tribal courts being limited to one year in jail and/or a fine of \$5,000. These limitations persist despite the fact that tribal courts may prosecute tribal members for the same crimes which may have already been prosecuted in federal court — where much stronger sanctions apply. Since the bar of double jeopardy does not apply to Tribes wishing to prosecute their own members, many Tribes, including some involved in the TSAV evaluation, are considering exercising this prosecutorial discretion as a means of ensuring justice when federal courts fail to convict or when the respective U.S. Attorney’s Office fails (for any number of reasons) to prosecute a case referred by a tribal law enforcement agency or tribal prosecutor.

(c) Lastly, because of the disproportionate representation of American Indians, especially American Indian youth, in the state and federal criminal justice systems, Tribes are concerned that their tribal members are not receiving equal justice under the law given the current structure of the criminal justice system and given Tribes’ jurisdictional constraints.

## **BJA’s Programmatic Expectations**

The Bureau of Justice Assistance developed the *Tribal Strategies Against Violence* (TSAV) initiative in 1995. The initiative was designed to empower American Indian Tribes to improve the quality of life in their communities by fostering strategic planning to identify community problems and to implement locally developed partnerships for addressing those problems.

In FY 1995, the Fort Peck Assiniboine and Sioux Tribes (Montana) and the Rosebud Sioux Tribe (South Dakota) were invited to apply for grants to serve as *pilot* sites for the TSAV planning model. Both Tribes had been prior grantees of other DOJ programs. Both of these Tribes had already been visited by DOJ representatives to discuss whether they were interested in serving as pilot sites.

The National Crime Prevention Council (NCPC) was contracted by BJA to provide grantees with technical assistance in designing the TSAV planning model and to assist the two pilot sites, as well as subsequent demonstration sites, to develop their TSAV Workplans for implementing locally determined strategies. This technical assistance in developing local TSAV Workplans was provided through site visits to the local site.

NCPC also provided ongoing technical assistance throughout implementation of the local TSAV strategies. This technical assistance included facilitation of four semi-annual Training Workshops for TSAV grantees and arranging for consultants to assist local TSAV sites to implement specific strategies (e.g., gang identification and prevention). Additionally, NCPC staff were instrumental

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<sup>3</sup> U.S. Department of Justice *Commitment to American Indian Tribal Justice Systems*, Reno, J., Judicature, November-December 1995, U.S. DOJ.

in periodically identifying potential resources to help local TSAV programs meet their broader TSAV goals.

In FY 1996, five more Tribes were selected — under a competitive program announcement — to participate as *demonstration* sites in this BJA program. These five Tribes were: the Chickasaw Nation (Oklahoma), Duck Valley Shoshone-Paiute Tribes (Nevada), Grand Traverse Band of Ottawa and Chippewa Indians (Michigan), Puyallup Tribe of Indians (Washington), and the Turtle Mountain Band of Chippewa Indians (North Dakota).

Federal oversight responsibility for the TSAV program rested within the Bureau of Justice Assistance. In FY 1995, BJA awarded \$380,000 in TSAV grant funds; \$1,330,00 was awarded in FY 1996; and \$735,000 was awarded in FY 1998. All seven TSAV grants ended in Fall 1999. To date, no further funds have been set aside by DOJ to continue support for the TSAV initiative.

The three *goals* cited by BJA for the *Tribal Strategies Against Violence* initiative were:

**Goal 1:** *Improve a community's capability to comprehensively address issues of crime, violence, and drug demand reduction*

**Goal 2:** *Promote community-based program development involving the active participation of youth, community residents, educators, spiritual leaders, businesses, social services, criminal justice representatives, and elected officials*

**Goal 3:** *Develop an effective culturally sensitive program model that can be replicated by other Native American communities*

There were also four BJA designated *key* objectives for the Tribal Strategies Against Violence initiative directed at participating Tribes.

- **To establish and/or enhance a diverse planning team and build partnerships** — representative of tribal service providers (i.e., law enforcement and courts, prosecution, social services, education, etc.), spiritual leaders, businesses, community residents, and youth
- **To develop and implement cost-effective crime and violence reduction strategies** (including community policing, prosecution and prevention initiatives)
- **To provide youth with alternatives** to substance abuse and gang involvement
- **To enhance local capability to identify public and private resources**

BJA also stressed “*process, not project*” as a TSAV theme, meaning that TSAV was meant to implement and institutionalize – beyond the project period and availability of BJA funds – a community-wide, cross-agency problem-solving approach to address crime, violence and substance abuse prevention. Thus, the expectation was that this was not a simple project to fund activities for a short term, but to develop capabilities within the participating Tribes that would enable them to continue effective problem solving for crime, violence and substance abuse prevention.

Of the seven Tribes provided TSAV grant funds, BJA selected four to be in the evaluation: the *Chickasaw Nation*, the *Fort Peck Assiniboine and Sioux Tribes*, the *Grand Traverse Band of Ottawa and Chippewa Indians*, and the *Turtle Mountain Band of Chippewa Indians*. [Note: Unlike the other three Tribes, the Chickasaw Nation is not reservation-based.]

## **Differing Expectations of the TSAV Initiative**

As this evaluation progressed, it became readily apparent to the evaluators that the Tribes and federal administrators had differing expectations of the TSAV initiative. A discussion of those differing expectations is warranted here.

As articulated by the former Tribal Chairman – who was on the Fort Peck Tribal Council when our evaluation was conducted – after the Tribes’ initial discussions with BJA, they envisioned that they were about to undertake a reservation-wide programmatic initiative. Among other things, Fort Peck understood that TSAV funds were going to focus on addressing certain key systemic or structural problems and issues that tribal leaders felt were impeding their ability to deal with crime and violence issues effectively. Among these issues were to be the interactions between tribal and federal courts and other criminal justice related areas of a cross-jurisdictional nature between Tribes and various elements of the federal system. In other words, the Fort Peck Tribes’ initial expectation of TSAV was that it was going to encompass a broad spectrum of entities in the overall criminal justice system affecting the reservation and the tribal members.

On the other hand, in conceptualizing the TSAV initiative, BJA anticipated using a planning model which was based on several previous community-/neighborhood-wide demonstration projects that had been found successful by NIJ evaluations. However, none of these demonstration projects had occurred in Indian Country. BJA’s model focused on building community partnerships involving local entities and agencies, and on strategies appropriate to such entities. As its origins were from community settings not reflective of the unique nature of tribal settings, not surprisingly the model placed no particular emphasis on strategies for involving non-local entities, such as the U.S. Attorney’s Office or the FBI.

Such an approach did not take into consideration that tribal leadership at the three reservation-based TSAV evaluation sites regarded involvement of certain non-community entities as key to addressing their crime and violence problems – not only because of the implicit jurisdictional issues at play, but also because relationships with these non-community criminal justice entities had often been strained and, in some cases, acrimonious in the past. In fact, these strained relationships were seen as being major contributors to what tribal leadership regarded as an often inconsistent, and sometimes inefficient, processing of criminal justice cases in their communities.

Thus, when establishing the TSAV program’s parameters, BJA chose to emphasize certain factors which had been determined to be “common threads” among successful previous DOJ community-/neighborhood-wide programs:<sup>4</sup>

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<sup>4</sup> BJA response to draft TSAV Cross-Sites Evaluation Report.

. . . (1) creating a diverse planning team; (2) acquiring a full-time coordinator who is responsible for helping to facilitate the development, implementation and monitoring of the project; (3) involving elected officials, law enforcement, the courts and other public and private service providers; (4) establishing a community-oriented problem solving process and assessing community needs; (5) identifying a geographic target area(s); and (6) celebrating tangible victories such as reclaiming a street corner, neighborhood, park, school, etc.

Consequently, the planning model BJA – and NCPC as the technical assistance providers – ultimately used to assist participating Tribes to identify crime and violence prevention strategies concentrated on NIJ research-based strategies such as community policing, youth initiatives, and alternatives to incarceration. Indeed, an internal BJA memo specifically stated that the “intent of the TSAV program is to help promote the integration and practice of community policing and prosecution, reduce incidents of family violence and juvenile delinquency, and strengthen partnerships among tribal service providers.”<sup>5</sup>

The development of other – let alone truly *Tribal* – strategies was, if not outrightly discouraged, at least not encouraged in the TSAV planning process which was the initial programmatic activity each pilot site conducted. The planning process itself was intended to result in the TSAV Workplans which were to guide implementation of the initiative at each local site. Neither BJA’s planning model nor the training provided by NCPC staff really considered the vital issue of inherent problems in the relationships among tribal, state and federal justice systems. Rather, during the planning meetings, TSAV sites appear to have been guided into focusing on cross-agency collaboration and cross-programmatic coordination, and on strategies such as “graffiti paint-outs” for gang prevention and “awareness building” for substance abuse and family violence prevention. In fact, those specific strategies became Workplan themes common across the TSAV sites.

## **Extent to Which BJA’s Objectives Were Met**

**Establishment of Diverse Planning Teams and Build Partnerships.** Planning/oversight teams were expected to have (a) both law enforcement and courts involved, and (b) a membership composition that was drawn from a diverse array of tribal and other service providers. The value of diverse team composition was emphasized by BJA from the inception of the TSAV initiative.

The actual degree to which this BJA objective was met was mixed across sites. During the initial phase of TSAV, each local site involved a sizeable group of people (25-35) in its planning process. However, the overall membership of the planning groups was not as diverse as BJA encouraged it to be. Final decisions about who participated in the planning groups was left up to the tribes. Change in tribal governments at some of the sites (during the span of TSAV funding) also affected the spectrum of diversity on the planning teams. Two particularly critical partners for the TSAV planning process were law enforcement agencies and courts. While three sites had law enforcement representation on the planning teams and three sites had courts represented on the planning teams, only two sites succeeded in involving both law enforcement and courts. Nor was the overall

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<sup>5</sup> February 20, 1996, letter to Robert Coates, NCPC, from Todd Brightman, TSAV Program Manager, Crime Prevention Branch.

membership of the planning groups very diverse with respect to non-tribal or private entities. Moreover, as the TSAV program progressed, overall participation in the oversight groups generally waned.

**Implementation of Crime and Violence Reduction Strategies.** It was expected by BJA that the Tribes' TSAV Workplans would include strategies for (a) reducing family violence and juvenile delinquency, and (b) rehabilitating and/or revitalizing crime and violence ridden neighborhoods. Strategies related to community policing initiatives, improving prosecution efforts and establishing prevention initiatives were to be emphasized.

The participating Tribes fulfilled these program requirements to varying degrees. In general, the *crime and violence reduction* strategies contained in the four TSAV Workplans fell into five broad categories:

- *Amending Tribal Legal Codes*
- *Providing Violence Awareness and Prevention Programs for Youth*
- *Instituting Alcohol/Substance Abuse Prevention and Supportive Services for Youth*
- *Strengthening Families and Enhancing Services for Adults*
- *Community Policing*

**Provision of Youth With Alternatives to Substance Abuse and Gang Involvement.** All four TSAV sites successfully addressed this TSAV objective. Three of them developed comprehensive alternative programs for youth and reached out to a relatively wide spectrum of the youth population. The fourth Tribe implemented only one long-term strategy (establishment of a Boys and Girls Club) for this purpose. A number of short-term alternative activities for youth were also promoted at all four sites.

**Enhancement of Local Capabilities to Identify Public and Private Resources.** It was expected that through TSAV support, participating Tribe capability to identify (and ultimately obtain support from) both public and private new resources would increase. At the annual TSAV Cluster Meetings, BJA provided training on resource identification as well as development of networks with potential funding sources. Also, on several occasions BJA and NCPC forwarded to TSAV sites other potential resource information.

The extent to which the four TSAV sites' ultimately enhanced their capabilities to identify public and private resources as a result of these BJA and NCPC efforts varied substantially from site to site. One Tribe did obtain over \$1.4 million. The other three Tribes obtained less. Of those funds generated as a direct result of TSAV efforts, most were from public, not private, sources. Generation of support from private foundations and other private entities was minimal.

## **Factors Affecting Implementation of TSAV Strategies**

This evaluation found the following factors as having facilitated the planning and implementation of the TSAV programs:

- *Program Manager Role.* At two Tribes, the role the TSAV Program Director as a facilitator within the TSAV Core Team was a positive factor.

- *Organizational Placement of TSAV Program Locally.* At the same two Tribes, specific placement of the TSAV program within the Tribe’s organizational structure was a positive factor — namely, its placement within the Tribe’s criminal justice system.
- *Engagement of Key Stakeholders.* At the same two Tribes, the TSAV programs were successful at engaging four key entities in the TSAV program — law enforcement, the Tribal Court, the tribal government and the Tribal Planner.
- *CAPS Training.* The three TSAV sites that attended the 1999 Community Analysis and Planning Strategies (CAPS) training indicated that the training significantly helped their TSAV partners fully grasp and understand the overall purpose of TSAV, and, in particular, the potential collaborative *process* construct. [Note: this training occurred several years into implementation of the TSAV Initiative. Participants’ remarks about the training substantiate other evaluation findings indicating that the basic TSAV concept was not clearly formulated, or at least not clearly articulated to participants, at the onset of the initiative. BJA’s own statement that the CAPS training was developed, in part, from lessons learned through three preceding years of TSAV, further reinforces this point. It’s unfortunate that this full understanding of TSAV did not occur earlier in the Initiative’s implementation – especially with respect to enhancing development of partnerships and collaborative efforts, which was a major focus of the 1999 CAPS training.]
- *Existence of a Tribal Court System.* At the three reservation-based Tribes, the existence of tribal court systems provided those TSAV programs a comprehensive venue in which to implement their TSAV strategies.

Obstacles to TSAV implementation, as identified through a survey conducted of key stakeholders, were:

- Getting partners to adhere to responsibilities in TSAV Workplan,
- Finding funds for activities in TSAV Workplan,
- Generating community support for better addressing targeted problems/issues,
- Getting TSAV partners to view problems across turf lines, and
- Acquiring adequate or appropriate data.

## **Transformations and Accomplishments**

At the four evaluation sites, several important transformations and accomplishments happened that local Core Team members attributed to the TSAV initiative, namely:

*Changes in Tribal Court Systems.* Changes in the Tribal Codes and Tribal Court Systems occurred for all three of the Tribes that have their own courts with jurisdiction over criminal, civil and juvenile justice issues on their reservations.

*Changes in Local Juvenile Justice System.* Under their TSAV programs, two of the four Tribes developed extensive new services for dealing specifically with youth offenders through their TSAV efforts.

*Changes in Community Support Systems.* Through the TSAV initiative, most sites brought about key changes in their support systems for crime and violence victims and perpetrators. For example, emergency shelters were established at three sites. At all sites, tribal substance abuse programs were involved in the TSAV partnerships and that involvement was key to developing a variety of new support services for family violence perpetrators. At three sites, Boys and Girls Clubs were established.

*Changes in Relationships Among Stakeholders.* The four Tribes focused on engagement of different types of TSAV partners. Two focused on partnering with tribal programs and entities. The other two cast a wider TSAV net, reaching out to non-tribal entities. At all four TSAV sites, there were clearly positive changes in relationships among important stakeholders.

*Changes in Community Perspectives.* By the conclusion of the TSAV initiative, partners and stakeholders at all four Tribes felt that their TSAV programs had been very effective in building community awareness about violence. There has not yet been enough time lapsed, however, for changes in behavior to be meaningfully measured.

*Improved law enforcement.* TSAV efforts clearly led to improved law enforcement operations in at least three of the participating tribal communities. However, the extent to which these changes and accomplishments are sustainable, in the absence of direct TSAV support, was a matter of concern at several sites.

## **Stakeholder Perceptions of TSAV Effectiveness**

In addition to site visits to the four evaluation sites to collect evaluation data, ORBIS Associates' evaluation team conducted a survey of TSAV stakeholders, i.e., individuals involved in the local TSAV planning and/or implementation activities. Among other things, the evaluator's survey asked respondents how effective they felt their respective TSAV programs had been in producing change across a range of response options. The majority of TSAV partners and stakeholders perceived the local TSAV programs as having been *most* effective in:

- Building community awareness about violence
- Identifying additional funds to apply to targeted problems
- Improving services among TSAV partner agencies
- Enhancing the system for dealing with domestic violence
- Fostering cooperation among TSAV partners
- Generating community involvement
- Providing youth with healthy activities

The survey also identified the following areas as perceived by stakeholders as having been *less* effectively addressed by the TSAV planning process:

- Preventing substance abuse
- Reducing drug use
- Reducing drunk driving
- Reducing gang activity
- Reducing family violence

## **Limitations and/or Shortcomings of the TSAV Initiative**

Two evaluation site visits to each of the four Tribes participating in the evaluation resulted in interviews with 30-40 individuals who were involved, in some way, with the local TSAV planning or in implementation of TSAV-sponsored activities. These interviews, coupled with other data collected by the evaluators, generated the following summary about shortcomings of the TSAV initiative. These findings are intended to provide constructive feedback to DOJ for consideration during its subsequent work in Indian communities.

*Inappropriate contextual approach.* As noted elsewhere in this report, tribal leaders interviewed in the evaluation originally anticipated that the TSAV model would substantially focus on systemic issues – i.e., the development of comprehensive strategies for dealing with crime, violence and substance abuse prevention that would address problematic relationships with the federal courts and the U.S. Attorney’s Office. However, as the initiative began taking more shape, and as the model began to be better articulated by BJA, what emerged was a focus on strategies “that previous program administrators and evaluators had deemed successful in rural and urban communities that had high concentrations of minority populations.”<sup>6</sup> For this reason, as TSAV sites started through their own individual TSAV planning processes – guided by BJA and NCPC – many of the local partners came to feel that the planning process was actually restricting the scope of potential TSAV goals and strategies to a narrow selection of strategies that had emerged from non-Indian settings, where the unique governmental and jurisdictional structure of Indian Country had not been at play.

In summary, the absence of a TSAV focus on the more systemic concerns which are at issue in Indian Country, coupled with BJA’s emphasis on utilization of strategies that had been demonstrated to be successful elsewhere — albeit not in Indian communities — were seen as shortcomings by the majority of TSAV partners interviewed.

A particularly salient finding of this evaluation has been that, of the four Tribes participating in the evaluation, the Chickasaw Nation, which was the only non-reservation based site, benefitted most from the transfer of ‘lessons learned’ from other non-Indian DOJ initiatives. Without a reservation context, the setting in which the Chickasaw Nation implemented its TSAV initiative was probably more reflective of the non-Indian settings in which DOJ’s previous successful initiatives had occurred. From the evaluator’s perspective, the strategies implemented at that site were essentially programmatic rather than systemic, and had less direct impact on the Tribe itself than they had on the non-Indian community at large with which the Tribe interacted. Moreover, this TSAV site pursued relatively short-term crime prevention strategies targeted at specific neighborhoods. In fact, it is the only one of the four evaluation sites that successfully targeted neighborhoods, as suggested by the TSAV planning model. Overall, the TSAV initiative at the Chickasaw Nation primarily helped build bridges between it and the non-Indian communities with which it regularly interacted on a daily basis. However, unlike the three reservation-based sites, the TSAV initiative had very limited impact on engendering change in the Chickasaw Nation’s own organizational capacity for problem-solving to deal with crime, violence and substance abuse issues among its membership.

*Appropriateness of priorities addressed in TSAV Workplans.* Toward the conclusion of TSAV implementation, local stakeholders and partners were surveyed by the evaluators. One of the survey questions asked what respondents regarded as the most serious crime and violence issues still facing

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<sup>6</sup> BJA response to draft TSAV Cross-Sites Evaluation Report.

the community. The responses to this question were consistent across all four TSAV sites, for both the adult and juvenile categories. They were as follows.

- Most serious **adult** crime/violence problems: Alcohol abuse  
Illegal drug use/dealing
- Most serious **juvenile** crime/violence problems: Underage drinking  
Illegal drug use

It is noteworthy that these same four problems had initially been considered as being among the most serious community issues at the time each of the four TSAV sites commenced its TSAV initiative.

Yet, while two Tribes did pursue specific strategies for changing their Tribal Codes to enhance prosecution of juvenile offenders, DUI offenses, etc., overall drug abuse problems were addressed, across all sites, primarily through preventive approaches. Given the singular nature of substance abuse as the most serious problem in these Tribes, it seems odd to the evaluators that a more comprehensive *intervention* emphasis was not directed at this issue. At the Chickasaw Nation, youth alcohol abuse was really only addressed by TSAV through establishment of a Boys and Girls Club in one of that Tribe's communities. At the other three sites, youth substance abuse prevention was primarily addressed through establishment of Boys and Girls Clubs, DARE officers' presentations in schools, and/or implementation of Zero Tolerance policies in Tribal Codes and school policies.

On the other hand, too much attention may have been directed to an issue that might not really have been a major problem in the participating TSAV communities. Specifically, during the initial planning and Workplan development phases of TSAV, an inappropriate amount of emphasis seems to have been placed (largely through NCPC training) on *gang prevention* strategies in the Workplan development, especially considering that little data were available to support this as such a significant focus area. The fact that all four evaluation sites later altered their gang prevention activities to be more inclusive of youth violence prevention concerns in general gives credence to the perception at most sites that this issue was more an externally 'imposed' TSAV focus, than a locally identified concern.

*Lack of Appropriate Data.* The planning model which BJA had TSAV sites use for this initiative calls for identifying goals and strategies which are predicated on analysis of existing crime and violence data, or at least data which can be analyzed to assess the prevalence of crime and violence problems. In other words, the prior existence of appropriate data is essential. Moreover, ideally that data should enable the community to target its strategies to specific areas or neighborhoods of high crime or violence. In the context of the TSAV initiative, the existence of such data was definitely problematic — problematic for local Tribes in both the planning and implementation phases of the initiative, and problematic from an evaluation standpoint as well. This issue had repercussions that reverberated throughout the TSAV initiative process.

## **Efficacy of TSAV Model in Indian Country**

A central issue of this evaluation has been to determine how appropriate the TSAV model was for the four American Indian Tribes that were the subjects of the TSAV Case Studies and to determine — based on the experiences of those four Tribes — whether the TSAV process/planning model is

culturally appropriate for replication in other parts of Indian Country. To arrive at our evaluation conclusions in this regard, the model was examined from three perspectives: (1) its specific *process* element for cross-agency problem-solving; (2) its *planning* construct; and (3) its appropriateness in terms of unique *political and cultural* factors under which Tribes operate. Each of these perspectives is discussed below.

**Involvement of Critical Entities in Cross-Agency Problem-solving Process.** The TSAV model calls for establishing local cross-agency partnerships and putting a problem-solving *process* in place. Our evaluation findings show that the more successful a Tribe was in bringing together critical tribal criminal justice entities — especially the Tribal Courts and law enforcement agencies — as partners in the TSAV initiative, the more successful it was in addressing a broad range of crime and violence issues and in employing a wider array of strategies to do so. To varying degrees, all Tribes participating in this initiative were relatively successful in establishing cross-agency partnerships for problem-solving. However, only at two sites were law enforcement and the Tribal Courts both involved. Furthermore, one of those sites was one of only two sites at which cross-agency partnerships/entities had been formalized to extend beyond the TSAV initiative. Tribes that have their own law enforcement forces and effective tribal court systems would seem to exercise more leverage in integrating these critical entities into their crime, violence and substance abuse prevention problem-solving.

**A Data-driven Planning Model.** The planning model used by BJA for the TSAV initiative was based on sites having access to, and use of, crime and violence data upon which local planning teams could make informed decisions about the major problems that needed to be addressed, the strategies that needed to be employed and the specific communities that needed to be targeted. The four TSAV participating Tribes differed significantly in their abilities to access appropriate data to identify specific local/tribal crime and violence problems and target areas. This same difficulty in accessing meaningful crime and violence data is likely to apply in many, if not most, other tribal settings. At three of the TSAV sites, the absence of substantive data led to the idea of developing and administering surveys as an alternative way to identify problems and issues. Ultimately, only two of the sites actually conducted such surveys. Administrative burden and time constraints would probably preclude surveys, as alternative data collection methods, in many other tribal communities.

**Unique Political Context of American Indian Tribes.** As noted earlier, there was an ongoing difference of opinion between BJA administrators and local TSAV partners at each site with respect to which problems were the most appropriate for TSAV to address and which strategies should be employed to address those problems. This lack of agreement or consensus over the TSAV plans may account for why the initial planning phase had to be extended from six to nine months. Based on interviews during the last round of evaluation site visits, these differences of opinion were never adequately resolved, at least not at the three reservation-based sites. At those sites, at the conclusion of the TSAV initiative tribal representatives remained adamant in their feelings that the initial planning process should have been both more comprehensive and more responsive to their own locally perceived needs. In particular, those Tribes with their own Tribal Court systems felt that relationships with federal justice system entities should definitely have been specifically addressed through the TSAV model.

While BJA should be lauded for initiating TSAV, the fact that the TSAV planning model did not substantively attempt to address critical issues relevant to the structural relationships existing within Indian Country's tribal, federal and state criminal justice systems is viewed by the evaluators as a

serious shortcoming of the TSAV model. While BJA may have believed that addressing such concerns was not within the purview of the initiative as intended and designed, because these relationships are so central to a Tribe's abilities to successfully address crime and violence problems to not have included those considerations hampered the overall potential impact of the initiative.

**Unique American Indian Cultural Contexts.** As NCPC stated in its own report of the TSAV Initiative, "For Indian people, culture is vital."<sup>7</sup> Indeed, the centrality of culture to most, if not all, American Indian Tribes is something that federal programs must acknowledge and account for in all stages of its planning, implementing and evaluating program efficacy in Indian Country. Because the TSAV planning model was heavily based on strategies culled from successful DOJ programs in non-Indian "rural and urban communities that had high concentrations of minorities," the evaluators feel that not enough attention was initially given to identification and integration of unique culturally and tribally appropriate strategies in the TSAV Workplans. Furthermore, instead of allowing for the integration of cultural considerations during the planning process, the opposite occurred, as NCPC notes in its aforementioned document: ". . . adherence to the traditional hierarchy within the tribe for decision-making meant that members' traditional roles within the community had to be remolded to fit the TSAV process, a difficult task given the legacy of tradition."

In many Indian communities, there are varied types of cultural or traditional forums for problem solving to take place — for example, in meetings of non-traditional entities such as constitutional tribal governments or in more traditional forums such as in the context of tiospayes, clans, traditional societies, kiva groups, etc. In this regard, the TSAV model had shortcomings as it did not adequately allow for those cultural forums to be considered or integrated into the planning process. Instead, it relied on non-cultural types of forums for the deliberative processes — i.e., Core Team meetings, with the Core Teams being comprised largely of governmental or criminal justice and other service agency (tribal or non-tribal) representatives.

Many local TSAV partners perceived the TSAV planning process as not including adequate opportunities for identifying what it perceived as the primary crime, violence and substance abuse needs in order to derive unique local solutions and strategies to address those needs. Furthermore, even though the TSAV planning process was ultimately extended by BJA, it was still felt by local TSAV partners that there was insufficient time given for generating the type of culture-based consensus building about strategies deemed important for the community. As one interviewee stated, we got to the point where we said "okay, we'll do it, but . . . it's not really what we want or need." In other words, some of the TSAV strategies developed, as seen by many local stakeholders, fell short in being reflective of local priorities and being truly *Tribal* strategies for addressing them.

This is a serious drawback of the TSAV model, especially in view of how important most, if not all, American Indian Tribes feel it is to use a culture-based or culturally compatible methodology for identifying and addressing the types of personal and value-related issues which are often critical underlying factors in crime, violence and substance abuse.

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<sup>7</sup> *Hope and Harmony: How Seven Native American Tribes Reduced Crime and Violence*, National Crime Prevention Council, January 2001.

In conclusion, the TSAV model primarily allowed for incorporation of cultural considerations only at the short-term *activity* level. The model's overall planning methodology and process for local identification of specific priorities fell short in cultural relevancy and appropriateness. Unless the model is adapted to become a *tribal* planning model — directly reflecting the centrality of cultural factors and the critical role that relationships with federal/state justice systems play — the model is not likely to be considered sufficiently culturally appropriate or viable across a wide spectrum of Indian Country.