

History of Federal Victim Assistance Services and Programs in Indian Country

How it all began:

A Native mother in North Carolina questioned the behavior of a Bureau of Indian Affairs (BIA) employed schoolteacher toward her son. In response to her lengthy inquiry, this schoolteacher was eventually transferred to a BIA school in the Southwest. It was after repeated attempts by parents in this new area to very questionable behavior by this same BIA schoolteacher, that his behavior was finally determined to be sexually inappropriate. It was during this period that authorities were confronted with the reality of children being molested in Indian Country. It was also discovered that lack of reporting criteria, lack of protocol, and questions of jurisdiction seriously hampered efforts of investigation and conviction. It was against the backdrop of multiple victim molestation cases that the need for victim assistance programs in Indian Country evolved.

1988 – Realization of victims in Indian Country

- **Multiple victim molestation on two Indian reservations exposed the lack of resources for assisting victims of crime in Indian Country**

In 1988, the revelation of multiple victim molestation on two American Indian reservations in the southwest dramatically exposed the lack of on-reservation resources for assisting American Indian victims of crime. While the Victims of Crime Act (VOCA) of 1984 established a Crime Victims Fund to provide resources for all victims of crime, including federal victims, these funds were not being utilized by American Indian communities.

- **Funding to on-reservation victim assistance programs was virtually non-existent**

State funded victim assistance programs may have been providing some services to American Indian crime victims but the provision of funding to on-reservation victim assistance programs was virtually non-existent.

- **OVC funded two therapists to go onto the reservation - two times per month for two days**

In an initial response to the multiple victim molestation in one reservation community, OVC began funding the services of two therapists. Although the community had its own mental health program, the program staff were not trained in the treatment of child sexual abuse, and they requested assistance in identifying and funding therapists with the appropriate training and experience. Due to the geographic isolation of the community and the need to utilize professional mental health service providers with experience in dealing with child sexual abuse, the best option at the time was to fly in



two therapists twice a month for two days. It was recognized that this arrangement was not ideal over a long-term period but children and families were able to receive therapeutic services while a longer-term solution evolved.

1989 – Victim Assistance in Indian Country (VAIC) Discretionary Grant program established

Recognizing the severe need for on-reservation, culturally appropriate victim assistance services, the Office for Victims of Crime (OVC) has taken a strong leadership position in developing programs to serve American Indian victims of crime. This situation and other reservation-based multiple victim sexual abuse cases were elements in OVC's decision to develop the Victim Assistance in Indian Country (VAIC) Discretionary Grant Program in 1989.

The Plan for VAIC:

- **\$1,000,000 available for three years, to states with Indian/federal jurisdiction on behalf of tribes**

As initially conceived, the VAIC program offered a total of \$1,000,000 in the first year of a three year life span. The million dollars was made available to states in which there was Indian Country with federal jurisdiction over criminal activity (non-P.L. 280 states).

- **State VOCA Administrators were to work with tribes to develop applications for VAIC funding**

These P.L. 280 states were eligible to apply for VAIC funds on behalf of the tribes in their state. State VOCA Administrators were to work with tribal entities to develop their applications for VAIC funding.

- **The intent was to develop a working relationship between tribes and the state VOCA Administrator during the three years of funding**

This arrangement was developed with the intent of fostering a working relationship between tribal programs and their state VOCA Administrator. The states which were awarded VAIC grants then sub-granted funds to tribal communities on a competitive grant basis. Tribal programs applied to the state VOCA program for funding. This arrangement was established to familiarize tribes with the VOCA application forms and process so that when VAIC funding ended, the tribes would be able to apply to the state VOCA program for non-discretionary VOCA funding

- **Funding was to decrease each of the three years**

The plan was to establish the VAIC program for a three year period in order to introduce tribal communities to the state administered VOCA program. The hope was that as tribal communities became aware of the existence of funds to establish and maintain victim assistance programs, they would begin to apply on their own. In accordance with this plan, the VAIC program began with \$1,000,000 in funding, with second and third year funding scheduled to decrease each year.



- **By year four, tribal programs would be integrated into state VOCA programs**

In year four, it was anticipated that tribal programs would be integrated into the state VOCA programs and there would no longer be a need for a separate Indian Country discretionary grant program. The initially funded tribal programs would begin to apply for the state administered VOCA program funds and the discretionary VAIC program could be phased out.

For various reasons this plan did not work

- **State programs did not have the financial resources, and in some cases the willingness, to fund new Indian Country programs**

When the discretionary VAIC funding decreased, so did programmatic funding for the 15 programs funded during the first year of the VAIC program. Fragile VAIC projects who were struggling to get started faced an uncertain funding future and the real possibility that there would be no money available at the end of three years.

1998 – OVC began direct funding to tribes

In response to the above funding concerns, OVC continued to offer VAIC discretionary funding. Starting in Fiscal Year 1998, OVC began direct funding to tribes, eliminating the state pass-through of the past decade (OVC, 1997). Today, many American Indian victim assistance programs do receive some funding from state VOCA monies as well as VAIC grants. Since its inception in 1989, the VAIC program has funded 52 reservation based victim service programs in 19 states. As of FY 1996 OVC has provided over \$6,000,000 in VAIC funding.

Unfortunately, some state VOCA programs which established criteria for services, require that Native victims of crime proceed through other programs such as the Indian Health Service and be denied services before becoming eligible for state aid. This requirement is an additional barrier to services that non-Natives are not required to meet. It is also critical to note that Mental Health Services are extremely limited with tribal and Indian Health Service programs, yet state programs limit access to services.

Children's Justice Act in Indian Country

- **Began in 1988 to improve the investigation and prosecution of child physical and sexual abuse cases**

The CJA programs have aided in the development of multi-agency protocols to improve the investigation of child abuse cases, development of interview rooms, increasing community awareness and education, development of data collection and tracking systems, and the development of Child Protection and Multidisciplinary Teams.

- **Has since provided support to 40 tribes and tribal organizations**

The Children's Justice Act (CJA) Discretionary Grant Program for Indian Country, administered by OVC, was initiated in 1988 to improve the investigation and prosecution



of cases of child sexual and physical abuse. The discretionary CJA program has provided \$6,629,745 to support 40 tribes and tribal organizations (OVC, 1997).

Children's Justice Act in Indian Country has aided in the development of...

- Multi-agency protocols in investigation and prosecution of child physical and sexual abuse
- Interview rooms
- Increasing community awareness and education
- Data collection and tracking systems
- Child Protection Teams
- Multi-Disciplinary Teams

Violence Against Women Act (VAWA) in Indian Country

- **Funding for Indian Country began in 1995**

Since 1995 the STOP Violence Against Indian Women discretionary grant program has made a total of \$12.04 million available for Indian organizations to enhance the tribal justice system response to domestic violence and improve services to Indian women in abusive situations. These funds have been instrumental in assisting tribal communities in developing reservation-based domestic violence services including shelters, domestic violence courts, and domestic violence task forces.

- **Provides for set-aside funds for Indian Country**

The Violence Against Women Act Grants Office (VAWGO) has been very active in the past three years in funding tribal domestic violence programs. The Violence Against Women Act (VAWA) provided for a set-aside for funding programs in Indian Country.

(VAWA) funds have been instrumental in assisting tribal communities to develop:

- Reservation based domestic violence services, including shelters
- Domestic violence courts
- Domestic violence task forces

Other OVC training initiatives in Indian Country:

The Department of Justice has funded a number of training initiatives to improve the skills of tribal and federal employees who deal with crime victims. These initiatives have included:

- legal education training to tribal and federal judges
- a conference on prosecution and investigation of child abuse and domestic violence in Indian Country
- an semi-annual national conference (Indian Nations: Justice for Victims of Crime)
- yearly district-specific conferences
- training seminars on issues relevant to American Indian Child Protection Teams and Multidisciplinary Teams



U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, *Report to Congress, 1997.*

U.S. Department of Justice, Office of Justice Programs, *Office of Justice Programs Fiscal Year 1998 Program Plans.*

U.S. Department of Justice, Office of Justice Programs, February, 1997, *Office of Justice Programs Partnership Initiatives in Indian Country.*

