

Cultural Sensitivity for Non-Indian Service Providers Working with Native American Victims of Crime

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In recent years, federal employees have been working with Native American victims of crime in increasing numbers. In 1989, the Office for Victims of Crime (OVC) within the Department of Justice, Office of Justice Programs, began funding on-reservation victim assistance programs through the Victim Assistance in Indian Country (VAIC) program. As increasing numbers of Indian victims of crime have come into the criminal justice system, U.S. Attorneys, Federal Victim/Witness Coordinators, FBI Agents, and other federal personnel, who are predominantly non-Indian, have encountered cultural differences in working with Native American crime victims.

This monograph will present some of the realities of reservation-based victim assistance programs with the goal of increasing understanding of how VAIC programs may differ from similar non-Indian programs. Any discussion of Indian programs must begin with the caveat that all tribes are different and that there is no single correct way to deal with all Indian programs. Non-Indian personnel working within Indian Country must educate themselves regarding the Indian nations in their jurisdiction.

Non-Indian service providers often work with more than one community. The differences between tribal communities dictate that service providers take care to educate themselves about each tribal nation. Such education may take the form of participation in diversity training and the utilization of consultants, including tribal elders and leaders, to discuss the similarities and differences between tribes and issues related to the tribal structure.

There are three common issues for most Indian Country programs: **boundaries, training and spirituality**. The concept of **boundaries** may be viewed differently within the context of Native American belief systems and those of non-Indians. Indian nations tend to be similar in their emphasis on community and placement of value on the concept of "helping out." Rigid role definitions often place service providers at odds with this value. OVC funded victim assistance programs, for example, by legislative limitations, can only provide services to people who are victims of crimes. Perpetrators are not eligible for services.

Clients may not understand why a Victim Advocate who is providing services to one member of the family (e.g., a victim of domestic violence) cannot also provide assistance to other members of the family (e.g., the perpetrator). Traditional communal values and holistic orientations directly clash with limitations placed on certain types of government funded programs.

Federal guidelines are most often developed with the majority non-Indian culture in mind. When these same guidelines are utilized by Indian programs, they may conflict with cultural values unknown to non-Indian law makers. These conflicts can lead to the total breakdown of a program. Federally funded programs which directly conflict with tribal values are likely to fail.



Tribal employees may be faced with the conflict of adhering to their traditional values or meeting the goals and objectives under a grant. Since values have sustained tribes throughout history, the traditional values are likely to take precedence over grant goals and objectives. Those personnel responsible for monitoring the Indian country grant may be unaware of the values conflict and only be aware of the program's seeming lack of achievement.

Indian programs face the challenge of community values and meeting the goals and objectives outlined in the grant. Non-Indian grant monitors must work with tribal programs to identify any such conflicts and to create mutually respectful solutions.

Many Native American communities operate services on the barest of bare bone budgets. Resources of every type are scarce: personnel, materials, funding, office space, housing, vehicles, etc. When resources are scarce, everyone is expected to pitch in and do whatever is necessary. Due to the overwhelming need for services and the scarcity of resources to meet those needs, program staff are often called upon to offer assistance which may be outside the strict definition of their particular job description. This communal approach to providing services can lead to role confusion. For example, some tribal Victim Advocate positions are placed within the Tribal Social Services Department. This placement may lead to the Advocate being treated similar to all other Social Services staff members. Social Services programs often provide 24 hour child protection services to their community. The Advocate may be expected to be on-call as part of the Social Services staff, just like other staff members. This may lead to an Advocate acting as a Child Protective Services worker and removing children from an abusive situation one night and offering the family services as an Advocate the next day.

Clearly, this type of situation creates a conflict. However, if the Advocate doesn't take on-call time, the Advocate may be seen as not pulling their weight. Other Social Services staff may resent the Advocate's "privileged" position as someone who does not have to be on-call.

Conversely, due to limited staffing in most victim assistance programs, one Victim Advocate may be expected to be on-call 24 hours a day, 365 days a year. In Kansas, for example, for several years there was only one Native American Victim Advocate in the entire state. She provided services to all Native American crime victims throughout the state on a 24 hour basis. Recent funding increases have allowed a second Advocate to be hired.

The role of Victim Advocate fits well within Indian tradition. The concept of an identified person having a specific talent or role within the community is common among tribes. Every tribal community recognizes some individuals as traditional healers, available to those in need. Traditional healers are available on a 24 hour basis.

When a person needs to utilize a Medicine person or other type of healer, there are no "office hours." Healers are always available. People may perceive victim service providers in the same category in terms of their availability. Victim Advocates who live on the reservation can be called upon at any time. People



will often go to the Advocate's home at midnight, on weekends, or any time that services are needed.

In some communities, the victim assistance program may not offer 24 hour service due to limited staffing. In a program with only one Advocate, for example, that person cannot realistically be "on-call" 24 hours a day, 365 days a year. Since many reservations are small communities where everyone knows everyone else and where everyone lives, victims or other service providers may feel free to access victim service providers at any time of the day or night, just as they would a Medicine person. When someone is standing on your doorstep seeking assistance, it is difficult to turn them away.

There are many groups which have expectations regarding the services that a victim assistance program will provide: the community, the Tribal Council, federal personnel, and the funding source. It is not unusual for the expectations of these groups to be different or contradictory. The community may believe that victim assistance programs are there to help people, so everyone should be able to access their services (including perpetrators). The Tribal Council may see the need for preventing crimes and expect the program to provide prevention services which are not allowed under the grant. Federal personnel may see the great need for services and expect the tribal program to serve all types of victims although the tribe has highlighted a single type of victim to be served (e.g., domestic violence victims). OVC expects the program to meet their goals and objectives and operate within the guidelines of the Victims of Crime Act.

A tribe that obtains OVC funding for services to victims of domestic violence, for example, may not meet the expectations of several of these groups. If the community wants a program that provides services to everyone, the program will be pressured to provide services to batterers. The Tribal Council may expect the program staff to provide prevention services as well as intervention services. The Federal Victim/Witness Coordinator may see a great need for services to other types of victims and expect the program to offer services to all victims of crime. The program itself must meet their stated goals and objectives and follow the terms of their grant.

These conflicting expectations may lead to the perceived failure of the program by one or more groups. This perception may be the result of a conflict in values. On a national level, there has been strong recognition for the need for services for victims of crime. The criminal justice system's past emphasis on the perpetrator illustrated the need for attention to the victim's needs. A dichotomy has been established between victim and perpetrator.

In the cases of sexual abuse and family violence, however, this dichotomy is less clear. A person who molests a child as the result of generations of incest falls into both categories as victim and offender. The documented history of sexual abuse within boarding and residential schools forms the basis of several generations of victimization. While federal legislation regarding VOCA is clear that only victims of crime can be served by VOCA funded programs, an individual's status as perpetrator/victim is less distinct. Many programs are faced with the dilemma of policy prohibitions regarding the delivery of services to a sexual offender or batterer who seeks assistance due to his/her history of



victimization and tribal values mandating the provision of assistance to those seeking help.

The issues of tribal sovereignty is fundamental to how tribes conduct themselves and vital to the future of tribes. Federal programs which grant money to the state for pass through to tribes conflict with the reality of Indian nations as sovereign nations. Some Indian nations have a history of conflictual relationship with the federal government. The historical underpinnings to this issue are beyond the scope of this monograph. Both historical treatment and present day relationships impact, not only the tribe's willingness to work with the state in obtaining funding, but the state's receptivity to seeking funding on behalf of the Indian nations within their borders.

A tribe, for example, may feel that there is no reason to discuss their problem of crime on the reservation with the state. Particularly if state officials have a history of negative relationships with the tribe or making derogatory comments about Indian people; and especially where there is little or no state jurisdiction over crimes in Indian Country. Tribal officials may believe that sharing information regarding the incidence of crime within their community may be used in a negative manner by the state. However, the current funding procedures for victim assistance programs involves the states applying for funding on behalf of the tribe(s) within the state. This situation means that if a tribal government does not want to provide data to the state about the incidence of crime in their community, they cannot receive funding for a victim assistance program. There is no mechanism for the tribe to apply directly to OVC for funding of a victim assistance program. This type of situation undermines the concept of tribal sovereignty.

Some state Victim Assistance Coordinators have attempted to address this issue by including the tribe in the preparation of proposals to the federal government. The tribe must be included in every aspect of state proposals on the tribe's behalf. Beyond these grants, states must have a mechanism for tribal input into all grants which could potentially benefit tribes, not just Indian specific grants. For states or local governments that have advisory boards, review committees, or other citizen-based organizations which develop, submit, and review grant proposals, Indian representation and participation is essential.

A second area of concern involves the area of **training**. Tribal representatives need to be involved in all types of victim oriented training. Tribal people may not be included on planning committees unless the training is aimed at Indian people. State training events must be relevant to victim service providers working with Native American clients. When Native American people are included on planning committees, they may be included whether or not they have direct hands-on experience or have lived on the reservation.

In one state, for example, the planning committee of a state-wide victim conference contacted the local university and utilized a Native American professor on their committee. This person did not deliver services on the reservation and had not lived on the reservation for over 20 years. Although she provided valuable input to the planning of the conference, other useful information would have been gathered from the inclusion of someone working



with victims on a reservation. While the university professor may have been easily accessible, her input included a limited vision.

A Native American person will always bring their own perspective as a Native person to every situation. It is important to consider a person's experience and connection to the community as well as their background in selecting the most useful member of a planning committee.

Native American communities exist in both urban and rural locales. Trainings which focus on service provision only for victims in urban areas are often not relevant or helpful to service providers working in geographically isolated reservation communities. Trainers at conferences may not be culturally sensitive or knowledgeable about the complex array of jurisdictional issues which impact service delivery to federal victims of crime. This lack of sensitivity or knowledge leads to Native American service providers feeling devalued and unimportant. Workers cannot get their needs met when presenters are ignorant of the realities of providing victim assistance services on the reservations.

There is a need to incorporate Native American service providers and cross-cultural issues in all training events. Training sessions which focus on the needs of Native Americans and those working in Indian Country are important and useful for people to share common experiences and address the unique needs of their programs. There must be careful consideration given to treating Indian programs in a separate but equal manner. Trainings focusing on issues related to service provision in Indian Country should not be viewed as replacing the inclusion of issues important to Indian people in more general victim services training sessions. The inclusion of Native American victim services issues in a general conference must also be undertaken in a sensitive manner. It is clearly offensive to have a panel discussion entitled "Special Populations: Serving Native American and Physically Challenged Victims of Crime." Native Americans are not a special population. Yet such panels are taking place in training.

It is incumbent upon training coordinators and conference planners to seek out Native American people to serve on planning committees. Similarly, federal personnel overseeing training contracts must ensure that their grantees include a culturally diverse planning group representing the populations to be served.

Inclusion of Native American participants on planning committees can also be cost efficient. Recently a locality held a training on gangs. Although this topic is of great concern to both Native Americans and non-Native Americans, no effort was made to invite participants from the local reservations. The result is a duplication of training efforts by holding separate trainings for Native and non-Native audiences when a single training effort would suffice. In a time of limited training funds, efforts must be made to maximize the utility of available funds.

It is also necessary for training to be provided on an on-going basis. Indian country programs often experience high levels of staff turnover. The lack of consistency in staff often means when a person leaves their position, their knowledge leaves with them. Modern technology, where available, may help to alleviate this problem. Programs should be provided with the resources to document their training activities.



Videotaping of training sessions is one mechanism for making training available to new personnel. When training sessions are held on the reservation, the availability of equipment to videotape the training can make the information available to future employees. Similarly, programs can be encouraged to develop manuals providing new employees with a historical overview of the project and with information on how to perform the functions of their position. Funding earmarked for the development of such manuals would definitely assist tribes in their ability to develop these resources.

There is currently an increased focus on building the tribal/state/federal relationship and the coordination of services for victims of crime. It is often assumed that the most difficult part of this equation is to get tribal participation. State and federal agencies may invite tribal representatives to participate in various meetings and discussions only to have no one from the tribes attend. The perception may be that state and federal agencies offer opportunities for participation only to be ignored.

There are alternative explanations however. Often, these types of meetings are held at the host agency. There is an expectation that if tribes want to participate, they will come to the offices of the state or federal agency hosting the meeting. In some cases those offices can be several hours away from the reservation. While a meeting in downtown Phoenix may be convenient for many state and federal employees, for example, such a meeting means a five hour drive from the Hopi reservation and further drives from other reservations in the state. Simple logistics may preclude tribal participation in such efforts. An hour long meeting may not interrupt someone's day who is located with a half hour drive from the meeting location. Such a meeting take up an entire day or even a day and a half for someone located far away.

It is not unreasonable that, on occasion, state and federal employees be expected to travel to a location convenient for the tribal representatives. During on-site visits for OVC, these employees cannot attend the on-reservation training because of the distance and time involved to get to the reservation. Tribal/state/federal coordination is a two-way street. Efforts must be extended by all parties. It is unfair to always expect tribal people to travel for the expedience of federal or state employees. State and federal personnel must be willing and able to travel to the reservations in their jurisdictions as well as expecting tribal employees to travel to attend meetings.

It is impossible to ignore the historical fact that "outsiders" have repeatedly come into Indian country to tell tribes what the tribes need. From federal Indian Agents to BIA Agency Superintendents, representatives from the federal government have controlled policy and implemented their own procedures for service delivery. Every federal and state employee is a representative of the governments which have historically ignored the needs of Indian people and implemented policies regardless of the feelings of the people being impacted.

Non-Indian trainers may experience a lack of acceptance by tribal members, especially if the trainer is unaware of the realities of life on the reservation. There are many differences between offering services to victims of crime on the reservation and those in the city. A trainer who is used to working in



a metropolitan area, rich in services may not be able to offer useful training to a small, rural reservation community, lacking in services.

Similarly, psychological and counseling theories which are based on Anglo perceptions and world views may not apply to Native American clients. There are a myriad of factors which influence Native American victims of crime of which a typical victim service provider or trainer may be unaware: historical grief, discrimination, lack of access to education, poverty, cultural disruption/conflict, tribal sovereignty, federal trust responsibilities. While these issues do not appear directly relevant to victimization, they may influence many aspects of a person's life, including their response to being a victim of crime.

A third important consideration is the influence of **spirituality** in the lives of many Native American people. Spirituality is a broad term which encompasses both religious beliefs and practices as well as a sense of self in relation to the natural world. Spirituality, especially as conceptualized in terms of religion, has been a controversial area. Religion has historically been used as a means of "civilizing" Indians. Missionaries expended great efforts to "save" the savage Indians indigenous to the United States.

Conversion from "heathen" traditional religious practices to Christianity formed the basis of much federal policy during the past 500 years. Indian children were forced to attend boarding schools run by various Christian denominations. Often Indian children were taught that their spiritual beliefs were evil and that Christianity would be the key to their salvation. Forced religious conversions were commonplace.

The forced removal of Indian children to boarding schools meant that children were not able to participate in their spiritual traditions at home. For example, adolescents could not be initiated into religious societies because they were living off-reservation and did not receive the lessons necessary to fulfill their obligations. The punishment of Indian children for speaking their native languages led to children unable to speak their language. Participation in traditional religious ceremonies requires an ability to speak one's language.

For many Native people, their spiritual beliefs form the foundation of their entire way of life. Service providers who do not understand either the centrality of spirituality or the importance of participation in certain ceremonial events may cause their clients additional trauma. Workers at a domestic violence shelter, for example, may not understand why a woman insists on returning home to participate in a specific spiritual activity. Shelter rules may prohibit her from returning to the shelter if she leaves overnight, yet her responsibilities within her community may demand that she perform certain tasks over a period of days. She may find herself in the position of having to choose between the safety of the shelter and her religious obligations at home.

Spirituality is an often ignored aspect of assisting victims to heal. Non-Indian service providers may not be aware of the importance of integrating spiritual healing into their services. Native victims of crime may feel that a program that does not address their spiritual needs is not going to be helpful to them. Non-Indian service providers who understand this need may feel that they



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are not competent to address the spirituality issues and therefore they ignore this dimension.

Integration of traditional healing into a victim services program may pose difficulties, especially if the program serves both Native American and non-Native women. It is incumbent upon victim service providers to work with their local Native American communities to develop effective, comprehensive programs for their Native American clients.

The Office for Victims of Crime has undertaken several initiatives in the recent past to improve the delivery of services to victims of crime in Indian country. These initiatives have both improved services and identified the difficulties of attempting to integrate programs developed for non-Indians into Indian communities. Traditional values have enabled Indian people to survive for thousands of years. These values must be respected. The challenge for non-Indian service providers, grant monitors, program developers and decision makers, is to educate themselves and to learn how to respect vital components of tribal life, such as sovereignty and spirituality and how to integrate the sometimes competing demands of federal mandates and tribal values.

