Oklahoma’s State-Tribal Crime Victim Liaison Initiative

by

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Oklahoma State-Tribal Crime Victim Liaison
What to Expect from This Session

1. To understand historical influences with regard to Native Americans’ access to victims’ resources.

2. To understand jurisdictional challenges to serving crime victims in tribal communities.

3. To learn outreach strategies for underserved populations such as tribal communities.
Oklahoma’s State-Tribal Crime Victim Liaison Initiative

- Funding for the project is through a federal grant from the Department of Justice, Office for Victims of Crimes.

- The project, the only one of its type in the nation, is a demonstration program dedicated to improving communication among tribal, state, federal, and local officials in order to enhance victim assistance and outreach services to tribal communities in Oklahoma.

- The purpose of the project is to enhance victims’ compensation and assistance outreach to Oklahoma’s 38 federally recognized tribes.
Understanding historical influences with regard to Native Americans’ access to victims’ resources
Pre-Columbian Distribution of Tribes

- 100% of the population of North America was indigenous people
- Over 2,000 distinct American Indian cultures
- Estimates between 10-18 million people

By 1900 American Indian population: 250,000

98% of population had died
Indian Removal Act 1830
Indian Removal Act 1830

Treaty of Dancing Rabbit Creek (September 1830)- Choctaws

Treaty of Indian Springs I & II, Treaty of Cusseta (1832)- Muscogee (Creek)

Treaty of New Echota (1835)- Cherokees

“Trail of Tears”

Second Seminole War (1835-1842)- Seminole

Treaty of Doaksville (1837)- Chickasaw
Indian Wars & Relocation

“The Iroquois confederacy should be wiped from the face of the earth, not to be merely overrun but destroyed.”

George Washington- 1779

“Nits make lice.”

Rev. John Milton Chivington- 1855

“The only good Indians I ever saw were dead.”

Gen. Phillip Sheridan-1869
Indian Wars & Relocation

- **Sand Creek Massacre (November 1864)** - Cheyenne & Arapaho
- **Medicine Lodge Treaty (October 1867)** - Arapaho, Southern Cheyenne, Comanche, Kiowa
- **Battle of Washita Creek (November 1868)** - Black Kettle and Southern Cheyenne
- **Drum Creek Treaty (July 1870)** - Osage
- **Wounded Knee Massacre (December 1890)** - Lakota
Indian Territory, 1866-1889

INDIAN TERRITORY, 1866–1889
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Allotment Act 1887

- Tribally held lands became individual allotments
- Dawes Commission Rolls
  
  Blood Quantum: Biological estimate of Indian blood, replacing a more fluid idea of Indian identity

- “Surplus lands” in Indian Territory opened with land runs (1889)
- Indian Territory becomes Oklahoma (1907)
Circa 1890
Boarding Schools Oklahoma Tribes Attended

- Bloomfield Academy (1852)- Indian Territory
- Hampton Institute (1878)- Virginia
- Carlisle (1879)- Pennsylvania
- Bacone (1880)- Muskogee, OK
  \textit{oldest off reservation boarding school in OK}
- Chilocco (1882)- Newkirk, OK
- Haskell (1884)- Lawrence, KS
Carlisle Indian Industrial School

- Founded in 1879 by Captain Richard Henry Pratt
- First off reservation boarding school
- School’s slogan “To civilize the Indian, get him into civilization. To keep him civilized, let him stay.”
- Model for 26 Indian Boarding Schools founded by the BIA
Modern Relocation and Termination

Relocation (1950s)
- Move from reservations to cities
- Promises of job training, employment and housing at times unfulfilled

Termination (1950s-1960s)
- Recognition of hundreds of tribes terminated
Historical Loss

- Population
- Language
- Culture/Cultural Practices
- Homelands
- Trust in Whites
- Family Bonds/Connection (through early death or displacement)
Understanding jurisdictional challenges to serving crime victims in tribal communities
Law Enforcement in Indian Country

- 27 District Attorneys Prosecutorial Districts
- 3 U.S. Attorneys Districts
- 77 County Sheriffs
- 19 Tribal Police Departments
- 15 Tribal Court Systems
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<th>Defendant</th>
<th>Victim</th>
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Oklahoma American Indian Populations by County

- 35 Counties with Native American population 10% or more
- 23 Counties with Native American population 15% or more
- 8 Counties with Native American population 20% or more
- Adair County 43% and Cherokee County 34%
Figure 5. Violent Death Rates among Native Americans by County, Oklahoma, 2004-2008

State rate for all races combined = 25.5 per 100,000 pop.
Outreach strategies for underserved populations such as tribal communities
Responding to Tribal Crime Victims

Case Scenario
There was a homicide in Oklahoma that resulted in expenses for the grandmother of a victim. The grandmother requested the following expenses; however, she had not kept receipts for these expenses:

Beef: $200.00
Flour: $50.00
Pork: $75.00
Fruit: $69.00
Indian Blankets: $320.00 ($80 each x 4 pastors)
Baskets of Groceries for Cooks: $240.00 ($60 per basket x 4 cooks)
Burial clothing for deceased: $75.00
Case Scenario cont’d

- To solve the issue of no receipts, the Victims Compensation Board accepted a notarized statement of these expenses from the claimant.
- The compensation staff met with the Board and educated them about the traditional burial ceremony, the giving of the blankets and baskets, and advised the Board that the meal was part of that ceremony.
- Other burial expenses were paid by the victim’s Tribe.
- The Victims Compensation Board found that the expenses requested were reasonable and allowable by statute, and awarded reimbursement to the claimant.
Responding to Tribal Crime Victims

So, in April 2010, the Crime Victims Compensation Board met and approved the first-ever request for expenses related to a traditional American Indian funeral ceremony; specifically, the ceremonial meal associated with the victim's burial and the gifting of blankets and fruit.
Responding to Tribal Crime Victims

Effective: May 18, 2010

It is the intention of the Crime Victims Compensation Board and staff to be sensitive to the traditional needs of victims in Oklahoma, and specifically, our large American Indian population. We want to honor other cultures by addressing and considering those expenses that are part of how, in their culture, the victim receives healing, treatment, and a proper burial.
Responding to Tribal Crime Victims

*Types of expenses that may be common after the homicide:*

- Ceremonial funeral, including meals/food baskets and expenses related to traditional "giveaway" or "gifting" practices
  - Quilts for gifts and for actual burial
- Tobacco, which can be a common item for gifting or giveaways
  - Traditional grief healing for family of deceased
- Faith-based counseling services for family of deceased
  - Healing lodge ceremonies
  - Smudging ceremonies
- Services of a Spiritual Leader of the Tribe for various ceremonies
  - Burial clothing for the deceased
Responding to Tribal Crime Victims

*Types of expenses that may be requested in non-homicide cases:*

- Traditional healing
- Healing lodge ceremonies
- Medicine Man services
- Smudging ceremonies
- Faith-based counseling services
- Services of a spiritual leader for various ceremonies
Responding to Tribal Crime Victims

*Types of expenses that may be common after the homicide cont’d:*

- Misc. food items including: flour for fry bread, meat, oil, vegetables, baskets of fruit, etc.
- Gifts for the cooks (could be fruit baskets, quilts, or other useful items)
  - Gifts for those performing services (quilts or other useful items)
- Expenses for memorial one year after the burial (includes meal and "giveaway" or "gifting")
- Child care during funeral - in some cultures children are not allowed to come to a funeral
Responding to Tribal Crime Victims

• Outreach to DV/SA advocates within each tribal community
• Outreach to Tribal court clerks, judges, and law enforcement
• Development and implementation State-Tribal Victims Services Roundtable Discussions
• Resource table at conferences in Indian Country
State-Tribal Crime Victim Services Roundtable Discussions

- Informal meetings with open agenda
- Hosted by tribes at tribal facilities
- Bring together state and federal victims’ services personnel with tribal victims’ services programs
Questions/Discussion....?
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