

Appendix F

Written Questions and Answers from Community Meetings

Overview

The community meetings were conducted beginning in late February and continuing through mid-May. Although the discussion questions and notes provide the fullest report about what was said, written questions were also distributed for participants to answer. While these questions do not constitute a formal, representative survey of California's Native American community they did help spur discussion and provided a method of contribution for those who might not have wished to speak up. Their answers are summarized here for purposes of augmenting the meeting notes and themes reported above and represent only the opinions of those individuals who chose to attend these meetings. They are not the official view of any tribe or organization, nor do they necessarily represent the actual situation in Native American communities in California.

Participants

Just over 400 people filled out the written questions. About two-thirds of the respondents identified themselves as women. While some people listed multiple roles for themselves, about two-thirds said they were community members, while about one-quarter each said they were advocates or service providers. A few also said they were tribal council members, tribal leaders, or tribal judges as well as some people from the county department of social services.

Table 1: *What is your gender?*

| | N | % |
|--------|-----|-------|
| Male | 116 | 30.1% |
| Female | 270 | 69.9% |

Note: Answered question = 386; Skipped question = 22.

Table 2: *Which of the following best describes you?*

| | N | % |
|-----------------------|-----|-------|
| Advocate | 92 | 26.1% |
| Community member | 249 | 70.5% |
| Service provider | 101 | 28.6% |
| Tribal council member | 41 | 11.6% |
| Tribal judge | 3 | 0.8% |
| Tribal leader | 28 | 7.9% |

Note: Answered question = 353; Skipped question = 55.

Process

Participants were asked to rank the three most common types of family violence in their communities: domestic violence, sexual assault, stalking, teen dating violence, child abuse, elder abuse, and “don’t know.” Domestic violence was by far the most commonly cited as happening most often. Sexual assault and child abuse were the next most common, but both far behind domestic violence and very little different from the other types.

Table 3: *Which three types of family violence happen the most often on your reservation?*

| | Most often | Second most often | Third most often |
|----------------------|------------|-------------------|------------------|
| Child abuse | 10 | 54 | 38 |
| Domestic violence | 245 | 31 | 15 |
| Elder abuse | 8 | 34 | 46 |
| Sexual assault | 10 | 76 | 61 |
| Stalking | 9 | 22 | 30 |
| Teen dating violence | 14 | 31 | 40 |
| Don’t know | 20 | 3 | 11 |

Note: Answered question = 336; Skipped question = 72.

Perpetrators

When asked whether tribal members, members of another tribe, or non-Indians most often acted violently in family violence incidents most people responded “no one more than the other.” It is perhaps of some interest to note that the respondents did not seem to think that members of other tribes or non-Indians were more or less likely than tribal members to act violently. Most people did seem to think, however, that the people acting violently were family members.

Table 4: *Who most often acts violently in these incidents of family violence?*

| | N | % |
|----------------------------------|----------|----------|
| Members of different tribe | 25 | 6.9% |
| Non-Indians | 46 | 12.8% |
| Tribal members | 76 | 21.1% |
| No one group more than the other | 213 | 59.2% |

Note: Answered question = 360; Skipped question = 48.

Table 5: *Are the people who act violently generally family members?*

| | N | % |
|------------|----------|----------|
| Yes | 276 | 71.3% |
| No | 82 | 21.2% |
| Don't know | 29 | 7.5% |

Note: Answered question = 387; Skipped question = 21.

Victims

The vast majority of respondents said that women were usually the victims of family violence, although young girls and young boys were also commonly cited. At least a third also said men and seniors were also victims.

Table 6: *Who are usually the victims in these incidents of family violence?*

| | N | % |
|-------------|----------|----------|
| Elder men | 118 | 29.4% |
| Elder women | 166 | 41.4% |
| Men | 146 | 36.4% |
| Women | 363 | 90.5% |
| Young boys | 216 | 53.9% |
| Young girls | 284 | 70.8% |

Note: Answered question = 401; Skipped question = 7.

Reporting

To law enforcement. The participants at these community meetings reported that generally these incidents of family violence do not get reported to law enforcement. Lack of reporting was attributed to a number of interrelated factors: shame and embarrassment; Fear of repercussions such as ostracism, anger of other family members, breakup of the family (and subsequent loss of financial support), or losing children to child protective services; The stigma attached by police and others to having violence in the family; The futility of reporting due to police being slow to respond or no real action being taken even if there is a response; Uncertainty and mistrust about what will happen next; Lack of accessibility of court systems because they are not culturally appropriate for Native Americans; and the habit of avoiding contact with government systems because of past mistreatment.

Table 7: *Do these incidents of family violence usually get reported to law enforcement?*

| | N | % |
|------------|-----|-------|
| Yes | 67 | 17.5% |
| No | 281 | 73.4% |
| Don't know | 35 | 9.1% |

Note: Answered question = 383; Skipped question = 25.

To child protective services. The meeting participants were more divided about whether family violence gets reported to child protective services if children are involved, with some people saying it does but others saying it does not. The reasons for not reporting are similar to those described above, with a particular emphasis on the fear that children will be taken away and separated from their culture (as was done in the past through boarding schools and other means).

Table 8: *Do these incidents of family violence get reported to Child Protective Services if children are involved?*

| | N | % |
|------------|-----|-------|
| Yes | 138 | 37.1% |
| No | 179 | 48.1% |
| Don't know | 55 | 14.8% |

Note: Answered question = 372; Skipped question = 36.

Frequency of reporting. While most people felt that certain types of family violence get reported less than others, there did not seem to be any general agreement about which types get reported less, although domestic violence was perhaps the most frequently mentioned type it was also mentioned as the most commonly occurring type of family violence.

Table 9: *Do some types of family violence get reported less than others?*

| | N | % |
|------------|----------|----------|
| Yes | 313 | 78.8% |
| No | 33 | 8.3% |
| Don't know | 51 | 12.8% |

Note: Answered question = 397; Skipped question = 11.

Who reports. Most people felt that it is not usually the victim who reports family violence. Teachers, neighbors, and health care providers were frequently cited as being the source of reports if not the victim. Family members and friends were also mentioned.

Table 10: *Does the victim usually report family violence?*

| | N | % |
|------------|----------|----------|
| Yes | 40 | 10.4% |
| No | 303 | 78.5% |
| Don't know | 43 | 11.1% |

Note: Answered question = 386; Skipped question = 22.

Types of violence reported. While most people indicated that some types of family violence are reported less than others, the opinions about what type that might be varied widely – although domestic violence was perhaps the most frequently mentioned.

Table 11: *Do some incidents of family violence get investigated less than others?*

| | N | % |
|------------|----------|----------|
| Yes | 280 | 72.7% |
| No | 41 | 10.6% |
| Don't know | 64 | 16.6% |

Note: Answered question = 385; Skipped question = 23.

Treatment of Native Americans

Most of the respondents did not feel that members of their community were treated fairly by law enforcement regarding reports or investigations of family violence incidents. Opinions appeared only slightly better with regard to child protective services or probation, but still generally negative or neutral.

Table 12: *Are members of your community treated fairly by the probation department regarding family violence incidents?*

| | N | % |
|------------|----------|----------|
| Yes | 69 | 17.9% |
| No | 214 | 55.6% |
| Don't know | 102 | 26.5% |

Note: Answered question = 385; Skipped question = 23.

Table 13: *Are members of your community treated fairly by law enforcement regarding reports or investigations of family violence incidents?*

| | N | % |
|------------|----------|----------|
| Yes | 62 | 16.2% |
| No | 274 | 71.7% |
| Don't know | 46 | 12.0% |

Note: Answered question = 382; Skipped question = 26.

Table 14: *Are members of your community treated fairly by Child Protective Services during reports or investigations of family violence incidents?*

| | N | % |
|------------|----------|----------|
| Yes | 105 | 28.0% |
| No | 201 | 53.6% |
| Don't know | 69 | 18.4% |

Note: Answered question = 375; Skipped question = 33.

Options for Addressing Family Violence

In response to a question about whether people in their community used state courts to address family violence issues, opinions varied widely, and a large minority of people did not answer the question at all. Of those who did (a little over half) – about half of them thought that state courts were used for domestic violence and sexual assault cases, but not so much for stalking, teen dating violence, or elder abuse. About two-thirds of the respondents said they did not have a tribal court, although about one-third of all participants did not answer this question. Even among those who had tribal courts, comments indicated they did not necessarily handle family violence cases – although some did. Problems such as jurisdictional uncertainty and lack of appropriate tribal codes were mentioned as reasons.

Table 15: *Does your community use the state courts to help when family violence happens?*

| | Yes | No | Don't know | N |
|----------------------|----------------|---------------|---------------|-----|
| Domestic violence | 51.3% (117) | 23.2% (53) | 25.4% (58) | 228 |
| Elder abuse | 33.2% (72) | 28.1% (61) | 38.7% (84) | 217 |
| Sexual assault | 44.1% (98) | 25.2% (56) | 30.6% (68) | 222 |
| Stalking | 29.2% (63) | 30.1% (65) | 40.7% (88) | 216 |
| Teen dating violence | 29.2% (94) | 29.7% (65) | 41.1% (90) | 219 |

Note: Answered question = 235; Skipped question = 173.

Table 16: *Are there other tribal ways in your community that help solve or talk about family violence?*

| | N | % |
|------------|-----|-------|
| Yes | 131 | 38.5% |
| No | 181 | 53.2% |
| Don't know | 28 | 8.2% |

Note: Answered question = 340; Skipped question = 68.

Table 17: *Do you have a tribal court?*

| | N | % |
|------------|-----|-------|
| Yes | 155 | 40.3% |
| No | 226 | 58.7% |
| Don't know | 4 | 1.0% |

Note: Answered question = 385; Skipped question = 23.

A little over one third of the respondents said their community had other tribal ways of solving or talking about family violence, but about half said they did not. Among the strategies mentioned were traditional healing and ceremonies; groups, talking circles, and dances; tribal council meetings; handled with the family or by a tribal elder; mediation, workshops, and education. It was pointed out that tribes do not get money to address domestic violence, or for emergency situations, safe houses, or tribal safe areas.

Among those who said they did not have other ways, the need for within community solutions such as talking circles, safe houses, and shelters was mentioned. The need for education about family violence (its causes, how to recognize it, and its solutions) was mentioned repeatedly across meetings. Both adults and children need the education, as do tribal leaders and law enforcement.

Data on Family Violence

The respondents at the meetings were fairly evenly split about whether their tribe or agency collected information about incidents of family violence, calls to law enforcement, calls to CPS, and prosecutions – with about equal percentages saying yes, no, or don't know to each.

Table 18: *Does your tribe or agency collect data on...*

| | Yes | No | Don't know | N |
|--------------------------------------|----------------|----------------|----------------|-----|
| Calls for service to CPS | 36.4% (132) | 31.1% (113) | 32.5% (118) | 363 |
| Calls for service to law enforcement | 30.5% (109) | 38.7% (138) | 30.8% (110) | 357 |
| Incidents of family violence | 29.8% (108) | 39.7% (144) | 30.6% (111) | 363 |
| Prosecutions | 22.4% (79) | 39.8% (140) | 37.8% (133) | 352 |

Note: Answered question = 368; Skipped question = 40.

Justice Gaps in Native American Communities

Respondents were also asked whether certain issues were problems in their communities, indicating that each listed issue was not a problem, was somewhat of a problem, or was a big problem. Almost all the issues were thought to be big problems by a majority of the respondents. Three issues were cited by about three quarters of the respondents as being big problems: State court judges' lack of knowledge of tribal culture; State court staff's lack of knowledge of tribal culture; and poor understanding of ICWA requirements by judges, attorneys, social workers, and probation officers. Over half of the respondents thought most of the rest of the issues were a big problem (and about one-third of the respondents thought those same issues were somewhat of a problem): Perceived unfairness of court processes if Indian victims of family violence are involved; Services provided to family violence victims are not culturally competent; Lack of enforcement of state or tribal court orders protecting family violence victims. Only one issue generated responses equally split about whether it was a problem: State courts are too far away from tribal areas to be useful.

Table 19: *For each justice gap listed below, answer whether or not you think this is true in your community?*

| | Not a problem | Somewhat of a problem | Big problem | N |
|---|---------------|-----------------------|----------------|-----|
| State court process takes too long | 8.4% (31) | 36.4% (134) | 55.2% (203) | 368 |
| State courts are too far away to be useful | 24.1% (90) | 37.3% (139) | 38.6% (144) | 373 |
| State court judges lack knowledge of tribal culture | 5.2% (19) | 21.5% (79) | 73.4% (270) | 368 |
| State court staff lacks knowledge of tribal culture | 3.8% (14) | 20.6% (76) | 75.6% (279) | 369 |
| Perceived unfair court process when Indian victims of family violence are involved | 4.7% (17) | 33.9% (122) | 61.4% (221) | 360 |
| Poor understanding of state court system of the Indian Child Welfare Act by judges, attorneys, social workers, probation officers | 5.4% (20) | 25.3% (93) | 69.3% (255) | 368 |

| | | | | |
|--|---------------|---------------|----------------|-----|
| Services provided to family violence victims are not culturally competent | 5.3% (12) | 33.3% (75) | 61.3% (138) | 225 |
| State court orders issued to protect family violence victims are not enforced | 6.7% (15) | 35.4% (79) | 57.8% (129) | 223 |
| Tribal court orders issued to protect family violence victims are not enforced | 13.8% (26) | 32.8% (62) | 53.4% (101) | 189 |

Note: Answered question = 381; Skipped question = 27.

Other gaps identified by participants included:

- Lack of information about what state law enforcement can and cannot do on tribal lands.
- Lack of understanding by law enforcement of Native American culture and mental health issues.
- Lack of traditional methods being used.
- Lack of resources.
- Lack of Native Americans in the state court system and elsewhere.
- Lack of Native American liaisons with the state court system.
- Courts (including tribal courts) are too easy on the perpetrators, too concerned with their rights.
- Tribal codes are not sufficient to deal with these issues.
- Lack of shared data and knowledge about how the system works.
- Unclear jurisdictional boundaries.
- Lack of transportation (prohibits access to courts and other services).
- Prejudice and discrimination block Native American voices from being heard, or respected if they are heard.
- Slowness or lack of response (both by law enforcement, prosecutors, and the courts).
- High turnover of workers.