



# Partnering for Justice: Role of Advocates Within Law Enforcement Response

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# Learning Objectives

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- Basic best practices for working with Tribal Law Enforcement in Indian Country for advocates;
- Basic foundations to working with relatives who are navigating through criminal justice systems in our communities and how advocates can help;
- Safeguarding children who witness violence – protecting moms rights; and
- Forward Thinking: Tribal Community System Networking Efforts to Increase Survivor Support and Safety Including Tribal Codes.

# A Glimpse at Differences

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## *Law Enforcement*

Bureaucracy

Fact finding

Male dominated discipline

Case centered

Government agencies

Due process for defendants

Other

## *Advocacy Organizations*

Less Bureaucratic

Biased support

Mostly women

Victim-Centered

Mostly non-profit, community based/some government based

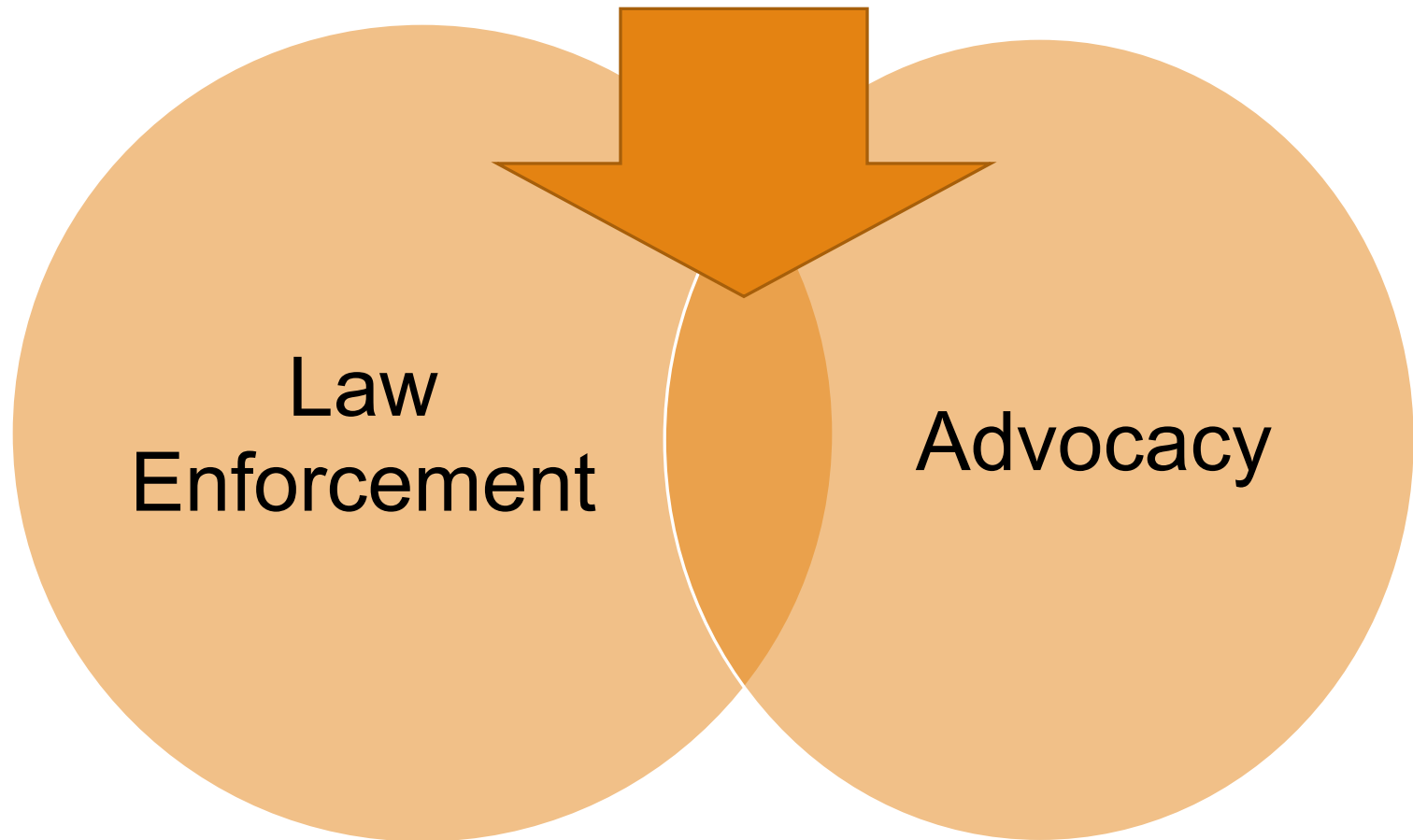
Justice for victims

Other

Our missions are different

# Commonalities & Collaboration

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# Commonalities - Basic

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Community Safety

Offender accountability

Work in civil and criminal cases

Successful prosecutions – criminal cases

Victims who seek justice, safety

We know our jobs – to include new and seasoned individuals

We want to do a professional job

We have professional ethics

Other disciplines may not understand full range of our jobs, lack of resources

We are compassionate people

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*Can you think of other commonalities?*

Enter in chat box or raise your hand and we can unmute

# Best Practices

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Why do our relatives who've been battered, raped, reach out for help such as to law enforcement, to advocacy?



# Our Expectations of Criminal Justice Response

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Dispatch and responding officers triage as priority call regardless of when assault occurred, regardless of how many times they've gone to that residence

Respond to victim in a victim-centered, non-blaming, non-shaming manner and treat victim as a relative (daughter, son,..)

Provide culturally appropriate response, receive training on such

Write reports as warranted and appropriate

Investigate, gather evidence – work cooperatively with advocate

Interview victim – allow advocate to be present to provide support

# Expectations - continued

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Arrest as appropriate needed/Detain perpetrator

Keep victim and family informed of arrest, detention

Serve protection orders – work with advocate to locate perpetrators as needed

Uphold victim rights

Educate themselves on impact of violence on a person, family, community and why violence occurs and mostly the potential for recurring violence and the volatility

Disallow manipulative behavior, resisting arrest, threats of violence toward anyone

Work collaboratively with other responders preferably on an MDT, CCR

Willingness to share information and resources as appropriate

# Expectations - continued

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Good report writing builds strong cases

Prioritize victim safety and protection

Exercise patience when working with victim – “Take your time, I know this is difficult.”

Compassionate/caring attitude – “I’m sorry this happened to you.”

Follow up with victim: “I have no further information but I just wanted to let you know that we are still investigating.”

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*Being a good relative is being a fierce advocate.*

# Advocacy

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Community based

Systems based

# Basic Roles of Community Based Advocates in Criminal Justice Process

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Provide confidential services

Crisis intervention

Legal Advocacy to include protecting non-offending parental rights

Accompanying, walking with relatives through the system such as to file for protection orders and court appointments, hearings

Ensuring victim rights are maintained

Being a voice for the person we are working with as needed and requested

Information and referral

Ensure victim's basic needs are met such as transportation, safe space, financial assistance, children's needs and those who've witness violence

# Social and Systems Change as Component of Advocacy

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Create system change vs expecting victim to change in order to receive services

Commit to victims' safety and needs as high priority

Respond, address and remove barriers for victims, advocate for policy changes to institutionalize best practice when responding to victims and their children

Train/educate non-Native partners, agencies, responders on issues related to racism, individual, systemic, historic trauma, providing culturally appropriate response and services

Educate about power, control, privilege and oppression and how that contributes to violence;

Create, strengthen tribal DV laws, work to create legislative change

Identify their experiences as the locus of systemic problems and the standpoint from which to solve them – seek input of relatives impacted

# Being a Good Relative/Advocate

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SAFETY ASSESSMENT, SAFETY PLANNING – ATTENTION TO SAFETY  
WOVEN THROUGHOUT INTERVENTION WITH RELATIVE

Listen, visit

Empower relative with whom you are working

Provide options, accurate information on resources – lawyers  
specializing in family law, knowledgeable of domestic violence issues

Facilitate informed decision making

Support relative's choices, despite how we feel

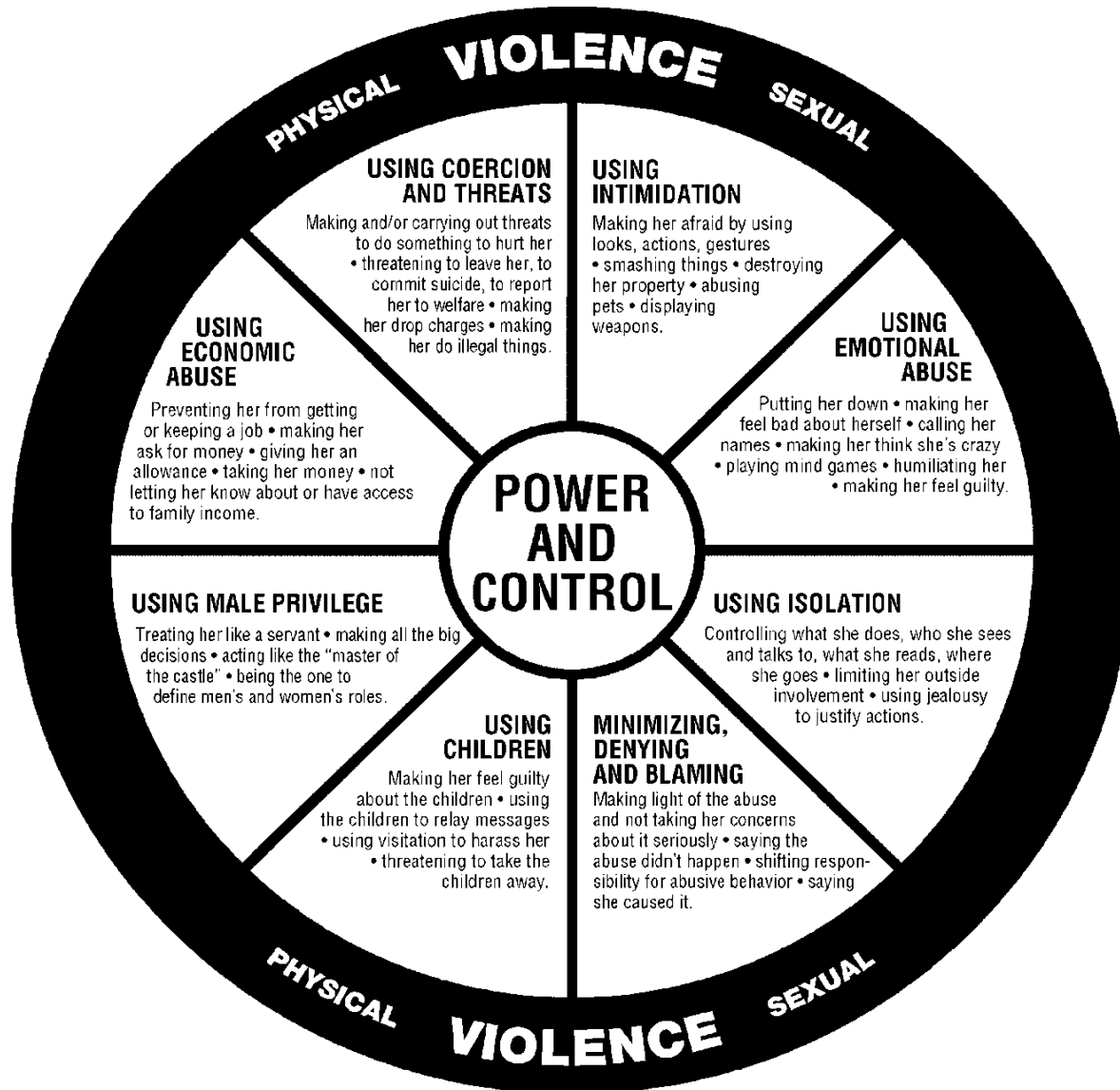
Know the relevant tribal, state/federal laws (tribal, state/federal)

Be a voice for relatives as needed, as appropriate

Protect non-offending parent's rights to retain custody of child/ren



# Power and Control Wheel – The Duluth Model



# Data and Children Who Witness Domestic Violence

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Native children suffer exposure to violence at rates higher than any other race in the United States. Native youth are 2.5 times as likely to experience trauma than their non-Native peers.

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*(U.S. Department of Justice, Attorney General's Advisory Committee on American Indian and Alaska Native Children Exposed to Violence, Ending Violence So Children Can Thrive, November 2014).*

# Native Maze Map: Navigating Systemic Responses to Battering

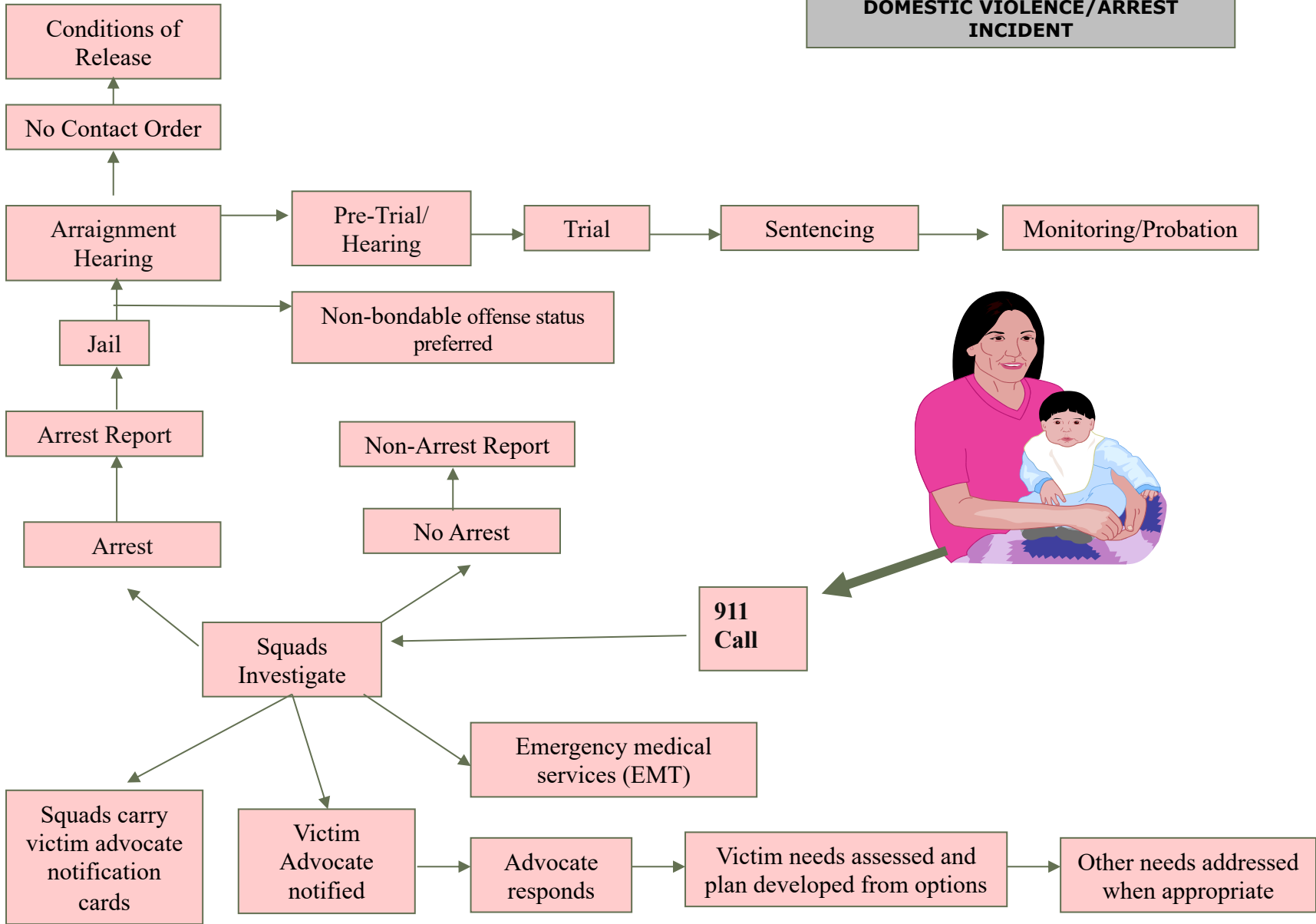
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Women bring complex and immediate needs for safety.

We must focus on safety needs and understand fully how the many systems have a role in the response to battered women and their children.



**DOMESTIC VIOLENCE/ARREST INCIDENT**



SHELTER MAP



Nutritional, physical, emotional and educational processing

Wellness support, walking exercise, diet adjustment, relaxation-meditation / acupuncture

Counseling: traditional tribal, human services, mental health, faith-based

- Sweat lodge
- Ceremonies
- Smudging
- Healing medicine

Seeks Shelter

Shelter Intake

Exit planning

Physical and Sexual Abuse needs

Women's Advocate

Children's Advocate

School

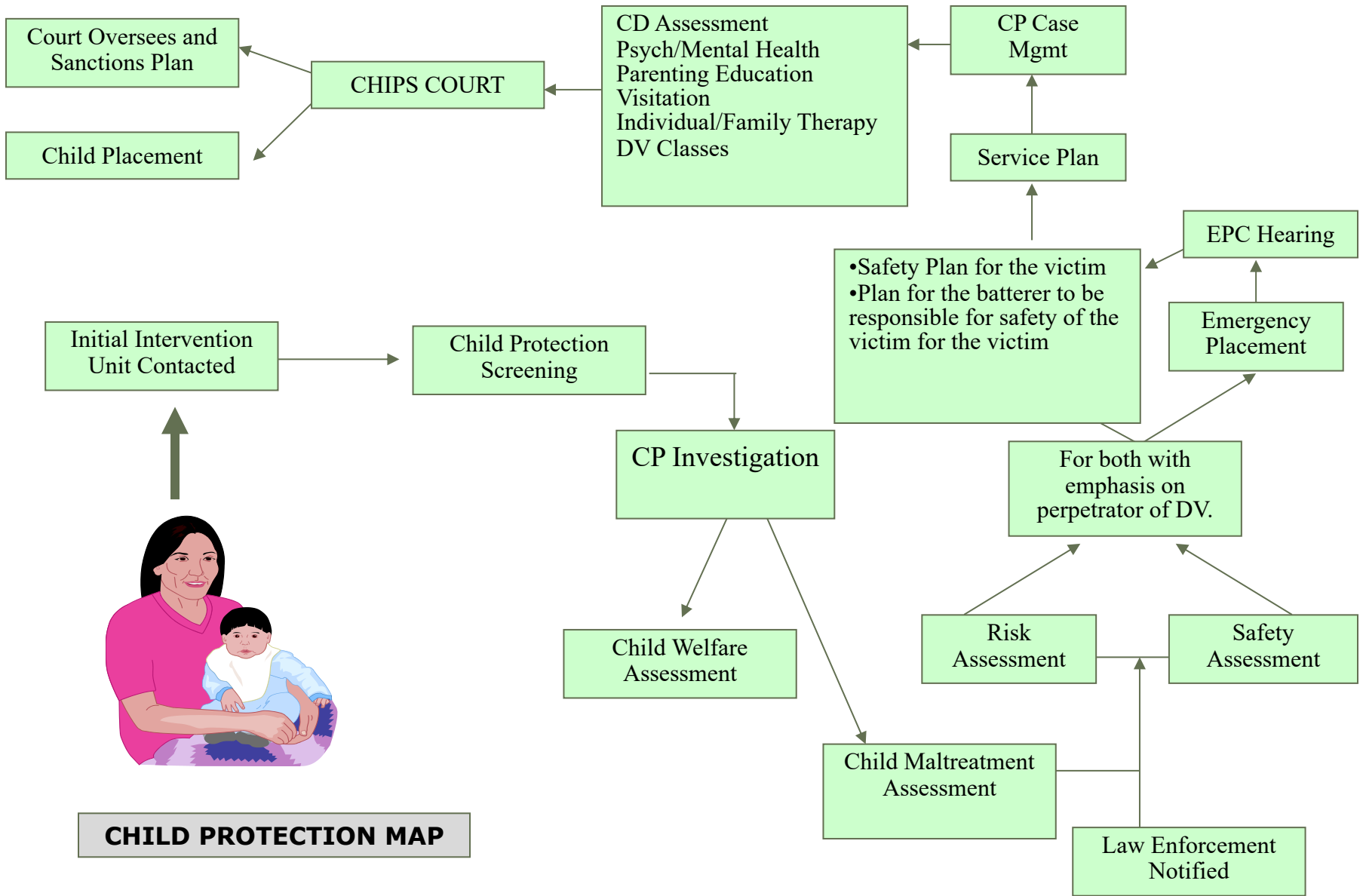
Women's Groups

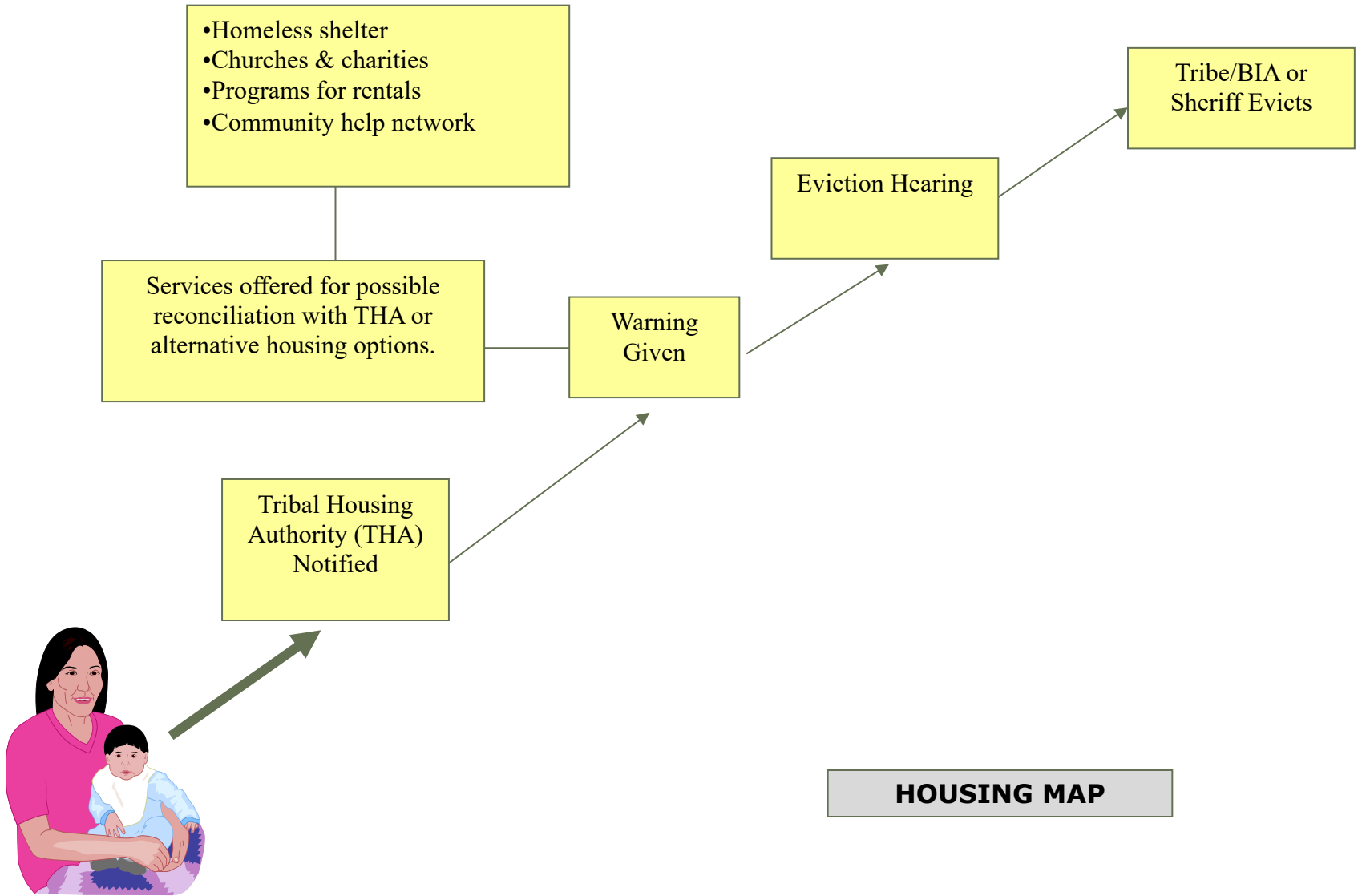
Community Resources

House Meeting

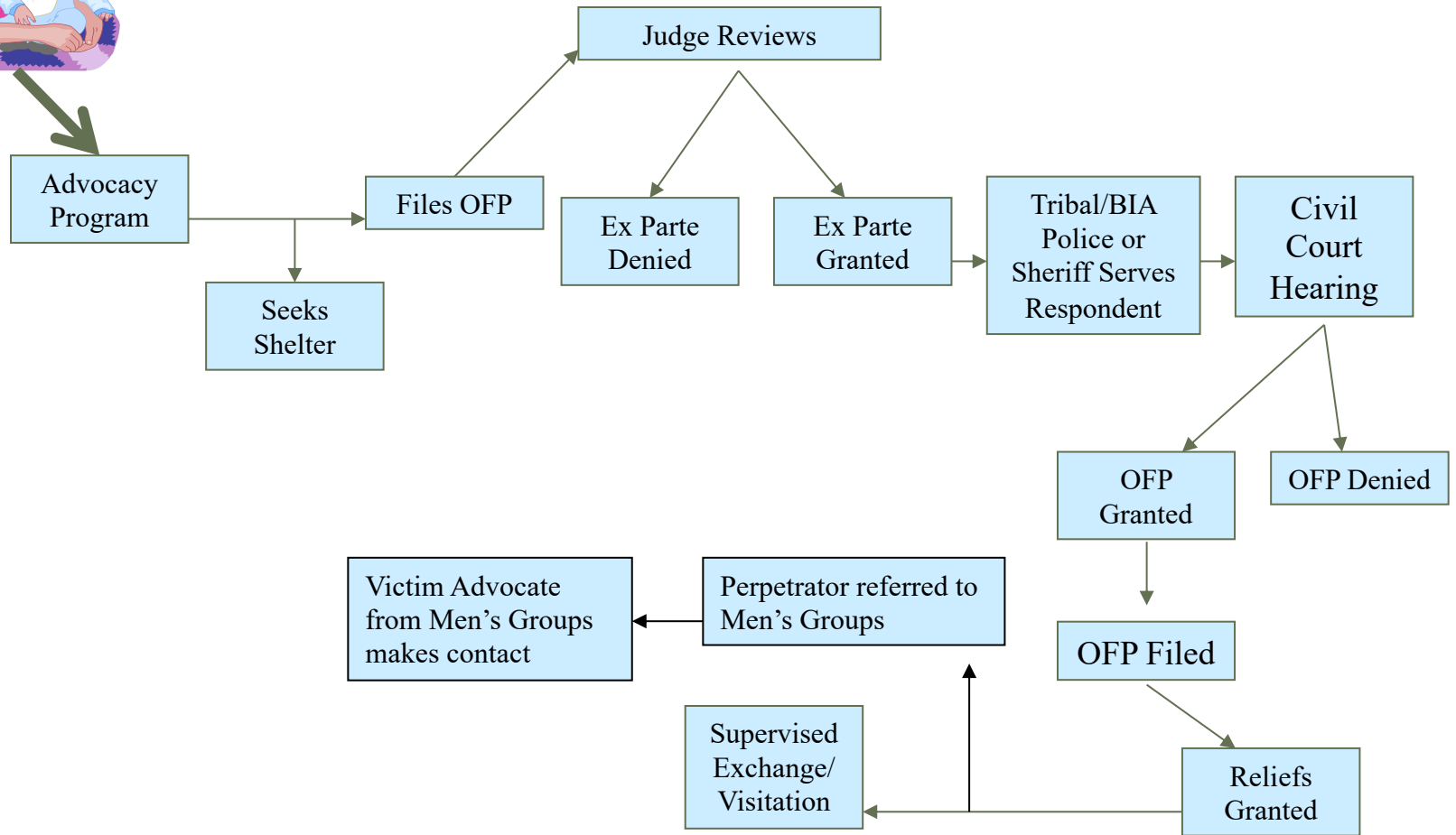
Shelter Chores

Medical assessments, wellness activities, physical with a healing plan





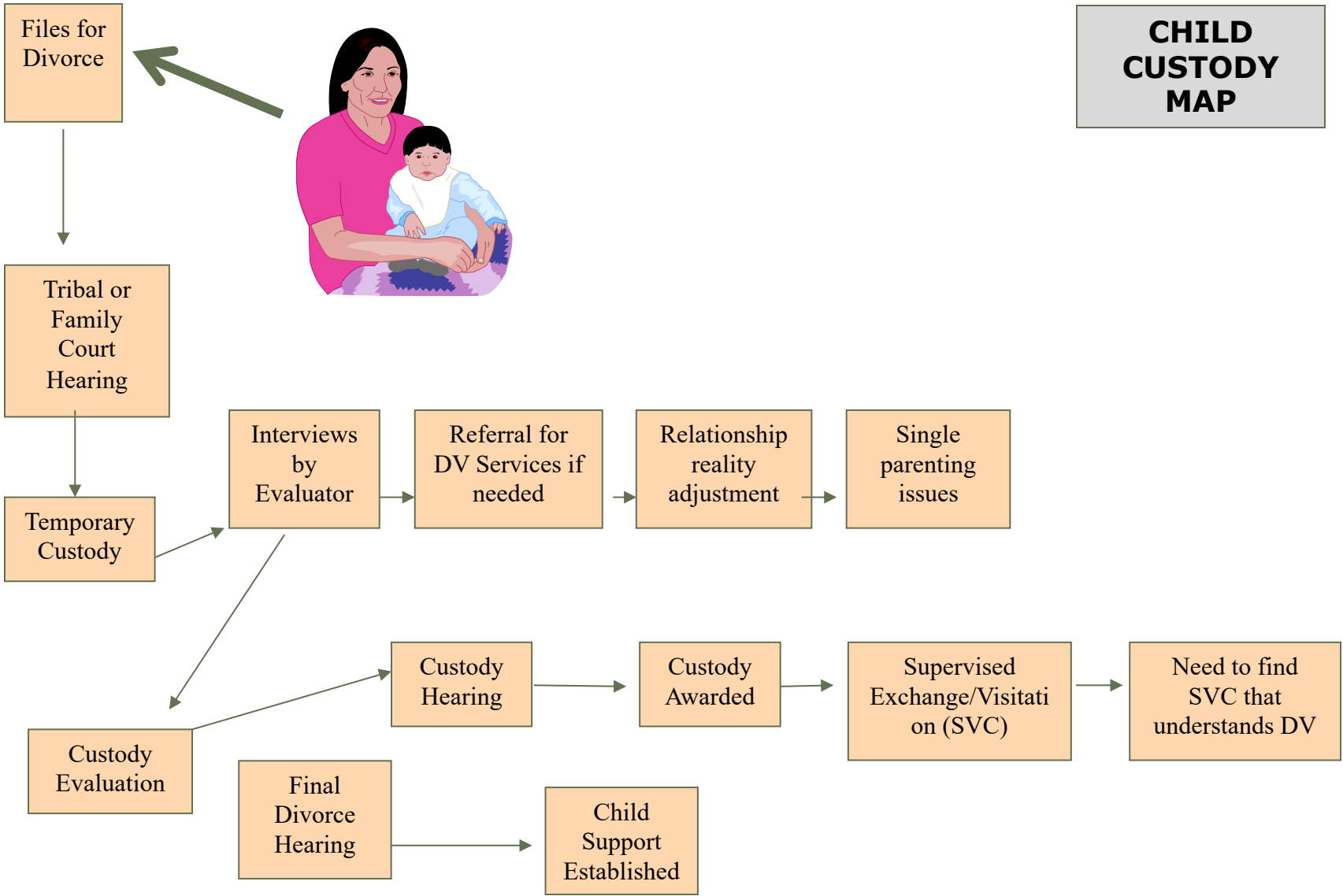
**HOUSING MAP**



**ORDER FOR PROTECTION – CIVIL COURT PROCESS**



**CHILD  
CUSTODY  
MAP**



# Life on 3 Planets\*

Coercively Controlling  
Male Partner

Planet A  
Criminal Court  
Battering is the  
Focus

Mother: Failure to  
Protect

Planet C  
Family Court  
Battering is  
Invisible

Father:  
Good  
enough

Planet B  
Juvenile/Child  
Welfare Court  
Battering  
viewed  
through Child  
Safety lens

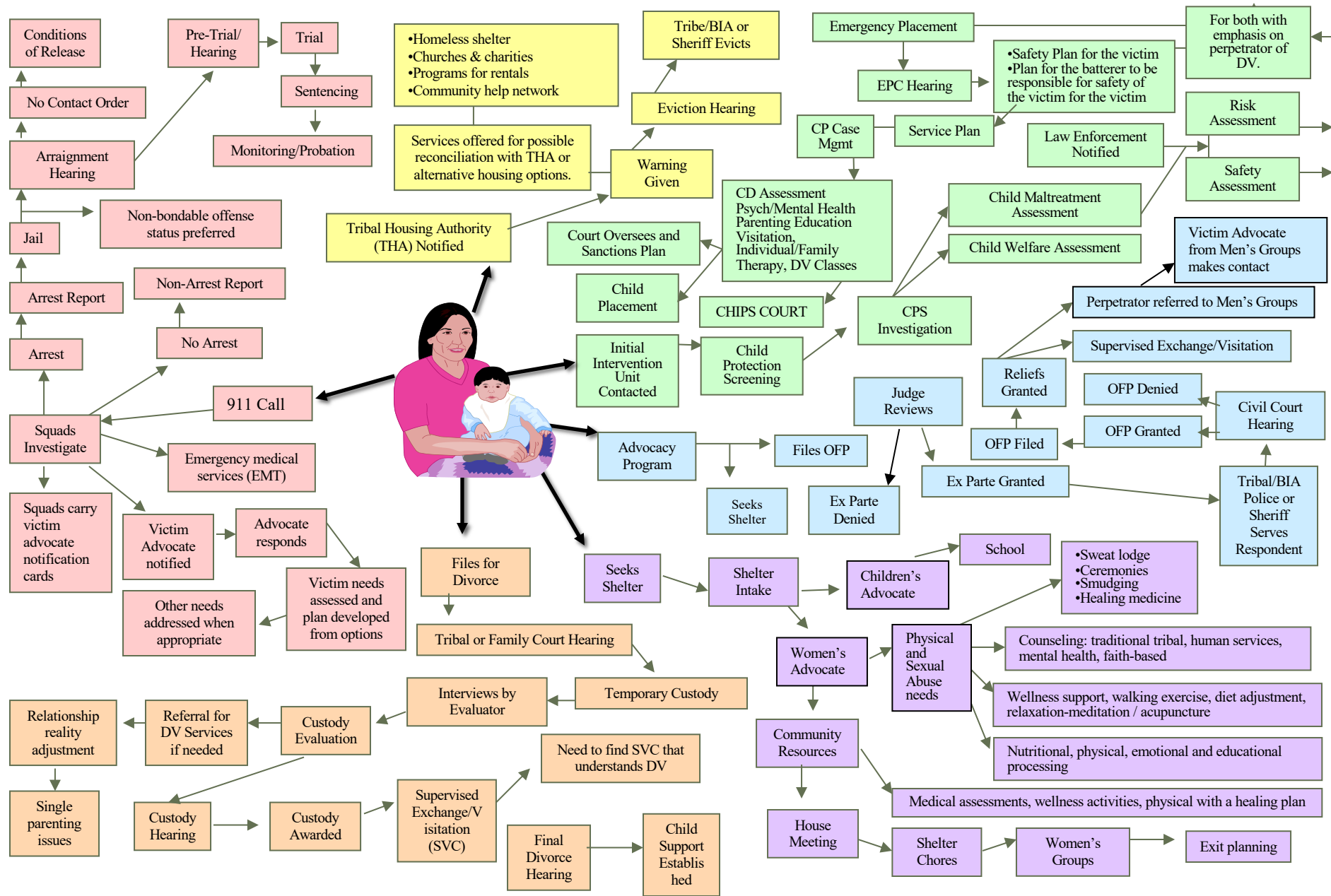
# Why Court Orders May Expose Women and Children to Further Violence

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- Lack of awareness about domestic violence
- Confusion about professional roles and responsibilities around domestic violence
- Inconsistent screening and assessment of domestic violence
- Misapplication of personal and professional assumptions, biases and beliefs
- Ill-informed decision making around domestic violence
- Disconnected outcomes, interventions and services to address domestic violence

*“Holding their hand on a walk through hell”*

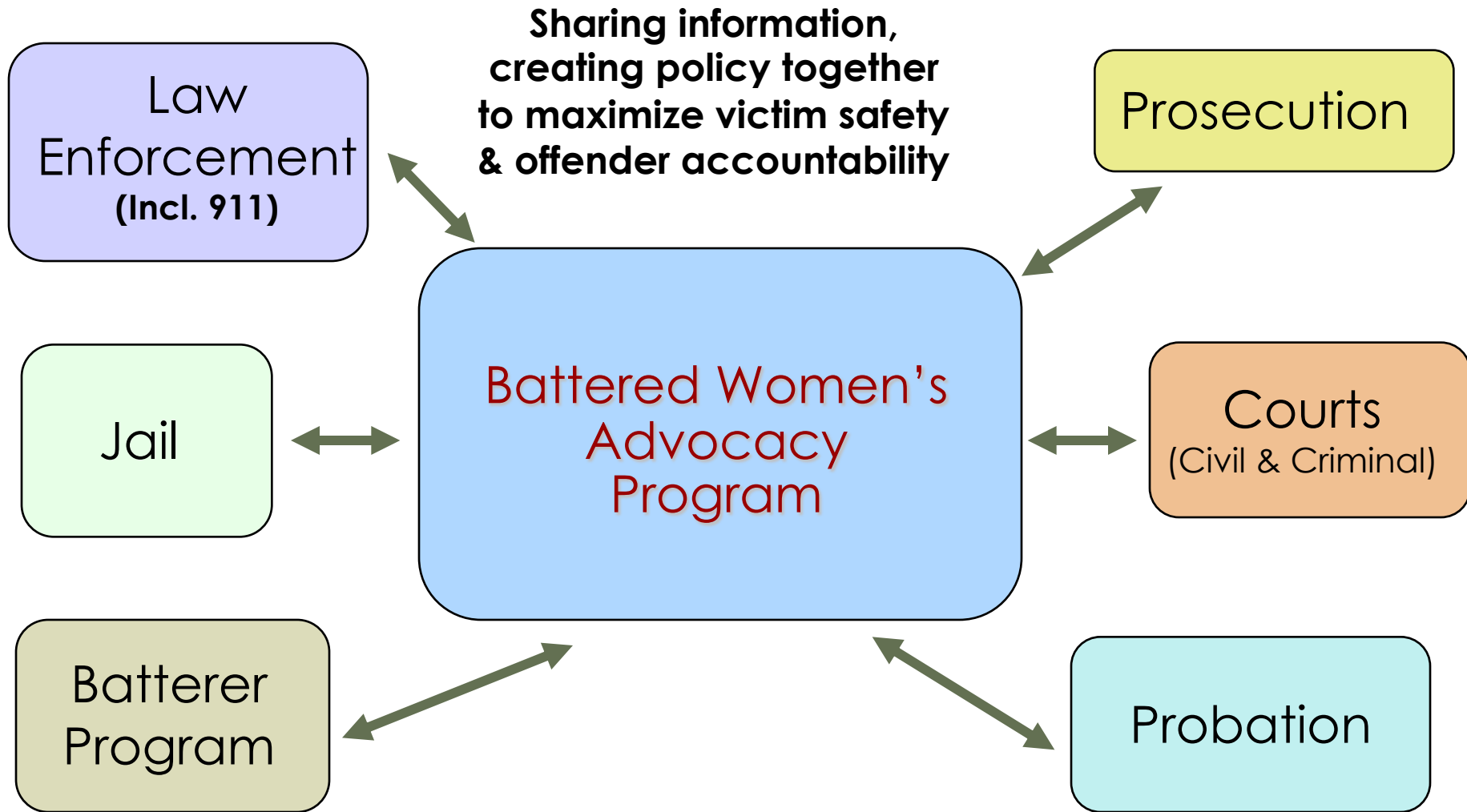
-Weisz, 1999; cited in Koss, 2006



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Forward Thinking: Tribal Community System  
Networking Efforts to Increase Survivor  
Support and Safety.

# Coordinated Community Response (Criminal/Civil Justice System)



# Transcending Differences

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Infusing our cultural traditions to provide justice to victims and hold offenders accountable

Ongoing dialogue during MDT meetings or during other collaborative opportunities

Co-train

Developing protocol on collaboration

Understanding & appreciating each other's roles & responsibilities

Cross discipline training

Realizing that good collaborative relationship will only make work easier for everyone

Identifying what each discipline can bring to the work/table to bring about justice

Cross discipline acknowledgement when things are working right

Other



# VAWA 2022 Changes WHAT Can be Charged in Tribal Court

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**Specifically, the VAWA 2022 amendments to 25 USC 1304:**

- Categories of conduct that can be prosecuted in tribal court as of October 1, 2022:
  - domestic violence (2013) (2022)
  - dating violence (2013) (2022)
  - protection order violations (2013)(2022)
  - sexual violence (2022)
  - stalking (2022)
  - sex trafficking (2022)
  - child violence (2022)
  - obstruction of justice (2022)
  - assaults against justice personnel (2022)

Collectively these are referred to as “covered crimes.”

Domestic violence tribal courts and/or domestic violence court dockets

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Create, strengthen Coordinated Community Response Teams

Provide training opportunities on VAWA legislation for all responders, jurisdictions

Develop/strengthen domestic violence tribal codes/laws to incorporate VAWA changes

Understand the intersections of crimes occurring in Indian country to better implement VAWA changes

Involve the voice of community, relatives who've experienced/survived violence

Specialized domestic violence officers

# Resources

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[www.Tribalprotectionorder.org](http://www.Tribalprotectionorder.org)

- An online resource for drafting and enforcing tribal protection orders

[www.WalkingOnCommonGround.org](http://www.WalkingOnCommonGround.org)

- Resources for Promoting and Facilitating Tribal-State-Federal Collaborations

[www.home.tlpi.org](http://www.home.tlpi.org)

Guide for the Development of a Tribal Victim-Centered Specialized Court or Docket to More Effectively Address Domestic Violence Cases

Legal Code Development Resource Guides

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