

**US SENATE COMMITTEE ON INDIAN AFFAIRS HEARING ON  
“ADDRESSING THE NEED FOR VICTIM SERVICES IN INDIAN COUNTRY”**

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**TESTIMONY SUMMARY PROVIDED BY:  
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Osiyo (Hello in Cherokee) to everyone who is here today and I want to thank Chairman Barrasso, Vice Chairman Tester, my Oklahoma Senator Lankford and this Senate Committee on Indian Affairs for their interest and concerns and commitment to the needs of tribes and their citizens.

I am a citizen of the Cherokee Nation, was raised by a Cherokee historian and have always been involved in tribal culture and have lived within the jurisdiction of the Cherokee Nation my entire life and am the mother of 3 Cherokee children and grandmother of 13 Cherokee grandchildren and 2 Cherokee great-grandchildren. My grandfather was a full blood who received an allotment which is still within the family in Oklahoma. I am a former crime victim from the 70's when there was no recognition of needs and no services for crime victims. In the early 80's recognition of the needs and services for crime victims began and has continued to be more recognized since then. However, the needs for crime victims in Indian Country have yet to be adequately acknowledged, understood and addressed.

I have served crime victims for almost 35 years in a number of ways as an advocate, an elected state district attorney, a tribal court judge, managing grants to serve crime victims for a tribe and as an Indian Country expert and consultant. I created a video project about victim services related to homicide in Indian Country and I have provided trainings for victim advocates and law enforcement in Indian Country. Currently, I serve as a training and technical assistance provider for tribal victim services funded through the Office for Victims of Crime and have been doing that since 2006. I also serve on the Cherokee Nation's Victim Task Force created by Principal Chief Bill John Baker, am the attorney for the Cherokee Nation Tribal Council and Chief Judge for the Pawnee Nation of Oklahoma. Drawing from these many years of Indian Country knowledge and experience, I can tell you that there are many unique challenges and unmet needs for crime victims in Indian Country.

Many think of crime victim services as limited to legal advocacy, but this is not the case. Throughout Indian Country, the need for assistance for victim services is

extensive, in part, because tribes frequently lack any form of victim services infrastructure and where services are available there are still major gaps. We must also overcome the misperception that only victims of domestic violence or sexual assault crimes require additional services. In fact, there are Native victims of many other types of crimes which include child abuse, human trafficking, elder physical and financial abuse, homicide and property crimes such as burglary or robbery, as well as many other which clearly shows there are crime victims in Indian Country in need of support.

For example, victims may need medical attention and other culturally appropriate services to address physical and non-physical injuries resulting from a crime. If a crime such as homicide, occurs at a home, major clean-up services may be needed. Victims of crime also need victim advocates, emergency shelter, crisis intervention services, emergency services and cultural healing activities. It is also important to allow for lethality assessments to determine risks and dangers of victims and create safety plans for victims to avoid re-victimization and assure protection from perpetrators.

Because lack of access to transportation is a common issue in tribal communities, especially in large tribal reservations and jurisdictional areas, emergency shelter and transportation services may be critical to crime victim safety and recovery. If a victim has no transportation, they often cannot seek assistance, go to court, obtain medical care or participate in cultural healing.

Other critical victim services that are desperately needed in Indian country include educating victims about the criminal justice system, court proceedings, how their case is being investigated, and the status of the investigation; accompanying victims to court proceedings; assisting victims in creating victim impact statements for sentencing; working with survivors of homicide victims (including related cultural activities prior to funeral services and finding resources to pay for funeral and burial expenses); and conducting community outreach to inform tribal communities about crime victimization and the services that are available. Truly, service to crime victims help to provide justice for crime victims and offender accountability.

All crime victims need ways to heal and recover from victimization. Non-Native Counseling is not the way healing and counseling is conducted in tribal communities which is another reason for the need for more crime victim services in Indian Country due to the need for culturally appropriate victim services as well as cultural healing activities such as Talking Circles, Smudging and Brushing healing which are physical and emotional cleansing ceremonies, Sweat Lodges, Healing in the arts activities which

are some examples. It should also be noted that tribal culture and tradition is unique with each tribe who has their own culture and tradition, history and historical trauma. To be successful in Indian Country, tribes must be given the flexibility to incorporate cultural healing and culturally appropriate victim services for victims of crime.

Building a collaborative system with tribal law enforcement and victim advocates is also an important part of this process. I have provided training and technical assistance services to three tribes that have created that collaboration and victims have benefitted as a result. Internal and external collaborations between tribes and service providers is needed to ensure that service providers understand tribal culture and deliver appropriate services with a holistic approach if victimization occurs in an urban area outside of Indian Country.

Tribes also need the resources and support to create criminal codes to ensure that crimes are addressed, create a tribal victim rights code and to create a tribal law that would hold offenders accountable and protect crime victims by making intimidation of crime victims a crime in and of itself. If tribes want to opt in to implement the Tribal Law and Order Act, this will come at a major cost due to the Act's requirements.

During my years of experience, crime victims in Indian Country are often hesitant about reporting crimes due to the fact that there are no specific victim services in their specific tribal communities and they worry about being intimidated by offenders and offender's family members to stop victims from pursuing offender accountability. This can have dire consequences. I have direct experience with several cases where victims have not reported crimes, offenders re-victimized or intimidated them and ultimately at least two of the victims were murdered.

There is also lack of knowledge and understanding that tribes are eligible for state victim' compensation and is another impediment to crime victims in Indian Country accessing the resources they need to become whole. Establishing state and tribal liaisons will enhance this knowledge and understanding and facilitate access to victim compensation funds for tribal crime victims. The Oklahoma District Attorney's Council has established a great cultural victims' compensation policy and has also established a very beneficial state/tribal liaison system.

Different tribal and criminal jurisdictions are an issue that can impact crime victims. Jurisdictional challenges relating to Public Law 280 (PL280) further complicate matters for crime victims in Indian Country. Public Law 280 (PL280) states

are states that have jurisdiction on tribal reservations. Although those PL280 tribes in the lower 48 states may have tribal law enforcement, it is state and federal prosecutors and law enforcement are the ones who investigate and file those cases but there would be a need for those state agencies to collaborate with tribes to have a tribal victim advocate to work with those state entities to ensure culturally appropriate services for tribal crime victims are available. For the lower 48 non-PL280 tribes that have reservations and their own tribal jurisdictions there is tremendous need for victim services as well. A major gap is lack of available tribal funding to create and sustain tribal victim services programs. Alaska has a different type of PL 280 jurisdiction which has more culturally appropriate services since many Alaska State Troopers are Alaska Natives but due to rural and remote villages, unique and significant gaps in services remain there as well. I have worked with several Alaska Native victim programs funded by grants over the years and am in Alaska at least twice a year; however there is another witness today who will be focusing exclusively on Alaska.

There is misconception and misunderstanding across the country that believes tribes have lots of money because many tribes have casinos and people think that all the money put in gaming machines goes directly to the tribe but that is not true. There is higher poverty rates in tribal communities than outside of Indian Country. High poverty and unemployment generally correlate with higher levels of criminal activity and Indian country is no exception which is another justification for the need of funding for victims services in Indian Country.

Even back in the late 1700's to the early 1800's a tribal leader spoke about abuse. "Abuse no one and no thing, for abuse turns the wise ones to fools and robs the Spirit of its vision." Chief Tecumseh of the Shawnee Nation.

It has been an honor and privilege to be able to provide this testimony and I am now available to respond to any questions you may have. WADO (thank you in Cherokee).

Cherokee Prayer Blessing: May the warm winds of heaven blow softly upon your house. May the Great Spirit Bless all who enter there. May your moccasins make happy tracks in many snows and may the rainbow always touch your shoulder.