



TRIBAL DOMESTIC VIOLENCE *DOCKETS*

Fact Sheet



Tribal Domestic Violence Dockets

WHAT IS A DOMESTIC VIOLENCE DOCKET?

Tribal domestic violence docket days are characterized by setting aside specific days of the tribal court's docket to address cases involving domestic violence. Devoting certain days of the docket to domestic violence cases can provide continuity for the victim, and allow the tribal court to address related civil and criminal matters on the same day. It can also allow the court to offer enhanced security, advocacy services, and child care for domestic violence victims.

SPECIFIC DOCKET DAYS DEVOTED TO DOMESTIC VIOLENCE CASES CAN POTENTIALLY PROVIDE:

- Early identification of the domestic violence and safety issues
- Early access to victim services
- Judges and other service providers who focus on victim safety and batterer accountability including close monitoring of compliance with court orders
- Continuity for the victim
- Ability to address related civil and criminal matters on the same day
- Ability to enhance security, advocacy services, and child care for domestic violence victims on specialized docket days

WHY DOMESTIC DOCKETS ARE NEEDED

Domestic violence cases require judges, court personnel and all related service providers to handle the complicated dynamics of abuse such as:

- ♦ The risk of future violence to the victim (and children)
- ♦ Patterns of behavior which may include the victim's fear, which may drive a victim's behaviors such as filing a case and then demonstrating a reluctance to testify or participate in the case ;
- ♦ Issues of perpetrator accountability; and
- ♦ The need to update lethality assessments in order to attempt to correlate the perpetrator's changing behavior and a victim's risk of death.

Resources and Help for Victims

- StrongHearts Native Helpline
1-877-7NATIVE or
1-877-762-8483
- National Domestic Violence Hotline
1-800-799-SAFE (7223)
1-800-787-3224 (TTY)
- The Rape Abuse Incest National Network
1-800-656-4673
- Alliance of Tribal Coalitions Against Violence (ATCEV)
1-888-577-0940
- National Indigenous Women's Resource Center
www.NIWRC.org
- Local program/shelter
- Call 911

For more information, please contact:


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TLPI Tribal Domestic Violence Courts Dockets Resources Webpage– www.tribal-institute.org/lists/dvcourts.html

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Special Domestic Violence Criminal Jurisdiction:

These specialized tribal dockets (and tribal domestic violence courts) may serve as a platform for exercising Special Domestic Violence Criminal Jurisdiction (SDVCJ) over non-Indians committing certain domestic violence-related crimes in Indian country pursuant to section 904 of the Violence Against Women Reauthorization Act of 2013. Exercising Special Domestic Violence Criminal Jurisdiction may lead to safer tribal communities since 67% of American Indian/Alaska Native victims of rape or sexual assault describe the offender as non-Native. The race of the offender is critical since federal case law restricts a tribe's sovereignty to exercise criminal jurisdiction over non-Indian perpetrators unless the tribe has implemented SDVCJ under section 904 of VAWA 2013.

American Indians/Alaska Natives and Domestic Violence

- Experience the highest rates of domestic violence and sexual assault in the United States
- 34% of Native American women will be raped in their lifetime, 86% of them by non-Native perpetrators
- 39% of Native American will be victims of domestic violence during their lifetime

Possible Benefits of a Tribal Domestic Violence Docket

While there are no uniform models for domestic violence dockets, the following principles are usually included:

- Victim and child safety ;
- Keeping the victim informed;
- Offender accountability ;
- Information sharing and decision-making ;
- Coordination of procedures and services ;
- Training and education for court personnel;
- Judicial leadership-which includes ongoing training regarding the dangers and dynamics in domestic violence cases.
- ◆ Addresses victim safety issues by implementing additional security measures such as protocols that focus on victim safety and courtroom safety measures for all court personnel.
- ◆ Addresses related civil and criminal matters on the same day provides some continuity to the victim and allows the judge to observe and address perpetrator behavior and compliance in all related cases.
- ◆ Allows the court to require other victim service providers to attend the docket.

Why Tribal Communities Should Consider Establishing a Tribal Domestic Violence Docket

- Tribal domestic violence dockets are vital in exercising tribal judicial authority in a manner that focuses on victim safety, batterer accountability and healthy families utilizing tribal customs/traditions for healthy tribal communities.
- The safety and well-being of American Indian/Alaska Native victims of domestic violence and their children is critical to the strength and stability of tribes. Social attitudes and justice policies supporting tribal sovereignty in recent years have changed indicating that an increasing number of these incidents may likely reach tribal justice systems.
- Cases involving domestic violence are among the most complex and dangerous cases that courts may address.
- Research demonstrates that **both domestic violence courts and domestic violence dockets** can increase victim safety, reduce recidivism, and improve offender compliance with post-conviction supervision requirements.
- Judges and other service providers will focus on victim safety and batterer accountability that includes close monitoring of compliance with court orders.
- This collaborative effort may establish stronger working relationships between systems that serve tribal families experiencing domestic violence such as law enforcement, victim advocates, child welfare and other providers.

Please see companion fact sheet on Tribal Domestic Violence Courts