

Mending the Sacred Hoop & Program for Aid to Victims of Sexual Assault

Safety & Accountability Audit

of the response to Native women

who report sexual assault in Duluth, Minnesota

2006-2008

Executive Summary

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Introduction

In the summer of 2006, Mending the Sacred Hoop (MSH) and the Program for Aid to Victims of Sexual Assault (PAVSA) began a Safety and Accountability Audit, a collaborative process of examining the system's response to reported rapes of Native women. An audit team was formed that included Native women from the community, advocates, the head of the criminal division from the St. Louis County Attorney's office, the Deputy Chief of Police from the City of Duluth, and the Supervising Deputy Sheriff from St. Louis County¹.

Our process was not a cold, distant analysis of a system. The committed individuals on the audit team spent countless hours hunched over notes from interviews, police reports, state statutes, and policies. The team rode along with police officers on their shifts, interviewed professionals from all over the system, and cried after conducting focus groups with Native women who had survived devastating circumstances. Difficult conversations were had and stereotypes and biases from all sides were uncovered and confronted. The team gained insight into how the criminal justice system affects the lives of Native women who have been sexually violated and journeyed through the emotional, physical, mental, and spiritual aspects of Native women's experiences. That understanding, coupled with a stronger awareness of how different aspects of the system intersect, gave the team the information it needed to suggest positive changes within those systems.

What is an audit?

A Safety and Accountability Audit is a self-assessment tool developed by Praxis International by which communities can critically examine their collective institutional response to violence against women. The examination is conducted by a team comprised of community members and advocates who can keep the lived experience of Native women "present" throughout the process, and a selection of representatives from agencies charged with intervening in cases of sexual assault. This Audit team does the "work" of the Audit: collecting and analyzing the data, identifying problem areas, and articulating a series of recommendations for improvement.

The data gathered throughout this process assists auditors in identifying whether a woman's safety is increased or decreased throughout the systemic response to her assault, and whether or not the offender is held accountable. If the audit team discovers a way in which a woman's safety is compromised, or ways in which offenders can escape accountability, they identify those problematic areas as "gaps." These identified gaps can therefore be directly addressed by the agencies involved as they envision, implement, and sustain their response to address, in our case, sexual violence against Indian women.

¹ For a full list of acknowledgements, including the specific individuals who participated in this project, please request the full report from Tina Olson at Mending the Sacred Hoop, 218-623-HOOP(4667).

The audit process rests on the premise that individuals within any given system are committed to doing their best work. However, the way that individual practitioners do their jobs on a daily basis is coordinated by a larger system. The audit was not designed to catch individuals doing poor work. Instead, it uncovers the systemic barriers that keep individual practitioners from addressing the safety of Native women when they report sexual violence and from holding the perpetrators accountable.

Findings and Recommendations

In our audit, our focal point was the *gap* between the experiences and needs of Native women who report a sexual assault to the police and what the institution of law enforcement is organized to offer them. At the center of our interviews, observations, and text analysis was the effort to see the gap from the woman's position and to see how it is produced by case management practices.

In locating a problem's source in an institutional practice, we simultaneously developed possible solutions so that we can move forward together with tangible recommendations to improve our response to the sexual assault of Native women in Duluth. This report also identifies who might be involved in that process, with an emphasis on contributions by Native women and the practitioners most directly responsible for safety and intervention.

Our entire audit team participated in framing these findings, articulating clear recommendations for change, and reviewing and commenting on the full report. Gap statements have been discussed and debated, clarified, added, and set aside. The following provides a brief overview of the gaps detailed in the full report.

Lack of follow-up and follow-through

- The audit found problems with the systemic response to Native women who report sexual assault to the Duluth Police Department (DPD) from evidence collection to investigation to prosecution. The audit team reviewed approximately 35 police reports from the DPD. The manner in which they were investigated by patrol was highly inconsistent, few received follow-up contact from investigators and none resulted in prosecution.

Credibility

- Investigations and charging decisions hinged more on perceptions of Native women's credibility than on the totality of circumstances. Determinations based on credibility affected how cases were initially investigated and whether they were referred for follow-up or charging.

Advocacy

- There is a lack of and need for sexual assault-specific Native advocacy in Duluth. PAVSA should increase the number of Native women involved with the program as volunteers, board members, and paid staff. There is also a need for Native women to have regular access to sexual assault advocacy, which can be accomplished by doing strategic outreach in Duluth's Native community. PAVSA and the DPD must actively listen to Native women and increase accountability at all levels.

Safety assessment

- Officers investigating reports of sexual assault need practical methods for assessing the safety of sexual assault victims. The lack of attention that is paid to the safety of Native women who report sexual assault has become invisible to our collective criminal justice response because no one is responsible for assessing it.

Racial dynamics

- Attempts to ignore race and racial dynamics stem from well-intended efforts, but may actually exacerbate racial tensions between Duluth's Native community and the DPD. Efforts to acknowledge and address differences that exist for Native women who report sexual violence to law enforcement must be conducted with utmost care. Leaders in Duluth's Native community and Native women who have experienced violence themselves must be meaningfully involved.

Next Steps

The policies and protocols for DPD's patrol response to Criminal Sexual Conduct (CSC) need to be tightened up, particularly as they define the specific investigative responsibilities of patrol officers. The protocols need to be consistent, they need to make sense, and they need to be accessible to all patrol officers. There also needs to be a method in place that ensures adherence to those policies and protocols. Development of a good tracking and monitoring system that involves the use of PAVSA advocates will be crucial to ensuring follow up for Native women. Once policies have been developed and revised, officers must receive updated training. This training should include information about the role advocates play when working with victims of sexual assault, ideally co-facilitated by a law enforcement professional and an advocate. The confines of a tight budget and use of the peer mentor model that most officers learn under will have to be part of any solution to provide new training. DPD should work with sexual assault advocates, community groups, and the St. Louis County Attorney's Office (SLCAO) to draft a prioritization protocol for adult CSC cases referred that have been referred to the SCAN Unit for follow up. This protocol should account for the vulnerability of the victim, the level of risk posed by the alleged offender, and the investigative circumstances. SLCAO must have a vested interest in communicating their

charging needs at an early point in the investigative process. Establishment of a case consultation team of law enforcement, prosecutors, advocates (including Native advocates), and medical experts will be crucial to this goal. A primary mission of this team should be to address cases where credibility and consent are key barriers to charging. Additionally, documenting race is an important element of a sound tracking and monitoring system. Tracking and monitoring of sexual assault cases should be conducted by the DPD and SLCAO. Both agencies should seek out best practices and community input regarding the best methods to document race.

PAVSA should develop and maintain awareness efforts specific to Native women. In order to be effective, this should be coordinated with Native women from the community and agencies who currently serve Native women. PAVSA should create an outreach plan with the input of these agencies and individuals to help broaden awareness of their services. Efforts should focus on development of a plan to encourage volunteers, review and revise advocacy training, and improve outreach and response to Native women, which includes increased accountability for advocates.

To request a copy of the full report for the Safety and Accountability Audit of the Response to Native Women who Report Sexual Assault in Duluth, please contact

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