



Native Women & Incarceration in MN

Improving Criminal Justice Response to Domestic Violence,
Sexual Assault, and Stalking Victims

OVW Grant 2017-WE-AX-0039



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Office of Violence Against Women (OVW) Grant

Improving Criminal Justice System Response to Domestic Violence, Sexual Assault, and Stalking Victims

- Awarded to the MN Department of Corrections in 2017
- Partners under the grant
 - Minnesota Indian Women's Sexual Assault Coalition
 - Northwest Indian Community Development Center
 - Violence Free Minnesota
 - Sacred Hoop Coalition
- Grant components
 - **MN DOC:** training corrections officers, case managers, and supervising agents on the dynamics of domestic violence; needs of victims whose abuser is incarcerated; Native men who use abuse; needs of Native women victims
 - **VFMN:** improve statewide community-based advocacy services for Native women victim/survivors and justice-involved victim/survivors
 - **All partners:** conduct interviews and provide policy and practice recommendations to the DOC to improve incarceration and re-entry services for Native women and victim/survivors
 - **NWICDC:** bring together impacted women to design, pilot, and evaluate new approaches to support re-entering women in Beltrami County (waiting on approval from OVW)

Interview Process

We interviewed 62 Native American women

- 29 women were incarcerated in MCF-Shakopee at the time of the interview
- 33 women were incarcerated at MCF-Shakopee within the past 5 years

The interviews took place between August 2019 and February 2020. COVID restrictions put an end to our ability to conduct interviews at that point.

Interviews were led by staff and interns from MIWSAC, Northwest Indian Community Development Center, Sacred Hoop, and VFMN. Interviewers were white, Native, and Latinx.

Interview Process

Women in community were recruited through local community partners. They received a small stipend for their participation in the project.

Women in facility attended an informational session about the project and then could schedule an interview if they chose to. We were not able to provide women in facility with a stipend due to facility policies.

Linda Thompson taught interviewers several techniques for conducting interviews in a culturally-relevant way. Indigenous Focusing-Oriented Therapy (IFOT) provided the basis for these techniques.

The women were allowed a glass of water during the interview and we were able to bring cedar into the facility.

Each woman was assigned a pseudonym for confidentiality purposes and potentially identifying details have been withheld.



History & Context

Colonization

- ❖ When a nation/group of people dominate the resources of a people or nation, in order to strengthen or enrich the dominating group.
- ❖ Promotes a set of beliefs where the values of the colonizers are considered superior to those who are colonized.

Impact of Colonization

- **Destruction of cultural traditions and practices**
- **Destruction of natural resources, e.g. land, water, plants, food, etc.**
- **Destruction of social structures**
 - Family
 - Government
 - Economy
 - Work
 - Language
 - Spirituality
 - Values

No cultural adaptation

Total cultural assimilation



No cultural adaptation: maintains traditional patterns that include language, communication, thinking patterns, spiritual beliefs and practices, traditional values and traditional family structures.

Total assimilation: adapted to the thinking patterns, values, family structures, perception of hierarchies, communication patterns, and recreation of the dominant culture.

Continuum of Assimilation

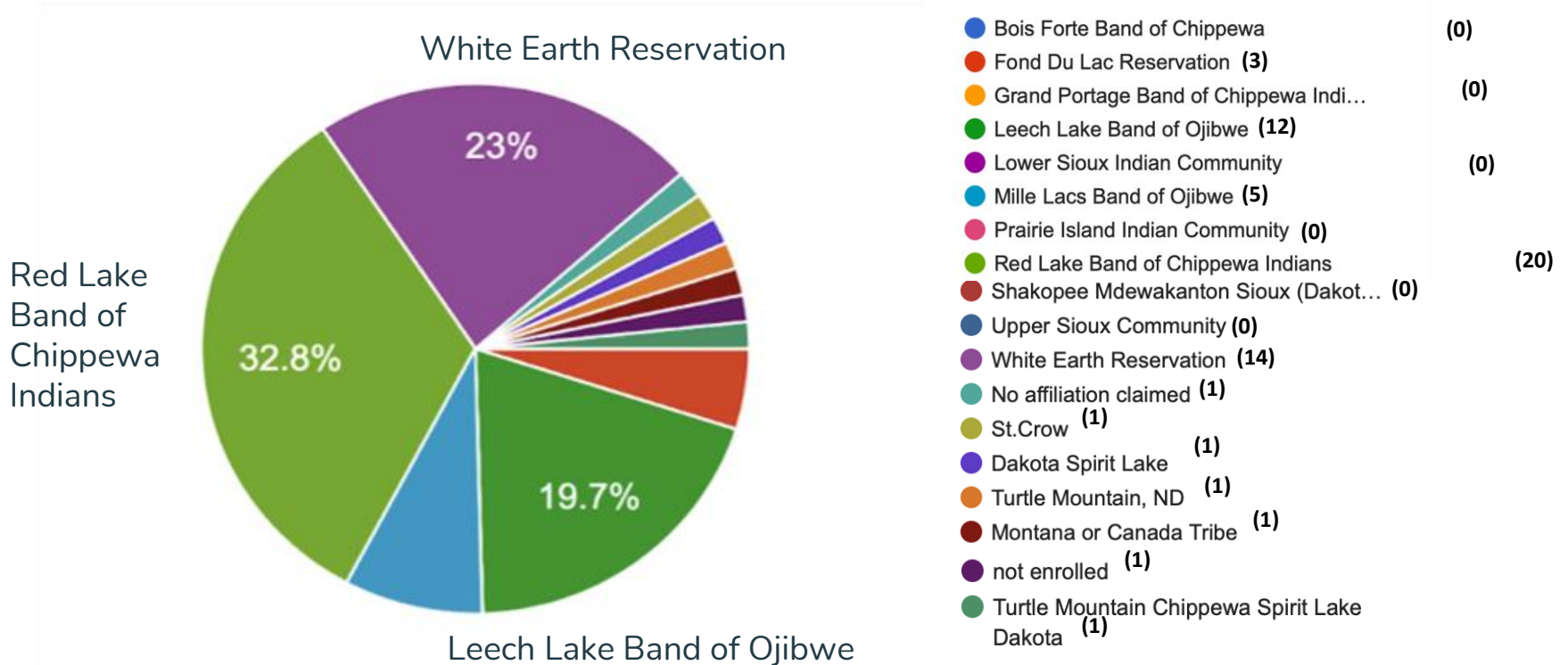


Impact of this history on
Native communities today

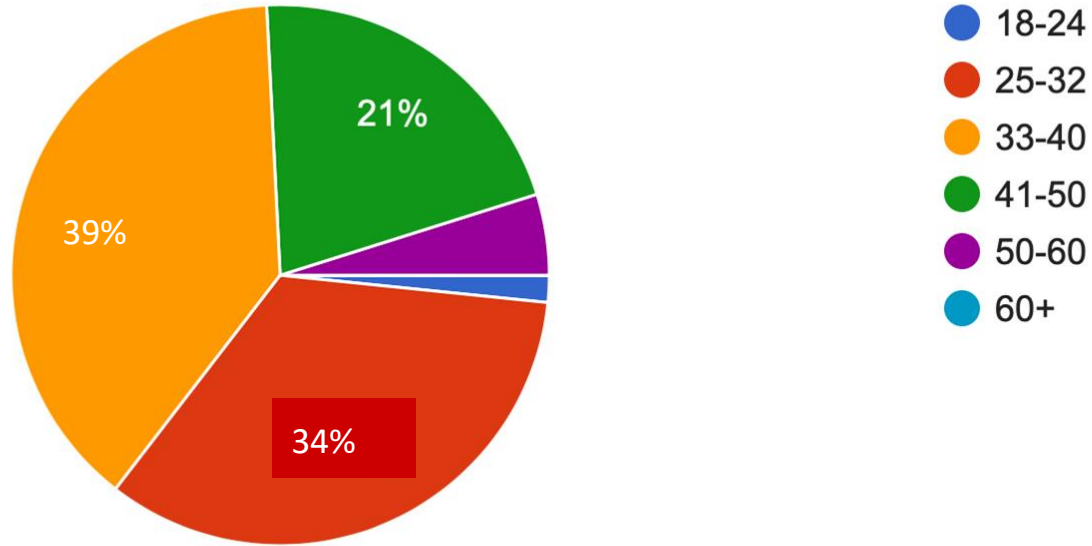


Demographics

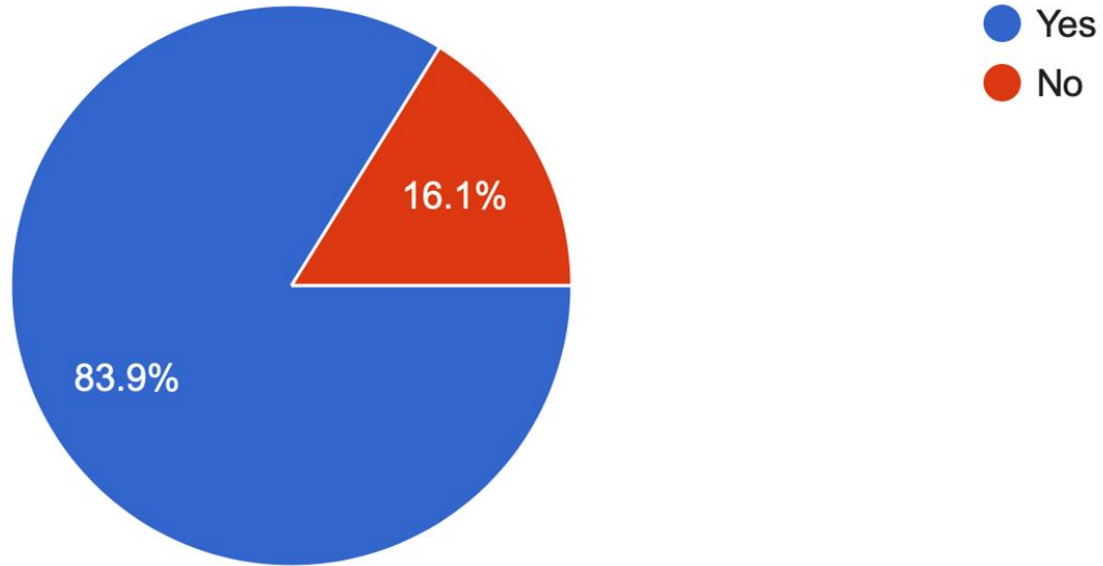
Nation/Tribe of Participants



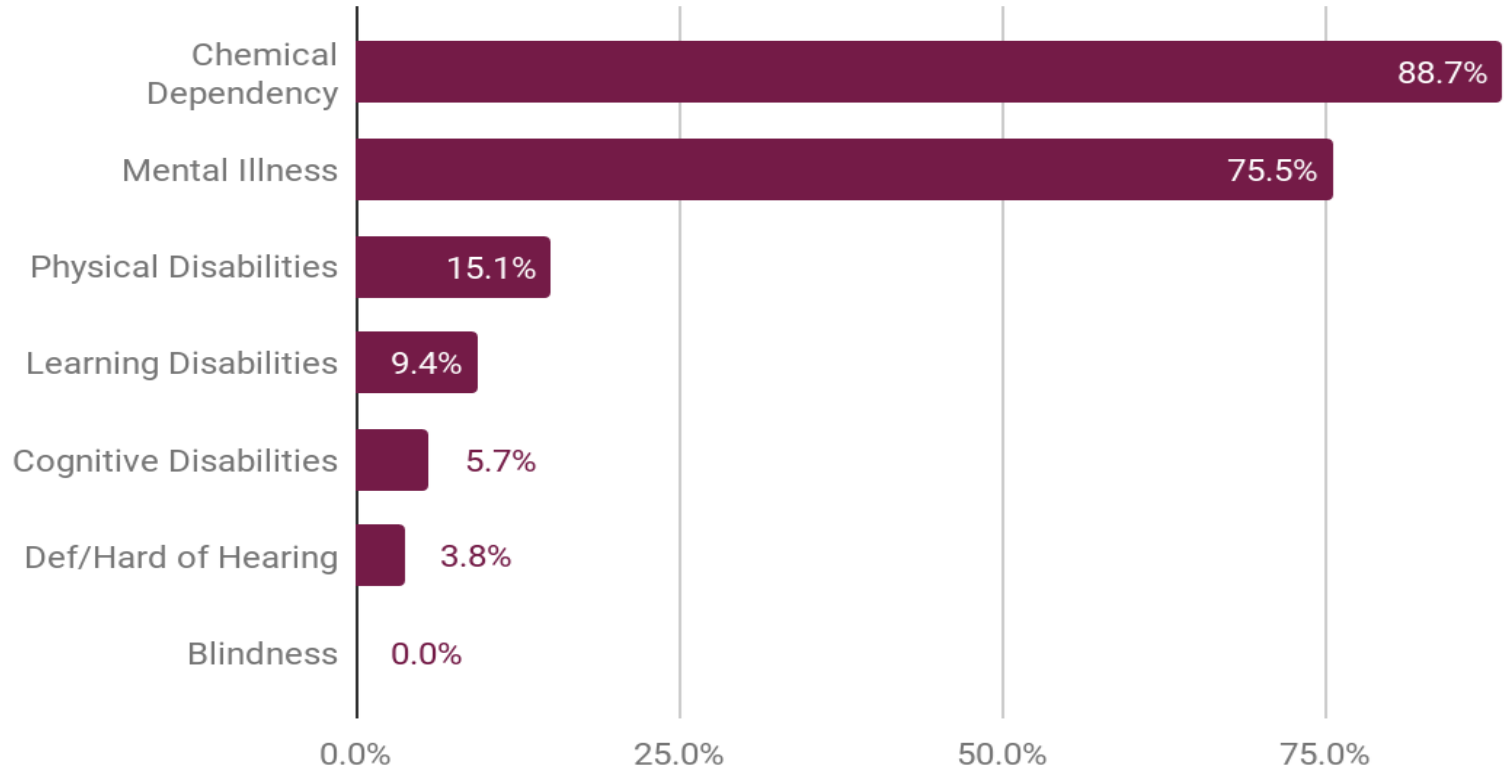
Age at time of interview



Self reported a disability





Disabilities Self-Reported







21% of the participants
identified as Two Spirit or LGBTQ+

This reflects national data that shows that LGBTQ+ individuals are overrepresented in the criminal justice system.





Criminal Justice System Involvement

National Statistics on Native Incarceration

Incarceration rates of Native people are difficult to measure accurately due to multiple failures in the way government agencies collect data on Native people.

Our best estimates show incarceration rates **more than double** that of white people:

1,291 per 100,000 vs. **510** per 100,000.

In states like North Dakota with large Native populations, incarceration rates can be as high as **7 times that of whites**.

American Indian or Alaskan Native women make up **20%** of the population of women housed at MCF-Shakopee

Native Americans make up only **1.1%** of Minnesota's total population.

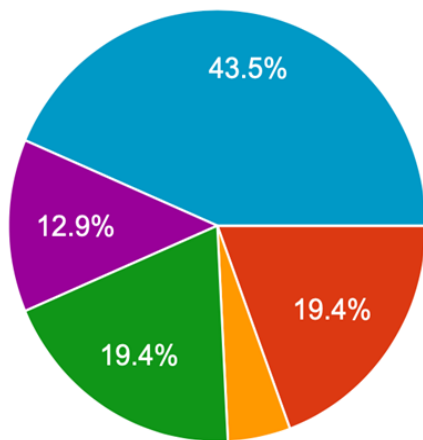
- *MN Department of Health*

MCF-Shakopee has the **largest disparity of Native women incarcerated anywhere in the United states.**

Most are Anishinaabekwewug.

According to the MN DOC approximately **70-80%** of those women are transferred from **Beltrami county.**

Crime resulting in participant prison time



- Category 1: Drugs: possession, sales, conspiracy to distribute
- Category 2: Other/Nonviolent Offenses: aiding an offender, burglary/theft, depr...
- Category 3: Motor Vehicle Crimes: DWI, criminal vehicular operation
- Category 4: Crimes Against Persons: assault, domestic assault, criminal sex...
- Category 5: murder, manslaughter, att...



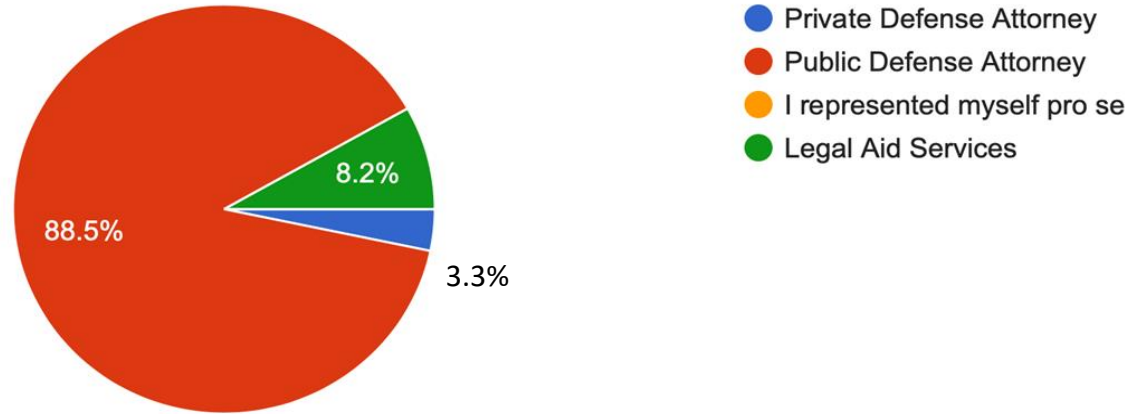
In Minnesota, the most recent 5-year estimate indicates that just under **one in three** American Indian and Alaskan Natives live in poverty (29%).

This is the highest percentage of any race/ethnicity in the state.

- *MN Department of Health*



Legal representation

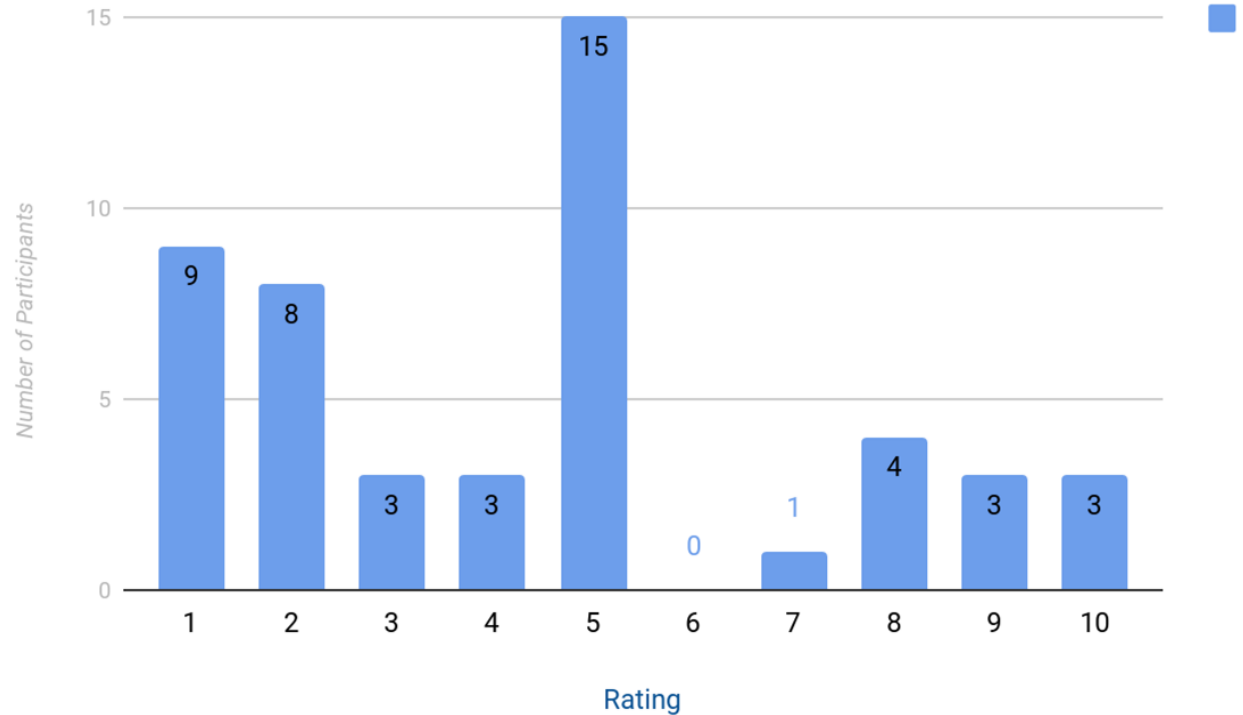


Public defenders and Legal Aid serve clients without the resources to pay for a private defense attorney.

Participants
rated the quality
of their legal
representation

Average attorney
rating: **4.4**



With 1 being terrible and 10 being amazing, how would you rate the legal representation you received?





"My rights were not a priority at all. I was looking for a downward departure. I met a lot of the requirements but it didn't happen. All my bails were set so high... I'm a Native woman and the victim is white; I got no deals... They were trying to make an example out of me."

Native youth involvement in the
criminal justice system is a
growing concern...

Native youth are approximately **three times**
more likely to be confined than white youth.



64% of our participants
were arrested before
the age of 18



Almost half - **47%** - of our
currently incarcerated
participants were arrested
10+ times before the age of 18

More than half of the women who return home from MCF-Shakopee report that they were also incarcerated as juveniles at Northwest Juvenile Center

First encounter with the criminal justice system

For the women who first encountered the criminal justice system as juveniles, they overwhelmingly recalled early charges related to juvenile delinquency and minor consumption, and - to a lesser degree - assault and theft-related charges.

For the women who first encountered the criminal justice system as adults, drug charges predominated.

"As a juvenile, I didn't have knowledge about the system. I grew up in foster care. I thought the system was cool, that going into the system would give me street cred. As a juvenile I was in survival mode most of my life."

Narratives: First Encounters with the Criminal Justice System

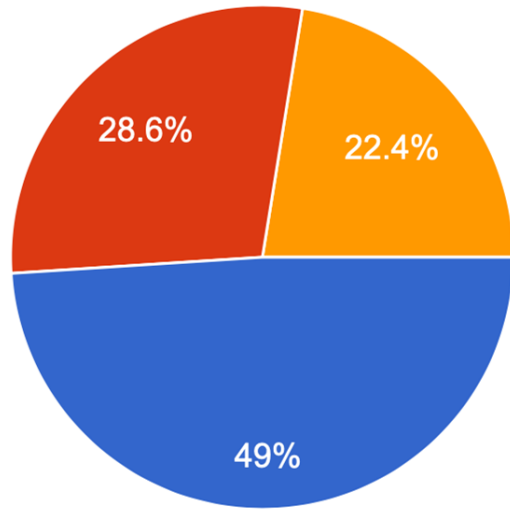
I was 12 and I got caught for stealing a jacket because I was cold.

Starting at age 10 I was getting in trouble for truancy. I got molested at that age and never reported it, and that's when I started running away.

I was arrested over 50 times before the age of 18. Thefts, assaults, warrants, runaway... I think it was a chain reaction to my parents being in boarding school.

I was with an abusive boyfriend and I took the charge for him. He stole a bunch of stuff and brought it out to my car and they charged me since it was my car. I didn't think I could be held accountable for it and I wanted to take it to trial. Never thought I would be serving time.

Number of times in prison



- 1 time
- 2 times
- 3+ times

Returning to prison

Multiple incarcerations tended to result from technical violations of probation and parole.

Participant narratives highlighted the following factors in their inability to meet the conditions of probation or supervision:

- *Lack of housing, transportation, and suitable employment*
- *Unaddressed or unresolved chemical dependency issues*
- *Risk factors related to life on a reservation and/or in a small, rural community*

Family in facility

Many women discussed the fact that they had family members who were also incarcerated, whether that was prior to their own incarceration or at the same time as the participant.

The criminalization of poverty and drug use and the overpolicing of certain communities have resulted in particular communities being overrepresented in our criminal justice system.

I have relatives here, cousins. I choose to keep a small circle, my trust is limited.

Women in here know my sister and they say she snitched out on the rez. I feel unsafe about that.

I can always talk to them. I have a couple nieces and a cousin in here. Most of the women I talk to are Native.

Alternatives to incarceration

Over half of the participants talked about needing treatment options, not incarceration.

Everything stems from my childhood, [I needed] more interaction from social services with my family. As an adult, there needs to be more fight in the legal system for us being addicts. It's a disease. We need more counseling, talking about our pasts, help with finding sober homes.


Needed to get away from my ex and everything that was connected to him. [I needed] help with the domestic abuse.

Available treatment, an understanding probation officer. I had no job, no car... I needed help, I needed a bridge.


“When it would have helped me the most - age 6, 7, 8 - that’s when I needed help, that’s when I needed to know it was okay to be Native. I needed to be safe at that time.”



Experiences of Violence & Abuse



97% of participants experienced violence or abuse - often multiple instances of violence and abuse - prior to incarceration

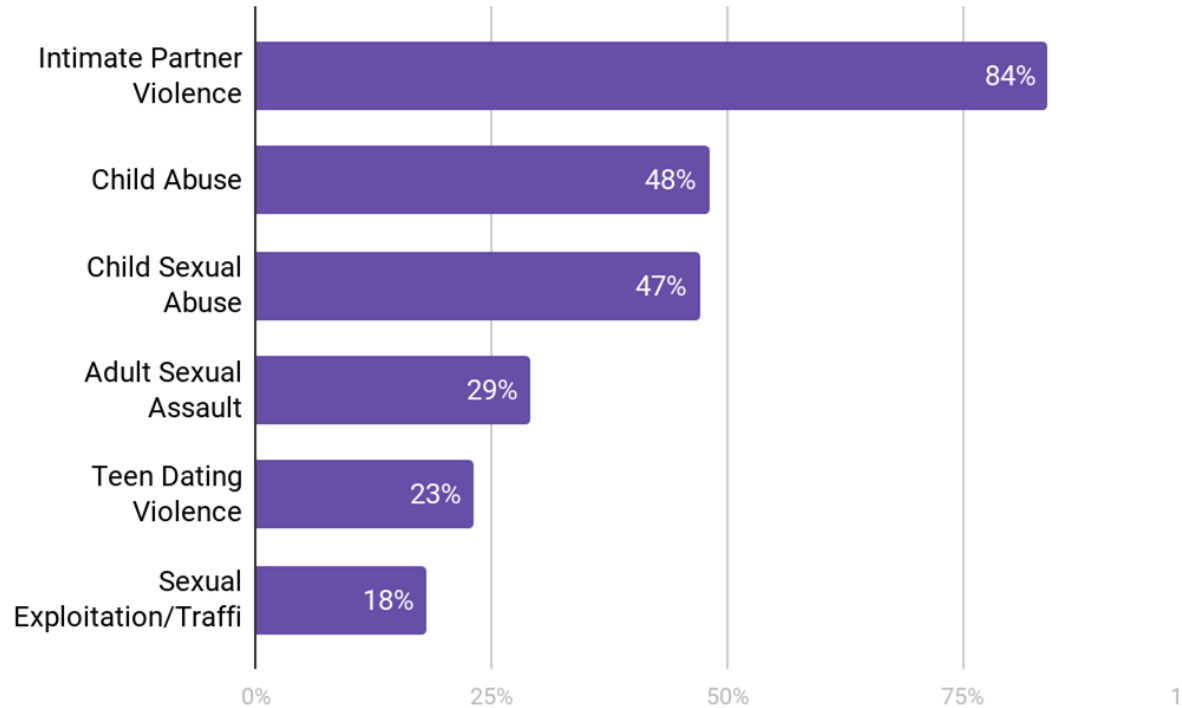


Violence against women is not a traditional tribal value

Prior to contact with Europeans, oral histories and historical documents indicate that violence against Native women was rare as a result of cultural norms in tribal communities.

Much of the gender-based violence in Native communities today can be tied to histories of European colonization and genocide, forced relocations, boarding schools, and other government interventions aimed at eradicating Native cultures.

Types of abuse/violence



84% of participants had experienced intimate partner violence

My kid's dad beat me up all the time and I reported it, but nothing was ever done. I had black eyes all the time; he should have gotten jail time.

The last 3 guys I have been with hit me. My husband (separated) was really abusive. It was an everyday thing. I got an OFP, but then it was lifted/expired and he came back.

47% of participants reported histories of child sexual abuse

When I was 11 or 12 I told my mom that her husband was sexually abusing me. My grandma told me not to tell anyone else about it. My mom left him for a while, but it didn't last. I ran away. When I was 18 I reported all that he did to me and they said I wanted too long. He never faced any charges.

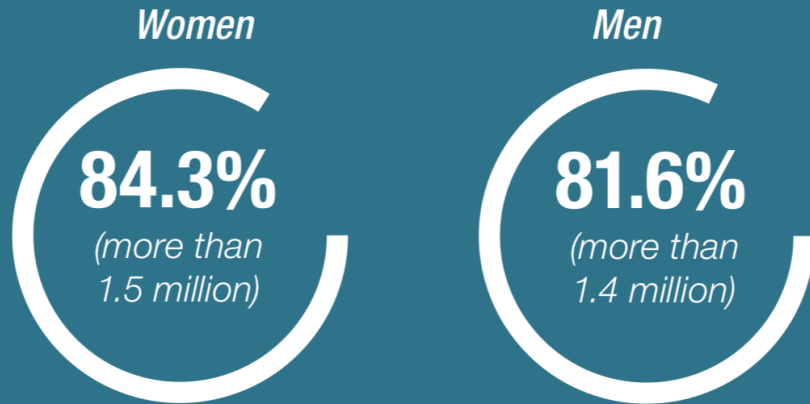
*My uncle touched me when I was little. I told my mom and my cousin, and she told everyone in the family. My mom was really mad at me. I was really ashamed. **This is the first time I've ever talked about it.***

29% of participants reported experienced sexual assault as an adult

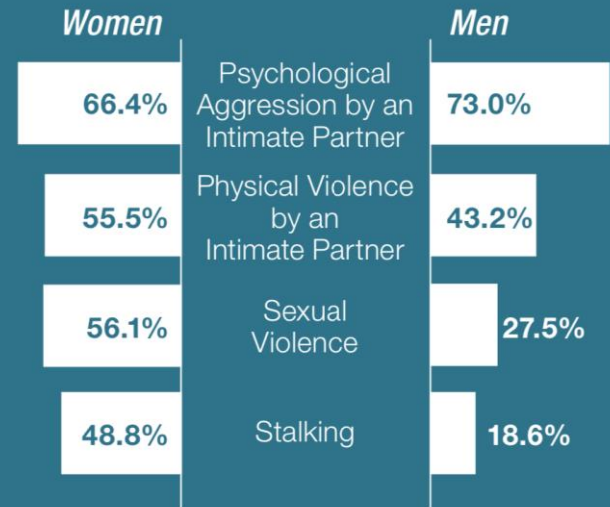
I found out I was raped by my friends when I was blacked out. I don't remember it, but my girlfriends said it happened and it's really screwing me up that I don't remember it. I can't report it because I don't remember, but I still don't think they should get away with that. I have to see these people around, I'm associated with these families, it's just hard.



The rates of violence experienced by our participants was **higher** than the already high rates of violence experienced by all Native Americans.

Percentages of American Indian and Alaska Native women and men who have experienced violence in their lifetime





Types of Victimization





We believe that it is safe to assume that almost every single Native American woman at MCF-Shakopee is a victim of violence and/or abuse.



Distrust in the System

63% indicated they **did not** report their experiences of violence or abuse to law enforcement

I didn't think anyone would believe me. I didn't want my boyfriend to get in trouble. What are you supposed to do when you are scared of both sides? My auntie's husband sexually abused me. I reported it to the cops when I was 14. They thought I was lying, said there was not enough evidence. That's why I don't reach out. The law has already failed me.

In my experience with my [supervising] agents I have never been very honest... Just from the trauma I have experienced in my past I have a mindset of "they aren't going to help me." It's really hard for me to trust white people. It's really hard for me to talk to them and think that they have my best interest at hand.

I worried I'd lose my kids.

Protective Orders

Only **37%** of the women reported that they had ever sought a protective order (OFP, HRO, etc.)

On whether it helped:

No. He violated no contact order already... It was a ton of trouble to get and it didn't help. He got custody of my 2 youngest kids. He new girlfriend has hit my kids and I've reported it and nothing has happened.

No. I would report him [for violating], but nothing would get done. I remember calling [law enforcement] again and again and them being like "sorry, there is nothing we can do." I pressed felony DV charges, he violated NCO, nothing was done. He broke parole, nothing was done. One time he was in town and I didn't know; I was away from home and he came and destroyed my house. I called the cops and reported it, nothing was done.

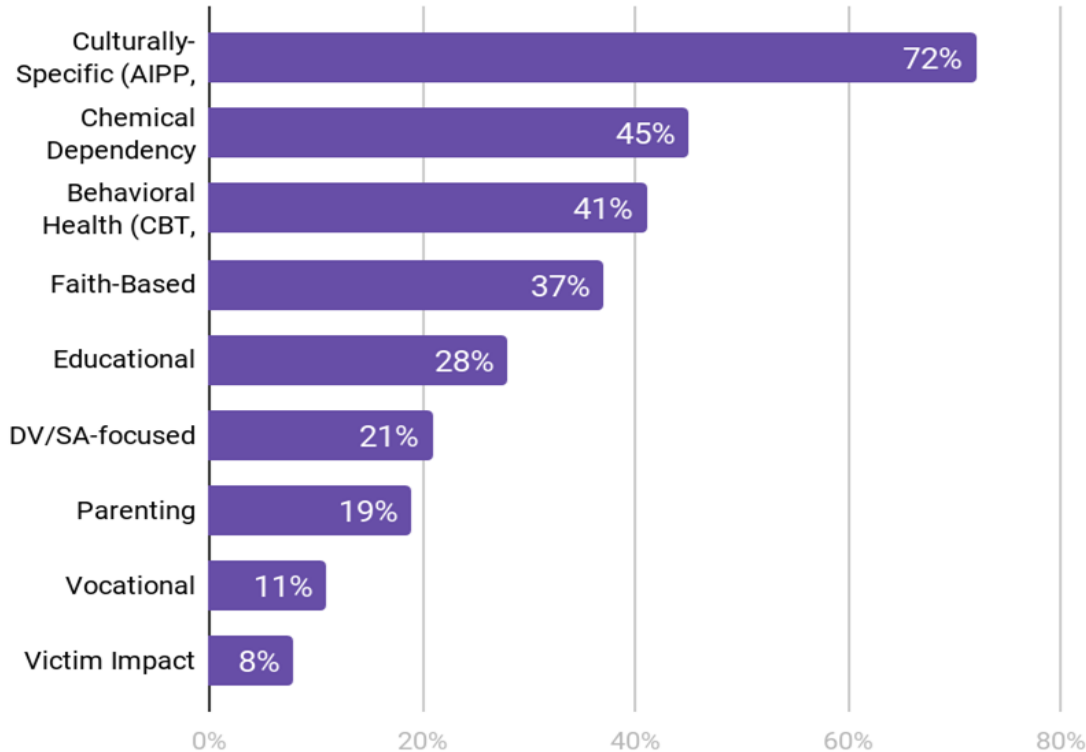
Although **84%** of participants reported experiencing **domestic violence** and **29%** reported experiencing sexual assault...

... only **32%** ever worked with a domestic violence or sexual assault advocacy agency.



Prison Experiences

Prison Programming



95% of interview participants attended programming while in prison

On average, participants rated the quality of in-facility programming highly

I did "Women Healing From Trauma" - that's where I learned about PTSD. I didn't know anything before. Surviving Violence was good as well. But I do think they could do more. They need more staff and volunteers. There's only one group for drugs and it's hard to get into. I read a lot and try to manage my addiction on my own.

The Native programming has been good; it has taught me a lot about who I am, where I came from. When we come together as Natives there's so much healing. I've learned to forgive my mom. All the programming has been beneficial.

However, **87%** of participants also felt that they were not able to access programming they needed:

I wish smudging was more consistent and I wish recovery wasn't just about church and AA.

I got a treatment directive from my mental health provider, but my case manager said no, that I don't have enough time in here. There should be a 3 month [chemical dependency] treatment program here - it could help so many.

I wanted to do boot camp, but I wasn't eligible. I had been looking forward to it, and my lawyer had said I would be able to do it and when I asked them (the prison) about it they said "that's out there, you are in here now."



According to the Minnesota Department of Health, approximately **3,500** offenders need substance use disorder treatment annually.

The MN Department of Corrections is funded to treat **1,400** offenders annually.



52% of currently incarcerated women indicated they wanted more chemical dependency programming in-facility

I didn't get into the chemical dependency program right away, and now they are saying since I don't have 6 months [to complete it], I can't. But I did [have that time] when I got here. I'm just sitting here executing my sentence. I came here to do treatment and it's not happening."

30% of currently incarcerated women indicated they wanted more behavioral health programming

Many women expressed a need for more culturally-specific programming and policies

95% of programming is Christian-based; its like boarding school all over again. I dropped an English class because it was racially charged. Natives are just looked down upon. They hand out rosaries all day long, but where are our medicine bags?

I do think they made it difficult [in Shakopee]. I clung onto the little bit that I could. They didn't allow dream catchers or the material for dream catchers, unless it was on your property list. If it wasn't on your list, it was "contraband." My friend had made me one and they confiscated it.

I did the Mending the Sacred Hoop seminar and that was really positive. I learned a lot and I still think about that experience today. Drumming was really great. In those moments, I felt so proud to be Native. For a moment you feel normal again and it made me feel so hopeful.

2/3 of participants reported that incarceration strengthened their connection to their Native identity

When the women spoke of incarceration as improving their connection to their Native identity and culture, what they told us was that being in prison **prevented them from using drugs and alcohol** – things that served as barriers to their connection to the Creator and to traditional spiritual practices.

- *[When I wasn't in prison] I was drinking and doing drugs and not practicing my culture.*
- *Whenever I'm incarcerated I reconnect with my creator. The alcohol and meth take away from that [connection].*

It was not that prison offered special access to their culture; rather, that in preventing them from using the women were able to reconnect with aspects of their culture, histories, and identities that were lost to them while they were actively using.

“For a lot of us, being sober in prison is a big deal, it’s the first time we have experienced those feelings. A lot of us don’t know how to feel our feelings because we never have before. Just in general there is so much trauma...”

Trauma & Substance Use

Research demonstrates a strong link between trauma and substance use disorder.

- Many individuals who have experienced traumatic events find themselves using alcohol or drugs to self-medicate or help them to cope.
- Men and women reporting **sexual abuse** have higher rates of alcohol and drug use disorders than other men and women.
- Additionally, people with substance use problems are more likely to experience traumatic events than those without these problems, creating a vicious cycle of trauma and increased substance use.

66% of participants had received treatment for substance use disorder at some point in their lives.

75% of these participants had entered treatment **3 or more times.**

Sense of Safety

79% of participants reported that they feel/felt safe in prison

*[I feel] a lot safer here than out there. That's why people come back. Once you get warmed up in here it can be a family that a lot of us have never had. **I was living on the streets** and lost - here, I can focus on my purpose.*

I feel safe being around all women.

I know I can't run off and hurt myself.



Women spoke of feeling **safer** in prison than back in their communities; however, that should not be interpreted as feeling **safe** in prison.

Women spoke of the lack of privacy, disparities in treatment by correctional officers, and fears of retaliation as making them feel profoundly unsafe in prison, even while they may have felt prison was **safer than home**.



Narratives: Prison Environment

The treatment from the officers was degrading. They made you feel less than when you were there. Like I was already being punished, I don't think they need to further make us feel bad about ourselves.

One time I saw an 18 year old girl get in a fight in the kitchen and I remember the guard using a lot of excessive force, but they would always just say it was their way of breaking up fights. Another time I watched a really young girl get slammed down on the ground and maced for wanting to finish her milk. A lot of people were really upset about that. It's a lot of male control in the guards, I think. You can tell which guards will have empathy for you and which are okay with tossing you around.

Certain people were known to cause trouble, or if you sat close to someone who was trouble officers would say "guilty by association." I was randomly pulled and searched all the time. For me, it was just more of a reason to stay to myself.



Family & Children

History of Child Removal in US

Starting in 1841 and lasting nearly a century, the United States government forced thousands of Native children to attend government or church-run boarding schools in an attempt to eradicate Native cultures, families, and communities.

The removal of Native children reached such a high level in the late twentieth century that Congress were forced to intervene by passing The Indian Child Welfare Act (ICWA) of 1978. ICWA included the legal right to refuse to place one's child in a residential boarding school.

ICWA was intended to enhance the likelihood that Native families could stay together.

However, Native children are still removed from their homes at rates far exceeding that of other groups.

Native American Children & the Foster Care System

Nationally, American Indian and Alaska Native children are placed into foster care at a rate **2.7 times** greater than their proportion in the general population.

(National Indian Child Welfare Association)

An American Indian child is **17 times** more likely to enter foster care than a white child in Minnesota.

(The National Council of Juvenile and Family Court Judges, 2016)

Foster Care & Adoption

36% of participants spent some time in foster care

10% of participants were adopted out of foster care

33% of participants who spent some time in foster care reported experiencing abuse while in care

“When I got adopted it was a bad home too. There was a lot of physical and sexual abuse. When the sexual abuse started, I started running away a lot. I finally told the cops about the abuse and my adopted parents got really mad.

When I was 11, I found out that my biological mom had died, and that’s when I started using [drugs] a lot.

This was definitely a turning point for me - it was when I got my first charge, and from there I was always in and out of the system.”

Motherhood

90% of participants have children of their own

Women reported the difficulty of being absent from their children's lives - "mothering behind bars" - as well as their fears about cycles of abuse and cycles of criminal justice system involvement continuing in their children's lives.

I think my incarceration has impacted them a lot. Their father is locked up as well. I'm not in their life, there is a lot of stuff I will miss. Mothering over the phone is really hard. It's a vicious cycle.

Things happened to them, some quit school. They did stuff to survive, sexual stuff. We need to stabilize, then start healing.

184 children have been impacted
by the incarceration of our
participants

“My victim is not the only victim of this - my children are victims, and that's overlooked.”



68% of participants no longer
have custody of one or more of
their children

Many of these children are in the care of women's family members, or sometimes the fathers.

For the vast majority of the participants establishing parenting time and/or custody after release was a primary concern.

Impact of Losing Custody

Many participants described their role as mothers as the biggest motivation for rehabilitation. Losing their children often triggered feelings of despair and hopelessness directly at odds with their ability to heal and rehabilitate.

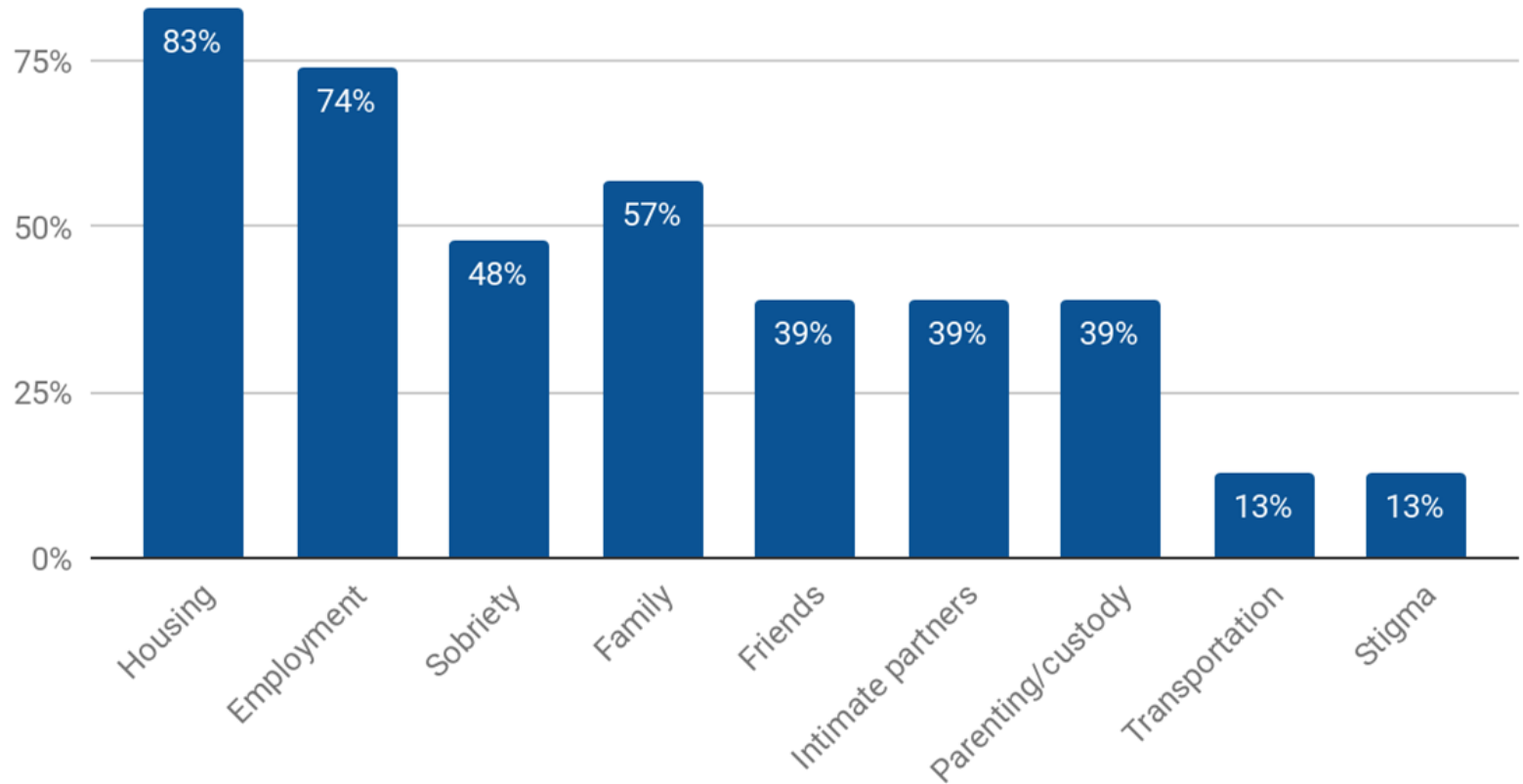
I had no support in finding out how to get my child back, how to have visitation... With no hope to get my daughter back, I have lost my desire to do good. There's no point to trying.

My daughter was molested [while I was in prison] - it was really sad, hurtful, traumatic. [I had] no support. Felt shamed by CPS - they brought up [my being in] prison, that I had no family to take the children. Beltrami County took my children.



Reentering Community

Barriers upon release



Narratives: Reentry

I have 7 felonies and poor credit. My biggest challenge has been trying to find housing. I have been denied so many times, before they even talk to me.

I needed more for after I left, I was jumping at any change and trying to get my kids back while staying on a friend's couch and I know now that wasn't the right thing to do. It wasn't a good situation. I had housing assistance issues, banking issues... A lot of help that sounds so good on the inside doesn't actually happen on the outside.

I had lots of housing issues with a felony and no job. I applied to felony-friendly places and those places were a disaster.

There is a need for more resources for Native women being released and in community. I don't know how to find out about these services. Bicycle, bus pass, ways to get around, jobs set up before release. No ID - only prison ID - I couldn't get it until released.

Racism & Anti-Native Sentiment

Some of the women we spoke with explicitly named racism and anti-Native sentiment as a barrier to their ability to be successful in their communities.

They described racial profiling by local law enforcement, disparate treatment by the courts, and being singled out for being Native in correctional settings.

Addressing racial/ethnic bias across systems and state agencies is necessary for the equity of Native peoples - and all people of color - in Minnesota.

Beltrami County is a very prejudiced place...I see that things are easier for people with light skin. A couple of cops beat up my sister. She never filed a report. Color of your skin matters to the cops around here.



Conclusion

Hopes & Dreams

Pursue education

Own a home/rent an apartment

Regain custody of children

Repair relationships

Find a job

Stay sober

Assist others with sobriety

Move away

Start over

Give back to their community

“My cultural identity has absolutely helped me. My culture is where I gain strength. I held my rock on my way over here and sang. I feel stronger because of my culture, and it has made my family stronger as well. I spend a lot of time with my elders and children now. It has kept me from being around the using population. I have had a lot of “Ah ha” moments. I realized on my way over here that I don’t remember my OI number, and that was huge. Now I am mom, auntie, grandma. I am no longer that number that defined me for so long.”

In gratitude

Rose Twistedstalk

Crested Arrowhead

Garden Phlox

wild Calla

Plains wild Indigo

Tarragon

wild Petunia

Pitseed Goosefoot

Striped Coralroot

Red Goosefoot

wood Lily

Yellow Starthistle

Devil's Beggarticks

woodland Sunflower

Cardinal Flower

Showy Milkweed

Crimson Clover

Golden Clover

wild Comfrey

Summer Cypress

Smooth oxeye

Purple Avens

Purple Pitcher Plant

wild Lupine

Seaside Arrowgrass

orange Hawkweed

Gypsy Flower

orange Marigold

Great Plains Goldenrod

Blue Lobelia

Indian Paintbrush

Spotted Touch Me Not

golden Alexander

Pink Maiden

Kittentails

Prickly Lettuce

Dayflower

Path Rush

Absinthium

Prairie Sagewort

Seablite

Red Columbine

Cornflower

Indian Tobacco

Scarlet Gaura

Leedy's Roseroot

Indian Rice Grass

American Ginseng

Prairie Violet

Green Sorre

Buffalo Grass

Black Huckleberry

Yellow Pimpernel

Butterfly weed

Prairie Parsley

Hallequin Blueflag

Day Lily

Sawtooth Sunflower

Gumweed

Small flowered Bittercress

Angelica Flower

Northern Bluebells