Domestic Violence Risk Assessment, Risk Management and Safety Planning with Indigenous Populations

October 2018
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Acknowledgements

Domestic Violence Risk Assessment, Risk Management and Safety Planning with Indigenous Populations is the fifth brief in the series developed by the Canadian Domestic Homicide Prevention Initiative with Vulnerable Populations (CDHPIVP). This brief discusses the historical injustices of Indigenous peoples such as colonization, residential schools, and the ’sixties scoop’ as well as the ongoing injustices and discrimination that Indigenous peoples currently face that puts Indigenous women at greater risk of experiencing domestic violence or homicide. Current research and promising practices are highlighted for domestic violence risk assessment, risk management, and safety planning with Indigenous families.

SUGGESTED CITATION:

We gratefully acknowledge comments and feedback from Ma Mawi Wi Chi Itata Centre and Circling Buffalo agencies in Manitoba on earlier drafts of this document.

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This research was supported by the Social Sciences and Humanities Research Council of Canada.
Central Issue

Historically, Indigenous people have been subject to colonization, residential schools and massive child apprehensions known as the ‘sixties scoop’. In addition, ongoing injustices and discrimination, for example, lower funding levels for education and child welfare for Indigenous children, perpetuate the disadvantaged status of Indigenous people in Canada. As a result of this history of abuse and ongoing discrimination, Indigenous people across Canada have been marginalized and deeply disadvantaged. Consequences of this history of repeated trauma to Indigenous families and communities are poorer health and social outcomes, as well as the overrepresentation of Indigenous people as victims of violent crime. Additionally, Indigenous women are at greater risk of experiencing domestic violence or homicide.

Indigenous Identification in Canada

Both on and off reserve, First Nations, Metis, and Inuit populations are the most rapidly growing populations in Canada; growing by 42.5% since 2006 (Statistics Canada, 2017). Specifically, the First Nations population has grown by 39.9%, Metis by 51.2% and Inuit by 29.1 % (Statistics Canada, 2017). This increase is largely due to the increasing life expectancy and relatively high fertility rates of the Indigenous population. The Indigenous population is younger than non-Indigenous population in Canada with an average age of 32.1 years. Nearly one third of First Nations, Inuit and Metis populations are 14 years of age and younger. (Statistics Canada, 2017).

Legislation such as Bill C-31 has had an impact on the number of people who identify as Indigenous, as well as self-identity reporting on the Census. The number of First Nations people with registered or treaty Indian status rose by nearly 31% from 2006 to 2016 (Guimond, Kerr, & Beaujot, 2004; Statistics Canada, 2017). Nearly half of First Nations people with treaty or Indian status lived on reserve, and over half of First Nations people live in the western provinces of Canada (Statistics Canada, 2017).
Domestic Violence in Canada’s Indigenous Populations

Indigenous women are 2.7 times more likely to have reported experiencing violent victimization than non-Aboriginal women in the Canadian provinces. The 2014 General Social Survey (GSS) on Victimization reports that the overall rate of violent victimization for Indigenous people was more than double that of non-Indigenous people. Indigenous people are more than twice as likely to report being victims of domestic violence than non-Indigenous people. Indigenous women in particular, are especially vulnerable. Indigenous women were nearly twice as likely as non-Indigenous women to report having experienced emotional or financial abuse, and three times as likely to report being a victim of spousal violence. Indigenous women’s rate of violent victimization (220 per 1,000 people) was double that of Indigenous men (110 per 1,000), almost triple that of non-Indigenous women (81 per 1,000) and more than triple that of non-Indigenous males (66 per 1,000), (Boyce, 2016). The Native Women’s Association of Canada (NWAC) maintains a list of murdered and missing Indigenous women through the Sisters in Spirit initiative led by Indigenous women (NWAC, 2017). Indigenous women accounted for 1/4 of all female homicide victims in 2015 (Mahony, Jacob & Hobson, 2017).

Indigenous women face severe marginalization in Canadian society, reflected in the increased likelihood of experiencing homelessness particularly in urban areas, living in poverty, poorer health, under or unemployment, violence and incarceration (Allan & Smylie, 2015). High rates of Post Traumatic Stress Disorder, suicide and other mental health conditions can be considered an impact of systemic racism against Indigenous people in the form of past and current colonial policies and their implementation (Allan & Smylie, 2015).

Indigenous women account for about one third of all federally sentenced women in Canada. In 2010/11, 41% of females in sentenced custody (provincially, territorially and federally) were Indigenous. The incarceration rate of Indigenous adults is about ten times higher than that of non-Indigenous people. Factors impacting over-representation in the corrections system include effects of:

- the residential school system,
- experiences in child welfare or adoption system,
- dislocation and dispossession of Indigenous people,
- family of community history of suicide, substance use, and/or victimization,
- loss of, or struggle with cultural identity,
- poverty, poor living conditions (Office of the Correctional Investigator, 2013).

In response, Ottawa opened the first Indigenous people’s court in August 2017 (CBC News, August 25, 2017). The court is intended to address the high representation of Indigenous people in the federal criminal justice system. The court will determine sentences based on Gladue reports which detail experiences in an offender’s life which may have contributed to behavior or actions committed.

Indigenous Children At Risk

The Canadian Incidence Study of Child and Abuse and Neglect found that exposure to intimate partner violence was found in one third of all cases of substantiated maltreatment investigations involving First Nations families. The caregiver risk factors most commonly identified in First Nations child welfare investigations included substance abuse, domestic violence, social isolation, and caregiver history of foster care/group home (Sinha et al, 2011). Investigations also involved concerns regarding the primary female caregivers’ domestic violence victimization, and primary male caregiver’s domestic violence perpetration. Family and household structural factors appear to contribute to child welfare workers’ investigations of First Nations families. First Nations families that were investigated were twice as likely to have four or more children in the home, nearly twice as likely to have limited sources of income (part-time work, social assistance, employment insurance), and more likely to have a single caregiver.
Structural and systemic factors contributing to risk for domestic homicide among Indigenous people in Canada

**Colonialism**
Colonialism has had and continues to have a major impact on the lives of Indigenous women. In pre-colonial times, Indigenous women lived in a matrilineal society and were honoured for their unique role in giving and nurturing life. Women were the heads of households and centre of families and were responsible for managing the home and raising children (FEMNORTHNET 2016). Many policies and legislation (Indian Act, Residential Schools) changed the matrilineal way of life of Indigenous people and had a profound effect on the role and rights of Indigenous women. Status women who married non-status men lost their Indian status and band membership and were banished from their home communities, contributing to greater risk of social isolation, poverty, poor health – all known risk factors for domestic violence. Colonial, sexist and racist images of Indigenous women as sexually deviant, and men as savages have served to naturalize violence within Indigenous communities and silence victims (Holmes & Hunt, 2017).

The following laws and policies are examples of systemic and structural violence that have contributed to increased risk for domestic homicide among Indigenous people.

**Indian Act**
The Indian Act, dating back to 1876, continues to perpetuate racism and gender discrimination (Kielland & Tiedemann, 2017). Prior to the Bill C-31 amendments to the Indian Act in 1985, an Indigenous woman who married a non-Indigenous man was stripped of her status and could not pass on Indian status to her descendants (Halseth, 2013). Indigenous men were not subject to the same disenfranchisement policies (Halseth, 2013). Although the Indian Act has been amended several times, many Indigenous people do not have Indian status. In response, the Trudeau government introduced Bill S-3 to the Senate in 2016 which would offer Indian status to Indigenous people denied status between 1951 and 1985 (Kielland & Tiedemann, 2017). In 2017, Bill S-3 was formally amended so that status would be restored to cases dating back to 1869 and no longer requires individuals to establish the identity of that parent, grandparent, or other ancestor. The federal government estimates that this amendment will impact between 80,000 and two million people. The Indian Act has had significant effect on Indigenous identity, health and well-being, contributing to social isolation and limited access to Indigenous rights and cultures.

**Truth and Reconciliation Commission of Canada (TRCC): Calls to Action**
Starting in 2007, extensive consultations, community hearings, and interviews were held with survivors of the Residential School System as part of the Indian Residential Schools Settlement Agreement (TRCC, 2015). A total of 6,750 Residential School survivors participated in the hearings of the Truth and Reconciliation Commission (TRCC, 2015) which revealed the sexual, emotional, physical, mental, spiritual and cultural abuse experienced by generations of Indigenous children who attended residential schools. This has lead to long-lasting emotional and physical mental health impact on survivors, their children and grandchildren. In 2015, the Calls to Action document was released listing 94 recommendations to facilitate reconciliation between Canadians and Indigenous persons (TRCC, 2015). Many of these calls to action focus on education, health care, child welfare and the justice system and have implications for domestic violence risk factors (lower education, employment problems, structural violence) and risk management (monitoring, treatment of offenders).
TRCC Calls to Action related to domestic violence

7. We call upon the federal government to develop with Aboriginal groups a joint strategy to eliminate educational and employment gaps between Aboriginal and non-Aboriginal Canadians.

36. We call upon the federal, provincial, and territorial governments to work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused.

39. We call upon the federal government to develop a national plan to collect and publish data on the criminal victimization of Aboriginal people, including data related to homicide and family violence victimization.

40. We call upon all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms.

41. We call upon the federal government, in consultation with Aboriginal organizations, to appoint a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls. The inquiry’s mandate would include:
   i. Investigation in missing and murdered Aboriginal women and girls.
   ii. Links to the intergenerational legacy of residential schools.

Access PDF version of
Truth and Reconciliation Commission of Canada: Calls to Action
Missing and Murdered Indigenous Women & Girls

The National Inquiry into Missing and Murdered Indigenous Women and Girls was launched in September 2016. The mandate of the National Inquiry is to “examine and report on the systemic causes of all forms of violence against Indigenous women and girls in Canada by looking at patterns and underlying factors” (National Inquiry into Missing & Murdered Indigenous Women & Girls, 2017, p. 1). Starting in 2017, hearings were held across Canada to gather the experiences of family, friends, community members, and other stakeholders to the issue. A number of issues and concerns have emerged in relation to the National Inquiry. Some have expressed dissatisfaction with the lack of follow-up care and others have been critical of the communication strategy of the Inquiry (Macdonald & Campbell 2017).

Consideration of systemic causes of violence are a critical component of the National Inquiry mandate. Statistics Canada consistently indicates the overrepresentation of Indigenous women and girls as victims of physical assault, sexual assault, and non-spousal homicide. Indigenous women and girls are more likely to experience violence and more likely to be killed by a stranger than non-Indigenous women (NWAC, 2010; RCMP, 2017). A destructive stereotype of violence and Indigenous women is the narrative of Indigenous women living high-risk lifestyles. This narrative serves to normalize the violence and blame the victim and must be deconstructed (Razack, 2016; Holmes & Hunt, 2017). Indigenous women are often at risk not because they choose to take risks but because poverty and inadequate services put them at risk. For example, the infamous ‘highway of tears’ the only highway between Prince George and Prince Rupert has very limited public transport. It is estimated that as many as 40 missing women are likely victims on this deadly stretch of highway.

Child Welfare Policies

The closing of residential schools in the 1940s and 1950s led to a mass apprehension of Indigenous children by child welfare agencies in the 1950s and 1960s now known as the Sixties Scoop. By 1970, Indigenous children accounted for between 30 and 40 percent of children in care (Allan & Smylie, 2015). Many children were adopted out to non-Indigenous families or placed in a series of foster homes or other institutionalized care. The practice continues today. According to the First Nations component of the Canadian Incidence Study of Reported Child Abuse and Neglect (FNCIS-2008), the rate of investigations involving First Nations children was 4.2 times higher than the rate of non-Aboriginal investigations (Sinha et al, 2011). Case workers were 12.4 times more likely to seek a formal child welfare placement for First Nations children compared to non-Indigenous children. Investigations conducted of Indigenous and non-Indigenous caregivers found that Indigenous caregivers were more than twice as likely as non-Indigenous caregivers to have a history of foster care or group home placement (Sinha et al, 2011) suggesting a possible ongoing impact of the Sixties Scoop.
Mainstream responses to domestic violence are generally considered inappropriate because they do not consider the unique circumstances of Indigenous communities (Brown & Languedoc, 2004). Further, Holmes and Hunt (2017) maintain that the dominant discourse on family violence in Indigenous communities serves to individualize and naturalize that violence.

This identification of violence being an “Indigenous problem”, is perpetuated by treating symptoms of the injustices and discrimination towards Indigenous populations, such as poverty, overcrowding, drug and alcohol abuse, low income and education as risk factors. Thus, solutions focus on reducing risk factors (e.g. stop drinking, get a job, go back to school) rather than the underlying causal factors. Holmes and Hunt (2017) propose an alternative discourse which draws on the health sector concept of “determinants of health” broadening the concept to include the social and political determinants of safety. Indigenous communities have identified the importance of developing understandings of and responses to violence, which connect with current struggles for self-determination at personal and community levels (Baskin, 2006). A study in Alberta with women and children who were experiencing domestic violence and living on-reserve found that the most common referrals for services made by support workers were to basic needs agencies, housing, employment and counselling (Hoffart, 2014). Caregivers who participated in the Walking the Path Together program identified various goals to improve their situations including strengthening parenting skills, family relationships, and relationships with children as well as opportunities to participate in cultural and spiritual activities (Hoffart, 2014).

Conceptualizing the issue within the dominant discourse of domestic violence does not address the cultural, social and political diversity among the three distinct Indigenous groups, Inuit, Metis and First Nations nor the diversity within and between different communities. Mainstream discourse limits our current knowledge and creates challenges in the application of research findings on domestic violence, risk assessment, risk management and safety planning. Research seldom goes beyond identifying disproportionately high rates of domestic violence and addressing the lack of prevention programming available. What does exist, however, is a growing conversation about the need for Indigenous led research, programming, and evaluation.

Principles to inform Indigenous family violence initiatives

1. Recognition of ongoing colonialism and dispossession
2. Locate risk within colonial systems
3. Foster self-determination of individuals, families and communities
4. Indigenous gender-based analysis
5. Localized solutions
6. Kinship systems as integral to Indigenous law
(Holmes & Hunt, 2017).
Indigenous women’s experiences with formal services based on systemic problems such as racism and colonialism may impact their likelihood to seek help when experiencing violence. Negative experiences within the health care system including racism, perceived stereotypes, having concerns ignored or discounted, and fears of child welfare intervention serve as barriers to accessing needed services (Allan & Smylie, 2015). A lack of privacy, particularly on reserves, and in rural, remote and northern communities contribute to reluctance to report violence or seek help. The possibilities of conducting effective risk assessments are reduced when victims are reluctant to seek help.

Risk assessment instruments have yet to be validated for Indigenous men who are violent in their intimate relationships (Rugge, 2006; Riel et al., 2014). Further research is required to understand whether the major risk factors identified for non-Indigenous offenders are the same for Indigenous offenders; possibility of additional risk factors for Indigenous offenders; and applicability of standardized risk assessment tools to Indigenous offenders (Rugge, 2006). Additionally, the approach for risk assessment of Indigenous offenders could incorporate storytelling and narrative approaches.

Barriers to accessing domestic violence services:

- Low awareness of services available
- Distance from home community
- Lack of transportation
- Poor relationships with police
- Lack of faith in effectiveness of resources
- Lack of privacy in communities and consequent shame about accessing resources
- Complex relationships among abuser, victim, families and other community members
- Desire to keep family intact at all costs
- Fear of losing children, home and assets.

Promising Practices in Risk Assessment

Life Story Board
The Life Story Board (Chase et al., 2010) has been proposed as a potential risk assessment tool that may lend itself well to Aboriginal contexts. A Life Story Board session offers a way to share narrative verbally and non-verbally. It could bring into focus individuals' stories of domestic violence, underlying determinants, secondary effects, and identify resources (personal, social, material and spiritual) necessary for change. Although there is no evidence that the Life Story Board is being used in this manner, the approach is congruent with the rich oral traditions of Indigenous cultures and is widely applicable offering both a verbal and nonverbal means of expressing one’s story in any language and at any level of literacy (Buchanan, 2009; Chase et al., 2010).

Walking the Path Together - Danger Assessment
Working with five on-reserve communities (Bigstone Cree Nation Emergency Women’s Shelter in Wabasca, Eagle’s Nest Family Shelter in Morley, Ermineskin Women’s Shelter Society in Hobbema, Paspew House in Fort Chipewyan, and Sucker Creek Emergency Women’s Shelter in Enilda), Dr. Campbell revised the Danger Assessment to reflect the unique situations of life on-reserve, to include extended family members as possible perpetrators, include cultural/customs abuse, and incorporate a circle format to provide visual cultural relevance. An implementation study found that the WTPT DA was a valuable tool for identifying women most at-risk of homicide and helping them engage in risk assessment and safety planning in a non-threatening and culturally appropriate way (Hoffart, 2014). The Walking the Path Together project offered culturally appropriate risk assessment, prevention programming and services to meet the needs of women and their children, including provision of basic needs supports, cultural, spiritual, sports, arts, relational, and educational activities, talking circles, talks with elders and family counselling sessions.

Risk Management in an Indigenous Context
Research indicates that risk is best managed by using a holistic approach and responding to the needs of the offender. Prevention programming should be culturally appropriate and take a holistic approach (Jones et al., 2002; Kiyoshk, 2003; Lester-Smith, 2013). This finding is supported by programs which incorporate traditional spiritual practices, involve community Elders, and recognize the cultural genocide of Indigenous peoples (Kiyoshk, 2003; Campbell, 2007). There are strong concerns about whether restorative justice processes are beneficial to the offender at the expense of the victim’s safety (Dickson-Gilmore, 2014). Restorative justice approaches may include sentencing circles, healing circles or conferencing as an alternative approach to traditional criminal justice responses.

The need and availability of appropriate treatment, monitoring, and supervision for Indigenous offenders has been raised in the context of risk assessment and management (Rugge, 2006). Indigenous offenders are more likely to be classified as high-risk than non-Indigenous offenders based on available risk assessment tools. If an offender has a higher-risk security classification and is placed in a maximum- security facility, appropriate programming is less likely to be available (Rugge, 2006). Effective treatment with offenders should be provided based on the Risk, Need, Responsivity principle which suggests that:

- the level of intervention be matched to an offender’s risk level;
- services are directly related to an offender’s criminogenic needs (targeting likelihood of criminal re-offending);
- treatment should be delivered in a means that acknowledges the offender’s abilities and learning style (including cultural sensitivity and awareness) (Rugge, 2006).

The CDHPIVP defines risk management as strategies intended to reduce the risk presented by a perpetrator of domestic violence and can include treatment, monitoring, or supervision. (Campbell et al., 2016)
Promising Practices in Risk Management

Gladue Reports
Gladue reports are being used in court with offenders to bring attention to systemic factors that may have had an impact on an Indigenous person before the court and provide information about culturally appropriate and community-based support options. (Shepherd & Anthony, 2017). These cultural factors may also be considered in the context of risk management.

Gladue Cultural Factors:
- Relationships with family, community
- Strengths, personal attributes
- Intergenerational trauma
- Substance abuse
- Residential school experience, legacy
- Loss of cultural identity
- Experiences of racism/discrimination
- Connection to Aboriginal culture/community
- History of involvement with child protection, foster care

Elder Involvement
The involvement of community Elders is considered effective in risk management within many contexts including health care, justice, and social services. It is suggested that the inclusion of Traditional Healing Elders in psychiatric practice is effective for reducing domestic violence (Puchala et al., 2010). Correctional services across Canada have attempted to incorporate Indigenous Elders and practices as options for Indigenous offenders in institutional and community settings (Correctional Service Canada, 2011).

Traditional Decision-Making Model
Although not specific to risk assessment or management in the context of domestic violence, the Traditional Decision-Making model is a culturally safe, community based, child welfare intervention tool intended to contribute to more positive outcomes for children and families in the child welfare system. A 2-3 day circle is held with families, Elders, child welfare representatives and traditional drummers to determine the Trail or path to be taken to address immediate and long-term issues based on Indigenous traditions and culture. Key principles of the Traditional Decision-Making model include: connection to land, language and cultural practices; strong role of Elders and knowledge keepers; trust, support and understanding from known community members; accountability to one another and future generations; a web of support around families; meaningful involvement of children and youth, ensuring their voices are heard (Ney, Bortoletto & Maloney, 2013).
Safety Planning

When seeking solutions that reduce risk, victim’s safety must be central to all areas of risk assessment, risk management and safety planning. Spiritual guidance from Elders can assist a victim planning to leave an abusive or violence situation and an Elder’s awareness or involvement in safety planning may contribute to the well-being and safety of Indigenous women in domestic violence situations (Riel et al, 2014). When developing safety or service plans with women and children, it is important to engage others to support the family. Such models of care include Harmony Circles (establishing a circle of care around the family) and connecting with the community (Riggs, 2015). Considerations when working with women to develop safety plans include:

- literacy levels (ability to understand forms),
- language barriers,
- ensuring that the appropriate resources are in place to carry out the plan (transportation, housing, food, etc),
- identify strengths,
- engage in regular follow-up visits.

The CDHPIVP defines safety planning as any strategy to protect DV victims and those around victims.

(Campbell et al, 2016)


You are not alone: A toolkit for Aboriginal women escaping domestic violence

The Native Women’s Association of Canada (2018) developed a toolkit to help Indigenous women experiencing discrimination in multiple and various complex forms and to assist women in recognizing their inner strength. Specifically, this toolkit emphasizes “Community Safety Planning” which is designed to categorize support systems and a plan of action to keep the woman and her children safe (NWAC, 2018).

POP Tarts Tool (Protection, Options, Planning: Taking Action Related to Safety)

The POP Tarts tool was developed in conjunction with the WTPT Danger Assessment. It was designed to guide a conversation about safety in a way that is more relevant to women living on reserves. It helps women prepare themselves and their children to recognize signs of danger in the abuser’s behaviour, signs women may see in their children and their own intuition (Hoffart, 2014). Currently, the evaluation and implementation of risk assessment, risk management and safety planning in Indigenous contexts are largely mainstream. Incorporating a new discourse on the social and political determinants of safety will broaden our understanding of prevention and acknowledge collective community wisdom, Elders, traditional spiritual practices and language and kinship networks as valuable sources of knowledge and support upon which to build risk assessment, risk management and safety planning strategies.
An International Perspective

While geographically diverse, Canada, New Zealand, Australia and the United States share strikingly similar histories of colonization, marginalization, and oppression of Indigenous people. These histories result in high levels of victimization of Indigenous people generally, as well as, intimate partner violence. There is considerable variation in the development of risk assessment, risk management, and safety planning between the countries, outlined below.

New Zealand

Similar to Canada, New Zealand’s Indigenous population is much younger than the total population, is experiencing higher population growth, and a higher fertility rate (Maori Reference Group, n.d.). Whānau (Māori families) are two times more likely than non-Māori families to be at risk of domestic victimization (Marie & Fergusson, 2008). The New Zealand government is developing a national framework on risk assessment management which is whānau-centred (culturally grounded, holistic approach providing whanau with safety first, support, education and advice) (New Zealand Government, 2017).

Australia

The over-representation of Aboriginal and Torres Strait Islander peoples in statistics on domestic violence have been linked to impacts of colonization, including inter-generational trauma, dispossession of land, forced removal of children, interrupted cultural practices that mitigated against family violence. (ANROWS, 2014). More than half of the Indigenous female homicide victims were killed in a domestic homicide. Indigenous women living in rural and remote areas are up to 45 times more likely to experience family violence than other Australian women living in rural and remote communities (Blagg, Bluett-Boyd & Williams, 2015). Although no Australian state or territory has created an Indigenous specific family violence policy, each jurisdiction’s policy or framework is inclusive of Indigenous family violence. Holistic responses required the increased inclusion of Indigenous men in the process of addressing family violence, increased provision of behavioral change programs, development of Healing Centres and Time-Out houses (Blagg, Bluett-Boyd & Williams, 2015).

The United States

More than half of American Indian and Alaska Native women have experienced physical violence by an intimate partner (Rosay, 2016). Additionally, American Indian or Alaskan Native women are significantly more likely to be physically injured, require medical services, miss work or school than non-Hispanic White only women, and significantly less likely to get the services they needed to be safe (Rosay 2016). The Violence Against Women Reauthorization Act of 2013 recognized the authority of tribal governments to exercise Special Domestic Violence Criminal Jurisdiction (SDVCJ) over non-Indians committing domestic violence against Indian women. Implementation of SDVCJ has led to conversations among tribes about domestic violence and collaboration with local, state and federal governments (National Congress of American Indians, 2018).
References


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