

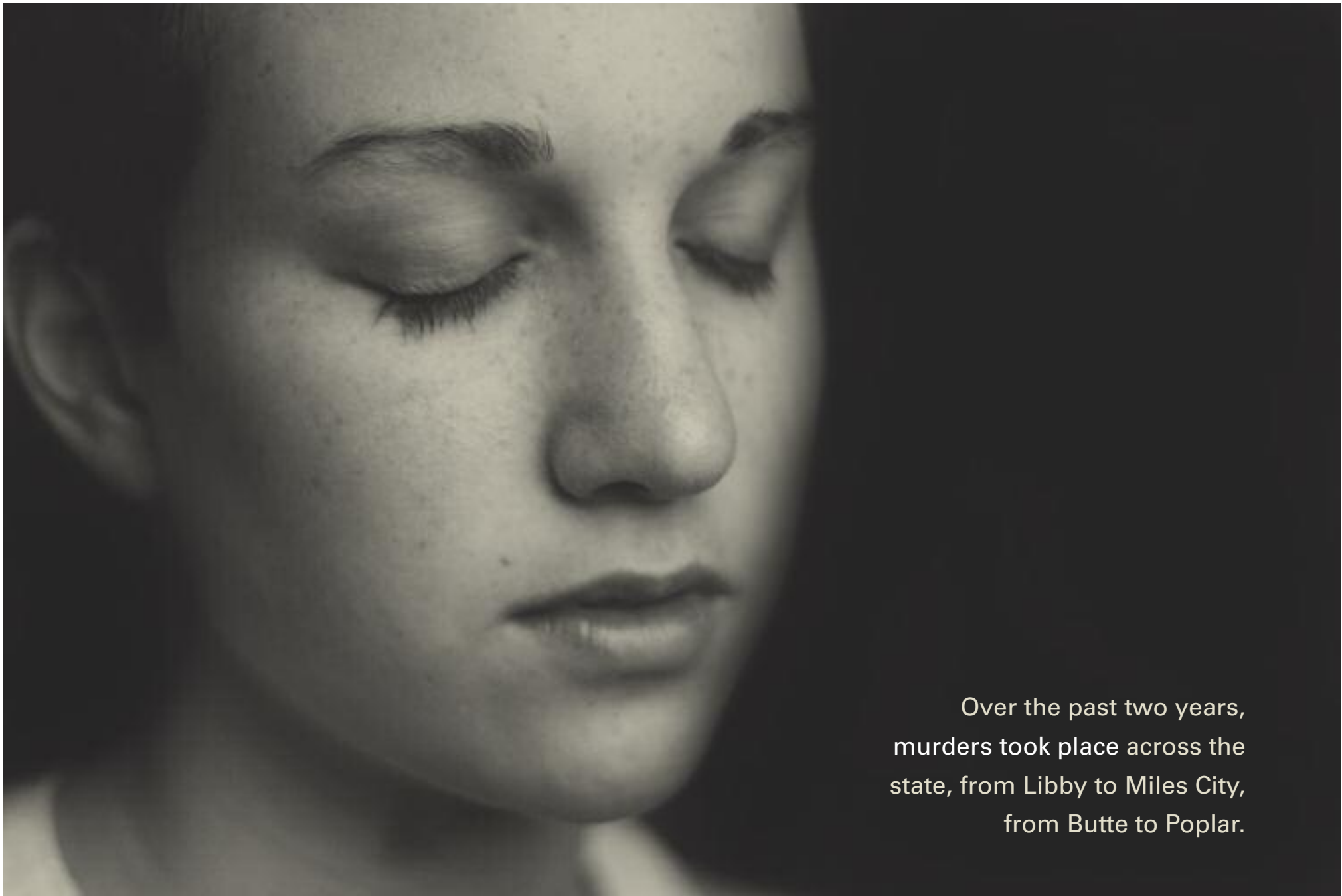
MONTANA DEPARTMENT OF JUSTICE,  
OFFICE OF CONSUMER PROTECTION AND VICTIM SERVICES

REPORT TO THE LEGISLATURE:

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Montana  
Domestic Violence  
Fatality Review  
Commission

**JANUARY 2011**



Over the past two years,  
murders took place across the  
state, from Libby to Miles City,  
from Butte to Poplar.

This report is dedicated to the memory of Judy Wang.

January 2011

Fellow Montanans:

Our state ends the latest biennium still struggling with the tragedy of intimate partner homicide. In spite of our best collective efforts, 24 individuals, ranging in age from 15 to 84, died at the hands of another family member. Fourteen of these deaths took place in 2010, the highest one-year total since the Commission started tracking deaths in 2000. On one day alone, August 28, four people died. Over the past two years, murders took place across the state, from Libby to Miles City, from Butte to Poplar.

Montana's Domestic Violence Fatality Review Commission has been reviewing these deaths since 2003. Our hope was that after seven years we could point to a reduction in the number of deaths. Unfortunately the trend in the number of killings is going up, with nine deaths in 2007, 10 in 2008 and 2009, and 14 in 2010. While each review teaches us something new, and the state's response is better than it has ever been, it is frustrating not to have better news to report.

At the same time, we are aware that there would most likely be many other fatalities and serious injuries if not for the hard work of law enforcement, victim advocates, and other compassionate professionals and volunteers across Montana.

In addition to the deaths mentioned above, it is important that we also note the passing of one of Montana's true champions in combating domestic violence, Missoula assistant city attorney Judy Wang. Judy was killed by an impaired driver in September 2009 while on her way home from one of the innumerable trainings she conducted each year - trainings that helped law enforcement, judges, victim advocates and prosecutors improve and expand their work. In recognition of all that Judy accomplished, we dedicate this report to her memory. As her legacy, we ask all Montanans to work diligently to keep victims safe and hold offenders accountable.

Finally, the Commission is grateful to the 2009 Legislature for assisting that effort by removing the team's temporary designation and establishing the Commission as a permanent fixture of the attorney general's office.

Sincerely,

A handwritten signature in blue ink that reads "Matthew Dale". The signature is written in a cursive, slightly slanted style.

Matthew Dale, coordinator  
Domestic Violence Fatality Review Commission

Our state ends the latest biennium still struggling with the tragedy of intimate partner homicide.

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The Montana Domestic Violence Fatality Review Commission was created by the 2003 Montana Legislature. Among other things, the legislation mandates this biennial report to the Legislature, attorney general, governor and chief justice of the Montana Supreme Court, outlining its findings and recommendations.

It should be noted that the Commission reviews only a fraction of the family violence deaths in Montana each year. The group uses its limited time and resources to review only intimate partner homicides. Other groups, such as Montana's Fetal Infant Child Mortality Review teams, gather information on other types of familial deaths—although in Montana these two groups work together to a degree not seen in most other states. Unfortunately, there are more deaths than the Commission can review each year. Since the passage of House Bill 116 in 2003, at least 97 Montanans have died in family violence homicides. In the past two years, the time frame covered by this report, 16 violent interactions have resulted in 24 deaths.

The Commission is guided by a “no blame/no shame” philosophy. The purpose of a fatality review is not to identify an individual or agency as responsible for the deaths. These are complex cases, involving a number of individuals and variables. It is simply not true that the tragedy was the result of any one action—or inaction—by any one person or agency. In fact, we find that many of the victims have had limited, if any, contact with the “system”—they never sought shelter, did not reach out to a victim witness advocate and did not have an order of protection. Simi-

larly, the majority of perpetrators do not have extensive criminal histories.

At the same time, none of the professionals involved with these families would consider the deaths an acceptable conclusion. Domestic violence homicides traumatize not only those close to the family but, indeed, entire communities. By reviewing the murders while working closely with local community members, the Commission seeks to identify gaps and inadequacies in the response to domestic violence at the local and statewide levels. The goal is to prevent future deaths. Obviously there is more work to do. The attachments to this report are specific, concrete steps in that direction.

Montana's fatality review team has chosen an “inch wide, mile deep” approach to reviewing

**By reviewing the murders while working closely with local community members, the Commission seeks to identify gaps and inadequacies in the response to domestic violence at the local and statewide levels.**

these deaths, undertaking only two per year. In each case we review all the information available, including law enforcement reports, criminal histories, medical and autopsy records, presentence investigations, newspaper stories and criminal justice records. Additionally, team members interview family, coworkers, school personnel, friends, shelter staff and any other relevant individuals to learn more about the victim and the perpetrator. Then the entire team [see page 15] travels to the community in which the homicide(s) took place.

Once there, the group uses all of the collected information to compile a time line of events leading up to the deaths. This exercise illustrates

agency involvement, missed opportunities, things that worked well and gaps in services. Community members who worked with the family are invited in to participate in the review and augment the time line. All involved sign the same confidentiality agreement. Local participation expands the knowledge of the state team and accelerates changes in the community's protocols for domestic violence work. Working at the grassroots level expedites the goal of fatality review, which is to introduce and highlight changes in how victims can be better protected and perpetrators held more accountable.

At both the local and statewide levels the assembled group is multidisciplinary. It provides the opportunity for individuals who seldom work with one another, or have traditional biases against

each other, to work toward a common goal. This model has resulted in productive dialogue and has allowed for inexpensive, quickly implemented community improvements. The Commission was strengthened this year by adding Roxanne Ross, the trainer from the Montana Law Enforcement Academy (MLEA) who works with every new law enforcement officer in the state. The opportunity to expand the reach of MLEA's recently published Domestic Violence Field Guide through this report is one example of an easily accomplished, inexpensive system improvement.

The four reviews conducted in 2009 and 2010 form the basis for the trends identified on page 7.

Those trends gave rise to the recommendations listed on the same page. This report, through its posting on the DOJ website ([www.doj.mt.gov](http://www.doj.mt.gov)), serves as the Commission's vehicle for highlighting new ideas, best practices, and creative solutions identified around the state and around the country as effective tools in combating domestic violence deaths. These are listed at the end of the report as Guides and Model Forms.

Our work this biennium, reviewing two homicides, one familicide (including the death of a child) and one near-death incident taught us a great deal. The near-death episode in particular was informative. In this case the woman was shot repeatedly but lived. The perpetrator, believing she was dead, then killed himself. She agreed to meet with team members and spent several hours describing her years with the abuser. At the time of the shooting, which took place during the day in a parking lot in the middle of town, she had already left this man and begun a new life. The circumstances reinforce that, "Why doesn't she just leave?" can be an overly simplistic question with potentially lethal consequences. At times individuals do all the right things but still become victims.

The reviewed familicide made apparent another dangerous element in domestic violence situations, that of having a step-child living in the home. During this review we learned that the perpetrator shot his girlfriend once but her 12-year-old son who lived with them repeatedly. At least one bullet went through the cell phone the boy was using to call for help. As in the near-death incident, the perpetrator used the final bullet to commit suicide.

This case also illustrated the far-reaching con-

**While our work is not done by any means, recognition of the efforts by so many Montanans to reduce the number of domestic violence deaths across our state encourages us to return to the task every day until true success is achieved.**

sequences of these deaths. One of the school workers who knew the boy was so distraught by his death that she left her teaching position. Considering only the deceased as victims fails to include the wounded and grieving friends, coworkers and family members left behind.

A third review took place in Indian Country, looking into a death that occurred on one of the state's seven reservations. These reviews present unique challenges due to the involvement of federal agencies (FBI, US Attorneys Office, Bureau of Indian Affairs, Indian Health Services, Probation) instead of state, the team's "outsider" status and the remoteness of some communities. Even so, they have been incredibly informative for the team and have created strong, positive connections with tribal members. Review preparations rely heavily on team member Phoebe Blount who is both an FBI employee and an enrolled Sioux member of the Fort Peck Reservation. Montana is a leader in Indian Country reviews and has received national recognition for its efforts. Both the state and tribes have benefitted from these collaborations.

One of those benefits is the Hope Card, which began as a Crow tribal initiative and was launched statewide in April 2010 by Attorney General Steve Bullock. The Card displays the key elements of an order of protection, including a photo of the perpetrator, on a small, portable plastic card. Montana is the first state in the country to use the

Hope Card; it has generated interest from several other states and even other countries. To date, 100 Cards have been distributed.

This year Montana's Department of Justice (DOJ) also introduced the I Speak language identification guide. This laminated set of cards, created for Limited English Proficiency (LEP) victims, contains the phrase, "I speak..." in 70 languages, including most Montana tribal dialects. Once the LEP victim's language is identified, a translator can be contacted through DOJ and the Language Line Services Company to guide the person through the criminal justice system.

Montana's model of fatality review—one statewide team, traveling to the community, working with local community members, and interviewing family—has been highlighted across the country. In 2010 the Commission was chosen as one of three programs to be recognized for its use of Violence Against Women Act dollars, which are used to pay the group's expenses. In May a film crew spent a week in the state talking with family members and other review participants. The film should be completed early in 2011 and will be shown nationally. While our work is not done by any means, recognition of the efforts by so many Montanans to reduce the number of domestic violence deaths across our state encourages us to return to the task every day until true success is achieved.

## Trends identified by the Commission:

- Native Americans are victims of intimate partner homicide at an elevated rate. While constituting approximately 7% of the state's population, they make up 14% of intimate partner deaths.
- Firearms continue to be the most frequently used weapons.
- Victims of intimate partner homicide and homicide/suicide among those over 60 doubled in the last two years. Two perpetrators and two victims were over 80.
- Clergy, chaplains and/or youth group leaders have a unique opportunity to educate and intervene in domestic and dating violence relationships.
- From the first contact, it is essential that those who work with victims stress the need to develop a safety plan.
- The number of female-perpetrated homicides is on the rise. From 2000-2005 there were six such deaths; from 2005-2010 there were 11. In 60% of reservation-based intimate partner killings, the killer is female.
- Men tend to use firearms when killing their partner; women most often use a knife. In Indian Country female-perpetrated deaths, knives are used more than 80% of the time.
- Domestic violence victims are much more likely to discuss their situation with family, friends and coworkers than professionals.

## Commission recommendations include:

- Provide two additional tribal courts (Northern Cheyenne and Fort Peck) with the capacity for Hope Cards – electronic court case management systems and specialized printers.
- Increase training related to statewide fingerprinting for all “stackable” misdemeanor offenses, including domestic violence.
- Expand the state's Crime Victim Compensation Program to include counseling for children who are present during domestic violence episodes.
- Consider the creation of a statewide Native American domestic violence fatality review team.
- Increase knowledge and use of resources for Limited English Proficiency victims.
- Create an electronic version and increase distribution of the Montana Law Enforcement Academy's Domestic Violence Field Guide.
- Connect the Chief Justice of the Supreme Court with tribal judges to effectively implement the Tribal Law and Order Act across Montana.
- Expand the use of Domestic & Sexual Violence Services of Carbon County's dating violence curriculum. The project was specifically created for rural communities and has received national recognition.
- Expand the new Crime Victim Notification program statewide.
- Investigate the possibility of providing batterer intervention programs inside detention facilities.
- Increase knowledge and use of the Family Violence Option for victims on public assistance.

LAST NAME	FIRST NAME	FATALITY LOCATION	AGE	DATE OF DEATH	TYPE OF DEATH	WEAPON
Vanderpool	Eugenia	Lockwood	32	02/15/00	Homicide / Suicide	Firearm
Miller	Leanne	Churchill	2	06/03/00	Homicide / Shot By Officer	Firearm
Brekke	Bonita	Bozeman	51	01/11/01	Homicide / Suicide	Firearm
Williams	Bonnie	Lockwood	33	02/19/01	Homicide	Firearm
Baarson	Kim	Butte	39	03/06/01	Homicide / Suicide	Firearm
Van Cleave	Emily	Billings	22	04/17/01	Homicide / Suicide + 1 Child	Firearm
Mosure	Michelle	Billings	23	11/19/01	Homicide / Suicide + 2 Children	Firearm
Rasmussen	Noelle	Butte	23	04/13/02	Homicide / Suicide	Firearm
Isaacson	Madeline	Libby	90	07/27/02	Homicide	Suffocation
Wolfname, Jr.	Anthony	Busby	28	02/23/03	Homicide	Knife
Newman	Cathy	Frenchtown	51	05/15/03	Homicide / Suicide	Firearm
Flying	Sheila	Conrad	30	05/22/03	Homicide / Suicide	Firearm
McDonald	Jessica	Great Falls	32	07/01/03	Homicide / Suicide + 2 Children	Firearm
Erickson	Mindie Jo	Bozeman	33	09/10/03	Homicide / Suicide	Firearm
Vittetoe	Gina	Anaconda	57	07/14/03	Homicide	Knife
Johnson, Jr.	George	Billings	59	01/02/04	Homicide	Knife
Zumsteg	Deborah	Billings	41	03/01/04	Homicide / Suicide	Knife
MacDonald	Virginia	Missoula	40	04/29/04	Homicide / Suicide	Firearm
Chenoweth	Aleasha	Plains	24	07/19/04	Homicide	Firearm
Yetman	Labecca	Darby	35	08/30/04	Homicide	Firearm
Hackney	Stephen	Lolo	38	11/26/04	Homicide	Knife
McKinnon	Gina	Marion	40	11/23/04	Homicide / Suicide	Firearm
Baird	Donald	Anaconda	53	04/11/05	Homicide	Firearm
Mathison-Pierce	Erikka	Glendive	35	06/10/05	Homicide / Suicide	Firearm
LaRocque	Jill	Great Falls	22	06/25/05	Homicide	Strangulation
Roberson	Will	Missoula	52	07/05/05	Homicide By Hired Killer	Firearm
Thompson	Dawn	Ferndale	36	08/27/05	Homicide	Firearm
Haag	Von Stanley	North Fork	60	11/07/05	Homicide	Firearm
Anderson	Lawrence	Opportunity	45	02/21/06	Homicide	Run over
Vasquez	Joe	Billings	32	04/03/06	Homicide	Knife
Van Holten	JoLynn	Dillon	43	04/12/06	Homicide / Suicide	Firearm
Spotted Bear	Susie	Browning	46	08/13/06	Homicide / Suicide	Kick to head

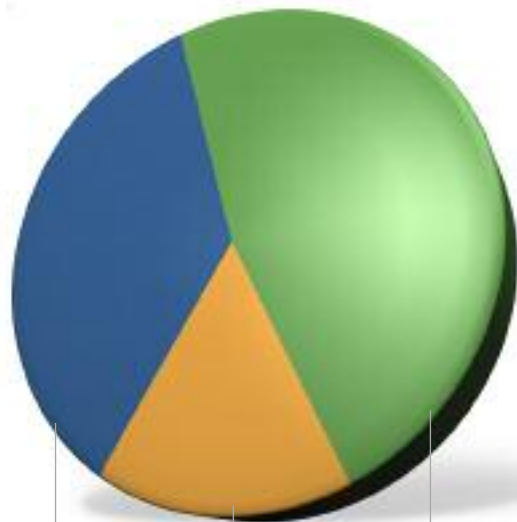


LAST NAME	FIRST NAME	FATALITY LOCATION	AGE	DATE OF DEATH	TYPE OF DEATH	WEAPON
Eagleman	Donald	Brockton	22	01/01/07	Homicide	Firearm
George	Kimberly Ann	St. Xavier	35	02/11/07	Homicide	Head injury
Costanza (James)	Mychel	Billings	50	02/12/07	Homicide	Firearm
Caron	Tarisia	Evergreen	18	05/01/07	Homicide	Firearm
Stout	William	Darby	52	06/10/07	Homicide	Firearm
Whitedirt	Herbie	Lame Deer	41	11/03/07	Homicide	Firearm
Smith	Jody	Hungry Horse	46	12/09/07	Homicide	Firearm
Plough	Robert	Libby	49	12/28/07	Homicide / Suicide	Firearm
Drinkwalter	Seth	Billings	30	02/08/08	Homicide	Knife
Small	Troy	Kirby	35	02/11/08	Homicide	Knife
Calf Boss Ribs	Kimberly	Havre	21	03/15/08	Homicide	Beaten to death
Morin	Lorraine	Columbia Falls	45	03/16/08	Homicide	Firearm
Laslo	Alexia	Plains	37	08/09/08	Homicide / Suicide + 1 Child (12)	Firearm
Morris	Janeal	Arlee	48	10/25/08	Homicide / Suicide	Firearm
Robinson	Andrew	Wolf Point	37	11/26/08	Homicide	Knife
Bauman	Judi	Great Falls	46	04/18/09	Homicide / Suicide	Strangulation
Updegraff	Roni Kay	Bozeman	47	04/23/09	Homicide	Firearm
Brewster	Gayle	Three Forks	53	05/12/09	Homicide	Firearm
Huntley	Sheryl	Thompson Falls	40	07/01/09	Homicide	Firearm
Hoffman, III	Richard	Butte	41	07/27/09	Homicide	Firearm
Hurley	Helen	Great Falls	84	07/28/09	Homicide / Suicide	Firearm
Davidson	Leslie	Fort Benton	50	11/26/09	Homicide	Firearm
Morast	Jason	Billings	27	12/12/09	Homicide	Knife
Rickett	Hazel	Miles City	47	01/08/10	Homicide	Firearm
Olson	Monica	Plentywood	44	01/26/10	Homicide / Suicide	Firearm
Crazy Bull	Charles	Poplar	49	06/26/10	Homicide	Knife
Popham	Connie	Great Falls	59	08/28/10	Homicide / Suicide	Knife/Firearm
Hardgrove	Swanie	Libby	81	08/28/10	Homicide / Suicide	Firearm
Mahoney	Shelly	Great Falls	40	11/11/10	Homicide / Suicide	Firearm
Hurlbert	Jaimie Lynn	Kalispell	35	12/25/10	Homicide + 1 Child (15)	Firearm
Hartwell	Sandra	Anaconda	72	12/31/10	Homicide / Suicide	Firearm

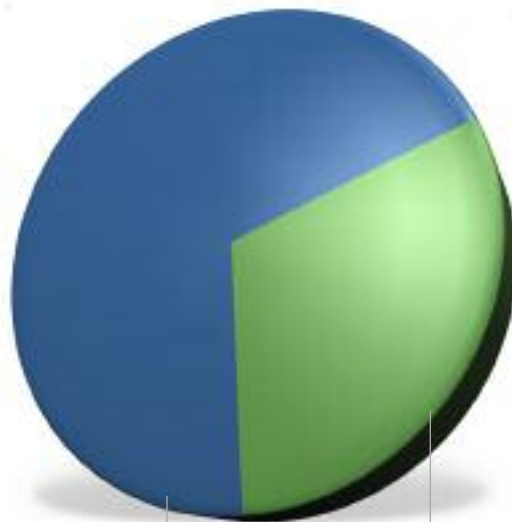
# Fatalities Due to Intimate Partner Homicide in Montana since 2000\*

98 deaths as of December 31, 2010 | 64 Intimate Partner Homicide events as of December 31, 2010

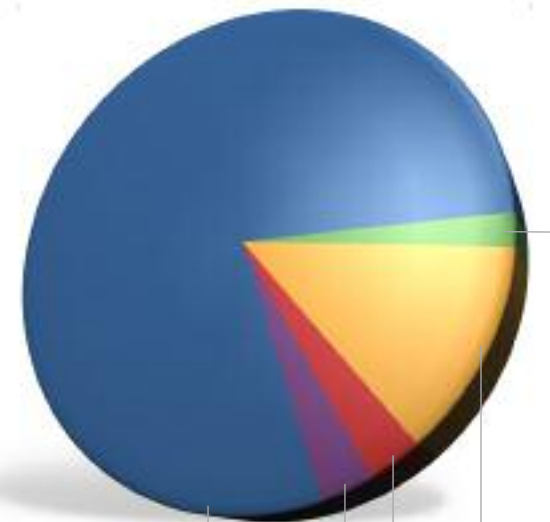
Type of Death



Perpetrator by Gender



Type of Weapon Used



- Homicide & Suicide .....37%
- Familicide .....16%
- Homicide .....37%

- Female perpetrator .....30%
- Male perpetrator .....70%

- Strangulation .....2%
- Knife .....12%
- Beaten .....3%
- Other\*\* .....3%
- Firearm .....80%

\* Fatalities include primary victims, suicidal perpetrators, and children who died in 64 intimate partner homicide events

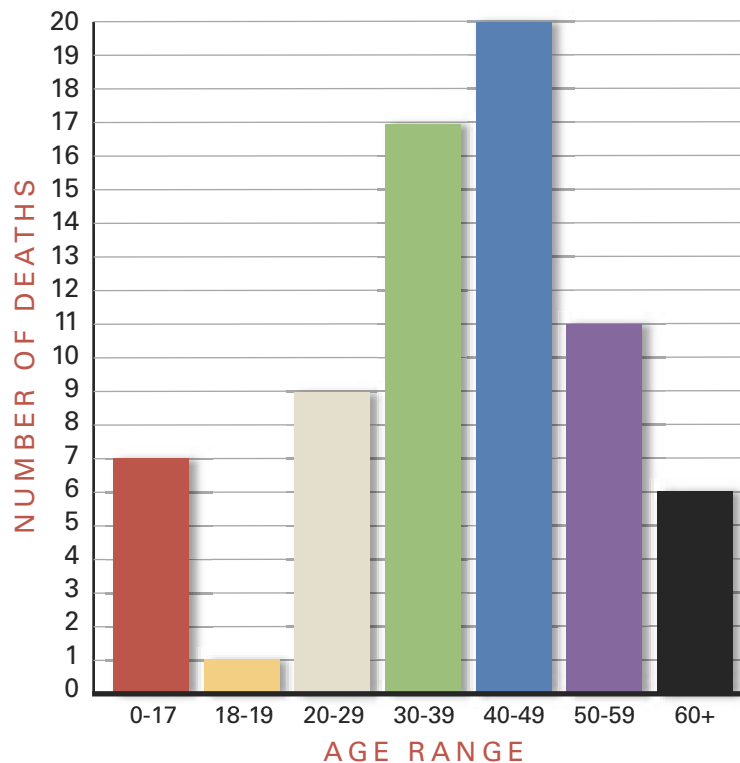
\*\* Other: Run over; hanging; suffocated

Data source: Montana Department of Justice; Office of Victim Services

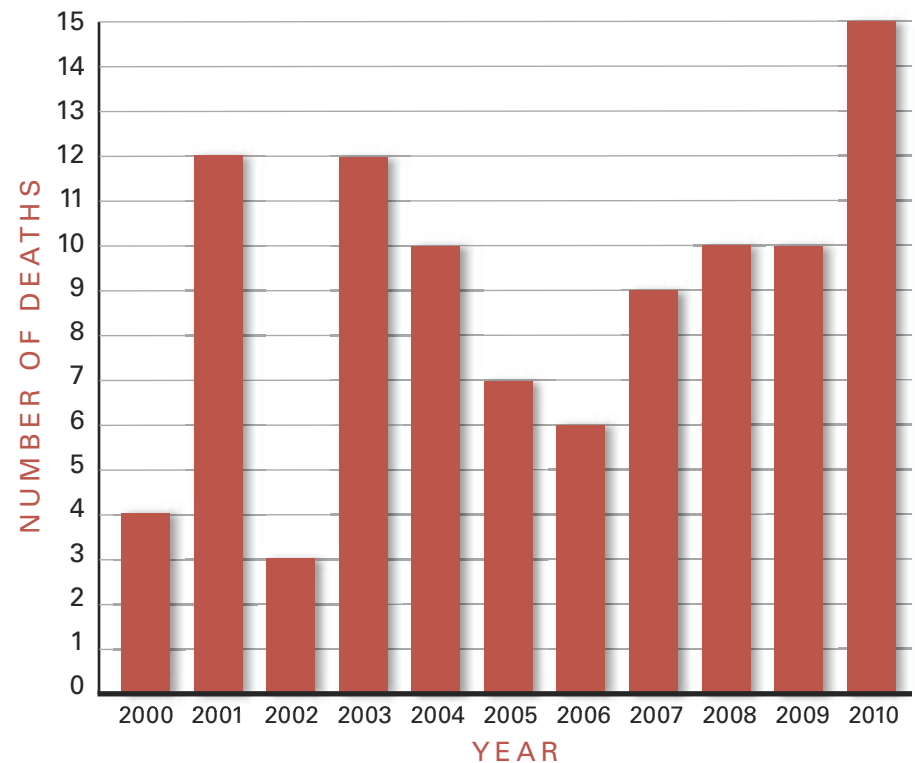
# Fatalities Due to Intimate Partner Homicide in Montana since 2000\*

98 deaths as of December 31, 2010 | 64 Intimate Partner Homicide events as of December 31, 2010

Age Range of 64 Primary Victims  
(which includes 7 children)



Number of Intimate Partner Homicides  
by Year

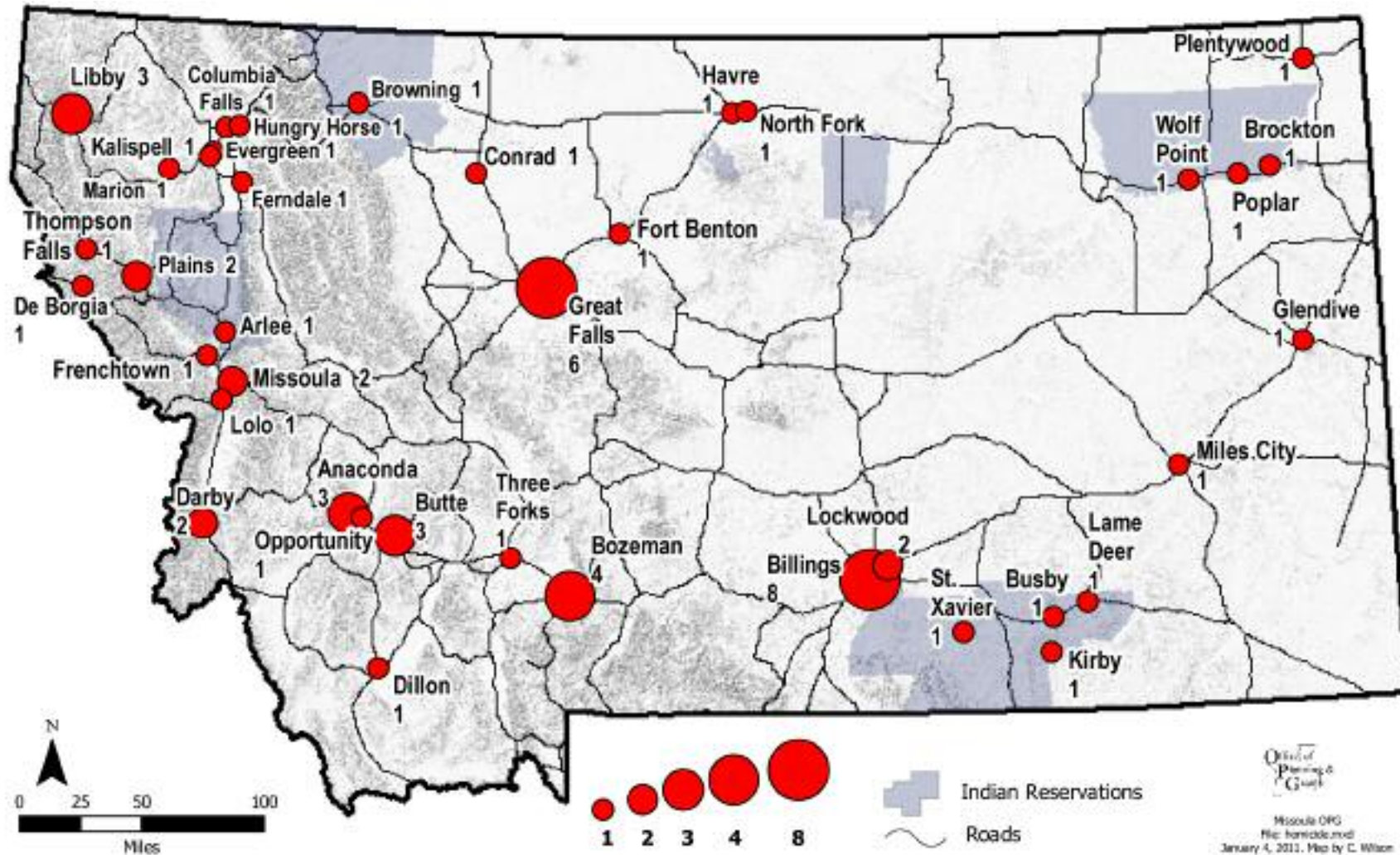


\* Fatalities include primary victims, suicidal perpetrators, and children who died in 64 intimate partner homicide events

Data source: Montana Department of Justice; Office of Victim Services

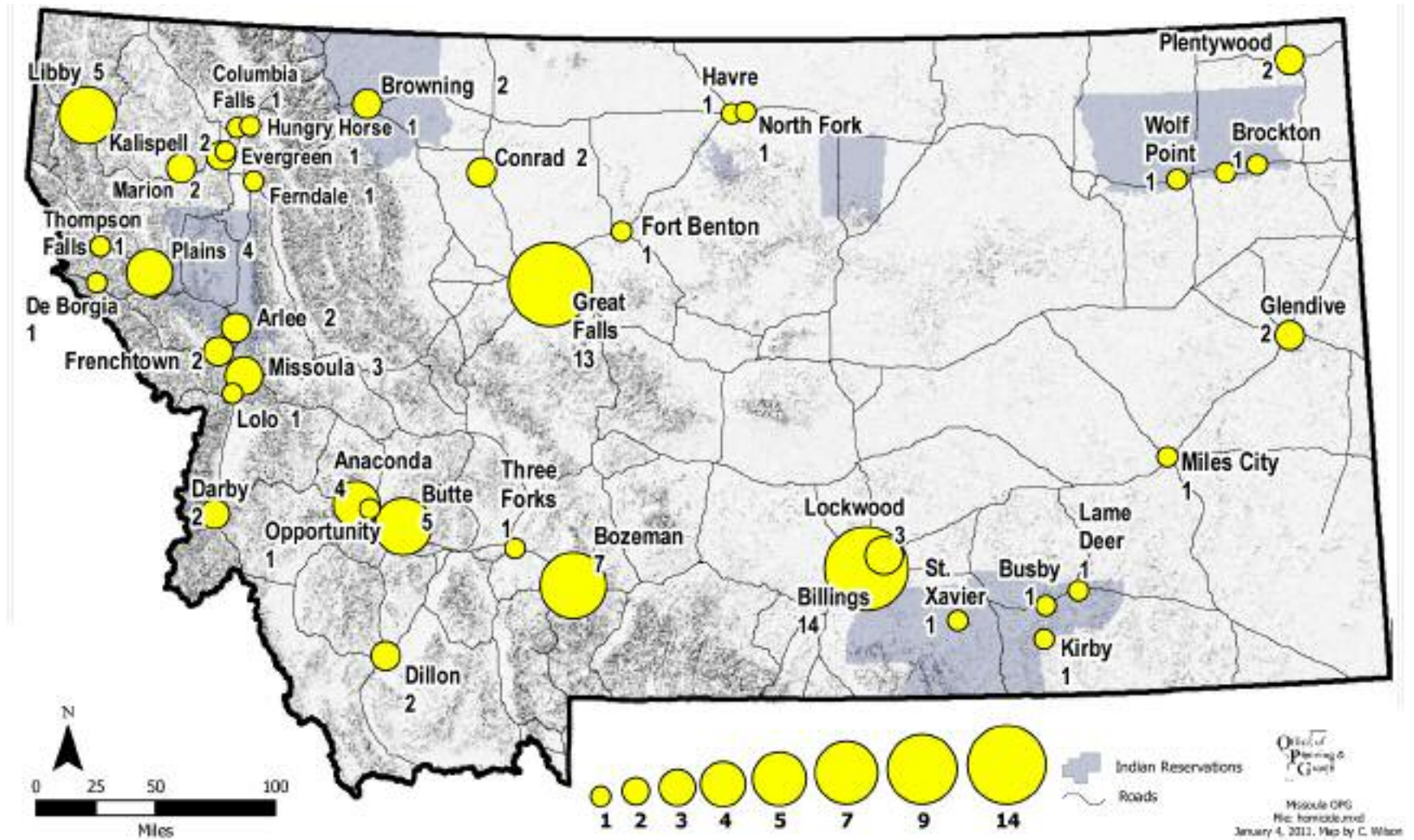
# Intimate Partner Homicide Events Since 2000

64 Events Resulting in 98 Fatalities as of December 31, 2010



# Intimate Partner Fatalities Since 2000

64 Events Resulting in 98 Fatalities as of December 31, 2010



## Mission

The Montana Domestic Violence Fatality Review Commission (MDVFR) is a multi-disciplinary group of experts who study domestic violence homicides in a positive, independent, confidential and culturally sensitive manner, and make recommendations—without blame—for systems and societal change.

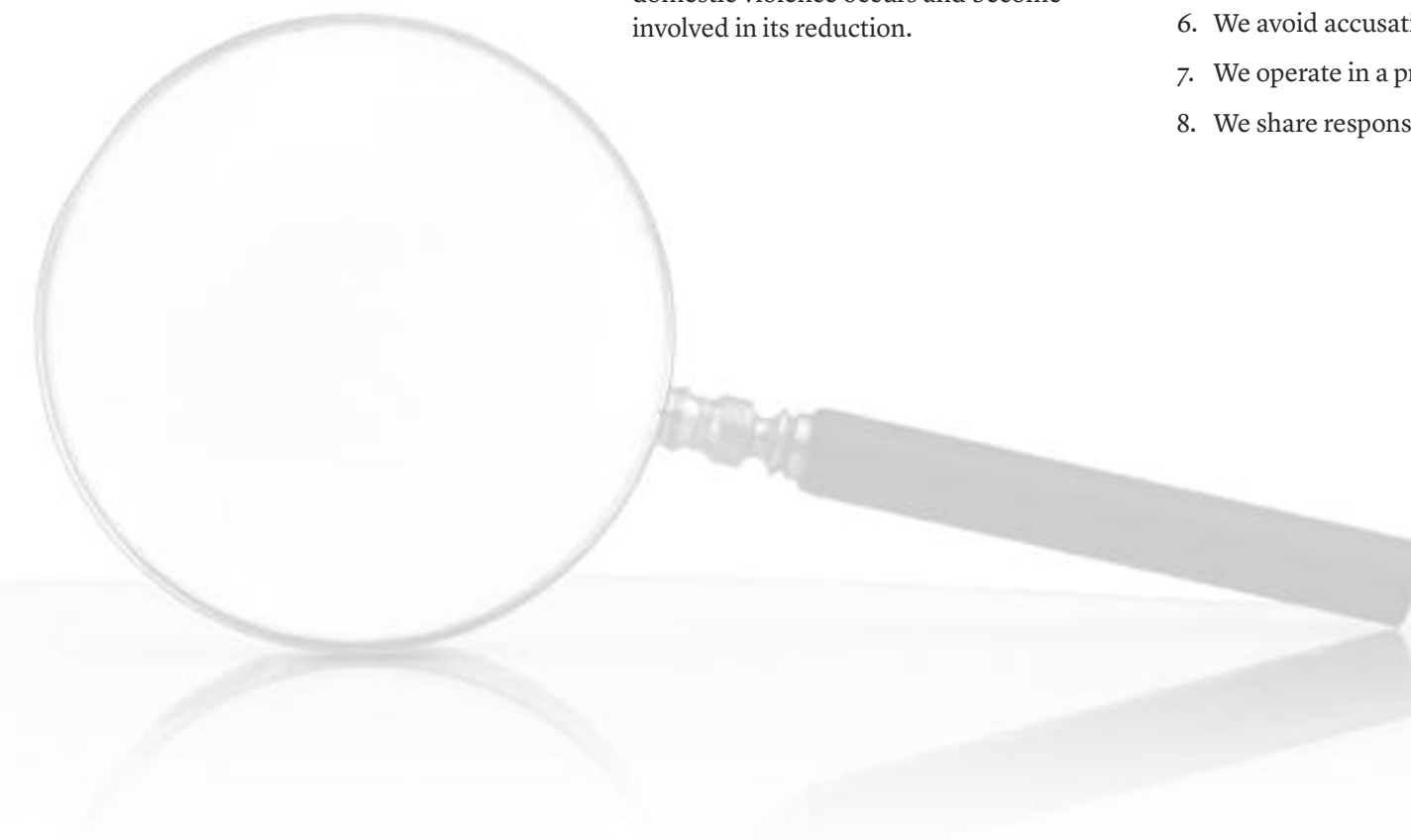
## Vision Statements

Because we are committed to partner and family safety, the MDVFR, in partnership with the local community, will achieve:

- **Systemic change:** Domestic violence interventions occur early, often and successfully. Individuals communicate openly and effectively across boundaries.
- **Societal change:** Communities are educated about and understand why domestic violence occurs and become involved in its reduction.

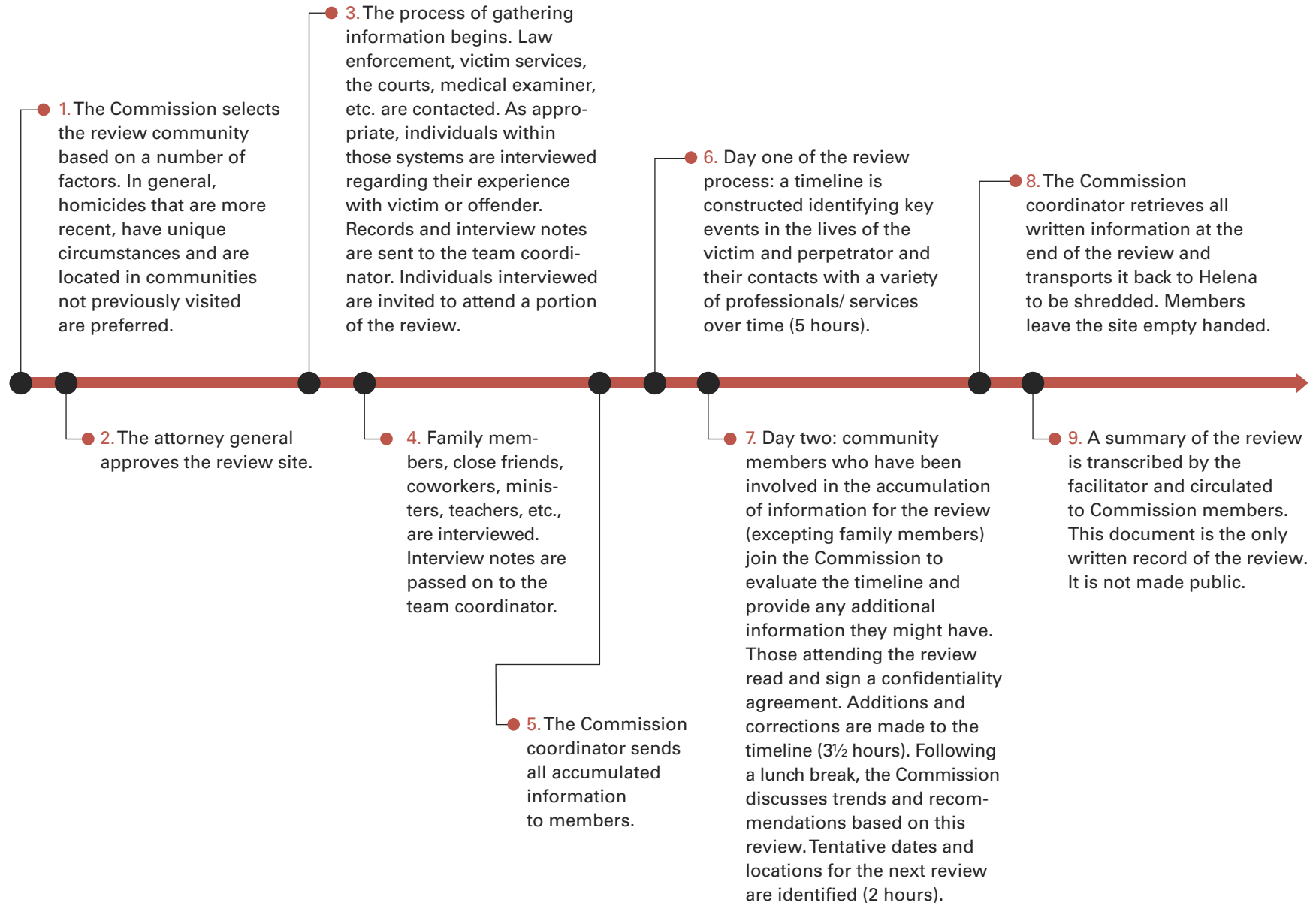
## Guiding Principles

1. We offer each other support and compassion.
2. We conduct the review in a positive manner with sensitivity and compassion.
3. We acknowledge, respect and learn from the expertise and wisdom of all who participate in the Review.
4. We work in honor of the victim and the victim's family.
5. We are committed to confidentiality.
6. We avoid accusations or faultfinding.
7. We operate in a professional manner.
8. We share responsibilities and the workload.



<b>NAME</b>	<b>POSITION</b>	<b>ORGANIZATION</b>	<b>CITY</b>
Deb Bakke	Legal Advocate	Friendship Center	Helena
Phoebe Blount	Victim Specialist	FBI	Glasgow
Ali Bovingdon	Assistant Attorney General	Department of Justice	Helena
Suzy Boylan	Prosecutor	Missoula County	Missoula
Beki Brandborg	Team Facilitator	Mediator	Helena
John Buttram	Licensed Professional Counselor	Batterer's Treatment Program	Kalispell
Matthew Dale	Team Coordinator	Office of Victim Services	Helena
Dan Doyle	Professor	The University of Montana	Missoula
Bryan Fischer	Police Officer	Helena Police Department	Helena
Caroline Fleming	Executive Director	Custer Network Against Domestic Abuse	Miles City
Connie Harvey	DPHHS Social Worker	Child & Family Services Division	Billings
Warren Hiebert	Chaplain	Gallatin County Sheriff's Dept.	Bozeman
Nancy Luth	Judge	City Court	Great Falls
Christine Mandiloff	Attorney	Montana Legal Services Assoc.	Helena
Joan McCracken	Sexual Assault Nurse Examiner	Retired	Billings
Roxanne Ross	Domestic Violence Trainer	MT Law Enforcement Academy	Helena
Angela Smith	Psychiatrist	Self-Employed	Bigfork
Stewart Stadler	District Judge	State of Montana	Kalispell
John Strandell	Investigator	Division of Criminal Investigation	Helena

# Montana Domestic Violence Fatality Review Timeline







## Guides and Model Forms

## Domestic Violence Fatality Review in Indian Country

By Matthew Dale

As the process of reviewing intimate partner homicide (IPH) has grown and matured, it has become clear that previously under-represented groups deserve a seat at the table. These groups include survivors and/or family members, clergy and members of child death review teams, among others. Members of local ethnic and cultural minorities, referred to in federal parlance as “underserved populations,” are also now seen as essential participants in the death review process.

In Montana, Native Americans are the state’s largest minority, comprising approximately 7% of the population. Of those 66,000 individuals, roughly 57% reside on one of the state’s seven Reservations. These communities vary tremendously in acreage and appear across the state. Populations range from fewer than 3,000 residents on the Rocky Boy’s Reservation to more than 8,000 on the Blackfeet.

Montana’s statewide Fatality Review Commission (also referred to as a team) is keenly interested in the needs of these citizens because Native Americans, both on and off the Reservation, are disproportionately represented in intimate partner homicides in our state.

According to the list of statewide IPH homicides maintained by the team, Native victims account for 17% of deaths since 2000. Montana’s experience is similar to national statistics, which indicate that Native women suffer far higher rates

of domestic and sexual violence than white women.

The Commission’s focus on high rates of American Indian violence is mirrored in both our state legislature and the U.S. Congress. Last year, for instance, the Montana legislature passed Senate Joint Resolution 26, which calls upon residents to help, Honor Montana’s American Indian Women By Stopping The Violence Against Them. The resolution resulted in a one-day symposium on the scope of the problem and potential solutions. The team’s history and previous legislative testimony resulted in an invitation to participate in that event. Doing so provided an opportunity to disseminate the team’s findings to more than 100 attendees, including representatives of all Montana tribes.

Nationally, Senator Byron Dorgan introduced the Tribal Law and Order Act in the 2007-2008 Session and plans to do so again in 2009-2010. The Act is motivated by a desire to reduce extraordinary levels of violence on many Reservations, and would have far-reaching effects in tribal courts. Additionally, President Obama and Attorney General Eric Holder have made Indian Country crime reduction a centerpiece of this administration.

Undertaking fatality review in Indian Country, where each federally recognized tribe is a sovereign nation, is complex. Many of the protocols teams have developed in the areas of membership, record retrieval, report writing and inclusion of local members, are different in tribal and federal environments. It is perhaps preferable that only teams with extensive experience and well established practices take on these reviews. Otherwise,

there is a danger that the long history of misunderstandings between Native and white communities may be replicated. A sincerely undertaken but poorly executed review runs the risk of setting cooperative tribal and nontribal reviews back for some time.

At times there has been concern raised nationally regarding death review among some Native cultures, out of fear that tribes may have a taboo against speaking of the dead. That has not been Montana’s experience. In fact, our tribal representative is not aware of a tribe for whom this is a concern. It may be that our understanding will be enlarged through this article and ongoing discussions of our work but at this point it seems reasonable for teams to continue in their outreach for tribal death review participants.

Once Montana’s Commission decided to focus on Indian Country reviews, we needed to re-examine our membership. It was essential that we add a tribal member and a federal law enforcement representative. As happens frequently in fatality review, we sought to fill multiple needs with a single person. This was accomplished when



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National Domestic  
Violence Fatality Review  
Initiative *Fatality Review  
Bulletin*, Spring 2010

Phoebe Blount, FBI victim services staff and an enrolled member of the Fort Peck Reservation, joined us. Phoebe's ability to serve as a liaison between tribes and the team has been invaluable.

It can't be reiterated too strongly just how necessary it is that a federal law enforcement or criminal justice employee be a team member for those undertaking Indian Country reviews. Statutes that were helpful in procuring state and local reports mean little in a federal environment and almost every relevant report—law enforcement, probation, medical, etc.—must come from a federal source. Involved agencies might include the FBI, Bureau of Indian Affairs (BIA), Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF), U.S. Attorney's Office (USAO), federal Victim Services and/or the Office of Federal Probation.

While we have found individual agents and supervisors to be extremely helpful, they work within large bureaucracies with myriad laws, rules and protocols. No matter how well intentioned any one employee may be, many layers must be navigated and this takes a great deal of time. At a minimum, teams should expect their standard preparation time to double when undertaking a tribal review. Montana's team completes two reviews per year, and generally two to three months is adequate to accumulate all the available information. In contrast, we have learned that Native American review preparation requires nearly the entire six-month period available.

Another key consideration when considering a Reservation-based review is the extreme isolation of some of these communities. Montana's team decided early on to review deaths across the state, and to travel to the location of the death. In

our most recent Indian Country review, that meant one-way distances of more than 400 miles for some attendees. Not only is this a significant financial consideration, but the amount of time necessary to conduct the review is also extreme. Distances of this magnitude turn an average of 16 hours per review commitment into nearly twice that (including travel). Given that Commission members receive no remuneration and must take time away from their day jobs to participate, this can be a significant concern.

However, we have found that commitment to travel, to be physically present, pays some of the largest dividends. Reservation communities are well aware of their distance from most state services and they recognize the unusual nature of the team's visit. State and local, and in this case tribal, participants understand the importance of coming together, and individuals from all backgrounds make extraordinary efforts to collaborate. Attendance by local professionals, both Native and non-Native, has improved with each review.

Our process for reviewing Native deaths began slowly and has become more sophisticated over the past five years. Our first review included a Native victim and perpetrator but the death itself took place off either Reservation. The second was a Reservation-based death but the review itself took place in a different city nearby. Our third review, and the primary basis for this article, was in one of the most remote communities in the state. We heard repeatedly that the team's willingness to travel to the community was appreciated and was essential to the review's success.

We have found this spirit of commitment leads

to reviews of great depth. Team members have wide varieties of experience working with Native Americans. Tribal participants have been patient and forth-coming in explaining their positions and experiences both as tribal employees and Native American family members. Commission members have been humbled by the levels of trust and disclosure that tribal hosts have offered. This sharing adds considerably to our knowledge of the victim and the environment in which his or her life and death took place. In our experience, such nuance and candor do not occur without actually experiencing the culture firsthand.

These reviews also call for heightened levels of diligence once the event ends. As acknowledged above, United States history has innumerable examples of broken promises between the state and Native Americans. Fatality review teams have a responsibility to be sensitive participants but to not stop there. Tribal communities have experienced any number of listening tours that have failed to result in concrete outcomes. If during the review process teams commit to take action or implement recommendations, timely follow through is a must.

Montana's team has learned that tribal participants have a great deal to offer, even if their experience reviewing IPH deaths is limited. One of the most far-reaching, concrete results of fatality review in our state has been dissemination of the Hope Card. The Card, a portable, laminated distillation of the key elements of an Order of Protection, began as a tribal initiative. Created by BIA agent John Oliveira while working on the Crow Reservation, the Card was offered originally as part of the tribe's Purple Feather Cam-

paign. With the assistance of the Office on Violence Against Women and the Montana Attorney General's Office, the Card is now on the cusp of being available across the state, to all holders of permanent [non-temporary] Orders. If not for active engagement with tribal nations, the brilliance of the Hope Card might be limited to a fraction of Montana's vulnerable population.

A team's report to the community can be an excellent vehicle for publicizing both the challenges and successes of work with tribes. As mentioned earlier, the efforts of Montana's team, highlighted in the 2009 Report to the Legislature, led to its inclusion in the state's Honoring Native Women event. The appendix of that same report describes the Hope Card and the Indian Country Federal Crime Case Tracker, an initiative of the U.S. Attorney's Office in Montana.

The Tracker was created in response to tremendous Native American frustration with the federal criminal justice system. For some time, tribes have felt that prosecutions for many Reservation-based crimes have languished, or never even occurred, in some cases. In an effort to increase transparency and accountability, then-U.S. Attorney Bill Mercer directed that a simple, easily understood spreadsheet be used to follow all crimes, regardless of the reporting entity, from the moment contact is made with the USAO.

The form was accompanied by a Memo to a wide variety of professionals, both tribal and non-tribal, asking them to use the form, effective immediately. Montana's team was impressed by the instrument and Mr. Mercer's response to Native concerns, and wanted to distribute it to an audience far larger than the original recipients. Mr.

Mercer readily agreed, and through its inclusion in the report, the Case Tracker is now available statewide and, in fact, nationwide should another USAO choose to implement it. In very public ways, the work of fatality review teams can both spur change and draw attention to positive responses in a way that few other groups can.

Domestic violence fatality review work in Indian Country can be frustrating and difficult. Teams are called upon to learn whole new ways of executing even their most basic tasks. Every aspect of their work—membership, meeting locations and times, document accumulation, interviews, report writing—needs to be re-examined in light of the special challenges of operating in tribal, that is sovereign, and federal environments. That said, the work is immensely rewarding and creates opportunities that simply do not exist when working solely in local, county or state systems. A decision to move in this direction must be thoughtful and collaborative, and team members should be fully committed before the review begins. Done well, fatality reviews of Reservation-based deaths can reenergize a team and remind members why they volunteered to serve in the first place.

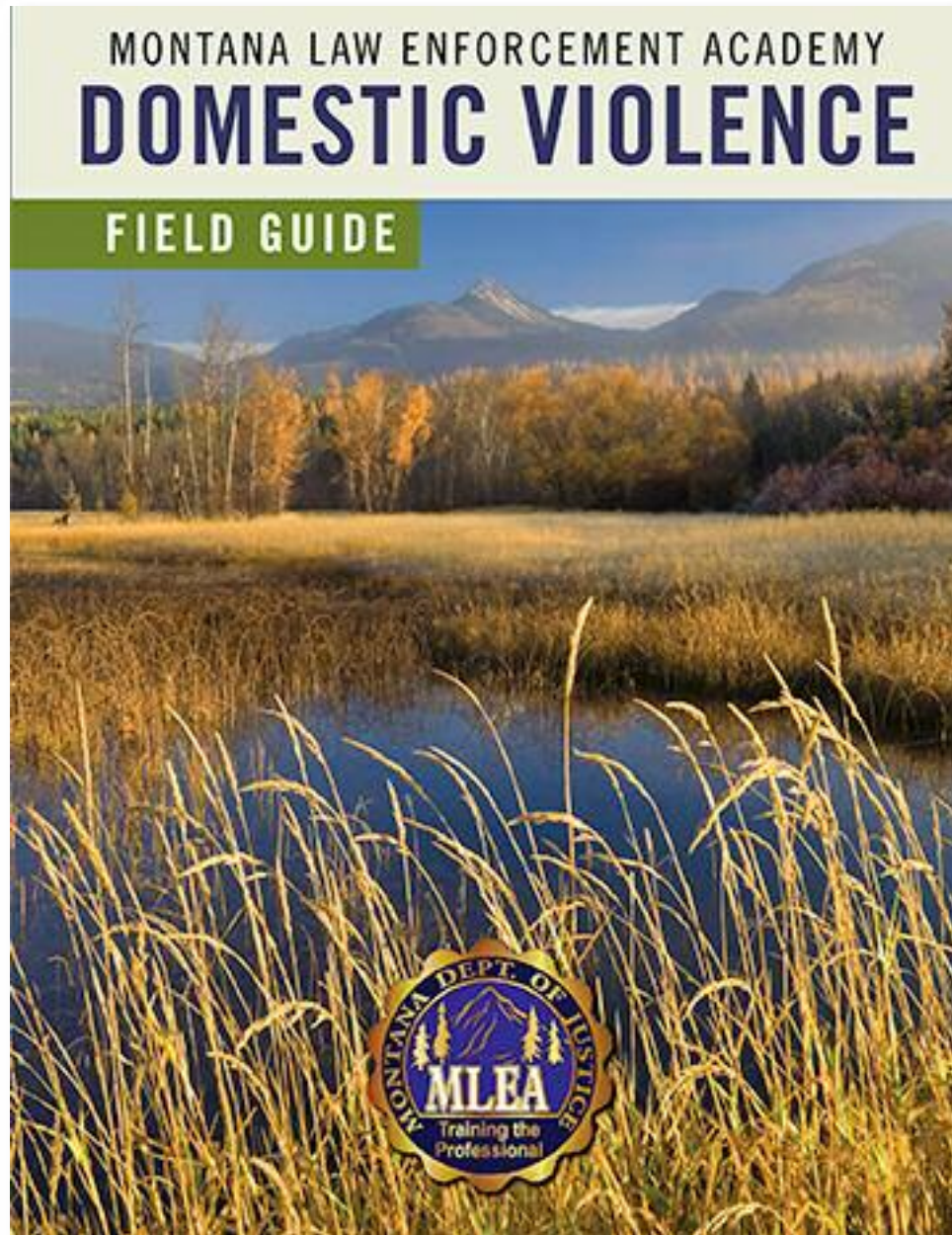
To summarize, key considerations when reviewing Indian County IPH deaths include:

1. It is essential that at least one Native American sit on the fatality review team. That member serves as an ambassador to the tribal community, opening doors and reducing suspicion. They also serve as an intermediary for contacts with Reservation residents, particularly family members. In

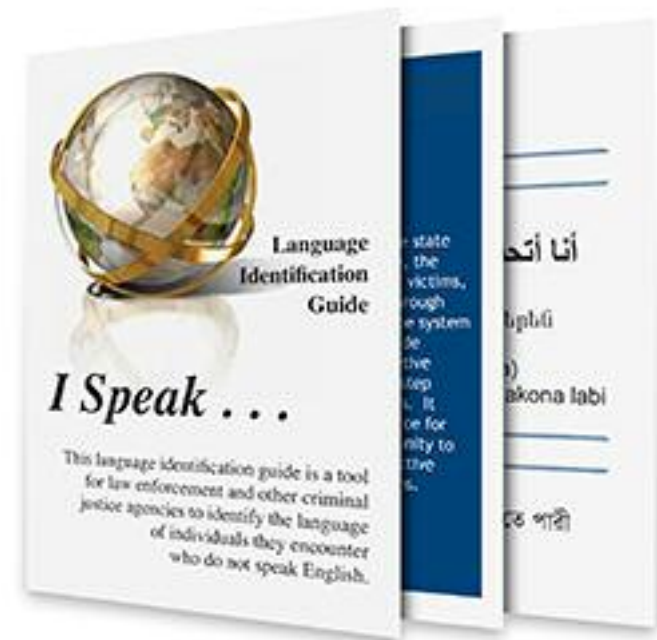
most reviews a liaison is not necessary; in Indian Country it is essential.

2. A federal law enforcement or criminal justice representative on the team makes navigating the federal system and procuring documents considerably easier.
3. Consider travelling to the Reservation community or, at a minimum, providing funding for tribal representatives to travel to the review site.
4. The team should have a sense of history as it prepares—learn from others who have worked with the community in the past. Participants must enter the process as eager to learn as they are to teach. As in all reviews, do no harm is tantamount.
5. Go beyond a “listening tour.” Make a commitment early on to work diligently to implement concrete responses to at least some of what is learned during the review.
6. Take advantage of the efforts of all interested parties—local, state, federal, tribal—to reduce domestic violence deaths on Reservations. Use your report to highlight best practices, regardless of their source, so that other communities and agencies can benefit from their creation and implementation. ■

*Matthew Dale directs the Office of Consumer Protection and Victim Services within the Montana Department of Justice. He coordinates the work of the state's fatality review team and also serves as a national consultant for NDVFR.*



- ◀ Montana Law Enforcement Academy Domestic Violence field guide
- ▼ “I Speak” language identification tool



## How to Get Help if You are a Domestic Violence Survivor and Have Problems with the English Language

Having problems understanding, reading, speaking, or writing the English language means you have “limited English proficient (LEP).” There is a law that says people who are LEP can get help with interpretation and translation in some situations. If you are a domestic violence survivor who is LEP, please have someone help you read this fact sheet to learn more.

### What is the law?

The law is called Improving Access to Services for Persons with Limited English Proficiency. It was passed in 2000.

### Who does the law apply to?

The law applies to all agencies and organizations that get federal funding. That means the law applies to most domestic violence victim advocacy organizations. It also applies to most law enforcement agencies, courts and legal services.

### What does the law say?

The law says that all federally funded agencies and organizations must give LEP people “meaningful access” to their services. That means they must offer interpretation and translation. If you are seeking assistance for domestic violence from a federally funded agency or organization and you are LEP, you can get interpretation and translation so that you can get the help you need.

### Does the LEP law matter in Montana?

Yes. The law applies no matter how many or few LEP people an agency or organization serves. Montana has an LEP population. Approximately 6% of people living in Montana speak a language other than English. Among the most common non-English languages are Spanish, German and Native North American languages.

### I’m an LEP domestic violence survivor. How does the law affect me?

The LEP law protects you when getting services from any agency or organization that is federally funded. It says that you deserve the same kinds of services from an agency or organization as a person with very good English skills receives. This means that the agency or organization should interpret or translate for you in order to give you those services. For example, if you want to attend a support group at a domestic violence organization that is in English, the organization should provide interpretation so that you can participate in the group.

### What resources are available to help me?

Language Line Services is a telephone service that provides translation and interpretation for a fee. Agencies and organizations can use Language Line Services to get interpretation and translation for you. Language Line Services can be reached at 1-800-752-6096. Some agencies in Montana, such as law enforcement, can use a Language Line Services account that is paid for by the Montana Department of Justice (DOJ). Please contact Joan Eliel at 406-444-5803 for DOJ account details.

The “I Speak” card is a resource that allows LEP clients to identify their language to agency staff who can then arrange for interpretation and translation services. “I Speak” cards are free and can be obtained from either DOJ or MLSA (see below).

There are free brochures about your rights under the LEP law in many different languages. You can find the brochures at: <http://www.lep.gov/dojbrochures.html>.

### For more information, please contact:

Christine Mandiloff, Attorney  
Montana Legal Services Association  
616 Helena Ave., Ste. 100  
ph: (406) 442-9830 x 31  
or 1-800-666-6124 x 31  
fax: (406) 442-9817

*This fact sheet is meant to give basic legal information, not legal advice about your problem. The law changes often and each case is different. This fact sheet may not apply to your problem. You should not rely on it only. Please talk to an attorney about your problem.*

## Tribal Law & Order Act Background

Indian reservations nationwide face violent crime rates more than 2.5 times the national rate. Some reservations face more than 20 times the national rate of violence. More than 1 in 3 American Indian and Alaska Native women will be raped in their lifetimes, and 2 in 5 will face domestic or partner violence. The Department of Justice has also found that at least 86% of rape and sexual assault perpetrators are non-Indian.

Federal laws limit the authority of Indian tribes to punish Indian offenders to no more than 1-year imprisonment, and force reservation residents to rely on federal (and in some cases state) officials to investigate and prosecute violent crimes on Indian lands. However, over the past 5 years, federal officials have declined to prosecute 50% of alleged violent crimes in Indian country, including 75% of alleged sex crimes against women and children.

Fewer than 3,000 Bureau of Indian Affairs and tribal police patrol more than 56 million acres of Indian lands. Foreign drug cartels are aware of the lack of police presence on Indian lands and are targeting some reservations to distribute and manufacture drugs.

The Tribal Law and Order Act takes a comprehensive approach at addressing these shortfalls by establishing accountability measures for federal agencies responsible for investigating and prosecuting reservation crime, and by providing tribes with additional tools to combat crime locally.

National Congress of American Indians

### Some major provisions of the Tribal Law and Order Act include:

- **Evidence sharing and declination data:** Requires federal prosecutors to maintain data on criminal declinations in Indian country, and to share evidence to support prosecutions in tribal court.
- **Tribal Court sentencing:** Increases tribal court authority from 1 to 3 years imprisonment where certain constitutional protections are met.
- **Federal Testimony:** Requires federal officials who work in Indian country to testify about information gained in the scope of their duties to support a prosecution in tribal court.
- **Improves transparency** in public safety spending by the BIA, and requires greater consultation on the part of the BIA to tribal communities on matters affecting public safety and justice.
- **Increased sexual assault training** and standardized protocols for handling sex crimes, interviewing witnesses, and handling evidence of domestic and sexual violence crimes in Indian country.
- **Authorizes Deputization of Special Assistant U.S. Attorneys** to prosecute reservation crimes in federal courts, and encourages federal courts to hold cases in Indian country.
- **Increases Deputizations of Tribal and State Police to Enforce Federal Law:** Enhances Special Law Enforcement Commission program to deputize officers to enforce federal laws on Indian lands.
- **Authorizes the Drug Enforcement Agency to deputize** tribal police to assist on reservation drug raids.
- **Increases recruitment and retention efforts** for BIA and Tribal Police.
- **Expands training opportunities** for BIA and Tribal police to receive training at state police academies, and tribal, state, and local colleges—where federal law enforcement training standards are met.
- **Tribal Police Access to Criminal History Records:** Many tribal police have no access to criminal history records. The Act provides tribal police greater access to criminal history databases that provide them with essential information when detaining or arresting a suspect.
- **Programmatic Reauthorizations:** The Act reauthorizes and improves existing programs designed to strengthen tribal courts, police departments, and corrections centers—as well as programs to prevent and treat alcohol and substance abuse, and improve opportunities for at-risk Indian youth.

## UNIVERSAL STRATEGIES FOR SAFETY:

### Determine the dangerousness and lethality in each case.

Each professional in the system is responsible for working to prevent harm, which requires exploring and understanding the risk factors in each case. Conversations about risk should focus on the victim's perceptions regarding her and her children's safety and include a discussion about the effect the protection order process may have on the victim's safety. In assessing for risk, professionals should pay particular attention to dangerousness indicators such as whether perpetrators are engaging in stalking behaviors or have access to firearms.

### Facilitate issuance of protection orders that provide the broadest relief allowable under state or tribal law and as requested by the petitioner.

A carefully crafted protection order responds to the needs of each victim and is more likely to be enforced in its entirety. Victim safety depends on both the presence of social, economic, psychological, and emotional security and the absence of physical and sexual violence.

### Facilitate prompt service and enforcement of those orders.

When civil protection orders are not consistently enforced, perpetrators may be emboldened rather than deterred in their violence. Having a protection order that is not consistently enforced can, in effect, give a victim a false sense of security and increase the safety risks for her. Protec-

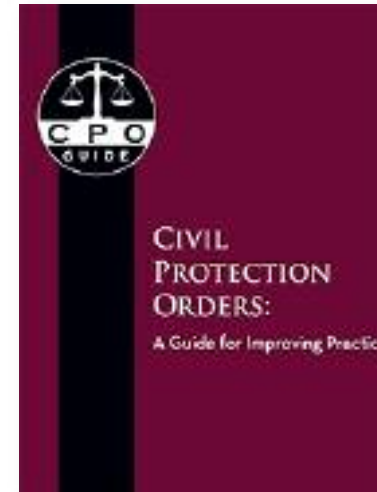
tion orders promote safety best when they can be enforced within the issuing jurisdiction and across jurisdictions, including tribal, state, military, and maritime boundaries. Professionals who are knowledgeable about barriers to enforcement can develop ways to eliminate those barriers.

### Consider the impact of child custody.

For many victims of domestic violence, children are central in the decision to stay or leave an abusive relationship. Given the impact of domestic violence on children, the overlap of domestic violence and child maltreatment, and the degree to which perpetrators use children to control and threaten victims, professionals should act to protect children as well as victims throughout the protection order process. A protection order process that prioritizes safety addresses child custody, visitation and support.

### Maintain victim confidentiality throughout the process.

A perpetrator may use information obtained through the protection order process to abuse the victim. Therefore, a system focused on victim safety should establish procedures at every level to protect victim information and limit the collection of identifying data to that which is necessary. Consider safety concerns from a broad perspective that includes victims, communities and system professionals. Domestic violence affects not only the lives of the individuals involved, but also the safety of system professionals and others within the larger community. Therefore, professionals throughout the protection order system should incorporate strategies that integrate a broad safety plan into policies at every level.



Originally published in *Civil Protection Orders: A Guide for Improving Practice*

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A full text version of this guide is available at  
[http://www.ncjfcj.org/images/stories/dept/fvd/pdf/cpo\\_guide.pdf](http://www.ncjfcj.org/images/stories/dept/fvd/pdf/cpo_guide.pdf)



## Family Violence Option Fact Sheet

### What is the Family Violence Option?

The Family Violence Option (FVO) is a special provision for domestic violence survivors who are recipients of Temporary Assistance for Needy Families (TANF). The FVO helps survivors stay safe and become self-sufficient while complying with TANF requirements like child support enforcement and required work activities.

### How Can the Family Violence Option (FVO) Help?

- **Screening and Notification:** Under the Family Violence Option, TANF case managers screen and identify survivors of domestic violence. All TANF-eligible applicants receive notification of the FVO through the Universal Notification Form.
- **Referrals:** All TANF participants who disclose that they are experiencing family violence receive a referral to their local domestic violence agency.
- **Child Support Enforcement:** In some cases, domestic violence survivors may be able to get a good-cause exemption from child support collection. This exemption is available for survivors who would be in danger if they disclosed their location or attempted to collect child support.

- **Work Activities:** Domestic violence survivors may be able to count domestic violence counseling or other activities necessary for safety or job readiness towards their work activity requirements.
- **Time Extensions:** TANF participants who are experiencing domestic violence may be able to extend their benefits past the 60-month lifetime timelimit.

### Questions about the FVO?

Contact your local Office of Public Assistance.

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*Fact Sheet Created by: Kelly Hart, Domestic Violence Economic Advocate, Montana Legal Services Association*



## Hope Cards

The Hope Card allows someone who has been granted an order of protection in one jurisdiction to easily prove it in another jurisdiction.

The Hope Card lets law enforcement know that there is a valid, permanent order of protection in place. In case of a potential violation of an order, a law enforcement officer can refer to the Hope Card for more information.

- A Hope Card is not a substitute for an order of protection.
- The card includes relevant information related to a valid permanent order of protection.
- It is small and durable, and can be easily carried in a wallet, pocket or purse.
- Hope Cards are not issued for temporary orders of protection.

In Montana, Hope Cards are issued by the Crow Tribal Court, the Confederated Salish and Kootenai Tribal Court and the state of Montana. While the cards differ slightly, they must be recognized by law enforcement officers throughout the state.

### Features

The Hope Cards issued by the state of Montana contain information about the protected person and the order:

- the protected person's name, birth date, sex, race and height

- the case number listed on the permanent order of protection, the issuing court and county, the date it was issued and any expiration date

The card provides information about the person named in the order, and any children or other individuals who are also protected under the order:

- the respondent's photo, name, birth date, sex, race, eye and hair color, height, weight and any distinguishing features like scars or tattoos
- the names and birth dates of any children or other individuals who are also protected under the order

### How to Request a Hope Card

Hope Cards are available to anyone with a valid, permanent order of protection. Cards will also be available for any children or other individuals covered by the order. You may request more than one card per individual if, for example, you wish to provide one to a child's school and another to the child's after-school care program.

### Contact

For additional information about the Hope Card program, contact:

Joan Eliel, Hope Card Administrator  
Office of Victim Services  
(406) 444-5803  
E-mail: [jeliel@mt.gov](mailto:jeliel@mt.gov)

RESPONDENT	
<b>JOHN DOE</b>	
	DOB: <b>01/01/1980</b>
	Sex: <b>Male</b>
	Race: <b>White</b>
	Height: <b>5'11"</b>
	Weight: <b>170</b>
	Eyes: <b>Brown</b>
	Hair: <b>Brown</b>
Scars/Marks/Tattoos:	
<b>Tattoo on Left Shoulder</b>	
Protection Order	
This card certifies that the person named on the back of this card has a Protection Order on file with the State of Montana against the individual listed above. Violation of the Protection Order, even if invited, is a misdemeanor under §§ 45-5-220 and/or 45-5-626, MCA. Pursuant to Title 18 USC §2265 (a), Protection Orders issued by outside jurisdictions shall be provided full faith and credit.	

State of Montana	Petitioner
County: <b>Carbon</b>	<b>JANE DOE</b>
Court: <b>Justice Court</b>	DOB: <b>01/01/1980</b>
Case No.: <b>123456</b>	Sex: <b>Female</b>
Issued: <b>04/01/2010</b>	Race: <b>White</b>
Expires: <b>04/01/2012</b>	Height: <b>5'6"</b>
Other People Protected by this Order:	
<b>KATELYN DOE</b>	DOB: <b>02/14/2001</b>
<b>JODIE DOE</b>	DOB: <b>07/24/2003</b>
Law Enforcement Must Verify This Order with Local Dispatch	

## Domestic and Sexual Violence Services of Carbon County

Abuse in teen dating relationships is prevalent throughout the U.S.; statistics in rural and frontier communities are similar to those in more urban areas. Recent Montana Youth Risk Behavior Survey results indicate that 13% of teens in Carbon County have been hit, slapped or physically hurt on purpose by a boyfriend or girlfriend during the past 12 months. A significant number, 11.4%, also report having been forced to have sex. In addition to physical violence, verbal and emotional abuse among dating partners—including spreading rumors and demonstrating intense jealousy and possessiveness toward a girlfriend or boyfriend—are also common.

Domestic and Sexual Violence Services of Carbon County (DSVS) has been providing violence prevention programming to students for several years, but came to the conclusion that existing prevention curricula, primarily created in urban centers, didn't “speak” to teens living in very rural communities because of their urban messages, strategies and images.

The goal of the DSVS initiative was to create a comprehensive, evidence-based ‘toolkit’ for teen dating violence prevention that is specifically relevant for 7th-9th graders in rural and frontier communities. Products include curricula and complementary activities for students and youth-serving adults and a train-the-trainer curriculum. Project partners hope to share the final product with rural and frontier communities throughout the West that want to address this issue but don't

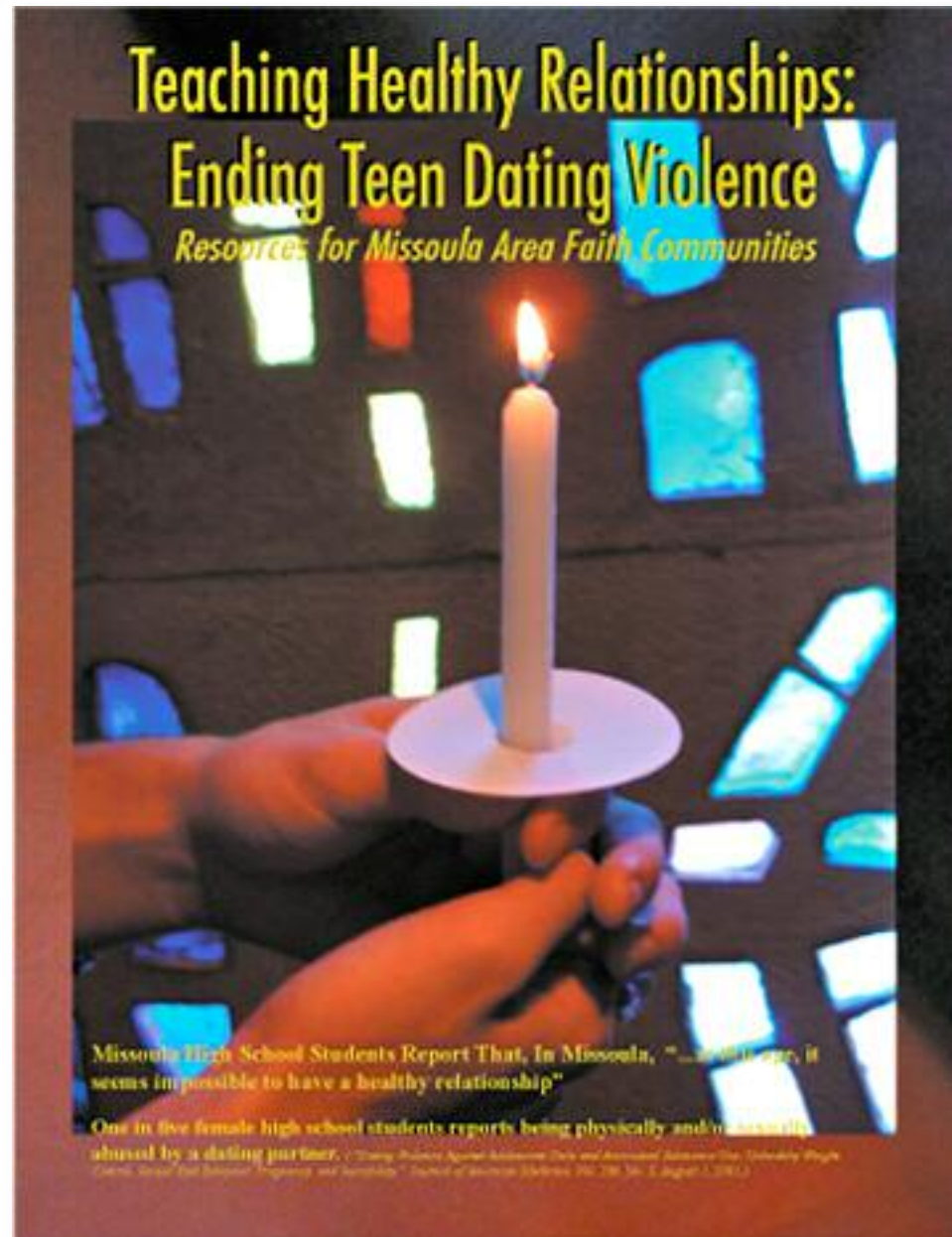
have the appropriate resources to do so. Several partners collaborated with DSVS on this work, including schools in Carbon, Stillwater and Yellowstone Counties, the Boys & Girls Club of Carbon County, and a dedicated group of teens and adult mentors who serve on a Teen Dating Violence Prevention Steering Committee.

Domestic and Sexual Violence Services of Carbon County (DSVS) began serving survivors of domestic, sexual and teen dating violence in 1999. DSVS is committed to addressing violence not only as a criminal issue, but as a health issue that impacts individuals, families and communities. In addition to providing emergency and longer-term support and services to survivors of violence, DSVS engages in extensive violence prevention work with youth and youth-serving adults in order to break the cycle of violence.

*For more information about DSVS and its work, please call 406-446-2296 or go online to [www.dsvsmontana.org](http://www.dsvsmontana.org)*



Teaching Healthy Relationships:  
Ending Teen Dating Violence Resources  
for Missoula Area Faith Communities



**HER LIFE WAS SHATTERED BY ABUSE. AND THEN, A FRIEND CALLED.**

If someone you care about is being abused, there is a way to help. Too often our silence prevents the people we care about from finding safety. Make the call that has helped over a million domestic violence victims -- break your silence before something else gets broken.

**NATIONAL DOMESTIC VIOLENCE HOTLINE**

**BREAK THE SILENCE  
MAKE THE CALL**

**1-800-799-SAFE**  
(TTY: 1-800-787-3224)

This message brought to you by the  
Texas Council on Family Violence  
Sponsored by the Office of The Texas Attorney General.

**TO GET INVOLVED?  
IMAGINE HOW YOUR ABUSED  
FRIEND FEELS.**

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FROM FINDING HELP.**

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**ONE SIMPLE  
PHONE CALL  
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ALL THE  
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PRODUCED BY THE MONTANA DEPARTMENT OF JUSTICE,  
OFFICE OF CONSUMER PROTECTION AND VICTIM SERVICES

MATTHEW DALE, EXECUTIVE DIRECTOR

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