

Blackfeet Nation Tribal Court Domestic Violent Offenders Programme

BACKGROUND

The Blackfeet Nation Tribal Court Domestic Violent Offenders Programme aims to ensure a culturally specific and appropriate response to domestic violence within the Blackfeet tribe in Montana.

The Blackfeet are a tribe of Native Americans that are now primarily settled within a reservation in north central Montana, United States. This location was forcibly asserted onto the people and much of their own culture disrupted when the United States government expanded into the Louisiana Purchase in the 1900s. At present the primary city and centre of government of this reservation is Browning, Montana, population 20,000. The location of the city is in a remote area far from any population centre larger than itself. The city experiences a crime rate at 5 times that of surrounding cities, not part of the reservation system. Crimes include a high rate of drug and alcohol abuse, theft, and an extremely high rate of domestic violence. The unemployment rate of the city is 75%, roughly 4 times that of the surrounding area. Although literacy rates are relatively high compared with populations of similar economic and crime levels around the world, economic opportunity and optimism remain extremely low. Despondency and lack of identity are most often offered as primary reasons for high rates of drug and alcohol dependency and other crimes, including domestic abuse and violence against women.

Craig Falcon is a member of the Blackfeet tribe. He grew up in the American military in several different cities, primarily in the California area. His family moved to the reservation in Browning after retirement. His background is as a member of the community in heritage as well as physical location. This grounding within the community has given Falcon a legitimacy that others respond to in his implementation of the programme.

Craig Falcon initiated the Tribal Court Domestic Violence Offenders Programme in 1998. The initial funding was provided through the Blackfeet Nation tribal court via a United States Federal Block Grant. After the first year this grant was discontinued and the tribe itself now wholly funds the programme.

APPROACH

The programme itself is legal in nature. The Blackfeet tribe operates a court that is autonomous from the legal jurisdiction of the United States government. Offenders within the tribe arrested on domestic abuse charges are assigned to Falcon for rehabilitation and probation. Additionally some volunteer to participate of their own volition. Falcon operates a workshop and does personal counselling with these men. The process consists of several months of classes. Drug and alcohol testing is done regularly. Professional therapy and legal remedies are available (at the expense of the tribe) if the initial educational process proves to be ineffective.

Although the programme itself is targeted just at male offenders, Falcon has found himself in the position of being a confidant for numerous women within his community. This is not an official capacity but has helped him better address the issue at all levels.

Falcon was solely responsible for the establishment and implementation of the programme. As models he looked to Cangleska, Inc. and the Duluth project. In these organisations he found structures that had proven effective for working with violent offenders against women within the Native American culture.

Falcon's programme consists of a long process of classes and education for offenders assigned to him by the tribal court. Participation is mandatory. In addition to standard dialogue regarding proper behaviour for males within his community, he also makes a vigorous attempt to involve his subjects in the positive cultural events of his people. Falcon feels these aspects of his programme are the most effective means of intervention and prevention of repeat offences. His traditional culture taught that violence against women was not to be tolerated, a concept that has been lost to a degree with the disruption of his people's heritage. In their history the other men of the tribe dealt with men who committed VAW, often quite harshly. Men were beaten and (in extreme cases) killed by their families or surrounding people. He stated that teaching his subjects of this history is enlightening and empowering. He has seen numerous individuals change their perspectives on their place within their culture when exposed to this history. He was adamant that he felt no other method would be as effective for people with similar histories and cultural heritage.

Falcon's programme has good data on its own effectiveness. As it is a sanctioned legal system, a database exists of offences so that repeat offenders are known to him both within his community and from criminal databases for those that might come from outside his jurisdiction. He stated that 50% of his subjects after completing the programme did not have repeat offences, and further that many would go on to become effective leaders and participants within the tribe's cultural events and in their own families.

For those individuals that were repeat offenders, Falcon has in place a system of drug and alcohol abuse testing. He stated that this type of additional abuse was easily demonstrated as a contributing factor in over 90% of those offenders not easily rehabilitated. His work has taught him that such substances become a device or excuse for the disillusionment caused by the economic condition of his community and would often lead to violent displays by those using them for these reasons.

Falcon's position as a legal officer of the court offers him a final recourse of action that may not be enjoyed by others attempting to run such programmes. If his subjects do not respond to his treatment he has the option of seeing them incarcerated or otherwise punished through legal means. This authority gives him a degree of leverage beyond that of a group operating outside of the legal system itself.

CHALLENGES

Falcon states that his primary obstacles have surprisingly manifested themselves in the form of politics. He stated that within his community many of the male elders and leaders might actually be predisposed to believe that VAW is to be the accepted status quo. He further stated that some of these men enjoy the protection of the legal system under which he operates. Not being able to enforce his programmes with equanimity was quite obviously a large frustration for him. The Native American culture very much values the position of elders as role models for the younger members. He finds that teaching the cultural values of his people can be undermined by the attitudes of the leaders mentioned above. He also equated this problem to one of his culture being converted from one of matriarchal origins to that of a patriarchy. This conversion, he says, was initiated through racial and

oppressive governmental programmes to subdue, assimilate, and ultimately potentially eliminate his people as a whole. Accommodating the racial and cultural aspects inflicted on his subjects and their ancestors into the intervention and prevention process are absolutely fundamental in the process of their rehabilitation.

ORGANISATIONAL REFLECTION

Falcon is very much aware of his own stake in his work and he deeply cares about what he is doing. In a short time Falcon has shown a remarkable and rapid success in the implementation and the effectiveness of his programme. This is primarily due to his fundamental understanding of the problem from the beginning of the process. In identifying the needs of his people he was able to target existing structures from which to learn and convert them into an effective programme of his own. In this he was able to run an effective programme immediately without the trial and error often associated with the intervention process. The legal authority of his position is certainly an asset in his ability to perform his job.

A vast majority of abusive men have a tendency to be manipulative and rationalise their behaviour as either justified or not their fault. Mr. Falcon patterned his programme after other Native American models with this in mind. Not only did they offer him more flexibility in incorporation of his particular cultural traditions and ceremonies into the recovery process, but they also made clear to participants that blaming others for their failings in the context of the process was simply not possible.

Mr. Falcon had very clear goals for his programme. His vision was that through giving his community a base in culture, many of the detriments that ravage it; crime, drugs, etc., would be eliminated in themselves through the self-respect and focus his people would gain.



SUMMARY

The Blackfeet nation programme seems to be successful because they target perpetrators who are already within the criminal justice system, and who have an impetus to accept an alternative rather than incarceration.

This model sees rehabilitation of perpetrators as not only a possibility, but also the main point of the programmes. Many times, perpetrators become positive role models, facilitators and change agents on their own. It has been noted that 'The least repeat violence was found among men who were arrested and ordered to treatment, followed by men who were arrested but not ordered to treatment, with the highest amount of repeat violence among men who were not arrested.'²³

The incorporation and assimilation of Falcon's subjects into the traditional heritage of his people is the key to his success. Because his people had been oppressed and subjugated by European culture, many of his people logically held an antagonistic view of most things that might originate within that culture even today. Since many of his subjects were manipulative in nature, he did not wish to give them the excuse of suborning his programme and teachings to yet another means of oppression by those same people. By using a model from his own culture, Mr. Falcon has forced his subjects to face their violence against women for what it is with no excuses.

Falcon's position as an officer of the court gives him additional power within his scope of work.

The Blackfeet nation programme is located within a specific community, and run by an individual with deep roots within the community. The organisation has an entire structure of support and has the mandate of an entire tribe behind him.

Falcon's use of the move to the patriarchal nature of the Blackfeet as a direct result of colonial domination is an extremely valuable example. When men are exposed to the history of *how* they came to be in power, it exposes and links patriarchal experiences to other dominating forces that men, particularly men of colour, are aware of and struggle against.

The Blackfeet nation programme seems to be successful because they target perpetrators who are already within the criminal justice system, and who have an impetus to accept an alternative rather than incarceration.



NEW WOMEN'S MOVEMENT

• SAUS