



Nebraska Tribal Human Trafficking Listening Sessions Report

INTRODUCTION

Under the grant project OVC-2020-18412 *Improving Outcomes for Child and Youth Victims of Human Trafficking Support for Youth Victims of Human Trafficking in Nebraska*, the Nebraska Indian Child Welfare Coalition (NICWC) conducted an assessment of the current state of human trafficking in tribal communities via listening sessions with each of the four tribes in Nebraska: the Omaha Tribe of Nebraska and Iowa, the Ponca Tribe of Nebraska, the Santee Sioux Nation, and the Winnebago Tribe of Nebraska. This report summarizes the feedback from each session, identifies key needs and follow-up, and sets forth a plan of action.

The resounding note from every tribal listening session was an awareness that human trafficking cases are occurring in each tribal area, despite low reporting numbers, and the overarching fear and concern was for the safety of their youth in the community. While this grant focuses on outcomes with older youth, in speaking with the tribal communities, there is a general state of needing to try to understand and respond to trafficking overall. Additionally, at each tribal listening session, participants shared there is a need to move toward a preventative and awareness approach to human trafficking overall instead of just a reactionary and responsive approach. The Improving Outcomes grant program can address efforts to raise awareness, however it does not include prevention, which may be an area for other programs and/or funding to address.

PARTICIPATION AND METHODOLOGY

Four listening sessions were conducted between September 2022-January 2023, with each of the four tribes headquartered in Nebraska. A fifth listening session included representatives working in Indian Country from the U.S. Attorney's Office and the FBI.

In the interest of time and out of respect for the attendees' busy schedules, the sessions lasted for 90 minutes to 2 hours (depending on participant availability). Participating offices and service providers included tribal court judges and staff, domestic violence program staff and victim advocates, tribal human/social services programs, child welfare staff, federal law enforcement officers, and tribal probation officers.

Questions to lead the discussion were divided into three focus areas: identification of trafficking survivors, response to trafficking cases, and resource needs for communities and programs. The discussion was facilitated by NICWC's Executive Director, Misty Flowers; Tribal Liaison, Kitty Washburn; and Tribal Trafficking Resource Specialist, Kirby Williams.

RESULTS

The following is a summary of the information gathered from each listening session, with key findings and takeaways from the discussions. The report presents the key findings for each of the listening sessions.

Santee Sioux Nation

The Santee Sioux Nation is located in northern Knox County, Nebraska, on the Santee Reservation near Niobrara, Nebraska. According to 2018 census estimates, 690 Native Americans live on the Santee Reservation. Criminal jurisdiction is exercised by the tribal and federal governments.

Identification:

The overarching discussion included countless stories within the community of human trafficking cases occurring but a significant lack of reporting or accessing services due to fear and other barriers. Circumstances of concern included the regular occurrence of strange vehicles from out of town entering the small community and noted stalking situations of workers and casino patrons from outside of the community following and tracking local women and children. In response, local community elders and relatives have taken to waiting outside of an establishment for their loved ones to head home and accompanying the loved one to ensure they get home safely and alone. In addition, reports of older youth prompting young children to go into homes and steal items (such as cash, cigarettes, etc.) for the older youth have become a common occurrence, leading parents of the young children to file for restraining/protection orders against the older youth. It was also reported that there have been several instances of parents exploiting (referred to as “pimping” by participants) their young children in exchange for drugs. There have also been several reports of parties, drawing in local and out-of-town youth, being hosted on the reservation resulting in extreme acts of violence, abuse, and assaults. Participants mentioned several times a rising concern about the general impacts of social media and cell phone access in relation to trafficking, abuse, and exploitation.

Outside of general community accounts, cases of human trafficking, child exploitation, and intimate partner violence are often reported or disclosed through community and family/relative referrals to tribal agencies. Oftentimes, victims are seeking services unrelated to their victimization and eventually disclose their experiences. However, there is typically “not enough evidence” for federal charges, resulting in a dropped case or a lesser charge in tribal court. Community intervention programs will often place flyers throughout the community, but there have been noticeable efforts by outsiders in the community to tear down human trafficking resource flyers, especially at the Ohiya Casino, located on the Santee Reservation.

Noted concerns with overall community attitudes towards human trafficking and intimate partner violence included: perceptions that a significant other is “property” by young individuals in relationships, the normalization of abuse and physical violence in relationships (sometimes referenced as “Indian Love”), and a lack of willingness for community members and leaders to address these concerns unless they or their loved ones are directly impacted.

Response:

When cases are declined/dropped and accountability and justice are not fulfilled, known perpetrators are reported as “walking around high and mighty” with a smugness that they’ve “gotten away with ruining someone’s life.” Listening session participants expressed concern that perpetrators, abusers, and traffickers feel untouchable and, therefore, able to carry on with harmful behavior. Due to the limited domestic violence program staffing and resources, victims will often contact the program once for resources but not continue with any follow-up or further assistance beyond the initial contact. There was also a noted lack of inter-agency coordination between tribal service providers and federal government agencies. The standard response to intimate partner violence concerns in the community is to provide referrals to the victim. Advocacy and assistance are limited due to capacity, which leaves the responsibility for the follow-up to the victim.

There is a standard between the tribal court and local police department for the local domestic violence program to be immediately called in intimate partner violence cases. It was noted, however, that the full process for charging perpetrators with acts of violence, holding perpetrators accountable, providing access to victim services, etc., can oftentimes take weeks to address a single case. This leaves victims in limbo, waiting for necessary assistance, and often results in counterproductive, negative coping behaviors to address trauma, such as substance abuse.

It was noted that most of the individuals currently on probation in the community had struggles related to substance abuse. In cases where substance abuse is related to victimization, the responsibility again falls on the victim to communicate their circumstances and needs to a tribal court judge for consideration, although court advocacy and assistance to support the victim in this setting is rare. No substance abuse treatment facilities/programs or domestic violence shelters are currently active on the reservation, with the closest locations being at least 90 to 120 minutes away.

Cross-jurisdictional cooperation and communication were described as extremely limited or rare. A continued lack of capacity for tribal programs and law enforcement (due to lacking staffing and resources) has left significant gaps in follow-up and response to community concerns. Jurisdictional barriers and resulting federal requirements have placed undue hardship on community agencies and limited appropriate response. One specific example that was relayed involved the suicide death of a community member resulting in waiting 8 hours for the FBI to show up to respond. The already limited local police department was forced to stay with the body to wait for the FBI and forensic teams

to show up from Sioux City, IA, and Omaha, NE (a respective 1.5-hour drive and 3.5-hour drive one-way from each location to Santee, NE), causing prolonged confusion, trauma, and despair for the community and relatives of the deceased. While there is specific federal training that tribal law enforcement would like to take advantage of to avoid this issue, lack of resources and staff capacity prevent it.

The most significant reported barrier to responding to violence in the community was that local law enforcement, tribal court, human services providers, and all other programs in the community are severely overworked and understaffed, primarily due to lack of funding, a limited number of people, and increased requirements set forth by off-reservation state and federal agencies. These requirements often include advanced educational degrees, continually increasing training hours, meeting excessive job qualification criteria, clean criminal records, etc.

Tribal Code:

There was a resounding sentiment that the tribal code for the Santee Sioux Nation needs a thorough review and update. One positive aspect of the tribal code was a provision stating that Child Family Services and/or the domestic violence program must be present before other local agencies may speak with/interview child victims. An immediate necessary update suggestion to the tribal code is to amend that a 24-hour waiting period is enacted before filing a formal report for a missing adult; there is no waiting period to report a missing child. It was also reported that there is no language or provision relating to human trafficking in the current tribal code, and therefore the community must rely on federal law enforcement and prosecution.

Needs:

The following needs and suggestions were offered in relation to the above information:

Community:

- The need for a traffic light or other entity to slow down and take pictures of the license plates of vehicles to monitor vehicles that pass through the Santee community.
- The need to develop curriculum and community awareness education regarding the indicators of human trafficking for the community overall and especially for youth.
 - Need to identify the appropriate age to begin teaching young children and youth in the community about the dynamics of trafficking.
 - Suggestion to find a way to standardize and implement the age-appropriate curriculum in local schools regarding consent, intimate partner violence, etc.

- Suggestion to organize and host a “mandatory youth trafficking awareness conference” open to young people, community members, and service professionals in the tribe to provide hands-on scenarios, video examples, survivor stories, and other information regarding dynamics and responding to human trafficking.
 - Suggested that door prizes, providing a meal, and t-shirts were good ways to increase attendance in the community.

Agencies and Service Providers:

- The need for screening tools and questionnaires related to human trafficking and training on their usage.
- Collaborative inter-agency coordination and dialogue regarding assisting intimate partner violence, child abuse/exploitation, and human trafficking victims and survivors to ensure proper referrals between agencies are taking place.
- The suggested best format for providing pieces of training to community service providers was through virtual video content, preferably uploaded in one-hour segments.
- Addressing issues related to limited staff capacity and resources and removing non-relevant job requirements that limit the ability to hire.

Follow-up Recommendations:

- Identify technical assistance agencies/opportunities to help address inter-agency communication and collaboration.
- Record training videos relating to human trafficking, intimate partner violence, etc., focusing on dynamics, indicators, and proper response.
- Organize and host a community-wide, yearly human trafficking conference with awareness information, scenarios, videos, survivor stories, etc.
 - Culturally relevant incentives to promote community attendance should include door prizes/giveaways, t-shirts, and a meal.
- Identify tribal code issues and process for amending tribal code, with necessary education facilitation on the process to relevant parties (i.e., tribal council, tribal court, etc.)

Winnebago Tribe of Nebraska

The Winnebago Tribe of Nebraska is located in Winnebago, Nebraska, in Thurston County and Dixon County, Nebraska, and Woodbury County, Iowa, on the Winnebago Tribal Reservation. According to 2018 census estimates, 1,844 Native Americans live on the Winnebago Reservation. Criminal jurisdiction is exercised by the tribal and federal governments.

Identification:



Human trafficking and intimate partner violence case referrals reach the tribal children and family services (CFS) department, tribal court advocates, and/or domestic violence program through tip line calls, police reports, inter-agency referrals, and community and family/relative referrals. Advocacy typically starts when tribal police begin an investigation. The police department's victim advocate is usually a case's first point of contact. Additional advocacy services are available for follow-up from the tribal court victim advocates, tribal CFS providers, and/or the tribal domestic violence program advocates.

Reported circumstances affiliated with human trafficking cases in the community include the influence of trafficking rings from the Sioux City, IA area and other metropolitan areas recruiting and exploiting individuals in the Winnebago tribal community, survival sexual exploitation including sex in exchange for money, drugs, and basic human necessities such as housing, and specific "party" houses in the community with significant foot traffic from inside and outside of the reservation. There was a noted trend by the Human Services and CFS departments of families in the community with intergenerational contact with CFS having a higher risk for vulnerability to exploitation and abuse. A resounding sentiment from all participants was the prevalence of abuse and intimate partner violence cases as the first means of contact for tribal programs, with suspected trafficking or trafficking victimization that was later disclosed due to shame and fear. Participants mentioned several times a rising concern about the impacts of social media, game chat rooms, and cell phone access in relation to trafficking, abuse, and exploitation.

Parents and school systems in the community have noticed an increase in children and youth with access to money but are unaware of where the money came from. Community service providers reported an awareness that more cases are happening in the community that are being reported and that there is a significant need to educate and encourage the community members to report and hold perpetrators accountable. It was also noted that education regarding where parents, relatives, and community members can turn to for help in addressing human trafficking was a significant need.

Response:

Overall, participants reported some form of inter-agency collaboration within the tribal community programs, with a noted need for more formal meetings to take place to encourage communication and collaboration. The standard procedure for addressing a youth human trafficking case is for tribal law enforcement and the FBI to be involved from the start, with follow-up assistance from tribal court victim advocates, tribal CFS providers, tribal domestic violence program advocates, and other community programs as needed. Staff with the tribal court noted a reliance on local CFS and law enforcement agents to keep up with their respective individual staff training in order to recommend appropriate services to the court as part of mandated in court orders.

All tribal programs reported a need for more screening tools regarding human trafficking and related training on identifying and assisting human trafficking victims.

Suggested outlets for collaboration and training included the local tribal youth crisis shelter, local tribal hospital, and local school system staff, in addition to CFS, domestic violence program, tribal court, and police victim advocates.

The most significant issue regarding responding to human trafficking in the community was staff capacity. Programs have experienced high turnover rates, and there is a need for consistent and repeated training to ensure that all staff is equipped with important information. Additional noted concerns involved limited staffing and resources for local tribal law enforcement and ensuring proper training and education for responding to victimization cases to ensure appropriate follow-up from other community agencies. Some areas for recommended follow-up discussions with law enforcement included consistency with entering missing person cases and tribal court orders into the National Crime Information Center (NCIC) system, screening all passengers in a vehicle that is stopped off the main highway, especially when youth are present, and ensuring that all victim identification information (such as contact information, addresses, names, etc.) is included for advocates to follow up with services.

Tribal Code and Law & Order:

Overall, it was reported that the tribal code did not present any significant barriers to identifying or providing assistance to human trafficking victims. CFS suggested that the code explicitly mention human trafficking to ensure that cases were covered; human trafficking code language is currently applicable in the context of “sexual assault” and “false imprisonment.” It was also suggested that language for “mandatory screenings” be added to policy statements for agencies in the community. An additional area of concern was the lack of ability for the tribe to prosecute non-Native perpetrators due to federal mandate. Previous work had been completed to meet VAWA provision standards to prosecute non-Native perpetrators but was left stalled with the need for the tribal council to pass a code revision to jury pool selection. It was suggested during the session that efforts to address this concern could be reviewed again in the future.

The most significant barrier regarding addressing human trafficking was a lack of cooperation from city, county, and state law enforcement agencies, particularly the Sioux City Police Department. Inter-agency collaboration with federal agencies, such as the FBI and U.S. Attorney’s office, was noted as working well for tribal programs, especially when agents are involved as quickly as possible. State agencies, however, are severely lacking in enforcing tribal court orders. Reported concerns included Sioux City Police Department not investigating or acting on sexual assault cases involving tribal members in the Sioux City, IA area and an Omaha, Nebraska hospital refusing to perform a sexual assault exam on a 16-year-old victim due to the state’s statute on the age of consent, despite the victim stating they were assaulted.

Needs:

The following needs and suggestions were offered in relation to the above information:



Community:

- The need to develop curriculum and community awareness education regarding the indicators of human trafficking for the community overall and especially for youth.
- Programming specifically developed for parents, relatives, and educators to recognize warning signs and how to navigate and respond to youth human trafficking cases.
 - Curriculum should also include information on safe technology usage, body sovereignty/consent, etc.
- The need for a list of human trafficking-related resources available to the community and Native Americans in Nebraska
 - Specifically noted the need for statewide resources for families that don't feel comfortable accessing assistance within the Winnebago community due to fear or stigma.

Agencies and Service Providers:

- The need for screening tools and questionnaires related to human trafficking and training on their usage.
- Collaborative inter-agency coordination and dialogue regarding assisting intimate partner violence, child abuse/exploitation, and human trafficking victims and survivors to ensure proper referrals between agencies are taking place.
- Consistent and repeat training overall to account for staff turnover
- Identify resources and develop programming to assist with staff retention related to self-care and support for domestic violence staff, human services, and other community advocates.
- Hands-on victim advocacy training for local law enforcement officers and other program advocates

Follow-up Recommendations:

- Develop and facilitate the following staff training:
 - Capacity, retention, self-care, and support for program staff
 - Working with youth victims of abuse and exploitation
 - Screening tools, identifying, and working with human trafficking cases
- Develop and facilitate the following community awareness education presentations:
 - Indicators, dynamics, and proper response to human trafficking
 - Parental, relative, and school involvement in assisting and supporting Native youth and the prevention of youth victimization.
- Organize and facilitate collaborative meetings between tribal agencies.
- Organize and facilitate meetings to discuss tribal code revisions addressing:
 - Explicit mentions of human trafficking

- VAWA provisions for the tribal court to prosecute non-Native perpetrators.
- Identify tactics to promote tribal court order enforcement with non-tribal agencies.

Omaha Tribe of Nebraska and Iowa

The Omaha Tribe of Nebraska headquarters is in Macy, Nebraska, on the Omaha Tribal Reservation, which occupies Thurston County, Cuming County, and Burt County, Nebraska, and Monona County, Iowa. According to 2018 census estimates, 2,233 Native Americans live on the Omaha Reservation. Criminal jurisdiction, except those “involving the operation of motor vehicles on public roads or highways,” is exercised by the tribal and federal governments.

Identification:

The Child and Family Services (CFS) department staff were the only attendees for the listening session with the Omaha Tribe of Nebraska and Iowa. The tribe’s domestic violence program has undergone several restructuring attempts over the last several years; currently, domestic violence program staff are providing basic victim advocacy while they continue to establish the program. For the CFS department, human trafficking and abuse cases are identified via victim disclosure or from a tip call. The tribe has received at least one youth human trafficking victim case per year; cases were identified while investigating allegations of other child and family abuse claims. In cases involved in the last few years, victims were teenagers who were trafficked by family members; in one case, a buyer was also a family member. The CFS program has not received direct calls to report human trafficking cases on the reservation and is aware that they may not be receiving calls to identify all cases present in the community. The program received far more allegations of sex trafficking from Indian Child Welfare Act (ICWA) cases that occur off the reservation, especially cases dealing with youth who have runaway.

CFS currently utilizes a welfare screening tool from the Nebraska Department of Health and Human Services (DHHS) called N-FOCUS (Nebraska Family Online Client User System, linked with ACCESS Nebraska) to screen cases. CFS also collaborates with a local child advocacy center (CAC) when a forensic interview is needed for a case. Collaboration with state agencies, however, has provided some issues when assisting tribal youth outside of the reservation, with state workers/agencies often neglecting to contact the tribe for resources and collaboration when assisting Omaha Tribal youth.

While CFS focuses primarily on child and youth welfare for the tribe, they also work to address concerns with all members of a household in need; however, identifying adult victims and identifying resources for vulnerable adults has been difficult.

Response:



One of the most significant issues facing the CFS department for the tribe is staff capacity and a lack of inter-agency coordination for programs within and outside of the tribe. It was expressed that it felt as if different tribal departments are often “siloe” from each other and that there is a general lack of willingness to cooperate from state agencies and resources. The need for a service array assessment and opportunities to collaborate with other programs and departments was expressed multiple times. An additional barrier was a noted lack of staff and professionals in the area specifically dedicated to addressing human trafficking and trauma-related cases. Within the community, addressing human trafficking and other forms of abuse and exploitation was described as “taboo,” and the general sentiment is to not talk about these issues and leave them as “a family matter.”

Tribal Code, CFS Policy, and Law & Order:

The current CFS policy that includes sex trafficking is as follows:

CFS is responsible for identifying, documenting, and determining appropriate resources for any child receiving services who is, has been, or is at risk of becoming a victim of sex trafficking, coordinating with healthcare providers, school personnel, and other workers with at-risk youth, to ensure there is community awareness and resources available for victims, cooperating with local and federal enforcement and court staff to assist with the prosecution of perpetrators, immediate reporting and in no case later than 24 hours, any identified or suspected trafficking victims to the appropriate local or federal law enforcement agencies and CFS will also report any missing or abducted children to law enforcement for entry in the NCIC and NCMEC.

The policy is currently being revised to apply more specificity and clarify the CFS role in addressing these cases.

The CFS policy is derived from the Omaha Tribal Code. The current code mentions human trafficking in the context of sex offender registration (Chapter 17), but human trafficking is not mentioned in the domestic violence or youth code sections. There was a resounding agreement that the tribal code needed to be updated to explicitly include human trafficking in the domestic violence and youth code sections. It was also noted that the Major Crimes Act limits the tribal court from holding perpetrators accountable by only enabling the court to sentence an offender to up to a year in jail.

Another significant issue of concern was noted regarding a lack of enforcement and recognition of tribal court orders by non-tribal city, county, and statewide agencies. Reports included a lack of enforcement or recognition of tribal court orders by non-tribal

medical centers, child advocacy, and welfare centers, law enforcement, and other agencies. Attempts by the tribe to address this matter are ongoing, but there is a noted lack of awareness of tribal court orders or willingness to cooperate on the part of non-tribal agencies. With regards to CFS, it was also noted that outside federal agencies, who are supposed to respond to abuse cases, such as the FBI, U.S. Attorney's office, etc., had very limited presence or interaction with tribal case workers and programs outside of the tribal court and tribal law enforcement. It was suggested that Indian Country liaisons within these agencies should make a point to have more of a presence in the community.

Needs:

The following needs and suggestions were offered in relation to the above information:

Community:

- The need to develop curriculum and community awareness education regarding the indicators of human trafficking for the community overall and especially for youth.
- The need for a list of human trafficking-related resources available to the community and Native Americans in Nebraska.

Agencies and Service Providers:

- The need for more forensic interviewer training for CFS staff.
- The need for human trafficking awareness and child abuse training for tribal government agencies, tribal councils, law enforcement, tribal court, etc.
- Collaborative inter-agency coordination and dialogue regarding assisting intimate partner violence, child abuse/exploitation, and human trafficking victims and survivors to ensure proper referrals between agencies are taking place.
 - Specifically stated need for a service array assessment
- Addressing issues related to limited staff capacity and resources.

Follow-up Recommendations:

- Develop and facilitate the following staff training:
 - Capacity, retention, self-care, and support for program staff
 - Legal issues navigation relating to jurisdiction, tribal court orders, protection orders, and custody orders.
 - Addressing human trafficking in tribal communities
 - Forensic Interviewer training for CFS staff
- Develop and facilitate the following community awareness education presentations:
 - Indicators, dynamics, and proper response to human trafficking
 - Parental and relative involvement in assisting and supporting Native youth and the prevention of youth victimization.

- Identify technical assistance to conduct a service array assessment.
- Identify technical assistance agencies/opportunities to help address inter-agency communication and collaboration.
- Identify tactics to promote tribal court order enforcement with non-tribal agencies.
- Identify tribal code issues and process for amending tribal code, with necessary education facilitation on the recommended changes (i.e., tribal council, tribal court, etc.)

Ponca Tribe of Nebraska

The Ponca Tribe of Nebraska headquarters is in Niobrara, Nebraska. The tribe occupies and operates a 15-county service delivery area; Sarpy, Burt, Platte, Stanton, Holt, Hall, Wayne, Knox, Boyd, Madison, Douglas, and Lancaster Counties in Nebraska, Woodbury and Pottawattamie Counties in Iowa, and Charles Mix County in South Dakota. Due to the nature of the tribe’s land holdings, the tribe currently exercises civil jurisdiction and does not presently exercise criminal jurisdiction. According to the Ponca Tribe’s 2018 Census, 4,185 people are enrolled in the Tribe, and 1,654 reside in the service delivery area. According to 2018 U.S. Census estimates, 24,330 people identify racially as Native American living in the Ponca Tribe’s service delivery area.

Identification:

It was estimated that the domestic violence program has assisted seven youth victims in the last 3-5 years for clearly identified human trafficking victimization, with most related services being requested by and provided to adult victims. Clients often find out about the domestic violence program through social media and community outreach, resulting in most cases being classified as “walk-ins.” Most clients initially establish contact with the program for domestic violence services and later disclose the need for human trafficking services. The tribal court staff also makes a point to provide referrals and information regarding the domestic violence program and other related resources to individuals filing protection orders, divorce, or custody cases. Domestic violence program outreach often includes homeless shelters, soup kitchens, community service agencies, middle schools, high schools, and other Ponca Service Delivery Area domestic violence programs to establish connections, collaborations, and a referral network. There was a noted concern that while human services, the domestic violence program, and tribal court work well in inter-agency collaboration and referral, working to ensure collaboration with other programs and locations within the tribe across the tribal service delivery area has been an ongoing challenge. For instance, ensuring that all medical/health services, behavioral health services, emergency management, etc., staff are aware of the need to refer clients to relevant domestic violence program services. Efforts to educate tribal leaders and other programs on the need to emphasize collaboration between all tribal programs are currently underway after taking a significant hit due to the COVID-19 pandemic.

Reported human trafficking cases often involved victims who were drugged or experienced physical force as a component of their victimization. A reported recruitment tactic of increasing concern is older men preying on young girls in middle schools and high schools and reaching out to them through social media.

Response:

The domestic violence program's current practice is to screen clients for human trafficking only after the victim self-identifies as having experienced human trafficking. The domestic violence program's intake form currently relies on classification for services by identifying the primary and secondary victimization for all crimes (i.e., domestic violence, sexual assault, forgery, burglary, child abuse, incest, etc.). There are currently two questions related to human trafficking: one for labor trafficking and one for sex trafficking. The implementation of the human trafficking resource tool PAVE (Providing Avenues for Victim Empowerment) is also in development to assist tribal programs with screening, assessments, and resource follow-up for victims and survivors.

The domestic violence program currently assists clients with identification and placement in a shelter, clothing, financial assistance (i.e., rental assistance, utilities, groceries, etc.), general program advocacy (i.e., court accompaniment, appointment transportation, safety planning, etc.), referrals to behavioral health, legal assistance, and other community services, providing "bolt bags" and other necessary items for displaced survivors, organizing trauma-informed therapy support groups and activities, and additional assistance as able. Program advocacy and services are comprehensive for clients, despite victimization type (i.e., domestic violence victims receive the same support and services as human trafficking victims). However, the program does carefully consider the next steps when addressing shelter for human trafficking survivors and an effort to avoid the standard hotel arrangement option that is given to other survivor clients. The program also currently has a cap on the amount of money they can spend on each victim, despite there being more than sufficient funds to assist beyond the current cap; it was suggested that the program evaluate the current spending cap.

The most significant issue within the tribe for responding to human trafficking and intimate partner violence is keeping up with staffing and case management due to high staff turnover. It was noted that there is a significant need for better self-care and support for staff members to increase staff retention. Tribal programs are currently working on developing a tribal court advocacy position to assist victims in court who are not identified by the domestic violence program, child family services, human services, etc.

Tribal Code and Law & Order:

References to human trafficking are currently included in the tribal code for the Ponca Tribe of Nebraska. In general, the sentiment is that the current tribal code has been working to suit the needs of the tribe; the tribe currently conducts regular reviews of

the tribal code to close gaps and ensure that it continues to work for the tribe.

Current challenges to the tribal code and tribal sovereignty stem from a lack of enforcement of tribal court orders (i.e., protection orders) by city, county, and state law enforcement. There have been previous issues with individuals challenging the Ponca Tribe's jurisdiction, and a lack of tribal-affiliated law enforcement has made it difficult to ensure the enforcement of tribal court orders. Tribal domestic violence program staff have placed emphasis on the need to prepare clients/survivors to advocate for themselves when dealing with non-tribal courts and law enforcement. Examples have included victims calling city/county/state law enforcement due to a protection order violation, the responding officer not recognizing the tribal protection order, and the victim, victim advocate, and/or victim's attorney having to persistently persuade the officer that the tribal court order is valid and should be upheld and enforced. Efforts to address this issue with city/county/state law enforcement have been mixed, with the majority of responses being negative and combative instead of collaborative.

Needs:

The following needs and suggestions were offered in relation to the above information:

Community:

- Provide community awareness education regarding dynamics, indicators, and proper response.
 - Especially for parents and service providers working with youth.
- The need for a living document/information database on social media apps and websites being used to perpetuate human trafficking.
- Access to a storage unit/container for victims experiencing homelessness to store belongings while they are in the shelter.
 - To be managed by the domestic violence program

Agencies and Service Providers:

- Identify resources and develop programming to assist with staff retention related to self-care and support for domestic violence and human services program staff.
- Implement and train tribal programs and agencies to utilize PAVE tool (currently in development)
- Ongoing and consistent training regarding tribal code, filing protection orders, and navigating jurisdiction concerns with tribal domestic violence program staff and tribal human services providers.
 - Request especially for child custody case navigation training
- Additional training for working with youth survivors, especially in relation to the legality of working with youth, such as navigating what advocates can say to law enforcement, what permission is/is not required with youth's parents, etc.

- The idea was proposed for potential training collaboration with child advocacy centers.
- Consistent and repeat training overall to account for staff turnover
- Encouragement from tribal leadership on the need for inter-tribal programs, collaboration, and assistance in the facilitation

Follow-up Recommendations:

- Develop and facilitate the following staff training:
 - Capacity, retention, self-care, and support for program staff
 - Legal issues navigation relating to jurisdiction, tribal court orders, protection orders, and custody orders.
 - Working with youth, especially youth human trafficking victims
- Develop and facilitate the following community awareness education presentations:
 - Indicators, dynamics, and proper response to human trafficking
 - Parental and relative involvement in assisting and supporting Native youth and the prevention of youth victimization.
- Organize and facilitate collaborative meetings between tribal agencies to ensure understanding of various program services and encourage referral networking.
- Identify tactics to promote tribal court order enforcement with non-tribal agencies.

U.S. Attorney’s Office and Federal Bureau of Investigation (FBI)

Federal jurisdiction currently applies to the three tribal reservations headquartered in Nebraska: the Omaha Tribal Reservation, the Santee Sioux Nation Reservation, and the Winnebago Tribal Reservation.

Identification:

The typical process for involvement in human trafficking and victimization cases with the participating federal agencies is for the FBI to be contacted of a case first by local tribal law enforcement. The case would be referred to the U.S. Attorney’s Office following an FBI investigation. There was a noted lack of youth human trafficking cases being referred to the FBI and/or U.S. Attorney’s Office, along with an expressed concern by the agencies that youth may not be willing to cooperate. While each agency reported a lack of standard screening and protocol for addressing human trafficking, it was noted that cases involving youth victims would be referred to a child advocacy center (CAC) for follow-up screening.

Response:



Each agency employs specific victim advocates to work on Indian Country cases in Nebraska. Advocacy services from each agency typically involve assistance with resource referrals and strategic problem-solving, such as identifying options for transportation and childcare to attend court sessions. Victimization cases were noted as being handled on a “case-by-case” basis, and agencies relied on collaboration with local multi-disciplinary teams (MDTs) to ensure that CAC interviews were completed. The distance to travel from federal agency offices (primarily Sioux City, IA/South Sioux City, NE and Omaha, NE) to Nebraska’s tribal reservations and the limitation to conduct business via phone was identified as the most significant issues when responding to victimization cases. Many Native Americans in the area do not have a reliable or safe phone number or address and often utilize social media messaging (i.e., Facebook) or text messaging as the most reliable means of communication; this has become a significant barrier for federal agency staff as they are mandated to communicate with victims via phone call or mail only. The ability of the U.S. Attorney’s Office to communicate with victims in other manners would require a policy change from the Department of Justice (DOJ). Additional noted issues included staff turnover for referral agencies/programs and the need for consistent follow-up with victims.

Tribal Code and Law & Order:

There was some noted collaboration between federal agencies and local tribal government agencies regarding determining which government would be most appropriate in prosecuting and charging a perpetrator, but a lack of knowledge regarding the tribes’ codes was noted by the federal agencies. A current issue of concern, which federal agencies are following up on, is to address jurisdiction concerns on the tribal reservation following the recent *Castro-Huerta v. Oklahoma* decision from the Supreme Court. Federal agencies noted they would discuss this concern with state partners.

Needs:

The following needs and suggestions were offered in relation to the above information:

- Organization and facilitation of inter-agency collaboration meetings between tribal and federal agencies to educate on case needs and limitations. Topics to address should include:
 - Case walk-throughs for each community with available services in each area
 - Training from the U.S. Attorney’s Office with the criteria needed to go before a grand jury and how tribal agencies and the FBI can ensure appropriate evidence is collected.
- The need for a list of human trafficking-related resources available in each tribal community and for Native Americans in Nebraska

PLAN OF ACTION

Nebraska Indian Child Welfare Coalition (NICWC) will work to address and complete the following for the remainder of the grant period:

- Draft training curriculum to specifically address the identified needs for each tribal community listed above and schedule for implementation (to be completed before or after the grant period)
- Begin initial work to develop community awareness education regarding human trafficking for tribal youth, parents, school systems, and tribal reservations.
- Compile a list of human trafficking-related resources to distribute to tribal community programs and affiliated partner agencies/programs.
- Assess and draft sample human trafficking-related tribal code language to offer each tribe.
- Additional follow-up and collaboration facilitation to ensure continued work to address human trafficking beyond this grant period.

To fulfill these goals, NICWC will seek to collaborate with the Nebraska Tribes Addressing Violence Coalition (NETAV), tribal domestic violence programs, tribal human services programs, tribal CFS programs, tribal courts, tribal councils, Legal Aid of Nebraska's Native American Program, and other relevant programs and agencies.