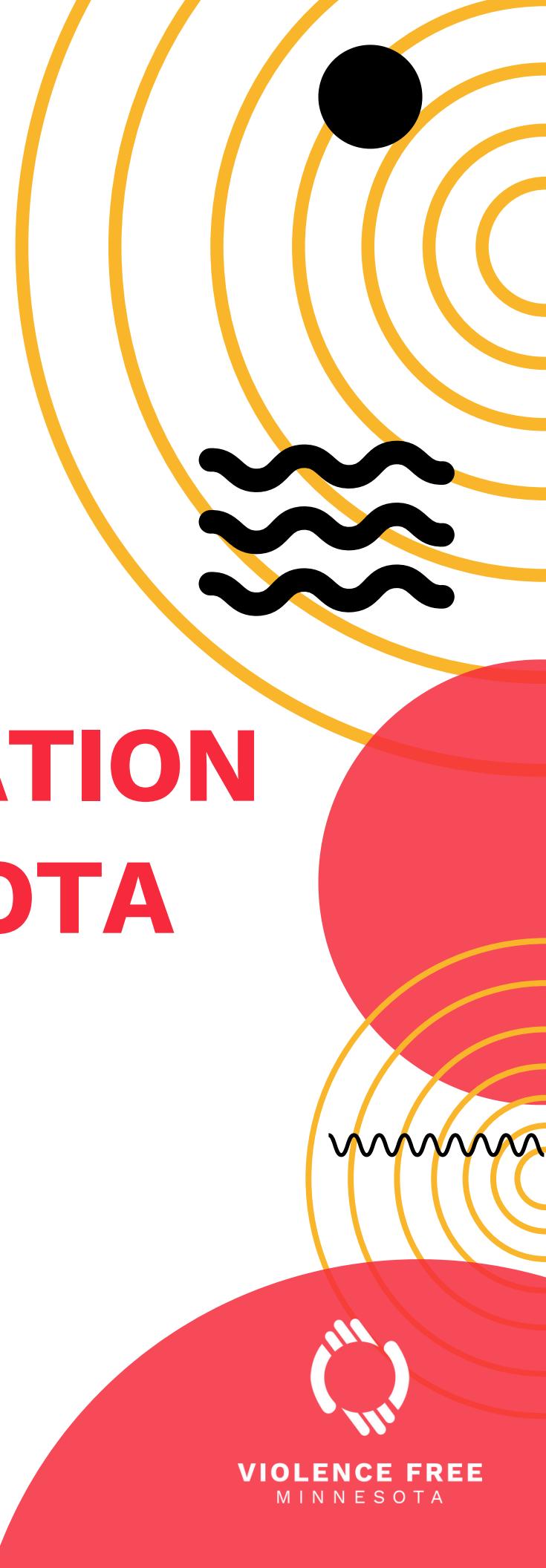


NATIVE AMERICAN WOMEN & INCARCERATION IN MINNESOTA



**VIOLENCE FREE
MINNESOTA**

THIS PROJECT WAS SUPPORTED BY GRANT NO. 2017-WE-AX-0039
AWARDED BY THE OFFICE ON VIOLENCE AGAINST WOMEN, U.S.
DEPARTMENT OF JUSTICE. THE OPINIONS, FINDINGS,
CONCLUSIONS, AND RECOMMENDATIONS EXPRESSED IN THIS
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JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN.



PROJECT BACKGROUND

In 2013 the Minnesota Department of Corrections (DOC) and Violence Free Minnesota received an Office of Violence Against Women grant to improve the DOC's response to victims of domestic violence, sexual assault, and stalking whose abuser was incarcerated or under MNDOC supervision.

In 2017, additional OVW grant funding was secured to expand the work to include victim/survivors who are themselves incarcerated or under MNDOC supervision.

In Minnesota there are few programs and services dedicated to the safety and wellbeing of incarcerated women who are, or have been, the victims of domestic abuse, sexual violence, or stalking.

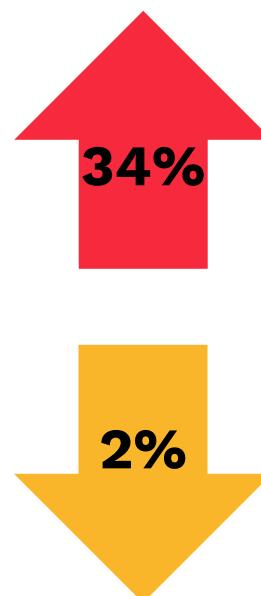
Native American women - in Minnesota and nationally - are both overrepresented in our incarcerated populations¹ and disproportionately experience violence, abuse, and homicide.^{2, 3} The experiences and needs of corrections systems-involved Native American women can thus serve as a model for what a culturally responsive and victim-centered approach to corrections and re-entry might look like, with implications for all victim/survivors in custody in Minnesota and beyond.



14.3X

Native American people are incarcerated at 14.3 times the rate of white people in Minnesota.⁴

We interviewed 62 Native American women who were incarcerated in MCF-Shakopee - Minnesota's sole women's prison - between August 2019 and February 2020. Our interviews touched on their histories of victimization, corrections systems involvement, prison experiences, motherhood, and re-entry needs.



According to the ACLU, between 2008-2018 the Native American prison population in Minnesota grew by 34%, while the white prison population fell by 2%.



3X

Between 2008-2018, the number of women in Minnesota prisons grew more than 3x faster than the number of men.⁵

DEMOGRAPHICS & CONTEXT

20%

On any given day, Native American women make up approximately 20% of the population at MCF-Shakopee

9%

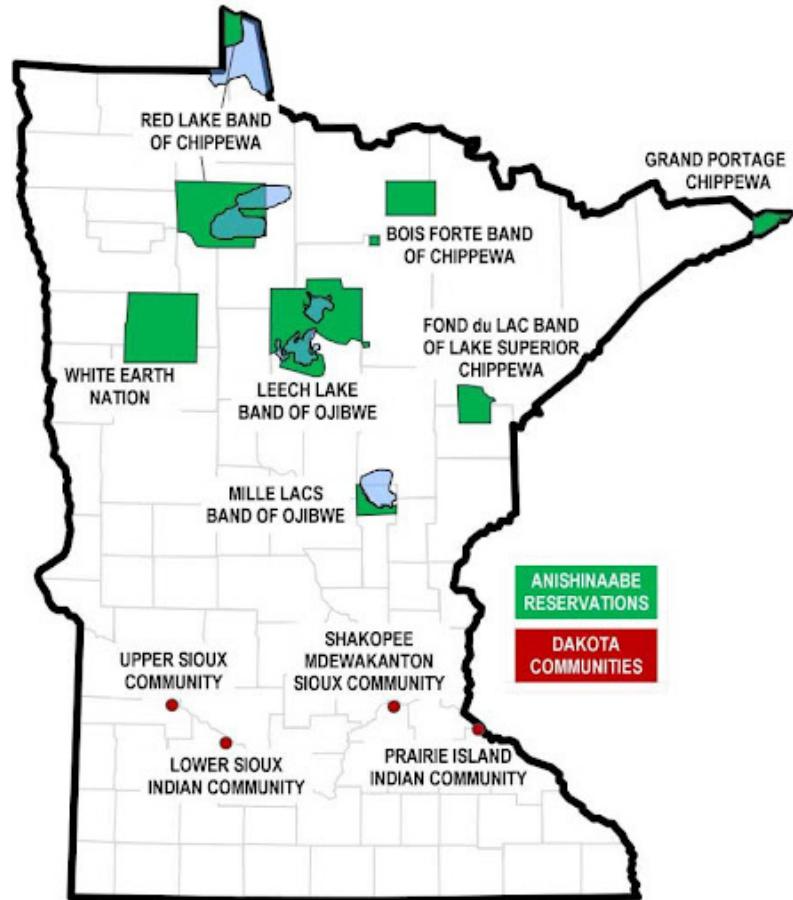
On any given day, Native American men make up approximately 9% of the prison population in Minnesota



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

Racism against Native peoples is a legacy of European colonization of the Americas. Colonization resulted in the decimation of the Native American population, along with their social structures, cultural traditions, and natural resources. Forced removal of tribes to reservations and the breakup of family systems through decades of mandatory boarding school attendance is inextricably linked to the disproportionate rates of corrections systems involvement and incarceration today.

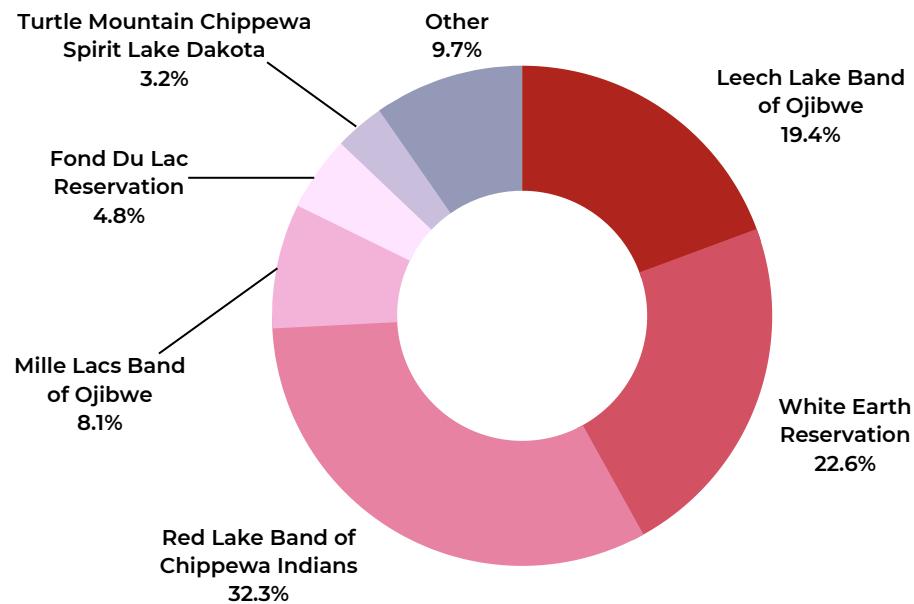
Some of the women we spoke with explicitly named racism as playing a role in their corrections systems involvement. They described racial profiling by local law enforcement, disparate treatment by the courts, and being singled out for being Native in correctional settings.



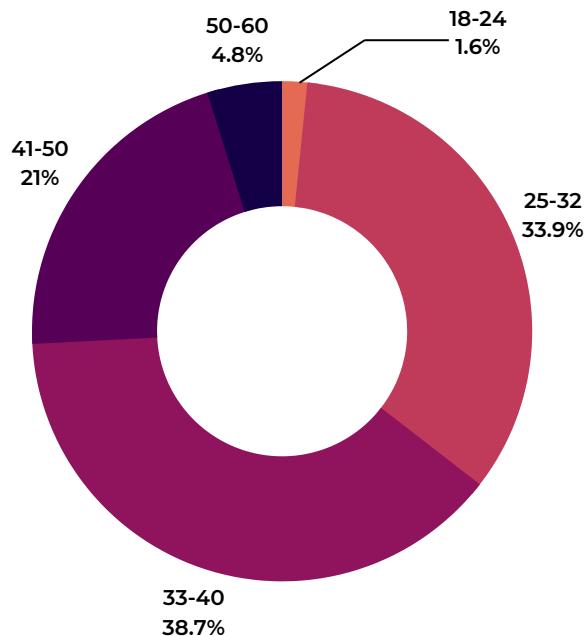


DEMOGRAPHICS & CONTEXT

NATION/TRIBE OF PARTICIPANTS (62 TOTAL PARTICIPANTS)



AGE AT TIME OF INTERVIEW



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



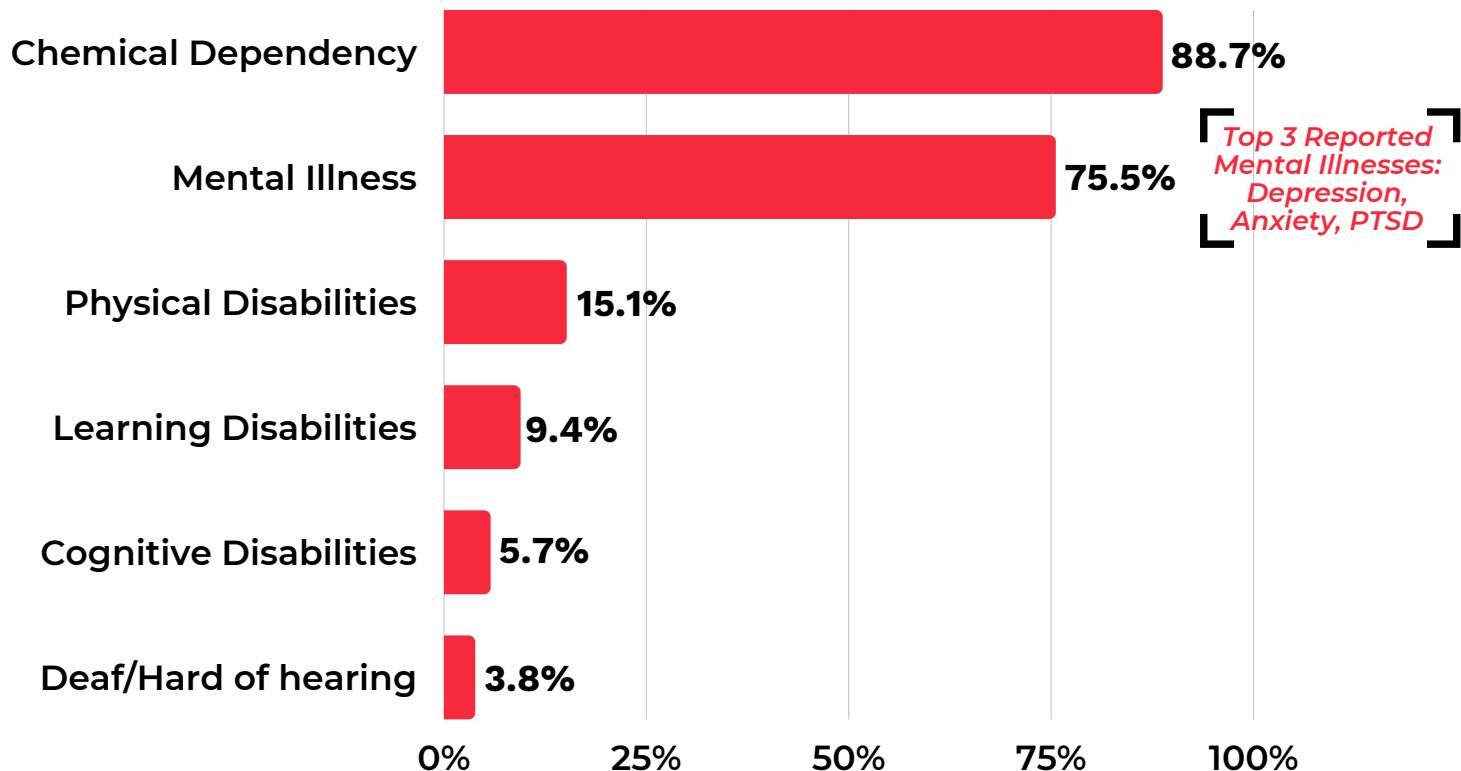
21%

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

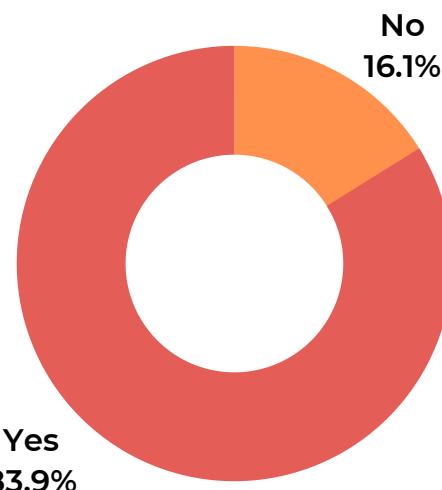
DEMOGRAPHICS & CONTEXT

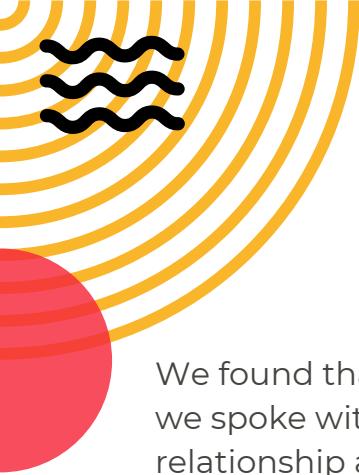


SELF-REPORTED DISABILITIES



**SELF REPORTED
A DISABILITY**





HISTORY OF VICTIMIZATION

We found that all but one of the women we spoke with had a history of relationship abuse and/or sexual violence prior to incarceration. This reflects research conducted by the ACLU that shows that nearly 60% of people in women's prisons nationwide - and as many as 94% of some women's prison populations - have a history of physical or sexual abuse prior to incarceration. The vast majority of our participants had experienced multiple forms of violence prior to incarceration. For some of them, early victimization was a catalyst for behaviors that got them entangled in the corrections system as young people; for others, the crimes that they were serving time for were directly linked to an abusive relationship, coercion, and threats of violence.

84% of participants had experienced intimate partner violence



84%



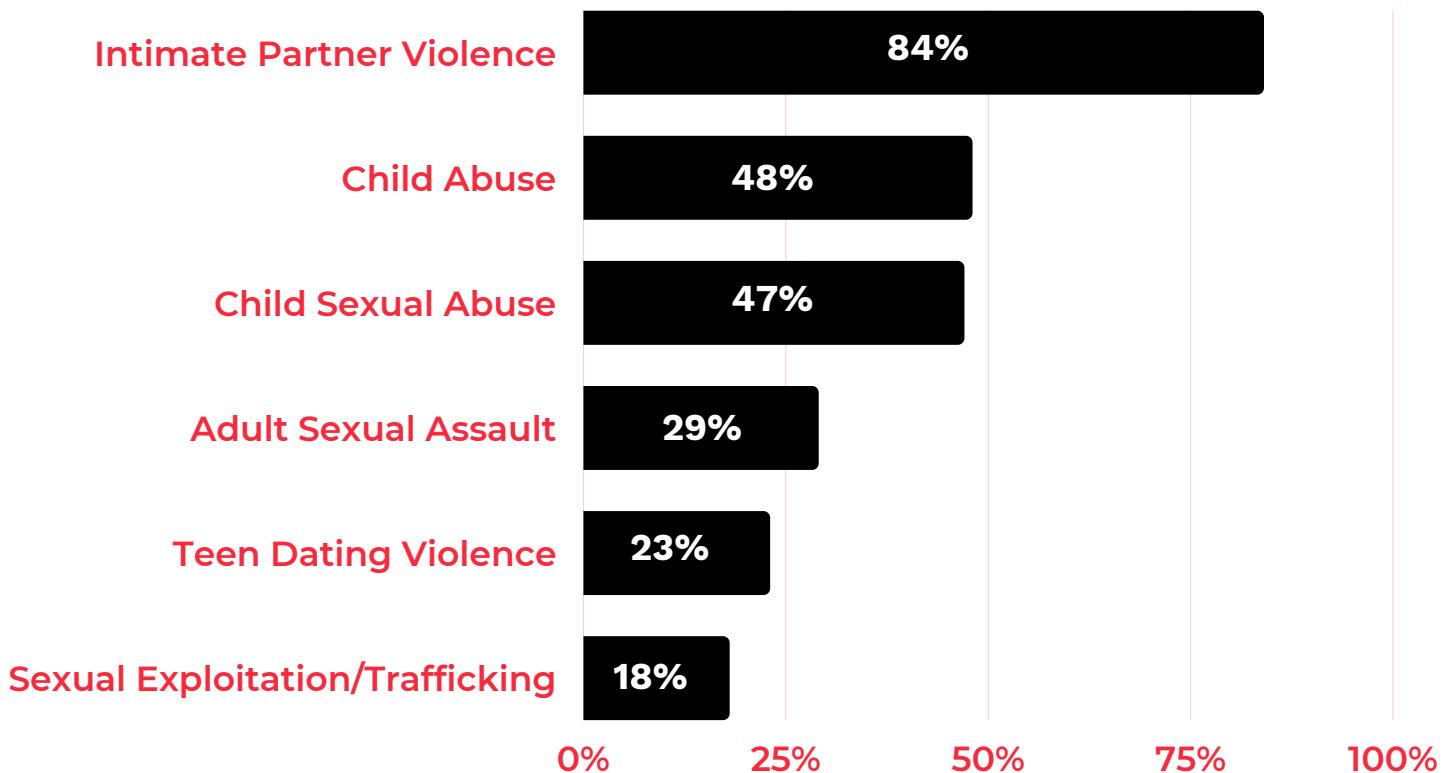
97%

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

Victims can be caught up in the corrections system with charges of their own for fighting back or acting in self-defense, for keeping their children from an abuser, or for being coerced into criminal activity. In other circumstances, survivors may turn to drugs or alcohol to cope with the effects of trauma and subsequently commit crimes connected to their substance abuse. Survivors who have suffered abuse often become involved in the corrections system in part because of inadequate protection, intervention, and support. A significant number of the homicide victims in Violence Free Minnesota's annual domestic violence homicide reports had extensive and significant criminal histories themselves.

HISTORY OF VICTIMIZATION

TYPES OF ABUSE/VIOLENCE



The last 3 guys I have been with hit me. My ex-husband was really abusive. It was an everyday thing.

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



INTERVIEW DATA

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

47% of participants reported histories of child sexual abuse



47%



29%

29% of participants reported experienced sexual assault as an adult

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

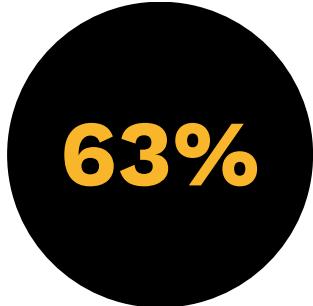


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Although **84%** of participants reported experiencing domestic violence and **29%** reported experiencing adult sexual assault...

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

DISTRUST IN THE SYSTEM



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

On not reporting to law enforcement:

I didn't think anyone would believe me. I didn't want my boyfriend to get in trouble. What are you supposed to do when you are scared of both sides?

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

I worried I'd lose my kids.

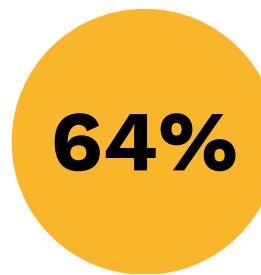
My auntie's husband sexually abused me. I reported it to the cops when I was 14. They thought I was lying, said there was not enough evidence. That's why I don't reach out. The law has already failed me.



INVOLVEMENT IN THE CRIMINAL LEGAL SYSTEM



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



64%

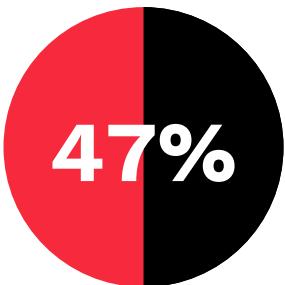
“

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

“

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

”



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



“

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

“

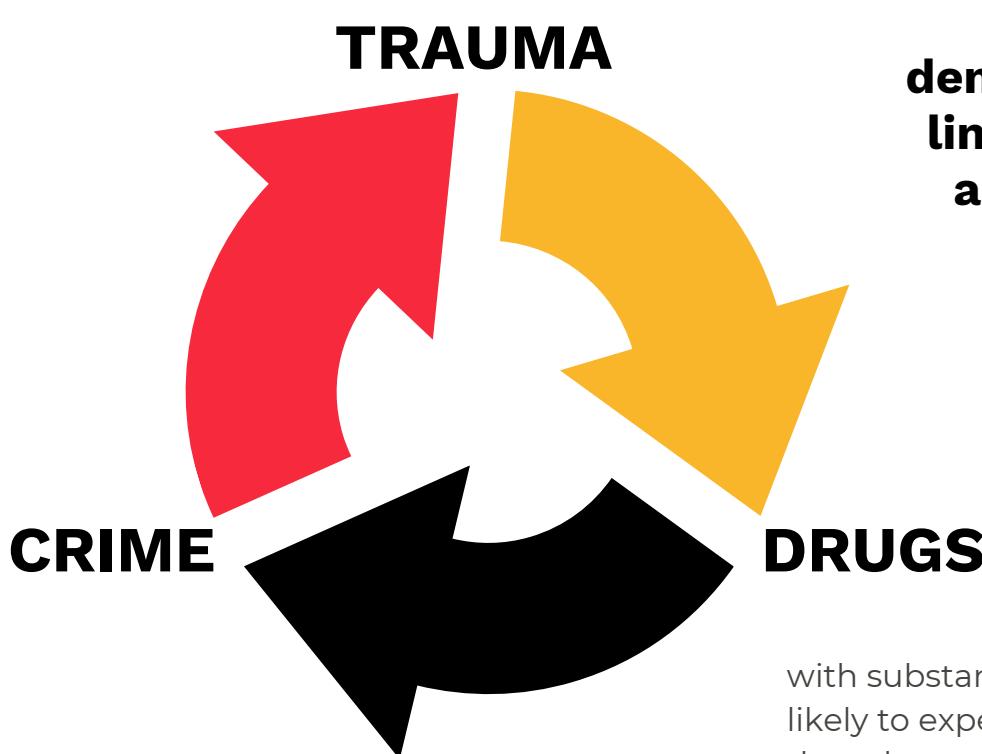
When it would have helped me the most - age 6, 7, 8 - that's when I needed help - that's when I needed to know it was okay to be Native. I needed to be safe at that time.

”



INVOLVEMENT IN THE CRIMINAL LEGAL SYSTEM

43.5% of participants served time in prison for drug crimes. **19.4%** of participants served time in prison for crimes of aiding and abetting, burglary, theft, and the like, which were almost always connected to drug use.



Research demonstrates a strong link between trauma and substance use disorder

Many individuals who have experienced traumatic events find themselves using alcohol or drugs to self-medicate or help them to cope.

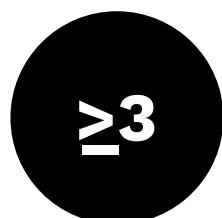
Additionally, people with substance use problems are more likely to experience traumatic events than those without these problems, creating a vicious cycle of trauma and increased substance use.



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



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



FAMILY AND CHILDREN: MOTHERHOOD

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

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

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

ICWA was intended to enhance the likelihood that Native families could stay together. However, Native children are still removed from their homes at rates far exceeding that of other groups.^{6, 7}



90%

90% of participants have children of their own

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



184 children have been impacted by the incarceration of our participants



FAMILY AND CHILDREN: CUSTODY & FOSTERCARE

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



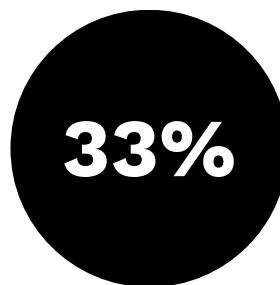
Impact of Losing Custody

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

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



36% of participants spent some time in foster care



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



10% of participants were adopted out of foster care

PRISON EXPERIENCES

Participants largely found the programming in prison helpful in some way. Issues with programming tended to revolve around there not being enough programming, not enough Native-specific programming, and not being able to access programming for reasons of length of sentence or where they were in their sentence.

I did Women Healing From Trauma - that's where I learned about PTSD. I didn't know anything before.

The Native programming has been good; it has taught me a lot about who I am, where I came from. When we come together as Natives there's so much healing.

Facility policies need to take into account important cultural values and practices. The directive not to share property really hits Native women hard, as this is an important guiding value to their culture and to how they care for one another. It also includes understanding that beading and leather working are not "just crafts" - they are an important spiritual and cultural practice. The lack of understanding of the role and importance of beading negatively impacted many of the Native women we spoke with.

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

PRISON EXPERIENCES

Women faced immense barriers upon release and were unable to overcome these barriers with the resources provided to them.

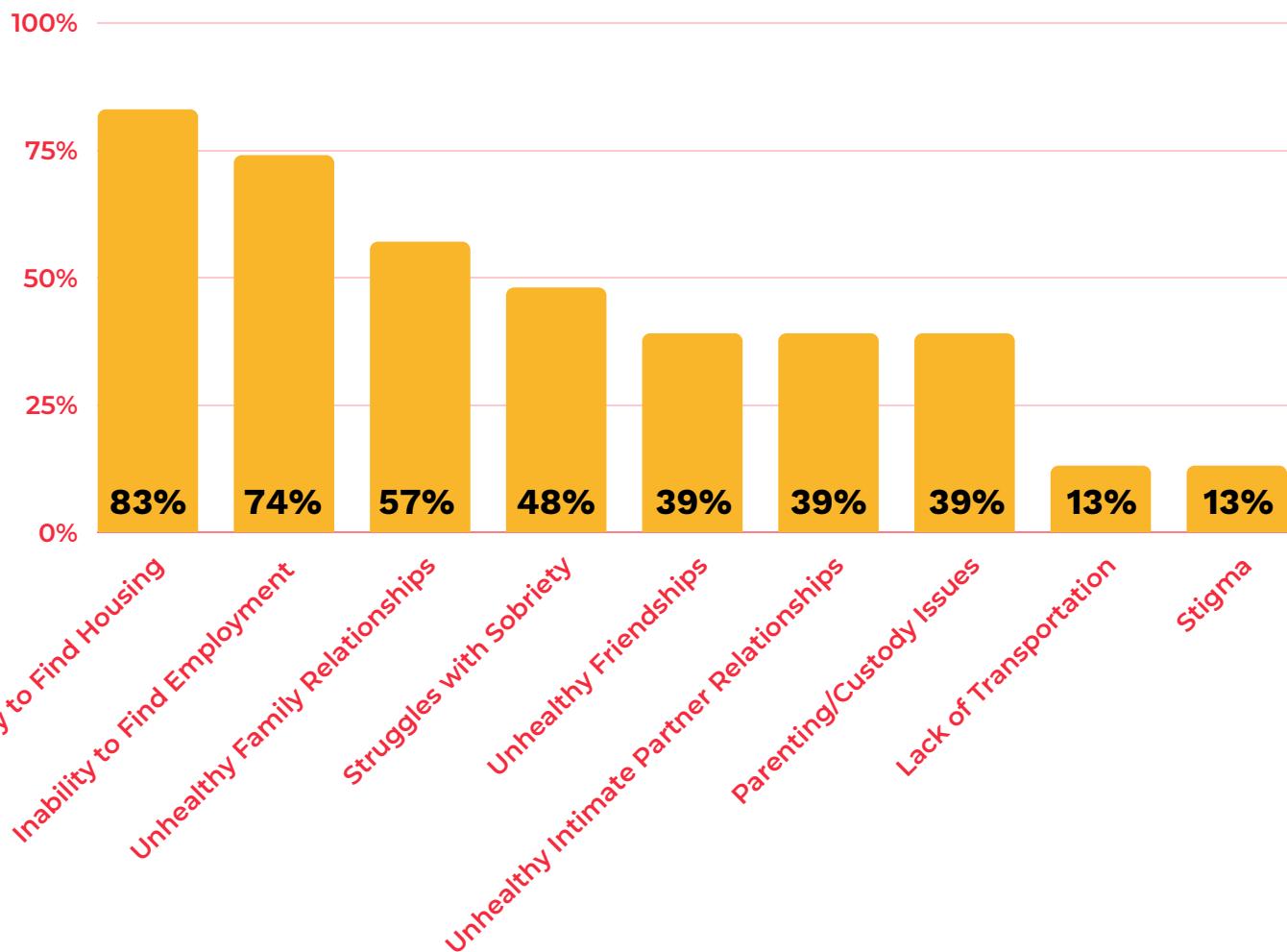
These barriers were central to the women's inability to meet the conditions of their probation and parole - sending them back to jail and prison - and/or made them vulnerable to further victimization and corrections systems involvement in the interests of survival.

“

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

”

BARRIERS TO SUCCESS UPON RELEASE



RECOMMENDATIONS

As a result of these findings, grant partners - Northwest Indian Community Development Center, Minnesota Indian Women's Sexual Assault Coalition, and Violence Free Minnesota - put together a series of recommendations to the MN Department of Corrections. The recommendations are tailored to corrections system-involved Native American women and have applicability to all Native American women who are engaged in the corrections system.

Recommendations address the following areas:

- Programming and supports within facilities
- Changes to MNDOC policies and practices
- Re-entry and alternative sentencing
- Applicability to juvenile Native American girls

PROGRAMMING & SUPPORTS WITHIN FACILITIES

Within correctional facilities, our recommendations focus on remedies for the inequities in spiritual services and practices available to Native women in MCF-Shakopee, more investment in connecting women with their children, and expanding partnerships with community-based advocates who can provide services in the facility.

Specific recommendations include:

- Institutionalize pathways for community-based DV/SA advocates to develop and lead DV/SA programming and supports in facility.
- Prioritize facility access to community organizations who provide corrections system-involved women with culturally specific programming and healing practices.
- Create a DOC funded Native American Culture Coordinator position to implement and support traditional Native spiritual practices in facility.
- Explore & expand virtual visitation options for women with minor children.

POLICY RECOMMENDATIONS

Policy recommendations emphasize the need to apply race equity, gender responsive, and trauma-informed frameworks to all current and future MNDOC policies and practices. Doing so stands to prevent additional trauma and harm to corrections systems-involved women.

Specific recommendations include:

- Create an Impacted Persons Council at MCF-Shakopee to guide and inform this work.
- Conduct a comprehensive review of DOC policies for race equity, gender responsiveness, and potential for further trauma and harm in coordination with an Impacted Persons Council.
- Embed training and learning opportunities in these areas for all DOC staff.

JUVENILE NATIVE AMERICAN GIRLS

64% of the women we spoke with became corrections systems-involved while they were still juveniles - many as a result of childhood trauma and abuse. There is a need for similar kinds of supports to those recommended here to be made available to Native girls in Minnesota's juvenile detention facilities.

Trauma-informed, gender responsive, and culturally-responsive policies and services must start with juveniles; doing so may reduce the disproportionate numbers of Native women incarcerated as adults.



RECOMMENDATIONS

RE-ENTRY & ALTERNATIVE SENTENCING

Our most significant ask in the area of re-entry services is for the MNDOC to support innovative housing resource development through community-based organizations for corrections system-involved women.

Safe and supportive housing was named by our interviewees as the leading barrier to their success upon release. Having a criminal record creates additional barriers in an already impossible housing market.

Lack of housing directly impacts women's safety in countless ways, including leaving them open to further victimization in order to have a place to lay their head at night and impacting their ability to meet probation and parole conditions.

Greater availability of housing and culturally-specific services for corrections systems-involved women would ensure survivors have an authentic opportunity to build healthy, safe, crime-free lives. Our response to survivors post-release should prioritize access to safe housing and supportive services and treatment. To do so, we are advocating for something we are calling the Healing House Model.

HEALING HOUSE MODEL

The Healing House model, conceptualized by individuals with lived experience, is an intentional space for corrections systems-involved Native American women to begin their journey towards healing and housing stability. The Healing House is a space where women can address their **trauma**, with a specific focus on sexual and domestic violence victimization. Instead of pressure to secure housing and employment immediately upon release, women will focus on **healing from trauma** - what we believe is needed to create long-term stability and end cyclical involvement in the corrections system.

Everything from the physical design of the space to the programming offered and the policies that govern the house will be created with direct input from women who have been incarcerated. The initial design work for this effort has already been completed – over three days in April 2022, DSGW Architects facilitated a charrette process with 13 formerly incarcerated Native American women at Northwest Indian Community Development Center in Bemidji, MN. The goal of the charrette was the development of an architectural study for a culturally-informed restorative and supportive housing model for this population of women.

The charrette process included a discussion about the possible name for the project: Noojimoiwewin Endaayan (Healing House).

At this point, the need is for a financial investment to build and operate the Healing House in or near Bemidji, MN.

For the full list of recommendations or a copy of the Architectural Feasibility Study, please reach out to the Minnesota Department of Corrections Victim Services and Restorative Justice Unit or Violence Free Minnesota.



CONCLUSIONS

Research has shown that trauma and abuse, particularly experienced by women, have strong links to involvement in the corrections system. Those impacts are felt generationally. We believe that healing from trauma - alongside necessary socioeconomic supports - is the path to long-term stability and ending cyclical involvement in the corrections system.

We are deeply alarmed by the rise of incarceration and supervision rates of women, in Minnesota and nationally, without effective assessment of their victimization and without a way to respond to it effectively.

If we are serious about ending violence in Minnesota, we must have a full and complete picture of what violence and abuse can look like and what the impacts are for victim/survivors at both prosecution and defense tables in our state.

We also have to understand how the systems we have come to rely upon to create safety and accountability often replicate structures of power and control that look very similar to the kinds of violence we seek to end - and inflict their own forms of trauma and harm on the people caught within them.

Building relationships and creating space for corrections systems-involved survivors to lead our work in the domestic violence movement is an important step towards liberation and an end to violence for all of us.



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



For a lot of us, being sober in prison is a big deal, it's the first time we have experiences those feelings. A lot of us don't know how to feel their feelings because we never have before. Just in general there is so much trauma. And it would be nice to not be looked at as a criminal all the time.





ACKNOWLEDGMENTS

The Minnesota Department of Corrections was funded by the Department of Justice, Office of Violence Against Women for this project. The Department of Corrections in partnership with Violence Free Minnesota led this project.

The project outcomes are the result of the tremendous work and expertise of project partners: Linda Thompson, Director of Operations at Minnesota Indian Women's Sexual Assault Coalition (MIWSAC), and Natasha Kingbird, Leader of the Ombishkaa Program at Northwest Indian Community Development Center (NWICDC).

The groundbreaking *Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota* (2011) was instrumental in shaping this project. A special thank you to Nicole Matthews and Guadalupe Lopez of Minnesota Indian Women's Sexual Assault Coalition for meeting with us early on to share what you learned through the creation of that report.

We especially want to thank the 62 Native American women who shared their stories with us for this project. All of the women shared their experiences in the hope that doing so would lead to systemic changes for corrections systems-involved Native American victim/survivors in Minnesota. It is on all of us to ensure that they did not share their stories in vain. Miigwech.



END NOTES

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MINNESOTA

THE COALITION TO END RELATIONSHIP ABUSE

60 East Plato Blvd., Ste. 230

St. Paul, Minnesota 55107

www.vfmn.org