Data-Driven Responses to Violent Crimes

For Tribal Communities

Center for Justice Innovation

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Center for Justice Innovation

The Center for Justice Innovation (the Center) promotes new thinking about how the justice system can respond more effectively to issues like substance use, intimate partner violence, mental illness, and juvenile delinquency. The Center achieves its mission through a combination of operating programs, original research, and expert assistance. For over two decades, the organization has been intensively engaged in designing and implementing problem-solving courts, and each year, it responds to hundreds of requests for training and technical assistance and hosts hundreds more visitors at its operating programs.

In 2008, the Center, created its Tribal Justice Exchange program to provide technical assistance to tribal communities seeking to develop or enhance their tribal court systems. Funded by the Bureau of Justice Assistance's Tribal Courts Assistance Program, the Tribal Justice Exchange has three major goals: (1) ensuring that tribal communities have access to training and ongoing technical assistance about problem-solving community-based practices; (2) encouraging formal collaborations between traditional tribal justice systems and state and local court systems; and (3) identifying and disseminating best practices developed in Indian country that could help strengthen public safety initiatives elsewhere in the United States.

Introduction

Introduction

Data is a valuable tool for tribal justice systems, but is often underutilized. This is likely because data collection and review are time consuming and difficult tasks for justice system practitioners. Perhaps important data is stored in paper files that must be hand counted, or it may be located in files that were destroyed in a natural disaster. Maybe the data that your department is trying to collect can only be found through interviewing the right individuals who never have time to schedule meetings. There are many legitimate reasons why tribal justice system practitioners have difficulty collecting and using data. However, data can be one of the most powerful tools your tribal justice system has to respond effectively to crime and violence. Collecting data can allow your tribe to home in on public safety concerns and identify the best ways to respond to them.

Data may be used to report on grants or program outcomes; however it can also be used for many other purposes. It can be used to inform your tribal justice system of what practices are working, as well as what practices are not working, and why. Perhaps, most importantly, data can help determine new strategies to respond to violent crimes more effectively. Data can help your tribe use limited resources more effectively and can increase the positive outcomes of your programs and justice system responses. Ultimately, data can help your tribe respond to public safety concerns, and support efforts to keep your community members safe.

This publication will discuss some best practices around data protection, collection, and analysis. It will include guidance on data sovereignty, methods of collecting data, and ways to use data to develop tailored responses to justice system challenges in your community.

Data Sovereignty: Controlling and Protecting Data

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Before diving into detail about how to collect and analyze your data, it is important to have an understanding of how to store and protect the information you collect. Tribes have the right to collect, review, and use their own data for the well-being of their community. This is inherent to the tribe's right to self-governance and is known as data sovereignty. Data sovereignty is essential to self-governance in that it ensures the tribe has access to, and responsibility over, important tribal information. Data sovereignty[1] informs tribal efforts to protect information in situations where outsiders request to use tribal information for their research purposes, and it also applies to the tribe's collection and use of its own data to support the safety, health, and wellness of its citizens.

Tribes should be aware, however, that if a tribe is administering a justice system or law enforcement program under funding from the Departments of Interior or Justice that the federal government may require the reporting of data to the Department for purposes of ensuring effective administration of federal dollars. This would include contracts with a tribe under the Indian Self-Determination and Education Assistance Act ("638" contracts); so in that instance a tribe does not have complete control over the data that is collected. However, whether a tribe is required to share it's data, or has full control over the data's distribution and use, it is important to consider how to safely, and securely protect the data that is collected to avoid breaches in confidentiality.

Data Governance

Data sovereignty comes with the responsibility to honor and protect the data that is collected. This is known as data governance, and good data governance practices ensure that that data is collected ethically, in a way that does not harm others, and benefits the community. It also ensures that data is stored and shared in a manner that protects confidentiality and avoids disclosing personal or identifiable information. Data governance is, in essence, the process by which tribes collect, use, and safeguard their data.[2]

To support data governance and data stewardship you should inquire if your tribe has a mechanism for reviewing requests regarding collection of tribal data such as an internal review board (IRB). An internal review board is an ethics review committee that reviews research requests to ensure that the data will be collected and used in a way that protects the information collected, as well as the people it is collected from. Your tribal IRB may help flag ethical concerns around data collection, storage, or use, and can ensure that data requests consider ways to protect tribal information and use their research to support the well-being of tribal members.

If your tribe has an IRB you may be required to submit an application requesting approval to engage in research before you even begin data collection. Some tribal IRBs will only

require applications from outside research organizations, and some may require applications to approve all research, including research conducted by tribal members or tribal agencies. To learn more about whether you would be required to submit an application to your tribal IRB you can either review the approtiate tribal codes or request that information from a member of your tribal IRB. If your tribe does not have an internal review board, you may want to consider if there is another process you should follow to get approval to collect and analyze tribal data, such as submitting a request before tribal leadership, talking to tribal legal advisors, or seeking approval from elders and community leaders.

Avoid Harm While Collecting Data

Sometimes the information that can best guide the development of effective responses to violent crime can be found by talking to individuals who have direct experience with the tribal justice system. Learning about their experiences and asking them to share their stories can shed light on any gaps in the justice system's response, or in generating solutions to addressing those gaps. Yet, talking to individuals who have experienced crime, and in many cases, trauma, can bring out painful experiences and memories for those individuals. Thus, it is important to consider how your data collection process might be unintentionally harmful to individuals. If your tribal justice system is seeking to collect meaningful data from individuals who have direct experience with crime, violence, or the justice system, it is important to consider ways to minimize any harm that may occur as a result of recounting those

experiences. Some methods that might help to minimize harm include providing them with trauma-informed resources, incentives, compensation, and meaningful supports (through free and readily available social services) if they may need them.

Data Security

Data security is another important component of data governance. When deciding on what data should be collected, it is important to consider where and how that data will be stored and shared. Tribal members trust practitioners with their sensitive personal data, which could include medical information, criminal justice records, sensitive observations, and personal stories of trauma, to name a few. Before collecting this data, be sure that there is a plan in place to keep that information safe, secured, and confidential. This will ensure that your tribal justice data is secure and will not be used for unintended purposes. Data security may be achieved through a well developed plan as well as collarboative or contractual agreements, particularly if third parties will be involved in the data collection process.

Collecting Data: What You Need and How to Get It
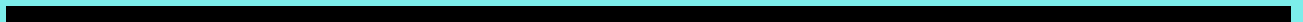
Collecting Data: What You Need and How to Get It

To develop data-responses to crime and violent crimes in particular, tribal justice system practitioners should begin by collecting data about how their communities are experiencing safety and how their justice system is responding to public safety concerns. The data necessary to develop strategies to address violent crime in your community already exists, and there are many approaches your tribe can take to gathering that data.

Most data can be broken down into two categories: *qualitative or quantitative.*

→ **Qualitative data** is data that is descriptive, such as, "I don't feel safe at night in my area of the reservation."

→ **Quantitative data** is information that can be counted or measured, and represented by numbers, such as "eight people were charged with aggravated assault in June." Both types of data work together to paint a picture of what is happening in your community and your justice system. To develop data-driven responses to violent crime, your tribe should seek to collect both types of data through a variety of methods.

Gathering Data to Paint a Picture

The primary methods of collecting data include gathering departmental data, releasing community surveys, engaging in focus groups and interviews, holding community forums, system mapping, and crime mapping. Together, these methods can help practitioners understand what is working well in your tribal justice responses, and what can be improved.

Departmental Data: The easiest type of numerical, or quantitative data, that your tribe can collect is departmental data that already exists in your different agencies. The data that is housed within your justice system and partnering departments is a natural starting point to data collection. A tribal law enforcement department, for example, will typically keep records of calls for service, number of arrests, types of arrests, case tracking, disposition type, the number of cases shared with the Bureau of Indian Affairs (BIA), and report-backs from BIA. Other departments that could track important information about public safety or tribal justice system responses

include behavioral health, child welfare, victim services, the prosecutor's office, BIA, Special Assistants to the U.S. Attorney's office (SAUSAs)[3], and other agencies that deal with tribal members who experience or perpetuate violent crimes.

Surveys: Surveys are another method of collecting numerical data about how your community is experiencing public safety. Surveys allow communities to provide input in a far reaching and accessible manner. Surveys can gather information from a broad range of respondents and include those that may not be vocal in, or able to access, other types of forums. A survey can be administered through various methods, such as online forms that allow users to answer questions on their phone, tablet, or computer. Paper surveys are also a popular and easy option. They can be administered at tribal agencies, community events, frequented locations such as the post office, or even by mail. Surveys can ask questions in a variety of ways which allows for maximum information gathering. Types of questions might include true/false, multiple choice, open-ended, and scaled questions. Even though distributing surveys can be time-consuming, community surveys yield valuable information about crime hot spots, public exposure to different types of violent crimes, and other community experiences that could inform how your justice system should respond to improve public safety.

Interviews and Focus Groups: In addition to gathering quantitative data through departmental data and surveys, your tribe can also engage in collecting qualitative data. Unlike quantitative data, which can provide information about raw numbers or percentages, gathering qualitative data through methods such as interviews and focus groups can help your tribe answer more difficult questions such as 'why is this happening?' or 'how can we respond better?'. Collecting qualitative data is essentially collecting stories from people who have deep experience in a topic or area and asking them to share information based on their observations, perceptions, and experiential wisdom. To gather this qualitative information, your tribe can hold interviews and focus groups with individuals who have experience with, or an understanding of, some aspect of your community's public safety issues or justice system responses.

Interviews are one-on-one conversations that act as information gathering sessions with key stakeholders. Key stakeholders in the justice system might include judges, tribal council members, directors of tribal agencies, county and federal government personnel who serve tribal members, and any community members who may or may not want to be identified (such as victims of violence, persons with substance use disorder, etc.). Interviews provide an opportunity to gather in-depth information about an individual's experience living or working within the community and provide privacy to allow individuals to share openly about those experiences.

Focus groups are information gathering sessions that typically include several individuals at one time. An ideal focus group should contain about 8 to 10 participants who can provide insight into a common situation. This type of setting is useful for gathering feedback on a shared issue or concern, such as substance use disorders, or child abuse and neglect. The composition of the focus group can be organized by age, community affiliation, or professional role. (For example,

a group comprised of youth, or of law enforcement, or court staff.) Focus groups are an ideal way to gather information from many individuals about a shared situation and can help provide a clearer picture of complex community issues.

To gather information about violent crimes, interviews and focus groups should include tribal justice system practitioners (court attorneys, prosecutors, judges, court administrators, probation officers, corrections officers, victim advocates, etc.), social service providers (behavioral health specialists, child welfare workers, therapists, health care providers, etc.), and individuals with lived experience (elders, community leaders, formerly incarcerated, individuals in recovery, former victims of crime, youth, etc.).[4]

Community Forums: In addition to interviews and focus groups, your tribe could also consider collecting qualitative data through community forums. Community forums (sometimes referred to as public forums) are large, more high-profile events that enable organizers to gather community feedback and input on a greater scale. They allow for direct engagement with members of the broader community and are an opportunity for participants to share knowledge, feedback, and concerns. They are useful for publicizing a proposed initiative or gathering data using broad questions, such as, "What are the biggest public safety concerns in our community?"[5]

Crime Mapping: Another valuable form of data collection your tribe can engage in is crime mapping. Crime mapping can be an essential tool for identifying patterns of crime in particular areas, and often requires nothing more than examining the data your tribe already collects. Calls for service and local geographic information, such as neighborhoods or reservation areas, can be pinpointed on a map, either manually or through the use of software. The result is a visual representation of patterns of crime in a community that can be analyzed, correlated, and used to help better inform justice system responses.[6]

System Mapping: Similar to crime mapping, system mapping is a process of pulling together different information to identify gaps within a system's response. If your tribe seeks to identify gaps in its response to violent crimes, a system mapping exercise could be conducted by gathering justice system practitioners, law enforcement, service providers, and other relevant stakeholders to map out your tribe's response to violent crimes. To conduct a system map, the team of stakeholders would take an example of one type of violent crime and walk through the tribe's process of responding, from the first call for service to law enforcement, to the completion of a person's probation or parole sentence. This exercise can help highlight any gaps in services or responses for all parties involved. While doing this exercise, it is important to also include the responses and resources provided to victims, families, and community members who are impacted by the crime.[7]

Analyzing the Information: What Is Your Data Telling You?

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Once your tribe has gathered information from all the relevant individuals and agencies, the next steps are to review it to define the key issues facing your jurisdiction and identify available resources to develop data-informed and tailored responses. The data collected can help your tribe identify how frequently violence occurs, where it occurs, and any trends. The following section will contain sample data and discuss how to process it to identify important trends that can inform your tribe's responses. This will help your tribe understand how to review data and isolate important information.

Responding to Areas of Greatest Need

The mock data set below portrays a sample of what a tribal court criminal caseload might look like. Review this mock data set and consider what information might be important to inform this fictional tribe about trends related to violent crimes.

MOCK TRIBAL COURT CRIMINAL CASELOAD
Annual Caseload for Tribal Court

NAME	CHARGE	COUNT
Criminal Domestic Violence	Abduction	4
Criminal Adult	Assault	31
Criminal Domestic Violence	Assault	11
Criminal Adult	Assault with a Deadly Weapon	10
Criminal Domestic Violence	Assault with a Deadly Weapon	5
Criminal Adult	Maintaining a Public Nuisance	2
Criminal Adult	Malicious Mischief	19
Criminal Domestic Violence	Malicious Mischief	12
Criminal Adult	Marijuana and Controlled Substances	93

Criminal Domestic Violence	Marijuana and Controlled Substances	4
Criminal Adult	Assault and Battery	37
Criminal Domestic Violence	Assault and Battery	71
Criminal Adult	Public Drunkenness- Drug Incapacitation	32
Criminal Adult	Sexual Assault and Battery	3
Criminal Domestic Violence	Sexual Assault and Battery	1
Criminal Adult	Recklessly Endangering Another Person	36
Criminal Domestic Violence	Recklessly Endangering Another Person	13
Criminal Adult	Weapons, Carrying Concealed	8
Criminal Adult	Weapons Firing	5
Criminal Adult	Disturbing the Peace	17
Criminal Domestic Violence	Disturbing the Peace	16
Criminal Adult	Liquor Violation	33
Criminal Domestic Violence	Liquor Violation	4

Using this mock dataset, what conclusions can be drawn about local crimes? When searching for trends your team can consider combining similar offenses to identify if there are patterns in the types of offenses that occur. For example, tallying all the substance use related offenses shows that this sample tribal court handled 166 cases related to substance use during this one-year period. Therefore, during this year, the most frequent charges were linked to substance use. A data-driven response to this information would be to consider offering substance use related treatment or interventions to individuals charged with those crimes. Going a bit deeper, the majority of those cases were labeled as offenses involving marijuana and other controlled substances. As this category combines many different types of controlled substances, this tribe may want to use other types of data to specifically identify the most common substances used when this charge is applied to determine targeted programs or approaches that might be most responsive to those specific types of substance use.

It is also important to note that this court separates criminal charges between those that are domestic violence related and those that are not. Even though the numbers for domestic violence charges may appear low individually, when added together, they comprise 141 offenses that the tribal court has processed. Domestic violence is in fact the second most common issue facing this tribal court. A data-driven response to this information would be to consider different types of services that should be made available to victims of these crimes such as advocacy services, therapeutic services, health services, safety planning, and relocation support. This tribe could also use other data to identify if there are gaps in the tribe's prosecution of these cases. The tribe might consider developing a coordinated community response team (CCR) or instituting a SAUSA to help address those gaps and keep tribal citizens safe by collaborating with other agencies to respond to violent offenses. It is important to confirm the trends shown in this tribal court data by looking at multiple other data points such as law enforcement calls for service and arrest data.

Location of Crimes

The location where violent crimes occur can inform what geographic areas to focus on when developing data-driven responses to crime. For example, crime mapping might reveal hot spots where violent crimes are prevalent or areas that are more remote and lack timely responses from law enforcement. To address these concerns, law enforcement could increase police presence in certain regions or implement other policing strategies. Community-based responses could

include violence detection and interruption programs, environmental design programs, neighborhood patrols, and domestic violence, or anti-violence marches.

Mapping the location of crimes will also support the identification of resources and services. For example, your tribe may notice that there are areas of high need, where crimes occur often, that are in remote locations which do not have easy access to services. If this were the case, your tribe could consider creating mobile services that can respond immediately in those remote areas or building local hubs for service providers so that service provision can be concentrated to where there is a greater need. When you engage in crime mapping or other geolocated analysis, be sure to consider accessibility and safety concerns. Trying to understand where crimes are located can help your tribe identify barriers in connecting victims and participants to services and can help highlight potential solutions.

Identifying Barriers to Addressing Violence

Quantitative data can be very helpful in identifying the primary issues related to violence in your community and where those crimes tend to occur. However, it is the qualitative data that can help your tribe understand what the barriers are to addressing violence. By reviewing the information you have gathered through one-on-one interviews and focus groups, your tribe may be able to identify themes that cut across different agencies (such as lack of funding, difficulties with information sharing, or jurisdictional challenges) and themes that are unique

to the experiences of different community members. For example, an elder may share about traditional practices that the community used in the past to address violence that are no longer used, or a survivor may share their story of how they felt unsafe because of gaps in supervision practices.

It is valuable to identify and address both the crosscutting challenges, as well as the situations that are unique to individuals or to a group of individuals. It is also imperative that the qualitative data gathered from the community is used to center the community's priorities on public safety and healing practices. Ultimately, by collecting and reviewing this rich qualitative data, your tribe can identify what responses should be improved, and how they can be improved. This information will be key in highlighting which strategies, programs, and approaches your tribe should take to address the gaps in responses to improve safety and positive outcomes for tribal members.

Using Data to Develop and Improve Strategies

Using Data to Develop and Improve Strategies

After reviewing and analyzing all your qualitative and quantitative data, your tribe should be able to answer these important questions:

- What are the most common types of violent crimes tribal citizens and residents experience?

- Where do those types of crimes tend to occur?

- Who tends to commit those crimes? (I.e., tribal members, non-tribal members, men, women, youth, individuals under the influence of substances, etc.)

- What is the tribe's current response to those crimes?

- What has worked well in the tribe's response, and what has not?

- What are gaps that should be addressed to improve the tribe's response to those crimes?

- Are there other approaches or practices (either traditional, or practices used in other jurisdictions) that can be used to address these crimes?

Once your tribe is able to answer these questions, you can begin to develop targeted and localized responses that will help focus your tribe's resources to your areas of highest need.

Identifying Programs and Practices to Address Needs

While your tribe is identifying strategies to improve current responses, it might be helpful to consider what approaches other tribes and jurisdictions have implemented to respond to similar situations. It may be that some of these approaches would be an ideal fit for your tribal community. Different types of programs to consider could be gang resistance programs, SAUSAs, CCRs, Cure Violence[8] or other community-led responses, family group conferencing, peacemaking, youth entrepreneurship programs, substance use recovery programs, placemaking, intimate partner violence intervention programs, law enforcement and behavioral health joint response teams, Sexual Trauma Awareness Response (STAR), and victim advocacy programs. This list is not exhaustive; there are many different types of programs and approaches that tribal justice systems, other jurisdictions, and communities use to respond to violence and keep community members safe. When identifying what approaches would work best for your tribe, consider researching what programs are happening in other tribes and in other jurisdictions nearby.

A good resource to identify tribal responses to violence can be found at tribaljustice.org.

Types of Violence and Victim Supports

When developing responses to violent crimes be sure to consider the special needs of victims and survivors of violence. Violence can occur in many forms including child abuse and neglect, youth violence, sexual violence, intimate partner violence, community violence, elder abuse, gang-related violence, drug trafficking-related violence and gender-based violence, to name a few.

Individuals exposed to violence often experience trauma and are more likely to develop mental and physical health conditions as a result.[9] This can have a lifelong impact on their well-being and the well-being of those around them, increase the risk of experiencing other forms of violence, and create challenges with accessing and maintaining education or employment. The criminal justice system can cause further harm by not addressing the needs of victims. Understanding the various forms of violence and associated needs will assist jurisdictions in identifying appropriate specialized victim supports and initiatives. Consider the ways in which members of your community may experience violence and be intentional in implementing system responses to address their safety and provide supports to aid in their healing.[10]

Implementing Programs and Tracking Success

Once your tribe has implemented the programs and strategies to respond to the needs highlighted in your data, it is important to track the outcomes of those strategies. Tracking outcomes can help your tribe identify if the program is working as effectively as you envisioned it, or if there are gaps in the program. Perhaps your victims service program does not have as many participants as it should, given the high numbers of domestic violence incidents in the community. Perhaps the program is new and community members are not aware of it, or perhaps the program is located in an area that individuals feel unsafe accessing. If you identify these issues by tracking your program outcomes you can change your approach, such as changing the location of your program, or having a victim services representative join law enforcement when responding to calls for service related to domestic violence. Perhaps your victim services program can join community events or organize marches to spread awareness and combat stigma. If your tribe continues to track performance outcomes on your strategies, then program delivery can also be improved by using that data to drive enhancements.

The types of data that can be collected to identify performance outcomes include, but are not limited to:

- Number of program participants or referrals

- Length of participant engagement

- Percentage of participants who have completed the program

- Number of individuals prosecuted

- Number of presentations to the community or tribal leaders

- Percentage of program participants who have not recidivated

- Number of participants who have engaged in cultural healing practices

Data collection and review should be an ongoing process. Therefore, consider developing tracking methods such as spreadsheets or having the information collected and organized on a consistent and ongoing basis, such as quarterly or semi-annually. Ultimately, the data that your tribe collects can be used to build new strategies to address violence in your community and to strengthen existing responses so that community members remain safe and continue to find paths to healing.

Conclusion

When tribes manage the use of their data, they are able to improve responses to public safety issues by identifying problem areas and developing data-driven responses to them. Using data, tribes can develop new public safety approaches based on information that is gathered about local crime, violence, and social service needs within the community. Additionally, practices and programs developed through the use of data can have greater impact because they are targeted to meet areas of greatest need.

These approaches can even be strengthened over time by measuring their successes and limitations and adjusting course based on the data collected. By using data to develop, and improve strategies over time, your tribal justice system can ensure that it is always responding the most effectively to violent crime and other public safety concerns.

Endnotes

[1] "Indigenous Data Sovereignty and Governance," Indigenous Data Sovereignty and Governance, Native Nations Institute, accessed July 21, 2023, https://nni.arizona.edu/our-work/research-policy-analysis/indigenous-data-sovereignty-governance.

[2] "Data Governance Strategies for States to Support Tribal Nations," The Network for Public Health Law, accessed July 21, 2023, https://www.networkforphl.org/wp-content/uploads/2020/09/Data-Governance-Strategies-for-States-and-Tribal-Nations-.pdf.

[3] See Rivard Parks, Michelle, and Leslie A Hagen. IMPLEMENTATION AND ORIENTATION GUIDE FOR THE TRIBAL SPECIAL ASSISTANT UNITED STATES ATTORNEY. UND School of Law: Tribal Judicial Institute, 2025.

[4] For more information on interviews, focus groups and surveys, see: "Planning a Problem-Solving Justice Initiative: A Toolkit for Tribal Communities," Center for Court Innovation, https://www.courtinnovation.org/sites/default/files/documents/Planning%20a%20Problem-Solving%20Justice%20Initiative.pdf.

[5] For more information on community forums, see: "Chapter 3. Section 3. Conducting Public Forums and Listening Sessions," Community Tool Box, https://ctb.ku.edu/en/table-of-contents/assessment/assessing-community-needs-and-resources/conduct-public-forums/main.

[6] For more information on crime mapping, see: "Industry Guide to Crime Analysis and Mapping," Community Oriented Policing Services U.S. Department of Justice, https://cops.usdoj.gov/ric/Publications/cops-w0273-pub.pdf.

[7] To learn more about system mapping, see: "Ecosystem Map," Service Design Tools, https://servicedesigntools.org/tools/ecosystem-map.

[8] "What We Do: The Cure Violence Approach," Cure Violence Global, March 10, 2023, https://cvg.org/what-we-do/.

[9] For more information, see: https://apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2019/01/28/violence-is-a-public-health-issue.

[10] For more information on supporting victims, see: https://ovc.ojp.gov/program/tribal/overview.

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