Hopi Victim Services Program

STRATEGIC PLAN

To enhance Hopi’s capacity to assist crime victims and provide leadership to change policies and practices to promote justice and healing for all victims of crime.

March 2022

Funding for the Needs Assessment and Strategic Plan for the Hopi Victim Services Program project has been provided by The US Department of Justice (DOJ), Office of Justice Programs (OJP), and Office for Victims of Crime (OVC).
# Hopi Victims Services Program Strategic Plan

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Hopi Victim Services Program

ACKNOWLEDGEMENTS

The pursuit of a federal grant for the establishment of a Hopi Victim Services Program was the vision of Dorma Sahneyah, Executive Director for the Hopi Tribe. Recognizing that such victim services are greatly needed and woefully inadequate at Hopi, a grant application to the Office for Victims of Crime (OVC) was developed in the summer of 2019.

Administration of this project is led by Jamie Navenma, Director of the Hopi Public Safety Department. Substantial contributors to the Needs Assessment and Strategic Planning process are being made by Carey Onsae and Kim Zahne of the Hopi-Tewa Women’s Coalition to End Abuse.

Contributions were made by many of the partners to the planning process. These partners are acknowledged below.

Hopi Department of Public Safety and Emergency Services
Prosecutors Office

Hopi Law Enforcement Services
Hopi Domestic Violence Program

Emergency Medical Services
Hopi Jr/Sr High School

Hopi Tribal Court
Hopi Health Care

Indian Health Services (IHS)
Department of Education and Workforce Development

Behavioral Health Services
Department of Health and Human Services

Office of Community Planning and Economic Development
Department of Social Services

Department of Natural Resources
Office of Aging & Adult Services

Hopi Foundation
Hopi Tribe Office of the Executive Director

Hopi Cultural Preservation Office
Hopi-Tewa Women’s Coalition to End Abuse

Community Health Representatives (CHR)
Human Resources Department

Development of this Hopi Victim Services Program Strategic Plan was completed by Building Communities. Kimberly Janeway, Lahoma Davidson, Bailey Anderson and Brian Cole of Building Communities provided staff support.

www.BuildingCommunities.us
In 2019, the Hopi Tribe successfully applied for a $720,000 grant from the OVC FY 2019 Tribal Victim Services Set-Aside Program. The Grants.gov Solicitation Number OVC-2019-16590 identified the requirements of the applicants and the successful awardees.

This fact sheet provides a basic overview of the requirements of all awardees in terms of the eligible work activities that can be funded under the grant.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Grant Application Submitted</td>
<td>Monday, July 29, 2019</td>
</tr>
<tr>
<td>Federal Office Providing Funding</td>
<td>The US Department of Justice (DOJ), Office of Justice Programs (OJP), Office for Victims of Crime (OVC)</td>
</tr>
<tr>
<td>Federal Agency Mission</td>
<td>To enhance the nation’s capacity to assist crime victims and provide leadership in changing policies and practices to promote justice and healing for all victims of crime</td>
</tr>
<tr>
<td>Eligible Entities</td>
<td>Federally recognized Indian Tribal Governments</td>
</tr>
<tr>
<td>Available Funding Nationwide</td>
<td>$90 million</td>
</tr>
<tr>
<td>Philosophy of Program</td>
<td>Every tribe is unique in that it possesses its own culture, distinct strengths and resources, and its own set of challenges. The unique circumstances of tribes should be considered in the development of the Victim Services Program</td>
</tr>
<tr>
<td>Two Types of Grant Awards</td>
<td>Type One: Establishment of a new Victim Services Program (that’s us!)</td>
</tr>
<tr>
<td></td>
<td>Type Two: Coordination and expansion of existing Victim Services Program</td>
</tr>
<tr>
<td>Primary Message of Grant Application</td>
<td>Proposal should describe specifically how the applicant will successfully undertake and complete the proposed objectives in a three-year timeframe. Applicants cannot request funding that will duplicate other efforts that are currently underway.</td>
</tr>
</tbody>
</table>
| Seven Recommended Steps for the Grant-funded Project | 1 – Establish partnerships  
2 – Convene and mobilize partners  
3 – Assess community needs  
4 – Develop a strategic/implementation plan  
5 – Implementation  
6 – Provide Victim Services  
7 - Provide community outreach and education |
| Establishing a New Hopi Victim Services Program | Year One | Year Two | Year Three |
| Ready/Aim/Fire Approach                    | Ready | Aim | Fire |
|                                           | • Establish Partnerships  
• Convene/ Mobilize Partners  
• Assess Needs  
• Strategic/ Implementation Plan  
• Implementation  
• Provide Victim Services  
• Outreach/Education |
<p>| Unallowable Costs and Activities           | Funding must be used to improve Victim Services and may not be used for activities that are not related to Victim Services – For example, activities that are centered on crime prevention, investigation, prosecution, offender services or corrections. New construction costs are unallowable. |</p>
<table>
<thead>
<tr>
<th>Evidence-based Programs or Practices</th>
<th>OJP strongly emphasizes the use of data and evidence in policy making and program development in criminal justice, juvenile justice and crime victim services.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Period</td>
<td>January 2020-December 2022</td>
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</tbody>
</table>
| Required Training Sessions          | Year One – New Grantee Orientation  
Year Two – National Indian Nations Conference  
Year Two – OVC Mandatory Training  
*Note: These training sessions have been impacted by the pandemic.* |
| Allowable Costs                     | The grant application provides detail as to the allowable and unallowable costs.                                                                                                           |

### Project Partners

<table>
<thead>
<tr>
<th>Department</th>
<th>Program</th>
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<tbody>
<tr>
<td>Hopi Department of Public Safety and Emergency Services</td>
<td>Hopi Domestic Violence Program</td>
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<tr>
<td>Hopi Law Enforcement Services</td>
<td>Hopi Jr/Sr High School</td>
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<tr>
<td>Emergency Medical Services (EMS)</td>
<td>Department of Education and Workforce Development</td>
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<tr>
<td>Hopi Tribal Court</td>
<td>Department of Health and Human Services</td>
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<tr>
<td>Indian Health Services (IHS)/Hopi Health Care</td>
<td>Office of Community Planning and Economic Development</td>
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<td>Behavioral Health Services</td>
<td>Department of Natural Resources</td>
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<td>Department of Social Services</td>
<td>Hopi Foundation</td>
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<td>Hopi Tribe Office of the Executive Director</td>
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<td>Hopi-Tewa Women’s Coalition to End Abuse</td>
<td>Human Resources Department</td>
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<tr>
<td>Prosecutors Office</td>
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</tbody>
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### Villages:

- Bacavi
- Hotevilla
- Kykotsmovi
- Lower Moenkopi
- Mishongnovi
- Oraiyvi
- Shungopavi
- Sichomovi
- Sipaulovi
- Tewa
- Upper Moenkopi
- Walpi
- Yuwehloo Pahki
Hopi Victim Services Program

EXECUTIVE SUMMARY

This Hopi Victim Services Program Needs Assessment and Strategic Plan has two overarching recommendations, seven Key Findings, and 31 general recommendations.

**Overarching Recommendations**

- **Establish the Hopi Victim Services Program to provide integrated services for Hopi victims of crime utilizing traditional and cultural values while supporting personal safety and dignity.**

- **Operate the Hopi Victim Services Program to create a safe, compassionate, accessible, and responsive program which seamlessly supports victims of crime so they experience physical, emotional, mental, and spiritual well-being.**

**Key Findings**

1. 60% of the survey respondents have been a victim of crime within the past five years.
2. 68% of survey respondents are either not familiar or only somewhat familiar with services that are available to victims of crime. 52% of respondents are either not familiar or only somewhat familiar with the Hopi Domestic Violence Program.
3. Police and medical services are the top two services being accessed by victims of crime.
4. There are a wide variety of services needed by victims of crime that are currently not available. The top two needed services which are currently not available are compensation for damages and mental health services/counseling.
5. There is generally a very low level of satisfaction with the existing Victim Services Programs. Only two of the 11 services ranked average or better. Most of the services scored below helpful.
6. The concern level for 11 of the 22 crime categories ranked very high to extreme. Of the remaining 11 crime categories, the concern level ranked between concerned and very concerned.
7. The written/qualitative responses may be the most powerful. Respondents found this survey as a serious opportunity to plea for help.
General Recommendations

#1 – Establish a Compensation for Damages Program
#2 – Increase the Number of Mental Health Providers
#3 – Take a new Approach to Mental Health Therapy
#4 – Establish In-Patient Services
#5 – Target Health Service Delivery to Meet Specific Crime Issues
#6 – Continue Hopi Jr/Sr High School Programming and Counseling
#7 – Improve the Referrals System
#8 – Coordinate with HIS
#9 – Foster the Growth of the Sunrise Project in Coordination with Northern Arizona University
#10 – Help Hopi Victims with Paperwork
#11 – Provide Funding for Court-Related Fees
#12 – Address the Staffing and Credentialing Problem
#13 – Get Clarity on the Requirement for Police Reports
#14 – Capitalize Upon Available Victim Services Funding Categories
#15 – Collaborate with Hopi Tribal Housing Authority for Relevant Funding Sources
#16 – Maintain Statistical Records to Shape the Development and Operations of the Victim Services Program
#17 – Expand Police Services to the Entirety of the Tribe
#18 – Evaluate HLES Performance
#19 – Capitalize Upon Information Gained from Village Security
#20 – Build Improved Teamwork Between Law Enforcement Services and the Jr/Sr High School
#21 – Create a Community-Based, not Systems-Based, Program
#22 – Develop and Execute a Memorandum of Agreement Between all Service Providers
#23 – Broaden Services to the Families of Victims
#24 – Serve all Victims of Crime, not Just Domestic Violence
#25 – Collaborate with the BIA on the Implementation of the Major Crimes Act
#26 – Seek Additional Funding for Victim Advocate Positions
#27 – Build and Distribute a Resource Directory
#28 – Involve Non-profit, Faith-based Programs and Schools in Program Development and Delivery
#29 – Research Best Practices for Tribal Policies and Codes
#30 – Hold an All-parties Workshop to Improve Relevant Policies, Codes and Text
#31 – Finalize Hopi Tribal Authority to Adjudicate Non-Indians
Methodology

Responding to the need to provide better services to victims of crime, the Hopi Tribe successfully made an application in July of 2019 to the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Office for Victims of Crime (OVC) for $720,000 from the OVC FY 2019 Tribal Victim Services Set-Aside Program.

The Hopi Tribe then engaged the services of Building Communities, a strategic planning firm, to develop a Strategic Plan for the development of the Hopi Victim Services Program.

Consistent with the guidelines of the federal program, a seven-step project is underway to develop the Hopi Victim Services Program: 1) establish partnerships, 2) convene and mobilize partners, 3) assess community needs, 4) develop a strategic/implementation plan, 5) implement the program, 6) provide victim services, and 7) provide community outreach and education.

This is a three-year project with the establishment of partnerships and assessing the needs of crime victims being completed in Year One. The development of this Strategic/Implementation Plan is to be completed in Year Two. Finally, the implementation of the program and providing such services is to commence in Year Three.

The primary work to date has been the development of this Strategic Plan inclusive of the Needs Assessment. This work has been accomplished by conducting three surveys: 1) a survey of the general Hopi public related to the crime problem itself and the need for victim services, 2) a survey of the Project Partners (departments and organizations providing relevant programming that support victims), and 3) a Community Service Administrator survey gauging the impact of crime at the Village level.

The Partners were very active in the development of this Strategic Plan, attending some or all of four sessions as shown in the table. Input and feedback from the Partners led to the development of this Strategic Plan.

<table>
<thead>
<tr>
<th>Participation in Four Planning Sessions</th>
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<tbody>
<tr>
<td>Attendee</td>
</tr>
<tr>
<td>Baca, Yolanda</td>
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<tr>
<td>Cole, Brian</td>
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<tr>
<td>Dallas, Laverne</td>
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<tr>
<td>Duran, Matthew</td>
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<tr>
<td>Gashwaza, Andrew</td>
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<tr>
<td>Honanie, Nicole</td>
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<tr>
<td>Hyer, Travis</td>
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<td>Joshevama, Andrea</td>
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<td>Joshweseoma, Lorencita</td>
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<td>Navenma, Jamie</td>
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<tr>
<td>Norton, Beatrice</td>
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<tr>
<td>Onsae-Namoki, Carey</td>
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<td>Povatah, Racheal</td>
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<tr>
<td>Sahneyah, Dorma</td>
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<tr>
<td>Talahytewa, Philton</td>
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<tr>
<td>Wahnee, Julian</td>
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<tr>
<td>Werito, Lynda</td>
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<td>Zahne-Tacheene, Kim</td>
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Mission and Vision Statements

**Mission Statement**

“The Hopi Victim Services Program provides integrated services for Hopi victims of crime utilizing traditional and cultural values while supporting personal safety and dignity.”

**Vision Statement**

“Hopi victims of crime will be served by a safe, compassionate, accessible and responsive system which seamlessly supports victims of crime so they experience physical, emotional, mental and spiritual well-being.”
Recommendations

Defining Specific Solutions

Solutions to the many problems identified in the Needs Assessment were identified by the participating partners in the strategic planning project.

The solutions/recommendations are identified below, categorized by the type of programming recommended.

Compensation for Damages

#1 – Establish a Compensation for Damages Program. Currently, if a Hopi individual is a victim of crime, there is no fund to “make them whole.” That is, if they suffer physical, mental, or emotional damages, there is no source of funding in which they could pay for mental health services or make a repair to a door or window for example. They are simply out of luck. And yet, the establishment of a compensation system for such circumstances is regarded as the highest priority for program development as identified through the Needs Assessment.

The establishment of such a fund must be done with proactive planning. The amount of annual funding must be established and parameters need to be developed in which the victim has a clear understanding of eligible expenditures and the limitation on funding for such expenditures. The parameters and protocols of the fund must be established and articulated in a fashion in which there is no ambiguity throughout the entire system – clear understanding by the Hopi Tribe, the network of Primary and Secondary Partners, and the victims themselves.

Federal funding is available for the establishment and perpetuation of such programming. Federal and other funders must understand that the establishment of such a compensation fund is a high priority. As noted in the Needs Assessment, the establishment of such a fund is actually identified by survey respondents as the highest priority.

Historically, the state of Arizona has operated such a fund. Changes to such programming have enabled a direct path by tribes to access such funding. Such programming is typically based upon crime statistics maintained by local jurisdictions. For this reason, it is imperative that Hopi Law Enforcement Services provide current and ongoing statistical information from which to base a compensation program.

Ultimately, the compensation fund must contribute to the healing of the crime victims. Although “money alone will not solve the problem,” without such financial support many crime victims cannot “climb out of” their new circumstance as being a crime victim. While they may make progress on restoring relationships and healing physical and emotional wounds, they may still be left with a financial hurdle that they cannot climb out of which only serves to extend the wound.

Mental Health Services/Counseling

#2 – Increase the Number of Mental Health Providers. First and foremost, Hopi needs more licensed mental health therapists that can serve both the adult and the youth populations. Ideally, Hopi would be able to hire and sustain five new therapists that could serve the adult population and five new therapists that could serve the youth population.
#3 – Take a new Approach to Mental Health Therapy. Currently, the provision of mental health services is offered on a clinical/systems-approach. That is, various offices at Hopi and IHS provide services in a traditional format whereby people go to clinics to receive services. It is widely agreed throughout Hopi that a new community-based approach would be much more effective. Services need to be provided where the need is located, not simply at a clinic which may feel imposing or inaccessible.

#4 – Establish In-Patient Services. In-person services like a detox center, halfway house, or other in-patient programming is not currently available but desperately needed at Hopi. A provider of psychiatric services would be well received.

One opportunity might be for Behavioral Health Services (BHS) to develop a funding request through Hopi American Rescue Plan Act (ARPA) funding for the development of a new shelter. BHS does desire to provide community-based services. Such services need to be made available “across the board” to the Hopi people at locations most accessible to them.

#5 – Target Health Service Delivery to Meet Specific Crime Issues. Now that the Needs Assessment has been completed, the tailoring of Behavioral Health Services to specific crime impacts can be done. Updating and perhaps re-branding the Community Health Programs (CHP) could be done with an increased focus on the youth population.

#6 – Continue Hopi Jr/Sr High School Programming and Counseling. Parallel to the development of the Victim Services Program, the Hopi Jr/Sr High School has been surveying its student and parent population to identify problems and solutions related to drug abuse and behavioral health. The school received a 52% response rate including 150 parents to a survey.

The school is beginning to offer on-line courses that address substance abuse and self-esteem issues.

#7 – Improve the Referrals System. Improved communications and networking is necessary between Behavioral Health Services and the Hopi Court System so that the Courts make referrals to all the service providers throughout Hopi.

#8 – Coordinate with IHS. Indian Health Services utilizes a systems-based provision of services that is governed by procedures and protocols that prohibit the flexible deployment of services to Hopi. Hopi’s desire to offer more of a community-based rather than a systems-based approach is the opposite of the long-standing protocols of IHS. While it may not be realistic to expect significant changes in the approach administered by IHS, improved communication between Hopi and IHS may yield some “partial solutions” to the rigors that is stifling the deployment of some services.

#9 – Foster the Growth of the Sunrise Project in Coordination with Northern Arizona University. NAU is collaborating with Hopi to offer the Sunrise Project which is designed to provide mentorship opportunities to Hopi youth and to develop an app that offers information related to resources available for Hopi youth. The Hopi Jr/Sr High School would be an excellent partner in the project.
Legal Assistance/Services

#10 – Help Hopi Victims with Paperwork. Hopi victims of crime that are traumatized by their current situation are frequently ill-equipped to address the paperwork requirements and protocols necessary in order to access services. The process, for example, to secure a protection order can be overwhelming. In circumstances in which a death is involved, addressing guardianship or school enrollment matters can also be overwhelming.

#11 – Provide Funding for Court-Related Fees is Needed. Hopi victims of crime should be able to access funding for court-related fees for services at Winslow, Holbrook, and the Hopi Court System.

#12 – Address the Staffing and Credentialing Problem. Hopi has recently faced very high turnover with respect to personnel needing credentials to provide legal assistance services. One recent situation was an individual hired by the Hopi Prosecutors Office that was on the job for one day and quit. Meeting credentialing requirements with the Public Defenders Office and Hopi Legal Services is also challenging. Hopi has a difficult time competing with wages that can be provided by county and state budgets. One solution might be to provide free on-reservation training and utilize paraprofessionals. It is noted that funding will not ever be provided to offset attorneys fee but filing fees are an eligible use of grant funding.

#13 – Get Clarity on the Requirement for Police Reports. Serving victims of crime on reservations comes with challenges that are unique to reservation communities. One of the challenges is that reservation communities are frequently more tight-knit and familiar with victims by family name and even by clans. For this and many reasons, it is frequently more challenging for Tribal victims to file police reports in order to receive services to address their situations. This dynamic has recently been addressed by the funding programs, and Hopi victims of crime are frequently exempt from the police report requirement in order to receive such benefits.

#14 – Capitalize Upon Available Victim Services Funding Categories. Frequently, victims of crime need the most basic of services – food, gas, child care, cleaning supplies, etc. For the most part, these are eligible uses of federal grant funding to support crime victims. Appendix E lists the eligible use of such federal funding and the relative need at Hopi for such support.

#15 – Collaborate with Hopi Tribal Housing Authority for Relevant Funding Sources. Tribally Designated Housing Entities (TDHEs) have specialized access to funding for relief shelters, rental assistance, and other services. Improved coordination and collaboration between the Hopi Tribe and the Hopi Tribal Housing Authority should result in increased access to such resources.

Police Services

In July of 2019, as the Hopi Tribe was formulating the grant proposal to establish a new Victim Services Program, police services were being transferred from the BIA to Hopi Law Enforcement Services. The goal was to improve response time and provide improved law enforcement services throughout Hopi.

While the Hopi Tribe remains committed to this successful transfer from the federal government to local law enforcement, the Needs Assessment broadly concluded that significant improvements must be made in the provision of law enforcement services throughout the Tribe.
#16 – Maintain Statistical Records to Shape the Development and Operations of the Victim Services Program. The success of the Victim Services Program is based upon good information on the nature of the problem. HLES needs to maintain and provide statistics relevant to crime activity throughout the Tribe.

#17 – Expand Police Services to the Entirety of the Tribe. Currently, police services are centrally provided out of Kykotsmovi. People in the most distant stretches of Hopi such as Moenkopi and Keams Canyon/Yuwehloo Pahki Community still suffer from long response times. A new partnership at Moenkopi involving Navajo law enforcement services based in Tuba City should partially serve to address this problem.

#18 – Need for Comprehensive Evaluation of HLES Performance. There has not been a performance review of HLES since the transfer of law enforcement responsibility. Such a review would provide recommendations that could be responsive to the concerns expressed in the Needs Assessment. While the BIA is not providing such evaluations in-person, such an evaluation could be done remotely.

#19 – Capitalize Upon Information Gained from Village Security. Since the onset of the pandemic, Hopi has provided new security services with security officers monitoring ingress and egress into each of the Villages. Although the information is informal and anecdotal, information possessed by the providers of security services can better inform the provision of law enforcement services and support for victims.

#20 – Build Improved Teamwork Between Law Enforcement Services and the Jr/Sr High School. Significant efforts are being made at the Hopi Jr/Sr High School to better understand the needs of the student and parent population, especially to address drug abuse issues. Improved teamwork opportunities exist between the High School, Law Enforcement and the establishment of the new Victim Services Program.

Victim Advocacy

#21 – Create a Community-Based, not Systems-Based, Program. Ultimately, the purpose of the Victim Services Program is to promote healing for the victims themselves. This can be done by providing a responsive, community-based system which empowers victims to recover from the trauma of crime. A community-based system would be loyal to the victims, not to the agency itself. As most victims cannot advocate for themselves, a community-based system will provide the support and services necessary for such recovery.

#22 – Develop and Execute a Memorandum of Agreement Between all Service Providers. All of the providers in the Victim Services Program, including law enforcement and the courts, must be on the same page in terms of a collaborative delivery of services. This ultimately should be codified in a Memorandum of Agreement (not simply a mutual understanding, but an agreement on how to proceed).

#23 – Broaden Services to the Families of Victims. Especially at Hopi where families and clans are so tight-knit, crime does not just impact the victims – it also impacts the families of victims. As the services for victims are being designed, the broader impact to families should be in mind.
#24 – Serve all Victims of Crime, not Just Domestic Violence. When people think of the provision of services for victims, they frequently focus only upon domestic violence situations. But all crimes have victims and support services are needed for the full breadth of problems as defined in the Needs Assessment.

#25 – Collaborate with the BIA on the Implementation of the Major Crimes Act. The federal government addresses major crimes such as homicide and sexual assault. The BIA should be actively engaged in supporting the establishment and operations of the new Hopi Victim Services Program.

#26 – Seek Additional Funding for Victim Advocate Positions. The current federal grant does provide funding for the establishment of three positions: 1) Victim Services Program Manager, 2) Victim Witness Advocate, and 3) Victim Services Office Manager. Federal funding will remain available to maintain and expand such services. Ultimately, staffing increases are necessary to operate a fully-functioning Victim Services Program.

#27 – Build and Distribute a Resource Directory. The array of services to support victims of crime should be developed in a directory that is easily understood and accessible by crime victims. One starting point might be to review directories provided by local counties.

#28 – Involve Non-profit, Faith-based Programs and Schools in Program Development and Delivery. At Hopi, it literally “takes a village” to address crime problems. It is estimated that over 20 non-profits are involved in supporting people at Hopi. Involving non-profit and faith-based institutions as well as the Hopi Jr/Sr High School will broaden the array of services available for victims.

Policy and Codes
It is broadly agreed by the Primary and Secondary Partners developing the Victim Services Program that the Hopi policies and codes need to be substantially revised so that crime perpetrators can be held accountable and victims can be protected.

#29 – Research Best Practices for Tribal Policies and Codes. Tribes throughout the United States, particularly larger Tribes, have established Victim Services Programs and have revised policies and codes and text to be more responsive to victims. The “best practices” of such documentation should be reviewed with an eye to adapt and “Hopi-tize” such policies to meet the cultural needs of Hopi.

#30 – Hold an All-parties Workshop to Improve Relevant Policies, Codes and Text. After being informed by the best practices from other Tribes, a workshop – or series of workshops – should be scheduled amongst all parties (service providers, schools, Tribal Council Members, etc.) to update and approve all relevant documentation. Some form of public hearing or forum should be conducted to communicate the improvements to the codes and policies.

#31 – Finalize Hopi Tribal Authority to Adjudicate Non-Indians. The Hopi Tribe has worked for many years to establish jurisdiction to be able to adjudicate non-Indians. Recently, changes in the Violence Against Women Act (VAWA) provides such authority for Tribal Law and Order Act (TLOA) tribes. Such policies should be completed and enacted.
**Seek Additional Funding Sources**

The existing grant is invaluable to Hopi because it has created a Needs Assessment that has defined the problem and has established a Strategic Plan to tackle the need for improved services to victims of crime at Hopi. The implementation of the grant will support three new positions and establish an office location at Hopi.

A recently-received grant is providing additional outreach and training services throughout Hopi. The outreach services will help people throughout the Tribe understand the availability of new personnel and programming, and offer training to law enforcement, domestic violence, and sexual assault service providers.

Hopi should continue to capitalize on future-year funding from federal programs, including the FY2022 funding availability.

The grant supporting the development of the Victim Services Program is scheduled to end on December 31, 2022. The follow-on grant for outreach has a period from January 2022 through June 2023. The deadline for the current grant should be extended reflecting the delays caused by the pandemic.

**Emerging Federal Funding Opportunities**

More than at most points in recent history, the Hopi Tribe has access to federal funding to address the implementation needs of the Strategic Plan. The combination of the federal response to the pandemic and the priority that the Biden Administration is giving to Native American Nations leads to emerging and growing federal and state funding sources for plan implementation. The allowable costs of the federal grant program with the most direct source of implementation resources is shown in Appendix E.

**Reaching for the Low-Hanging Fruit**

The Primary and Secondary Partners identified a few items of “low-hanging fruit” that could be “picked” to begin the implementation of the Victim Services Program. These are relatively high-impact, low-cost/effort measures that could begin to make a difference.

These efforts can include:
- Development of brochures and information describing the availability of services
- Holding “listening sessions” to understand the needs of the people
- Implementing the new outreach/training grant to connect services to victims
- Support the emerging work at the Jr/Sr High School to support students and parents
- Brief the Tribal Council on the efforts of the Primary and Secondary Partners

**Moving into Plan Implementation**

The partners that collaborated to develop this strategic plan discussed the “methodology of implementation.” That is, should the plan be implemented as one large concerted/organized effort or should the “easier and more manageable” aspects of the implementation effort be focused upon first.

Ultimately, this will be the decision of the three new staffing positions to make along with the oversight of the Hopi Chairman’s Office and the Hopi Tribal Council.

As is so clearly expressed in the Needs Assessment, the problem is so urgent and acute that progress needs to be immediate and steady in the years to come.
Summary of the Partners Survey

Partners Survey
A critical piece of the methodology generating this Strategic Plan is a survey that was conducted of the Hopi Tribal Victim Services Partners. From the onset of the strategic planning process, partners were identified as primary or secondary. The survey was administered to all of the primary and secondary partners, and the results are summarized here. The questions asked in the survey are shown in the table.

The survey lends itself to summarizing seven of the 23 questions in the table below.

<table>
<thead>
<tr>
<th>Victim Services Partners Survey Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Name of program/organization</td>
</tr>
<tr>
<td>2. Number of Employees within your program/organization</td>
</tr>
<tr>
<td>3. What position/titles does the program/organization have?</td>
</tr>
<tr>
<td>4. What are their key responsibilities?</td>
</tr>
<tr>
<td>5. Is your program/organization funded by a grant?</td>
</tr>
<tr>
<td>6. If yes, who is the funding agency?</td>
</tr>
<tr>
<td>7. Is your program/organization funded by general funds?</td>
</tr>
<tr>
<td>8. What services does your program/organization offer?</td>
</tr>
<tr>
<td>9. Are you aware of any gaps or needs in victim services?</td>
</tr>
<tr>
<td>10. If yes, please explain</td>
</tr>
<tr>
<td>11. What codes/ordinances does your program/organization abide by as it refers to victims?</td>
</tr>
<tr>
<td>12. Does your program/organization have internal policies/procedures to provide services to victims?</td>
</tr>
<tr>
<td>13. If yes, what internal policies and procedures does your program/organization have as it refers to victims?</td>
</tr>
<tr>
<td>14. If a client or employee discloses they’ve been a victim of crime, what are your program/organization’s procedures?</td>
</tr>
<tr>
<td>15. Does your program/organization have an office that is accessible to clients/victims?</td>
</tr>
<tr>
<td>16. What are your program/organization’s office hours?</td>
</tr>
<tr>
<td>17. What other agencies, programs, organizations, etc. does your program/organization commonly work with?</td>
</tr>
<tr>
<td>18. What specific population(s) does your program/organization serve?</td>
</tr>
<tr>
<td>19. What other agencies, programs, organizations, etc. does your program/organization commonly get referrals from?</td>
</tr>
<tr>
<td>20. What other agencies, programs, organizations, etc. does your program/organization commonly refer to?</td>
</tr>
<tr>
<td>21. Is there an alternate contact for your program/organization?</td>
</tr>
<tr>
<td>22. Please provide their name, phone number, and email address</td>
</tr>
<tr>
<td>23. Is there anything else that you feel it’s important for us to know?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Summary of Partners Survey Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>DHS/Office of Adult Aging Services/ALTCS</td>
</tr>
<tr>
<td>Hopi Behavioral Health Services</td>
</tr>
<tr>
<td>Hopi Jr/Sr High School</td>
</tr>
<tr>
<td>Hopi Law Enforcement Services</td>
</tr>
<tr>
<td>Hopi Opportunity Youth Initiative, Hopi Foundation</td>
</tr>
<tr>
<td>Hopi-Tewa Women’s Coalition to End Abuse</td>
</tr>
<tr>
<td>Office of Aging &amp; Adult Services</td>
</tr>
<tr>
<td>Prosecutor’s Office</td>
</tr>
<tr>
<td>Social Services Director</td>
</tr>
</tbody>
</table>

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In total, 13 partners responded to the survey. The majority of the programs are grant-funded. 62% of the programs indicated that they received a portion of their revenues through grant funding. 46% of the programs rely on general fund monies to operate their programming.

A majority of the respondents, 77%, indicated that they were aware of gaps related to victim services programming. 23% of the programs do have internal policies and procedures that govern the provision of their services. 62% of the programs have an office that is accessible to the general public.

Appendix C provides a detailed summary of the responses with respect to the following questions:

- #3. What positions/titles does the program/organization have?
- #4. What are their key responsibilities?
- #6. Who is the funding agency?
- #8. What services does your program/organization offer?
- #10. If yes, please explain
- #11. What codes/ordinances does your program/organization abide by as it refers to victims?
- #13. If yes, what internal policies and procedures does your program/organization have as it refers to victims?
- #14. If a client or employee discloses they’ve been a victim of crime, what are your program/organization’s procedures?
- #16. What are your program/organization’s office hours?
- #17. What other agencies, programs, organizations, etc. does your program/organization commonly work with?
- #18. What specific population(s) does your program/organization serve?
- #19. What other agencies, programs, organizations, etc. does your program/organization commonly get referrals from?
- #20. What other agencies, programs, organizations, etc. does your program/organization commonly refer to?
- #23. Is there anything else that you feel is important for us to know?

**Service Gaps Identified by Partners in Survey.** Many of the partners were able to explain specific gaps in services that are impacting victims. These primary findings include:

- The Tribe has certain offices and programs that are directed at addressing specific problems, but adequate services are ultimately not provided due to a lack of personnel and/or “repetitive stagnated practices.” For example, the domestic violence program is limited to incidents involving partner-to-partner crimes while Social Services/CPS deals with children. The majority of the domestic violence cases are intra-family relations such as brother against brother or uncle against nephew. The Tribe does not offer services to these victims nor to other victims of other crimes such as property crimes. All victims of major crimes investigated by the BIA-CIU unit are serviced by the BIA Victim Advocate.
• Better communications are needed between the victims of crime with the parents of under-aged victims. Better communications are needed, for example, when both the victim and the suspects are enrolled in the local schools. This causes great safety issues for the school and the victims. It has potential to traumatize the victim all over again when the suspect shows up at the school, especially when the suspect was released and the victim was never notified of such release.

• The Hopi codes and ordinances need to be updated to address many of the issues and concerns related to HLES, the courts, the Tribe/HTC, social services and behavioral health policies/procedures.

• The Hopi Tribe has a draft Adult and Vulnerable Adult Protection Ordinance but budget restraints have not been addressed by the Hopi Tribal Council.

• Missing services include a local shelter for displaced victims, survivor support, financial support, and personal planning for long-term recovery such as jobs, housing and child care.

• Victims never have the opportunity to realize full justice and do not know how to go about filing a complaint, or benefitting from compensation or protection.

• Missing services include adequate police services, alcohol/drug abuse services, elderly/child abuse services, and services that address suicide, physical health, mental health, emotional health and spiritual abuse.

• Staff needs assurances that when they carry out their duties they will be supported by the Tribe.

• Communications between the victims and the Prosecutors Office is very challenged; the prosecutor schedule makes it difficult to track victims for consultation, trial preparation, and restitution.

Detailed Responses from all of the partners are provided in Appendix C.
Summary of the CSA Survey

In order to determine the impact of crime and need for victim services at the Village level, a survey was administered to all of the Community Service Administrators (CSAs). CSAs are the lead administrators for each of the 12 Hopi Villages.

Surveys were completed and returned from Sipaulovi, Upper Moenkopi Village, the Village of Moencopi (Lower), Walpi, and Yuwehloo Pahki Community.

The CSAs were asked to characterize the severity of the crime problem as it relates to their Village on a five-point scale. The options on the scale included:

1. An extreme problem
2. A serious problem
3. A problem
4. A minor problem
5. Not a problem

Two of the CSAs characterize the nature/severity of crime as an extreme problem, two of the CSAs defined it as a serious problem, and one CSA characterized it as a problem. The responses from the CSAs corroborate the findings of the Needs Assessment.

Next, each of the CSA respondents were asked to review 22 types of crime and characterize each type as either: 1) a serious problem, 2) a moderate problem, or 3) not a problem.

The table below summarizes the response from the five Villages to the 22 types of crime.
Next, the CSAs were asked to characterize the availability of services for victims of crime at Hopi. The table below summarizes the number of responses to the 4-point scale.

<table>
<thead>
<tr>
<th>Response</th>
<th>Frequency of Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The services are excellent and effective</td>
<td>0</td>
</tr>
<tr>
<td>It is a mix – there are some effective services but there is not a full system in place to help victims</td>
<td>0</td>
</tr>
<tr>
<td>What we have in place is generally ineffective</td>
<td>2</td>
</tr>
<tr>
<td>We basically have little to nothing in place to support victims</td>
<td>3</td>
</tr>
</tbody>
</table>

The CSAs were then asked to identify the type of services and benefits that should be in place for crime victims. Here are the responses:

- Excellent chain of command for services, road map of services for victims, DV Shelter, financial assistance/support, safe houses, village support, awareness campaigns, public messaging, text for help hotline, and support groups.
- Local police offices in every Village or way stations with a village police officer, services for those affected by crime, and civil and criminal execution of order.
- Victims of crime should have access to counseling, education, and a trusted hotline available.
- Faster response time from HLES and programs that provide these services and More support from these programs.
- Better protective services for the elderly, juveniles, children and disabled individuals. Need quality facilities to house and protect victims. Need reliable, qualified, and professional advocates. Address the alcohol, drug abuse and other crime issues.

Next, the Villages were asked how they could be a part of the solution. Here are the responses:

- We have Village security but they are limited in what they can do to help, they are not trained in response/ intervention of serious crimes.
- Consolidated village security program funded by the tribe or villages by providing training, and medical benefit to the security contingency.
- Provide information regarding resources available.
- Community members are afraid to speak up so a lot of the crimes happening come to the administration after the situation.
- Members need to be educated to help resolve the issues.

Next, the CSAs were asked how the COVID-19 pandemic has affected crime and services. Here are their responses:

- Isolation and home stay orders have contributed to crime.
- The crime has increased due to the loss of employment from the COVID pandemic, and many are staying home. With the loss of employment the need for money has made those desperate and causes break-ins and ultimately loss of valuable equipment.
- It does not matter if COVID is here if the wait time of the HLES or emergency calls will because this Village is miles away from the services provided and by the time HLES gets here everyone involved has run off. Now that Navajo and Hopi have a MOA in place it now makes it easier.
• Alcoholism, drug abuse, burglaries, assault and other crimes have increased the crime rate.

Finally, the CSAs were asked if they had any additional feedback. Here are their responses.
• In the wake of the pandemic the need for a hands-on security approach has been increasing, the security forces we have do not have access to medical benefit, and the individuals that cause crime have been known to be under the influence causing situations where the security are uncomfortable to do their jobs. It is my hope that as a village we can come together with other First Mesa Villages and take this matter seriously for the safety of the community and public at large.
• This is a difficult survey due to a current lack of resources or even ideas about how to assist victims of crimes.
• Outreach from the programs. Officers make their regular checks with no excuses.
• The Hopi tribal programs, Chairman, Vice Chairman and Council Reps need to have an active role and obligation in addressing the problems.
**Background**

This Background section is a topic-based summary of many of the comments that were made by the Victim Services Program Partners during the planning sessions that were held between October 2021 and February 2022. Much of this background informed the findings and recommendations of the Strategic Plan.

**Situation Analysis**

The Hopi Tribe begins this Strategic Plan for the establishment of a Victim Services Program recognizing that they are “beginning from scratch.” Although it is possible to recognize certain activities and achievements at Hopi leading to some minimal level of support for victims, it is far more accurate simply to indicate that Hopi victims of crime currently have no support system in place.

**History of Crime Problems at Hopi**

Although the results of the Needs Assessment are alarming, it should also be recognized that the depth and breadth of crime problems at Hopi are not new. One of the Victim Services Program Partners has a background in law enforcement that extends back over 20 years. While Hopi and the BIA have worked to address crime problems, this is the first time that Hopi has worked internally to establish its own Victim Services Program.

**The Central Problem: An Attitude of Victimization**

The Partners collaborating to develop this Strategic Plan recognize a root problem at Hopi: a sense of victimization. That is, given that crime of all forms is so rampant at Hopi, and given that little is in place to address the widespread problem, many of the Hopi people are resigned to the thought that they are victims of their circumstances and that there may never be anything done about it. They currently do not see the Hopi Tribe as an answer to the problem. They do not believe that their Village has the resources to effectively address crime. And they do not see any system in place whatsoever that gives them hope that things will change.

During the strategic planning workshop, the facilitator made a request of all the participants in the planning process: “Raise your hand if you have been a victim of crime or have a member of your family that was a victim of crime.” Every hand went up. And yet the crime rate in the state of Arizona is an impact of only 28.9 persons out of every 1,000 experiencing such criminal activity.

The planning partners agreed that the only route out of a sense of victimization is an internal commitment within the people themselves to decide to heal – to overcome. But for many, it is just too painful to become sober – it is better to be numb than to try to make changes only to feel the pain.

**How the Pandemic Affected the “Victims Dynamic”**

It has been well reported that the pandemic has “placed a spotlight” on the challenges of living in Indian Country. For Hopi, this spotlight also underscores the lack of a Victim Services Program. In effect, it showed that “the system collapsed” (whatever system could be recognizable in the first place).

From a cultural and traditional standpoint, it was as if the world and the land was upset with the people. Something had gone desperately wrong. Hopi gains its strength by coming together in ceremonies. The ability to convene, however, was eliminated. For some Hopi members, they still found a way to remain
strong in their spirit without such group settings and socialization. But for many, the lack of the traditional convenings only increased the blame game and sense of desperate victimization.

The difference between how people reacted was largely determined by the upbringing of the Hopi people themselves. Those with a strong family foundation managed to cope with the circumstances. But for many, it has become a complete collapse with the absence of all forms of hope.

**Recent Trends with Hopi Law Enforcement**
In 2019, Hopi Law Enforcement Services (HLES) took over the responsibility for local law enforcement from the Bureau of Indian Affairs. It was thought that a more localized deployment of law enforcement services would improve response times and better serve the Hopi people.

The planning partners and survey respondents widely believe that law enforcement services have not improved since 2019. In fact, there is consensus there has been a decline in the availability of law enforcement services. Many people have lost confidence that if they call the police somebody will show up.

**The Need (and Cost Effectiveness) of Grant Writing Services**
While the existing Victim Services Program grant does provide resources for the establishment of a Victim Services Program, there is a need to think “long term” on how the program will be funded, maintained, and potentially expanded.

The planning partners discussed the importance of seeking grant sources for program development and operations. It was generally agreed that there is a lack of grant writing expertise – both at the programmatic level and at the Hopi administrative level.

The provision of CARES Act funding and ARPA funding since 2020 has substantially increased the availability of grant funding to Tribes. Hopi could benefit by bolstering its internal grant writing capacities. An Indirect Cost Rate of over 30% could make the proposition of hiring grant writing professionals to be a strong return on investment for Hopi.

**The Capstone Problem: Developable Land**
Even when good planning is in place to solve the problem and resources are available for facility development and program expansion, the next challenging problem becomes the lack of developable land. Much of Hopi, especially the area around Second Mesa, is not developable. Frequently, there are disputes between the villages or within the clans that are virtually unsolvable rendering land undevelopable for decades.

**Working with the Villages**
The independence and autonomy of Hopi Villages from the Hopi Tribe creates a problem to overcome with respect to providing such services in a way that meets the needs of the people themselves.

In general, Village leadership generally looks at Tribal programs as ineffective and unresponsive. Simultaneously, many of the Tribal program managers find difficulty in meaningful and effective engagement with the Villages.
The Hopi Behavioral Health Services (BHS) program has found ways to effectively engage with the Villages. Frequently, BHS will rent local facilities which increases the visibility of the programming while providing some funding for the Villages themselves. In turn, there have been times when the Villages have waived their facilities rental fees as a gesture of good faith and partnership.

One concept discussed by the planning partners is to locate trained advocates within the Villages so there is better understanding and communication within the Tribe.

Another thought is to treat the engagement between the Tribe and its Villages like the consultation process utilized between the federal government and Indian Tribes (the “government to government relationship.”) On one hand it seems overkill to establish such a formalized consultation process. On the other hand, formalizing the communications process might create certainty and constructive dialogue.

The planning partners recognize the very important role of Village Community Service Administrators (CSAs). Each of the Village CSAs has the ability to connect the Villages with the programs and services of the Tribe itself.

Facilities
One of the benefits of receiving the federal grant is funding for a modular building to house the Victim Services Program. Planning for locating the facility has been a part of the Tawa’ovi development.

Over the past year, a budget adjustment has been completed because there was insufficient funding for modular acquisition and placement (construction inflation costs have been extraordinary over the past year). Hopi has been able to reduce the amount of funding set aside for vehicles in order to increase funding for the modular building.

As of February 2022, there has been a moratorium on construction development activity at Tawa’ovi. As such, the placement of the modular building is on hold.

In addition to the modular building, the planning partners note that additional facility needs include the development and operations of a shelter, the completion of the Incident Command Facility (three holding units with four rooms each), and improved power infrastructure.

Running parallel to the development of the Victim Services Strategic Plan is an effort by the Hopi Office of Community Planning Economic Development and Land Information Services (OCPEDLIS) to develop and publish a website that summarizes many approaches that the Hopi Tribe is taking to address the impacts of the pandemic.

This website, www.hopiresilience.org, profiles the work underway to develop and implement this Hopi Victims Services Strategic Plan.

It remains the goal of the Hopi Tribe to locate the new modular for the Victim Services Program at Tawa’ovi. Ground has been prepped for the new facility but a moratorium on development at Tawa’ovi remains as of February 2021. Finalization of the purchase of the modular is underway.
Judicial Issues
Hopi has experienced a “revolving door” of judges and prosecutors. Law breakers are often able to outwit the system given that the system itself has little institutional memory to build upon. Furthermore, there is a lack of mentorship and internship programs that would give a new generation of citizens and leaders the ability to overcome the long-standing crime activity.

Lack of Opportunities for Youth
Some of the highest achieving Hopi youth are encouraged to “go off to college and come back home and help solve the problems.” Once they have received their degrees and skills, however, they do not find the types of jobs and potential income that would bring them home to problem solve.

Need for Reexamination of the Hopi Judicial System and Laws
In far too many cases, actions to support victims of crime fall short because either: 1) the existing Hopi Judicial System is not sensitive to the unique cultural needs of Hopi (the existing Hopi system is primarily based on the western concept of punishment and accountability rather than an alignment with Hopi values), and 2) there are discrepancies within the existing Hopi laws and codes that enable perpetrators of crime to avoid punishment. In the worst of cases, people can literally get away with murder. (Participants in the planning process referenced Emory Sekaquaptewa and his work to help Hopi define its own language that could “Hopi-tice” its Victim Services Program.)

External Partners
External partners relevant to Victim Services Programming include the Hopi Foundation, the Hopi-Tewa Women’s Coalition to End Abuse, the National Congress of American Indians (NCAI), the Tribal Law and Policy Institute (TLPI), the National Indigenous Women’s Resource Center (NIWRC), the Hopi Junior High/Señor High, the Federal Bureau of Investigation (FBI), the Bureau of Indian Affairs (BIA), Coconino County Victim Services, the U.S. Attorney’s Office, Missing and Murdered Indigenous Persons (MMIP), Hopi Healthcare, Tuba City Regional Health Care, Court Appointed Special Advocates (CASA), and Regional Shelters.

Communicating with the Hopi Tribal Council
The planning partners do not believe that the Hopi Tribal Council understands the existing social and crime conditions being faced by the Hopi people and the need for improved Victim Services. The very structure of the Hopi Tribal Council means that four of the Villages have no representation at all: Shungopavi, Hotevilla, Oraibi, and the Village of Moencopi (Lower).

Outreach to villages
One of the results of the Needs Assessment is the realization that the villages and people at Hopi are unaware of the current programs that can support victims of crime at Hopi. Based upon this and the availability of follow-on federal funding, Hopi received grant funding in November 2021 for outreach activities. The $425,000 18-month grant can be implemented in conjunction with the implementation phase of this Victim Services Program grant activity.

The Emerging Role of Youth at Hopi
Increasingly and alarmingly, Hopi youth are feeling as if they are the protectors with the collapse of the family unit, youth find that they are on their own and yet need the type of services being developed
through this effort. Creating communication channels directly with Hopi youth, including connections through the Hopi Junior Senior High School are important.

It Takes a Village, Literally
Much has been made over the last 30 years related to the concepts that “it takes a village.” Conceptually, this means that everyone within a community must take proactive action to work collectively to address problems. For Hopi, this takes added meaning because the literal definition of local communities are “Villages.” Including Yuwehloo Pahki Community (YPC), there are 13 Villages at Hopi, all of which have differing organizational structures and leadership design. For some of the villages, the traditional leadership based upon Hopi beliefs and ceremonies is paramount. Spiritual leaders set the direction for the administration of community and governmental activities. For other Villages, a more “Westernized” form of governance is in place.

The governance structure is across-the-board. For example, Upper Moenkopi Village (UMV) has its own Constitution and YPC is a chartered community. In the case of UMV and YPC, for example, there originating documentation gives the people more latitude to advance projects and programs. YPC has recently created the administrative and legal capacity to pursue, receive and administrate federal grants.

More on Culture
One part of Hopi culture is the tradition whereby Hopi women were protected from an early age due to the consistent messaging of mothers while children are raised. Hopi values such as humility and modesty were paramount. Some of the youth would not even go to the dances because their parents would protect them from situations of improper influence.

One significant challenge to maintaining Hopi culture is the death of many of the Hopi elders. Sadly, the pandemic has sped up the loss of the elders which maintained so much knowledge about custom and culture and values.

Village Conflicts
One unique challenge for Hopi implementing a Victim Services Program is the multi-generation conflict between the Villages themselves. This is most prevalent at First Mesa and Second Mesa. Many historical disputes over land and other matters have pitted one Village against another. The mindset of competition and conflict is passed down from one generation to another within the Villages.

Change in the “Feel” of Hopi
Many Hopi professionals that have left the Reservation in order to receive their higher education and then commit to a career still frequently yearn to return to Hopi. They want to be where they grew up. They want to support their parents. They want to be a part of the solution for a better Hopi way of life.

Unfortunately, many of these professionals conclude that “I wanted to come home but it is not home anymore.” They speak of the divisions and lack of community values. They speak of the dissention. And they speak of the lack of economic opportunity.
**Need for On-reservation Services**

One of the greatest problems at Hopi is the lack of on-Reservation services. Frequently, people must leave the reservation for foster care. The development of a child care facility would help serve to address this problem.

**HLES Staffing**

For Hopi Law Enforcement Services, “full-staffing” would mean 28 Full Time Equivalent (FTE). As of December 2021, the staffing level is currently at 21 FTE. One problem is that Hopi cannot offer competitive wages and benefits to secure and maintain a workforce.

By some accounts, a fully staffed law enforcement program for Hopi would be approximately 40 FTE. Notably, law enforcement services must be offered 24/7.

Another issues hampering HLES services is the lack of dash and bodycam equipment.

**Hopi Civic Condition**

In its economic development strategic planning work throughout the United States, the contractor for this project, Building Communities, has developed a tool called the Civic Condition Assessment (CCA). The CCA is a tool whereby communities can do self-evaluation and conclude that they are in one of four stages of civic condition: Apathy, Argumentative, Action, or Alliance. Appendix D provides background information on the CCA.

During the December 7, 2021 Strategic Planning Work Session, the CCA was described to the 13 participants of the session.

All 13 of the participants that responded indicated they believed that Hopi was in the “Argumentative Stage.”

In short, the strategic planning participants believe that Hopi has changed. Instead of working within the clan and family units to help solve problems, people are becoming more individualistic and finding fault with others. This is having an impact on crime and victims of crime at Hopi.

**Original Grant Proposal**

The development of the Hopi Victim Services Needs Assessment and Strategic Plan dates back to the summer of 2019 with the formation of the original grant proposal to the US Department of Justice (DOJ), Office of Justice Programs (OJP), Office for Victims of Crime (OVC). The original proposal contained information that is still very relevant to this strategic Plan and is contained in Appendix A.

**What is Going Well?**

The planning participants did identify several positive developments worth noting.

- The Hopi-Tewa Women’s Coalition to End Abuse has made progress. The longevity and tenure of the domestic violence staff has not only increased competence, but it has given more people throughout Hopi some confidence that their programming can be trusted and approached. The
strength of the program is enabling them to extend services beyond Hopi to other Pueblo Tribes that need support, information, and inspiration.

- A positive development is the progress on establishing a detention center. This will be a new facility located near the healthcare center.

- The pandemic has caused people to learn of a new form of communication – telecommunications platforms such as Zoom. Even after the pandemic, Hopi believes this can be a communications forum that will be useful and beneficial.

- During the pandemic, many of the Hopi artisans used this extraordinarily quiet period to hone their skills and produce even better arts and crafts.

- At Shungopavi, a recent strategic planning session led people to acknowledge that they do need to function as a community and to “own up” to the problems and solutions to move forward.

- The Village of Oraibi utilized CARES Act funding to extend power throughout the village. The effort showcased the ability of a grassroots movement to capitalize upon a funding opportunity to improve local quality of life.

- The Village of Kykotsmovi has been successful over the past year in realizing their long-term dream of the opening of a new store.
**Culturally and Historically Appropriate Programming**

<table>
<thead>
<tr>
<th>How does “Cultural Competency” Relate to Establishing a Victims Services Program?</th>
</tr>
</thead>
<tbody>
<tr>
<td>The planning partners spent time answering the question: <em>What does cultural competency mean in this planning process?</em></td>
</tr>
</tbody>
</table>

It means understanding the Hopi culture – all nuances of the culture. This is not reading about Hopi in a book...it is about living and breathing the Hopi experience.

Cultural competency is about embracing differences while understanding and respecting everyone. It means that service workers do not simply hand out forms and wish people “good luck.” It means that they help people fill out the forms successfully. Ultimately, cultural competency is about helping people find their inner strength.

**Cultural proficiency**

Cultural proficiency is the ability to work with individuals or communities whose culture is different from one’s own or from the dominant culture of the agency. It is the knowledge that culture impacts an individual’s perspective – how they view the world and others, how they relate to others, and how they perceive themselves.

Cultural proficiency includes: respecting differences; relating to individuals as individuals (with an awareness of the influence of culture); genuine commitment to serve the individual’s needs; and commitment to continuously learning about cultural differences, the cultures of others, and how culture influences each of us and our work together.
A HOPI
(Traditional Values and Vision of...)

A HOPI is one whose lifetime quest is to gain strength and wisdom through prayer, education and experience, to acquire a practical and spiritual understanding of life in general and to acquire the ability to address life circumstances and community needs from an eagle’s viewpoint with a caring attitude and humility;

A HOPI is one who places the society’s and/or community’s interest and benefits above individual and personal interests and gains;

A HOPI is one who understands that “Kyavtsi” means to maintain the highest degree of respect for and obedience to the moral standards of ethics, so as not to knowingly abuse, alter or oppose the progressive order, cycle of nature and the sacred manifestations of the creator’s teachings;

A HOPI is one who understands that “Sumi’nangwa” means to come together to do things for the benefit of all, out of a compelling desire and commitment to contribute or return something of value to the society;

A HOPI is one who understands that “Nami’nangwa” means to help one another (or give aid) in times of need, without having to be asked to do so and without expecting compensation for the deed;

A HOPI is one who understands that “Hita’nangwa” means to have the initiative to take care of something without having to be instructed, asked or reminded, regardless if anyone will notice your effort, and knows that it will make a difference;

A HOPI is one who understands that “Pasi’nangwa” means to have characteristic qualities of humility, modesty, patience, etc., and to possess the ability to think things through carefully and thoroughly before reacting to and voicing opinion on issues.

A HOPI is one who understands that the creator has provided all the necessary things needed by all living beings to coexist here, including the means by which the human race can achieve a happy, healthy and self-sustaining life;

A HOPI is one who understands that to realize a dream come true, one must not only pray for his/her desires, but also must make a sincere commitment and work diligently to pursue the dream (goal) until it is achieved;

A HOPI is one who understands that the greatest felling of accomplishment and fulfillment of one’s individual participation in the society/community functions and activities is knowing that your contributions have resulted in benefits to the community and its people.
Hopi Tribe Vision and Values: “Hopit Pötskwaniat” – Tribal Resolution H-101-95
The only thing constant about the future is that change will occur. If that change is to be positive and beneficial, it is up to our leaders and each one of us to take a proactive course of action. Effective and cooperative planning ensures positive change.

The following values are the cornerstone to the Hopi’s vision for the future:
- Independence and self-sufficiency of our communities and people.
- Sumi’ñangwa, Nami’nangwa and other characteristic traits of Hopi, i.e., faith, trust, pride, cooperation, consensus, etc., as the motivating force for change.
- Preservation, practice and protection of our Hopi religion and ceremonies, cultural customs and practices, language, arts & crafts, etc.
- Respect, conservation and protection of our natural environment, i.e., land, water, air, plant life, all living creatures, etc.
- Respect and care for the infant/youth and elderly members of our society.
- Quality standard of life for our people (economic benefits for all)
- Quality health care (prevention rather than treatment)
- Quality education (preparation for meaningful professions)
- Quality employment (jobs that complement individual careers)

Tribal Management Philosophy
“As servants of our people, we are dedicated to working in a spirit of Sumi’ñangwa – Nami’nangwa, providing quality services and preserving and integrating our culture, values, land and natural resources.”

“We are committed to promoting opportunities for self-determination and self-sufficiency.”

“We are an organization that provides services which enable our people to survive and prosper.”

“We are committed to Hopi values especially cooperative and collaborative relationships.”

“We attract, support, value and retain Hopi and other committed professionals who seek a challenging and rewarding work environment.”

Balancing Hopi Cultural Values with Western Law
The longest discussion over the four-session strategic planning workshops revolved around Hopi culture and values and how to institute a Victim Services Program in a “hybrid world” of Hopi history and modern legal practices.

To fully understand these legal and programmatic dynamics requires an understanding of Hopi history and the impacts of western settlement on the Hopi people. A portion of this history is included in an excerpt from an article presented on the Tribal Law and Policy Institute website presented in Appendix F. The most relevant subset of this Appendix is shown in the table which forms the basis for the discussion of the strategic planning partners.
## Hopi Tribal History and Tribal Law

### I. OVERVIEW

It is difficult in both tribal and mainstream American communities to get people to understand or become interested about the evolution of the community’s judge-made law. However, as many judges and lawyers will attest, judge made law—the legal standards adopted in the written opinions of a court—are the key to fitting general legislation to the realities of the community. The standards adopted by judges in their opinions integrate and formalize the previously unwritten values of the community and are recorded as precedent. A judicial system with well fleshed out judge made law, or common law, is one that promotes fairness, consistency, and a respect for local values.

In tribal communities, development of the common law is the key to ensuring tribal ownership over once imposed justice systems and often imported foreign legal standards. The common law process should be used to weigh when, if, and under what circumstances, foreign laws (state, federal, and/or other tribal) should be imported into the tribal jurisdiction. The common law process may also be used to identify and formalize custom and tradition in court process and in the adoption of substantive legal standards.

The dedicated judges of the Hopi Tribal Courts recognize the crucial function of the Hopi common law, and are committed to evolving it to ensure a tight fit between Western justice models and persisting Hopi ways. This paper outlines the efforts of the Hopi Tribal Courts in this regard. Recent cases have given rise to important discussions concerning the nature of the union of the Hopi villages, and the sorting of jurisdiction between the central Tribal Council and these villages. Recent cases have given rise to discussions concerning the formal application of Hopi values, including the application of generally accepted customs and, where necessary, finding relevant village customs and applying them in a particular case. Finally, important issues of fair process, particularly in the context of tribal court enforcement of village decisions, continue to be raised.

### II. BACKGROUND INFORMATION ON THE HOPI TRIBE & VILLAGES

Hopi are one of the oldest native cultures in North America. Hopis consider themselves descendants of an ancient people—the Hisatsinom—who occupied a vast territory encompassing much of what is now Northeastern Arizona. Hopi clan markings and the ruins of ancestral villages today mark the boundaries of these traditional Hopi homelands. The older Hopi villages are believed to be between 1000 and 10,000 years old. The Hopi Reservation was formally created by executive order in 1882. This order recognized a substantially lesser area than the Hopi aboriginal claim. Subsequent squatting by Navajo Indians on the designated executive order lands, and the federal government's indifference and inaction to the squatting, resulted in further diminishment of lands dedicated to exclusive Hopi use. Today the Hopi reservation encompasses 2439 square miles (1,561,054 acres) and is bounded on all sides by the Navajo Reservation. Despite diminishment, however, Hopi villages and clans continue to reside on aboriginal lands. The Hopi population is estimated to exceed 12,000 by the year 2000.

The Hopi Tribe today is comprised of twelve villages. Each of the older Hopi villages is made up of a hierarchy of clans based on their order of arrival to the area. According to village mythologies, Masau’u, a Hopi deity, holds the original claim to all Hopi lands. It was Masau’u who granted the leader of the original clan control or stewardship over village lands. Various plots were later allotted to clans as they arrived to the area in exchange for specific (often ceremonial) services. Modern villages and clan leaders trace their authority and rights in land to these original sources. Bear clan tends to be regarded as the first and highest ranking clan in a number of the villages with the male head of the clan serving as the village chief or “Kikmongwi.”

Traditional village government is a merger of clans, clan officers, religious societies and priesthoods. Many higher-ranking clans “own” religious societies, which are responsible for performing specific ceremonies or services for the villages. Although clan members fill the leadership positions within these societies, minor offices, and general membership in a society is usually open to any villager regardless of clan membership.

Beneath the clan hierarchy and village governance, lays the internal governance structure of clans. A Hopi clan is best described as a group of Hopi families, the females of which derive their clan through their mother’s line. The female head of the clan is often the oldest female member of the clan. The male head of the clan is likely to be her maternal uncle, her brother, or her son - but never her husband. In the typical traditional household, daughters and their families remain in her mother’s home for life.

### III. ABOUT THE TRIAL AND APPELLATE COURTS

The Hopi Tribal Courts were established by the Tribal Council in 1972. The courts do not have a separate constitutional dedication of powers from Tribal Council at this time. The trial court is housed in a modern courthouse/police headquarters complex on the Hopi Reservation. Despite diminishment, however, Hopi villages and clans continue to reside on aboriginal lands. The Hopi population is estimated to exceed 12,000 by the year 2000.
reservation near Keams Canyon, Arizona. The trial court is comprised of three associate lay judges and an attorney who serves as the Chief Judge. All the trial court judges are Hopi.

The trial court has general authority, guided by the Indian Civil Rights Act, to decide nearly every type of case, subject to the limitations of the Hopi Constitution, By-laws, and tribal ordinances. The trial court handles civil matters concerning such issues as marital disputes, commercial contracts, torts, employment rights, property disputes and probate matters. The Tribe has also established a Hopi Children’s Court with limited jurisdiction over minors who are shown to be dependent, minors who are in need of emergency care, and minors who are shown to be delinquent.

The trial and Children’s Court’s civil jurisdiction extends to both Indian and non-Indian litigants. The criminal jurisdiction of the trial court, however, is limited to Indians who commit offenses on the Hopi reservation. The criminal offenses include what are generally considered to be misdemeanor crimes and are listed in Ordinance 21. Indians who are not members of the Hopi Tribe are also subject to the jurisdiction of the Hopi Courts. However, the trial court does not exercise criminal jurisdiction over non-Indians who commit crimes on the Hopi Reservation. Non-Indians, if arrested, are taken before a state or federal court. The trial court’s authority to impose punishment is limited. The maximum sentence the trial court can impose for each criminal conviction is one year in jail or a fine of $5000 or both. However, the trial court can require that multiple sentences be served consecutively beyond this limit.

The Hopi Appellate Court was also established by Ordinance 21 in 1972. The Appellate Court is comprised of a three-judge panel of attorneys, which meets to hear oral arguments and deliberates two to three times per year at the Hopi court facility near Keams Canyon, Arizona. The Hopi Appellate court is assisted by a joint tribal-non-profit-university sponsored law clerking project housed at the University of California at Berkeley’s school of law (Boalt Hall).

The Hopi Appellate Court’s jurisdiction and mandate extend to the review of final trial court civil decisions, including the review of the trial court certification of decisions made by the nine, constitutionally recognized Hopi villages. The Appellate Court also has jurisdiction to review trial court criminal orders exceeding fifty dollars in fines or thirty days in jail. Finally, the Appellate Court is authorized to issue advisory opinions given certified questions of law from tribal agencies or departments or other judicial forums (including village forums).

1. Children & Families

The Hopi Tribal Council has enacted at least two ordinances providing the tribal courts with jurisdiction to deal with family matters. The first, the Hopi Children’s Code was adopted in 1981 and was last amended in 1997. The second is the Hopi Family Relations Ordinance, which was adopted in 1996.

Under the Children’s Code the Hopi Children’s Court exercises jurisdiction to intervene in or to request transfer of state court proceeding involving Hopi children under the Indian Child Welfare Act; over all children declared minors-in-need-of-care where the villages are not handling the matter; over all juvenile offenders; and over the placement of Hopi children. The Children’s Code also provides for jurisdiction over adults including persons accused of victimizing a child, or for the purposes of compelling attendance in court or other proceedings involving the child or his care and custody.

The Children’s Code restates the reserved jurisdiction of the villages to appoint guardians, to adjust family disputes, and to regulate family relations among village members. However, the Code goes further and sets out the procedures and content of notice for notifying the villages so that they may choose to handle the matter or may waive jurisdiction over the matter. If the village does not assume jurisdiction or does not respond to the notice by the deadline, the Children’s Court may assume jurisdiction. The Court may also assume jurisdiction in emergency cases.

The Hopi Family Relations Ordinance provides the tribal courts with jurisdiction to hear and issue protection orders in independent civil actions: “The court may provide remedies to protect persons within the territorial jurisdiction of the Hopi Tribe to prevent future abusive and violent conduct.” This ordinance also reiterates the reserved jurisdiction of the villages and provides for notice and the assumption of tribal court jurisdiction in the absence of a response from the villages. However, the notice requirements are applicable only when both the petitioner and the defendant are members of the same village.

What is notable about both the Children’s Code and the Family Relations Ordinance is that they provide for notice to the villages with the possible exercise of tribal court concurrent jurisdiction in the absence of a timely response from the village. Such tribal regulation of village jurisdiction is troubling to some as an unconstitutional limitation of village powers. However, others argue that such statutory provisions are necessary in dealing with children and abuse situations - especially given the as yet undeveloped state of village agencies,
judicial authorities or bodies and police. An argument can also be made that the legislation is constitutional given that the villages acted through their representatives to Council when such legislation was adopted.

V. HOW DO THE TRIBAL COURTS DECIDE MATTERS OF CUSTOM?

At the outset of this discussion it is important to state that treating “custom” as a subset of what the Hopi government, villages, and courts handle distorts and minimizes ubiquitous Hopi law ways. From the Hopi perspective, the relevant inquiries are when, how and why Western institutions, process and legal standards were merged into the existing Hopi system. Modern Hopi institutions are a merger of persisting traditional institutions, process and values and western forms (the Hopi Constitution, legislature, and an adversarial court) and values (a rights based versus a duty based legal system). Coming from this perspective the Hopi judges decide cases applying first Hopi constitutional and tribal law, then by applying Hopi custom, and finally, where relevant, importing selected or modified foreign law through the judicial opinion drafting process. Because Hopi constitutional and statutory law recognizes traditional legal authorities and jurisdiction, an exploration of “custom” at Hopi goes beyond identification and application of Hopi values in the tribal courts. First and foremost at Hopi, the tribal custom law area is about identifying traditional legal authorities, determining their subject matter jurisdiction, and determining whether the tribal courts have concurrent jurisdiction to hear a particular type of dispute before them. Consequently, before discussing custom as values, I will discuss traditional legal authorities at Hopi.

Source:  http://www.tribal-institute.org/lists/sekaquaptewa.htm

Pat Sekaquaptewa (Hopi) is the Associate Director of the Tribal Law & Policy Institute, a non-profit corporation committed to furthering the legal education and justice needs of American Indian and Alaska Native tribes. Ms. Sekaquaptewa is also the Director and instructor for the Hopi Appellate Project at Boalt Hall School of Law at the University of California, Berkeley. The Hopi Appellate Project is a joint tribal-non-profit-university clerkship program serving the Hopi Appellate Court in Northern Arizona. Ms. Sekaquaptewa received her B.A. from Stanford University in 1990 and her J.D. from the law school at U.C. Berkeley in 1995. Past law firm experience includes work with the federal-indian law specialty firms of Sonosky, Chambers, Sachse, & Endreson in Washington, D.C., and Alexander and Karshmer in Berkeley, CA.

Arguably, the central difference between Hopi and the Western model is that Hopi is family-based whereas other communities are traditionally individual-based. At Hopi, when a person does wrong, the wrongness has been shared by the family and even the clan. If an individual does bad things, it not only reflects on the individual themselves, but also on their family and clan members. “We all fell into the deep hole, so we all have to find our way up and make amends.” For a Hopi child, they know that if they “go out and do bad things” it will reflect on their father, their mother, their grandmother, their grandfather and their clan. While the phrase it takes a village to raise a child may have its original derivation from African communities, the phrase certainly sums up the beliefs and traditions of Hopi.

Perhaps the greatest challenge of instituting and implementing a new Victim Services Program is finding the balance of respecting traditional ways while still integrating into broader legal dynamics and programming.

<table>
<thead>
<tr>
<th>Finding the Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>At the conclusion of the lengthy discussion about Hopi history and tradition and how it influences law and justice, all of the participants were asked to reflect and react to the following statement of dichotomy: “the Hopi way in culture is so special and so rooted in family and clan that we must build our own system that does not deviate from these core values and core relationships” versus “the Hopi way and culture is significant, but this is 2021. Things have changed so much and it is so hard and not perfect, but we must fully integrate into the Western ways and utilize the new system.”</td>
</tr>
<tr>
<td>The ensuing discussion was hard… painful. Everyone in the room fully understood the dynamics of what was being discussed, but it was virtually impossible to find the words that describe the resolution to this challenge.</td>
</tr>
<tr>
<td>Rather than beginning at either end as the starting point, the building of the Victim Services Program will likely be an ongoing “wrestling match” between two cultures to piece together the best solution possible.</td>
</tr>
</tbody>
</table>
APPENDIX
Appendix A
Original Grant Proposal Content

Content from Application Narrative

Establishing a New Hopi Victim Services Program

A. DESCRIPTION OF THE ISSUE

1. Geographic Area. The Hopi Tribe is a federally recognized Tribe located in remote areas of Navajo and Coconino Counties in Northeastern Arizona. The Hopi Reservation encompasses 1.6 million acres and is surrounded by the Navajo Nation. The nearest border city is Winslow, Arizona, located approximately 160 round-trip miles from the Tribal headquarters in Kykotsmovi. Phoenix is located 576 round-trip miles south of the reservation. The Hopi people live in Villages or communities on or below three distinct mesas. Not only is Hopi isolated but it is also dispersed. The Hopi civilization was formed atop of three distinct geographical mesas. In addition, there are two “islands” of populations: Moenkopi and Yuwehlooh Pahki Community. Additionally, the Hopi people also live on separate ranches. It is over 100 miles from the western edge of Hopi to the eastern edge. Finally, a significant Hopi population lives in Winslow, 90 round-trip miles south of Kykotsmovi.

2. Population of Area. The Hopi population of enrolled members is approximately 14,571, of which 9,700 live on the Reservation. The Hopi Tribal Enrollment office estimates a population annual growth rate of 3.4%. The average annual household income is $15,776. Unemployment rates are estimated at 68%, and 61% of families live in poverty.

3. Current Crime Statistics. In 2018, the Bureau of Indian Affairs reported 8,787 crimes on the Hopi Reservation. The table shows the subset of these crimes that typically have crime victims. In total, 474 such crimes were reported in 2018. (Statistics to-date for 2019 reflect similar crime frequency.) As the table indicates, the top victim-producing crimes include assault, theft, larceny, burglary and stolen property.

<table>
<thead>
<tr>
<th>Category</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assault</td>
<td>185</td>
</tr>
<tr>
<td>Theft</td>
<td>86</td>
</tr>
<tr>
<td>Larceny</td>
<td>51</td>
</tr>
<tr>
<td>Burglary</td>
<td>50</td>
</tr>
<tr>
<td>Stolen Property</td>
<td>45</td>
</tr>
<tr>
<td>Death</td>
<td>17</td>
</tr>
<tr>
<td>Missing Persons</td>
<td>17</td>
</tr>
<tr>
<td>Assault Attempt</td>
<td>14</td>
</tr>
<tr>
<td>Lost/Missing Property</td>
<td>3</td>
</tr>
<tr>
<td>Sex Offense</td>
<td>3</td>
</tr>
<tr>
<td>Rape</td>
<td>2</td>
</tr>
<tr>
<td>Murder</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>474</td>
</tr>
</tbody>
</table>

Source: BIA Law Enforcement

One of the significant concerns of the Hopi Tribe is the inaccurate and inadequate crime statistics reporting of the BIA. This problem is one of several reasons why the Hopi Tribe assumed the law enforcement services from the BIA through a 638 contract. Nonetheless, for the purposes of this grant application, we are utilizing BIA statistics as a part of our overall justification for the project. (As Hopi assumes full responsibility for law enforcement, such statistics will become more reliable.)

One additional method to report crime activity impacting victims is to analyze data from the Hopi Tribal Court. These figures, however, are limited because the court can only report crime statistics from within
a system that brings the cases to the courts. As such, the court estimates that true crime statistics are 1.5-times the data reported by the courts.

4. Insights and Relevant Issues/Gaps. With respect to services to victims of crimes, the Hopi Tribe is currently addressing two transformational issues. First is a challenge to the Hopi people that stems from our status as the most coal-dependent Native American Tribe in the United States. The Hopi Tribe is facing an economic and budgetary crisis of unmatched proportions. For years, the Tribe has depended upon revenue related to the coal mining operations of the Peabody Mine which feeds the Navajo Generating Station (NGS). NGS, the largest coal-fired powerplant in the western United States, will close in December 2019. 88% of the non-federal operating budget of the Hopi Tribe is dependent upon the operations of the mine and powerplant.

The Hopi Tribe is currently experiencing a decrease in revenue and has reduced all program budgets by 12% for FY2018, after imposing 10% cuts for each of the FY2016 and FY2017 years. For FY2019, Hopi experienced another cut of approximately 8% for all programs. This is a total of almost one-third of budgets across the entire Tribe. If this were done on a national level it would be devastating, yet the Hopi Tribe adapts and survives as it has since time immemorial. This crisis has the two-fold impact of: 1) increasing the financial and emotional stress on our people resulting in an increase in criminal activity, and 2) reducing the budget for law enforcement and victim support services.

A second transformational issue relates to an action that the Hopi Tribal Council took on July 10, 2019 to formally adopt a Self-Determination Contract award which supports assumption of certain Bureau of Indian Affairs Law Enforcement Service programs under Title 1 of the Indian Self-Determination and Education Assistance Act. The July 2019 decision transfers the law enforcement services from the BIA-Office of Justice Services to the Hopi Tribe. This represents an expansion of duties and responsibilities of the Hopi Resource Enforcement Services (HRES) and sets the stage for the work funded by this grant proposal.

There is an urgent need to streamline all the key agencies that provide services to victims or potential victims. Likewise, there is a need to harmonize the goals and missions of the various entities. Specific issues/gaps include: 1) victim support and law enforcement services are conducted in “silos,” reducing the effectiveness of existing programming; 2) while the 638 Self-determination contract offers long-term opportunities for Hopi law enforcement, this transition only became effective in July 2019 and is working to overcome learning curves and growing pains; 3) because Hopi Behavioral Health Services is located within the Indian Health Services main Reservation hospital, there are safety concerns related to behavioral health evaluations for incarcerated Tribal members; 4) the Hopi Tribe does not have a treatment center or a detention center; 5) the Tribe must rely on BIA correction officers to transport defendants that are housed hours away from the Reservation, creating extreme logistical challenges; 6) the nearest mental health bed availability is almost 400 miles away; 7) Hopi juveniles are housed at a facility operated by the Hualapai Tribe, approximately 250 miles away; 8) Hopi is in urgent need of transitional housing for victims in pending court cases; 9) the phone system in the Hopi Court complex was hit by a lightning strike in August of 2018 and current service is impacted/limited; and 10) Hopi victims endure a “jurisdictional shuffle” because the Hopi Reservation covers two separate counties (Coconino and Navajo Counties, Arizona). Jurisdictional challenges are combined with language barriers and the fact that a very small percentage of crime victim resources from the counties benefit native populations.

5. Specific Crime Victim Needs. American Indians and Alaska Natives experience the highest rates of criminal victimization in the Nation. According to a 2016 report from the National Institute of Justice (NIJ), over 80% of American Indians and Alaska Natives will experience intimate partner violence, sexual
violence, or stalking in their lifetime. For Hopi, this number is estimated at 90%. The NIJ study reported that Native victims are more likely to be injured as a result of their violent victimization, more likely to need services, and are significantly less likely to have access to services compared to their non-native counterparts. At Hopi, this is certainly the case compared to the services provided by Navajo County, Arizona and Coconino County, Arizona to the remainder of their population.

The Hopi Way of Life is strong with traditional cultural practices that reside on a year-round calendar, creating the foundation to address the spiritual, emotional, mental and physical affects for all victims facing violence, abuse or neglect. Hopi Tribal law enforcement challenges include high rates of substance and alcohol abuse, domestic violence, burglaries, and physical and sexual assaults. In recent years there has been a rise in minor sexual and physical assault cases. These are complex and deep-rooted issues that inflict substantial traumatic affects to the Hopi Way of Life.

Today, ongoing statistics stated in the 2013 Law Enforcement LEMAS report indicate that only 13% of the U.S. Law enforcement agencies reported having a specialized unit with full and part time personnel dedicated to victim assistance. The challenge for having staff that are trained to provide victim services is great due to the location of many Tribes being remote and isolated. In addition, Bureau of Indian Affairs Victim Specialists have more than one Tribe or jurisdiction to serve with only one or two full-time staff.

The Hopi Tribe does not have federal funding for an OVC program. Funding under this grant would provide the foundation for Hopi to have its own Victim Services Program to serve victims directly affected by crimes, including information dissemination about the legal process, explanation on victim and witness protection laws, victim rights, and on available victim/witness resources.

The Hopi Tribe is very concerned that Hopi victims are “re-victimized” when they must endure long transport hours to places unknown to them or their family. The challenges of the system to the Hopi people, exacerbated by the frequency of long-distance travel, not only creates physical and mental distress, but financial distress as well. The cost to Hopi victims creates tremendous financial strain for a people that already experience a 60%+ poverty rate.

The re-victimization phenomenon, unfortunately, is a reminder of the intergenerational trauma that began with the impact of the federally operated boarding schools. Studies have proven that this intergenerational trauma has been encoded in the DNA of Native Americans and physically inherited from one generation to the next. For Hopi, this is combined with the long-standing land dispute with the Navajo Nation, compounding the victimization.

Creating new staff positions in Year 3, based upon our planning in the first two years, will allow assistance to the victims in accessing medical, psychological, legal, financial, or unemployment services, promoting crime victim rights, and providing referrals to social and behavioral health and related service agencies working with individuals with mental, emotional or learning disabilities, networking with federal, state, regional, and local public and private entities to advocate for victims of crimes and advocating victim rights to state and local law enforcement programs.

The program will establish and maintain effective communication and networking between the Tribe, Bureau of Indian Affairs, Federal, State and local law enforcement, social services, and related organizations to ensure victims of crimes are treated with fairness and respect, notified of their rights, provided with updates on their cases, and given the information, referrals and other information they need to address the often traumatic impact of victimization.
B. PROJECT DESIGN AND IMPLEMENTATION

All elements of the project design and implementation will be developed with specific goals and objectives in mind. The objectives will be specific, measurable, achievable, realistic and time-bound (SMART Objectives). The strategic plan to be developed in Year Two will contain objectives and measurable performance measures that allow for clarity in terms of actions/deliverables.

1. Reason for Purpose Area #1. Although the Hopi Tribe has offices and services that provide elements of the needed victim services to the Hopi people, the Tribe does not currently have a “program.” As such, the Hopi Tribe elects to pursue Purpose Area #1.

2. Program Activities. The proposed activities to be conducted with this project are sevenfold: 1) establishing partnerships, 2) convening and mobilizing partners, 3) assessing community needs, 4) developing a strategic/implementation plan, 5) implementation, 6) providing victim services, and 7) providing community outreach and education.

### Establishing a New Hopi Victim Services Program

<table>
<thead>
<tr>
<th>Year One</th>
<th>Year Two</th>
<th>Year Three</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ready</td>
<td>Aim</td>
<td>Fire</td>
</tr>
<tr>
<td>- Establish Partnerships</td>
<td>- Strategic/ Implementation Plan</td>
<td>- Implementation</td>
</tr>
<tr>
<td>- Convene/ Mobilize Partners</td>
<td>-</td>
<td>- Provide Victim Services</td>
</tr>
<tr>
<td>- Assess Needs</td>
<td>-</td>
<td>- Outreach/ Education</td>
</tr>
</tbody>
</table>

Hopi views the development and implementation of this project in a “Ready/Aim/Fire” paradigm. Year One will focus on readiness. Year Two will focus on “aiming.” Year Three will focus on execution. The table below provides more detail in terms of the activities that will take place and the people/organizations that will conduct such activities.

<table>
<thead>
<tr>
<th>Program Activities</th>
<th>Project Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Responsible Staff*</td>
</tr>
<tr>
<td></td>
<td>D</td>
</tr>
<tr>
<td>a. Establishing Partnerships</td>
<td>X</td>
</tr>
<tr>
<td>b. Convening and Mobilizing Partners</td>
<td>X</td>
</tr>
<tr>
<td>c. Assessing Community Needs</td>
<td>X</td>
</tr>
<tr>
<td>d. Strategic/ Implementation Plan</td>
<td>X</td>
</tr>
<tr>
<td>e. Implementation</td>
<td>X</td>
</tr>
<tr>
<td>e.1. Hiring Staff</td>
<td>X</td>
</tr>
<tr>
<td>e.2. Siting/Purchasing Modular</td>
<td>X</td>
</tr>
<tr>
<td>e.3. Purchasing Vehicle</td>
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</tr>
<tr>
<td>f. Providing Victim Services</td>
<td>X</td>
</tr>
<tr>
<td>g. Outreach/Education</td>
<td>X</td>
</tr>
</tbody>
</table>

*Responsible Staff: D=Director of Public Safety; C=Consultant; P=Chief of Police; HT=Hopi Tewa Women’s Coalition; PM=Program Manager; VWA=Victim and Witness Advocate
a. Establishing Partnerships.
The partners below are designated as either Primary (P) or Secondary (S). This designation will relate to their activity level with the project.

The primary partners for this project include Hopi Department of Public Safety and Emergency Services, Hopi Police Department, Emergency Medical Services (EMS), Hopi Tribal Court, Indian Health Services (IHS)/Hopi Health Care, Behavioral Health Services, Department of Social Services, Hopi Tribe Executive Director, Hopi-Tewa Women’s Coalition to End Abuse, Prosecutors Office, Public Defenders Office, and Domestic Violence Program.

The secondary partners include Department of Education and Workforce Development, Department of Health and Human Services, Office of Community Planning and Economic Development, Department of Natural Resources, Hopi Foundation, Hopi Cultural Preservation Office, Community Health Representatives (CHR), and Director of Human Resources Department.

In addition to the traditional offices and personnel related to law enforcement and the provision of victim services, cultural/clanship/ceremonial leaders are of paramount importance to the Hopi Tribe. Since time immemorial, the Hopi’sinom (Peaceful Ones) have lived on Tuuwanasavi, the center point of Tutskwa (the land) and maintained the sacred covenant with Maasaw (ancient caretaker of the earth) to live as peaceful and humble people respective of Sinom (people), lands and its resources. Hopi is one of the oldest living cultures in documented history. Toward this end, the Kikmongwi for each traditional Village will be consulted in this process.

The faith-based organizations (Mormons, Mennonites, Baptists, Catholics) will also inform the development and implementation of this project. Finally, the survivors of domestic violence will help shape the project.

b. Convening and Mobilizing Partners.
Ultimately, Hopi will establish a Victim Services Program when all of the partners understand their respective roles, and how they all contribute to the ultimate objective: improving services for victims of crime.

Presuming a January 1, 2020 project start date, the Consultant, under the Public Safety Director’s direction, will convene a full-day Project Planning Summit designed to: 1) introduce the purposes of the grant, 2) describe the roles and responsibilities of the various partners, 3) recognize partners as Primary or Secondary to this project, 4) develop a survey designed to collect consistent information from all partners, 5) allow each partner to identify their challenges and services utilizing the predeveloped survey, 6) identify optimal communication forms such as email, routine meetings, use of communications technology, and annual meetings, 7) establish subcommittees (which will conduct activities between monthly meetings), 8) develop reporting structures, and 9) complete performance reports and ultimately report to the Hopi Tribal Council the progress and accomplishments of the project. Simultaneously, the required program administrative documentation will be routinely addressed.
The Primary partners will conduct monthly activities while the Secondary partners will engage on a quarterly basis. The designation of Primary versus Secondary will be evaluated every six months, and the roles and responsibilities of partners may change as the needs and situations develop and evolve.


With the assistance of its consultant, Building Communities, Hopi will evaluate best practices with respect to a victim services needs assessment template. Hopi has already identified that such a template must address all realms of victim services including, but not limited to, assault, arson, homicide/attempted homicide, child abuse, DUI/DWI crashes, elder/vulnerable adult abuse, fraud, hate crimes, identity theft, kidnapping, property crimes, robbery, human trafficking, and vehicular assault.

Ultimately, Hopi believes that all crime victims should have access to high quality, culturally appropriate, victim-centered services. Ultimately, one of the philosophies of Hopi will be to create a No Wrong Door approach. This will ensure that victims and survivors receive fully coordinated, comprehensive support and assistance no matter how or where the services are entered. Although this will be a challenge given the “silos” referenced in this proposal, it will be made possible through the project and its role to convene the various partners.

These outcomes will be in mind throughout the assessment project. The assessment will evaluate the Tribe’s readiness, strengths, challenges, resources and opportunities to build an effective Victim Services Program. This assessment will form the framework for the ensuing strategic and implementation plan.

Building Communities is a strategic planning firm with extensive knowledge and awareness of the needs and challenges at Hopi. Building Communities participated in over 40 Hopi-Tewa Village-based meetings in 2017-2018, resulting in a broad socio-economic needs list. This combined with the strategic planning acumen of Building Communities ensures a systematic, comprehensive approach to completing the needs assessment.

d. Developing a Strategic/Implementation Plan.

At its root, a strategic plan answers three questions 1) Where are we? 2) Where do we want to be? and 3) How are we going to get there? Based on the findings of the Community Needs Assessment (above), the “Where are we?” question will have already been answered. Each of the project partners will have contributed to defining the situation assessment, have a preliminary understanding of their future roles.

Based upon addressing some of the most urgent and critical needs (as measured by some of the crime statistics), the project participants will help to “define success” by collectively answering the second question (“Where do we want to be?”). This vision of a successful Victim Services Program will be in stark contrast to the issues/gaps identified above. Careful attention will result in Specific, Measurable, Achievable, Realistic, Time-bound (SMART) objectives that can be objectively and routinely measured. This performance measurement tool can be shared with the Hopi Tribal Council, general public and all stakeholders and program funders to demonstrate progress. Adjustments to the performance management system will be made periodically.

One outcome of the project will be to create new policies and procedures to facilitate an effective Victim Services Program. Hopi will review Program Standards, Competency Standards, and Ethical Standards for serving victims and survivors of crime. One of the top priorities for the establishment of
policies and procedures is that such policies are culturally relevant. At Hopi, the term for developing such policies and procedures is that they need to be “Hopi-ized.” Policies that are in place at the state level, for example, will be reviewed and then streamlined/personalized to the needs of the Hopi people within the Hopi justice system.

As the strategic planning process proceeds, Building Communities will be able to assist the Hopi Tribe with the development of its policies and procedures, and then help take such recommendations to the Hopi Tribal Council for approval and implementation. Ultimately, the results of the strategic plan can be formalized in a partnership such as a memorandum of understanding that defines the roles of the partners. The implementation plan will be visited on a monthly basis to identify the progress on identified action steps (completed, underway, revised, no progress, objective dropped). As this is the primary activity and deliverable for Year 2, the information gained will form the background for attendees at the National Indian Nations Conference and the mandatory OVC training.

e. Implementation.

Based on the needs assessment, strategic plan, policies and protocols that will be established in Years One and Two, the Hopi Victims Services Program will move into the implementation phase in Year Three. This will require investment in personnel, outreach expenses and travel to assist victims.

The shift to implementation will be a natural extension from the Needs Assessment and the Strategic Planning work. That is, by the end of Year Two, a comprehensive understanding of the needs of Hopi victims will be understood, and a strategic plan with very specific implementation recommendations will be in place.

Already, Hopi has identified the job descriptions of three essential positions that will be created through this program in Year Three. These positions are: 1) the Program Manager, 2) Victim Advocate, and 3) Office Manager. It will be the role of the Program Manager to oversee the other personnel and provide leadership for the new Victim Services Program under the guidance of the Director of Public Safety and Emergency Services. The Victim Advocate will be more directly involved with victim service provision. The Office Manager will provide administrative support for the Victim Services Program.

Basically, at Hopi, if you are a victim, you currently have nowhere to go. You have no system in place. You have no advocate. By Year Three of the program, these three positions will be in place, and there will be people dedicated to the welfare of Hopi victims of crime. The job descriptions for these positions follow.

The Program Manager will report to the Director of Public Safety. This will be the beginning of a more comprehensive program to be developed in the years ahead.

The Director of the Department of Public Safety and Emergency Services (DPSES) will be adding a new Hopi Victim Services Program under the DPSES organizational chart. The Department of Public Safety and Emergency Services is currently preparing for a reorganization to include this much needed Victim Services Program due to the acceptance of the Self-Determination PL.93-638 Contract for Hopi Law Enforcement Services (HLES).

f. Providing Victim Services.
The basic question that a victim has is: “Where do I go to get help?” It will be the role of the new personnel to answer that question. Currently, crime victims have no alternatives. But through this program, these resources will begin to emerge. By the end of Year Two, a modular will be in place that will provide the primary office space for the Victim Services Program. This will be the facility in which many of the services will be performed for the victims (the process to physically site the modular will begin in Year One given the complexities of the siting process). In addition, a vehicle will be purchased that will be utilized in Year Three to transport victims to a variety of service opportunities.

Although ideally Hopi would have a Victim’s Shelter, the limited budgetary resources do not allow for this in the near term. As such, transportation services will provide the essential role of transporting victims to health care and a variety of social services in order that they are able to maintain their lives. Victims of rape and sexual assault will need to travel to the Hopi Healthcare facility for examinations. In some cases, victims of crime will need to access Behavioral Health Services. These services exist now, and victims will become better informed of how to access such benefits. Other victims will simply need to navigate a criminal justice system that is totally foreign to them. Should they need to navigate the federal criminal justice system, such victim support will be even more important.

Hopi will establish the criteria to access services and create the policies which will provide a consistent service level for all victims. Forms will be created and people will begin to understand the process of accessing healthcare, law enforcement services, future shelter services, and legal civil protection orders. Ultimately, it will be the goal of the Hopi Victim Services Program to make our people “whole again.”

By Year Three, victims will be able to access services provided both by the Hopi Tribe as well as partners. The centralized modular location will be the place that people can go to learn of the resources available to them. A new transportation vehicle will be purchased and available to provide such transportation.

Initially, a lot of the services will be referrals, explaining the variety of services that can be accessed through the county and the state and the federal government. Over time, Hopi will generate its own programs and resources to directly support such victims. Within five years, the goal will be to establish a “One Stop Shop” that will truly provide a clearinghouse of services for all victims. For Hopi, this is one step at a time, as currently there is no place at all for a victim to receive services.

g. Providing Community Outreach and Education.
A variety of means will be utilized to provide outreach and education to the Hopi population with an eye toward potential crime victims. The development and distribution of outreach materials and education materials will be coordinated through the project. Accessing National Crime Victim’s Rights Week poster kits, resource guides, crime and victimization statistical fact sheets, OJP publications and reports will be most helpful.

The early design of the project envisions well placed billboards, offering messages in both English and Hopi, as well as the use of graphics that are culturally appropriate to Hopi to carry the message.

The Hopi Tribe is renowned for its artists and artisans, and the project can utilize this local talent to connect at a deeper and more spiritual level to have crime victims come forward.

As new programs and services emerge, new outreach materials will be created.

C. CAPABILITIES AND CAPACITIES
2. Staff Qualifications
The job descriptions below provide the needed qualifications necessary for serving the emerging Hopi Victim Services Program. In short, the new positions will have a knowledge of Hopi Tribe and applicable state and federal statutes, rules, administrative rules, policies and procedures and case law. New employees will also have a knowledge of the theories, principles and practices of social services, psychological, emotional and other behavioral and social service disciplines. It will be expected that the new positions will hold a Bachelor’s degree in social work, human services, sociology or a closely related field. Having at least four years of experience managing similar programs will also be preferred. A Master’s degree in social work would be ideal.

The Victim Services Program Manager is a direct report to the Director of Public Safety and Emergency Services, and will be responsible for all activities of the new Victim Services Program.

The Victim Advocate will manage the more complex cases, including any activity associated with the federal criminal just system.

The Victim Services Office Manager will manage the less complex cases, and address all other administrative program requirements as directed by the Program Manager.

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VICTIM SERVICES PROGRAM MANAGER

**DEFINITION:** Under the general supervision, performs work of considerable difficulty in the management, supervision and administration of the Victim Services Program; manages and oversees all aspects of the day-to-day operation providing a variety of social services and support assistance to victims, witnesses, family members and others who have been impacted by all crimes; develops policies and procedures to ensure consistency of service delivery and compliance with all applicable laws; exercises initiative and independent judgment in applying laws, regulations, policies and procedures; performs related work as assigned.

**TASKS:** Hires, trains and supervises staff; assures adequate staff coverage of all shifts, by preparing staff schedule, including backup and temporary support and security; facilitates staff meetings and training; ensures data software and electronic filing system are maintained and operating properly; conducts performance appraisals for assigned staff; assists with recruitment and selection of staff; coordinates and monitors client and financial reports; assists and monitors the processing of invoices for payment; participates in the preparation of annual budget; oversees expenditure controls of overall services budget; prepares, presents and gathers reports.

**KNOWLEDGE, SKILLS AND OTHER CHARACTERISTICS:**
- Knowledge of community, social and related resources, services and providers.
- Knowledge of the basic principles of case, file and records management.
- Skill in making decisions and problem solving.
- Ability to prioritize and respond to demands in a prompt and efficient manner.
- Ability to multi-task and prioritize assignment.
- Ability to train and supervise subordinates and volunteers.

**MINIMUM QUALIFICATIONS:**
• A Bachelor’s degree in Social Work, Human Services, Sociology or a closely related field; and four (4) years of experience in managing program or organization, including two (2) years of supervisory responsibilities.

SUPPLEMENTAL REQUIREMENTS: Incumbent must obtain a Hopi Tribe Vehicle Operator’s Permit, Cardiopulmonary Resuscitation (CPR) and First Aid Certification within 90 days of date of hire. Depending upon the needs of the Hopi Tribe, some incumbents of the class may be required to demonstrate fluency in both the Hopi and English languages as a condition of employment.

VICTIM ADVOCATE

DEFINITION: Under general supervision, performs work of considerable difficulty in managing the more difficult and complex cases in providing services and support assistance to victims and/or witnesses impacted by all crimes; exercises initiative and independent judgment in applying laws, regulations and policy; performs related work as assigned.

TASKS: Receives, assesses and analyzes social, physical, psychological, financial and other needs of victims and witnesses of crimes; maintains resource materials identifying available counseling and treatment programs; provides follow up counseling and social service referrals; participates in the development of program policies and procedures for services. Drafts orders, reports and other documents required to initiate services. Provides protection and/or services to meet other victim, witness and family member needs; assists victim in filing compensation forms, victim/witness statements and other documentation pertinent to case; may supervise subordinates in the delivery of services.

MINIMUM QUALIFICATIONS: A Bachelor’s degree in Sociology, Counseling, Psychology, Social Science, Criminal Justice or a closely related field; and three (3) years of responsible experience as a counselor, advisor or social worker in crisis intervention or closely related responsibilities; or a Master’s degree in Counseling, Psychology, Social Science, Criminal Justice or a closely related field; and one (1) year responsible experience as a counselor, advisor or social worker in crisis intervention or closely related responsibilities. Depending upon the needs of the Hopi Tribe, some incumbents of the class may be required to demonstrate fluency in both the Hopi and English languages as a condition of employment.

VICTIM SERVICES OFFICE MANAGER

DEFINITION: The Office Manager is responsible for supporting the administrative tasks of the coalition. The Office Manager will provide fiscal, technical, and administrative support, including office management, implementation of administrative office procedures, records management, collection and reporting of statistics, accounting functions, and general secretarial support work. This position reports to the Victim Services Manager.

TASKS: Maintains office services by organizing office operations and procedures; prepare payroll; designing filing systems and perform clerical functions. Perform office administrative duties and assist the Victim Services Manager in maintaining grant compliance and documents. Monitor and maintain equipment inventory and oversee preventive and maintenance services.
Schedule purchase of office supplies, equipment and other necessary items for the Program. Maintain grant documents; personnel files; and all other pertinent and confidential files and documents.

Prepare monthly financial and administrative reports.

Provide technical support to staff; create and maintain databases; develop project and budget spreadsheets.

Make logistical arrangement for events and meetings;

Maintain staff training and travel logs.

Coordinate special projects as requested; perform other duties as assigned.

MINIMUM QUALIFICATIONS: VICTIM SERVICES OFFICE MANAGER
A high school diploma or equivalent, supplemented with 1 year related administrative/secretarial/accounting post-high school coursework. Four (4) years administrative/accounting experience in increasingly responsible office operations is required. Knowledge of personnel policies and procedures. Knowledge of accounting and budgeting principles and methods. Knowledge of modern office equipment, troubleshooting, practices, and procedures. Interpersonal/human relations skills. Good verbal and written communications skills. Proficient telephone skills. Planning and organization skills. Excellent time management and decision-making skills. Ability to transcribe data, and compose and edit a variety of memoranda or letters. Ability to maintain confidentiality. Proficiency with computer programs: Word, Excel, PowerPoint.
To enhance Hopi’s capacity to assist crime victims and provide leadership to change policies and practices to promote justice and healing for all victims of crime.

November 2021

Funding for the Needs Assessment and Strategic Plan for the Hopi Victim Services Program project has been provided by The US Department of Justice (DOJ), Office of Justice Programs (OJP), and Office for Victims of Crime (OVC)
Context of this Needs Assessment

This Victims Services Program Needs Assessment is a subset of an overall project that will create a Strategic Plan to develop and implement a Victim Services Program for the Hopi Tribe.

Once the Strategic Plan is completed, this Needs Assessment will become a subset of that overall Plan.
Hopi Victim Services Program

ACKNOWLEDGEMENTS

The pursuit of a federal grant for the establishment of a Hopi Victim Services Program was the vision of Dorma Sahneyah, Executive Director for the Hopi Tribe. Recognizing that such victim services are greatly needed and woefully inadequate at Hopi, a grant application to the Office for Victims of Crime (OVC) was developed in the summer of 2019.

Administration of this project is led by Jamie Navenma, Director of the Hopi Public Safety Department. Substantial contributors to the Needs Assessment and Strategic Planning process are being made by Carey Onsae and Kim Zahne of the Hopi-Tewa Women’s Coalition to End Abuse.

Contributions were made by many of the partners to the planning process. These partners are acknowledged below.

- Hopi Department of Public Safety and Emergency Services
- Prosecutors Office
- Hopi Law Enforcement Services
- Hopi Domestic Violence Program
- Emergency Medical Services
- Hopi Jr/Sr High School
- Hopi Tribal Court
- Hopi Health Care
- Indian Health Services (IHS)
- Department of Education and Workforce Development
- Behavioral Health Services
- Department of Health and Human Services
- Office of Community Planning and Economic Development
- Department of Social Services
- Department of Natural Resources
- Office of Aging & Adult Services
- Hopi Foundation
- Hopi Tribe Office of the Executive Director
- Hopi Cultural Preservation Office
- Hopi-Tewa Women’s Coalition to End Abuse
- Community Health Representatives (CHR)
- Human Resources Department

Development of this Hopi Victim Services Program Needs Assessment was completed by Building Communities. Kimberly Janeway, Lahoma Davidson, Bailey Anderson and Brian Cole of Building Communities provided staff support.

www.BuildingCommunities.us
In 2019, the Hopi Tribe successfully applied for a $720,000 grant from the OVC FY 2019 Tribal Victim Services Set-Aside Program. The Grants.gov Solicitation Number OVC-2019-16590 identified the requirements of the applicants and the successful awardees.

This fact sheet provides a basic overview of the requirements of all awardees in terms of the eligible work activities that can be funded under the grant.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Requirement</th>
</tr>
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<tbody>
<tr>
<td>Date Grant Application Submitted</td>
<td>Monday, July 29, 2019</td>
</tr>
<tr>
<td>Federal Office Providing Funding</td>
<td>The US Department of Justice (DOJ), Office of Justice Programs (OJP), Office for Victims of Crime (OVC)</td>
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<tr>
<td>Federal Agency Mission</td>
<td>To enhance the nation’s capacity to assist crime victims and provide leadership in changing policies and practices to promote justice and healing for all victims of crime</td>
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<tr>
<td>Eligible Entities</td>
<td>Federally recognized Indian Tribal Governments</td>
</tr>
<tr>
<td>Available Funding Nation Wide</td>
<td>$90 million</td>
</tr>
<tr>
<td>Philosophy of Program</td>
<td>Every tribe is unique in that it possesses its own culture, distinct strengths and resources, and its own set of challenges. The unique circumstances of tribes should be considered in the development of the Victim Services Program</td>
</tr>
<tr>
<td>Two Types of Grant Awards</td>
<td>Type One: Establishment of a new Victim Services Program (that's us!) Type Two: Coordination and expansion of existing Victim Services Program</td>
</tr>
<tr>
<td>Primary Message of Grant Application</td>
<td>Proposal should describe specifically how the applicant will successfully undertake and complete the proposed objectives in a three-year timeframe. Applicants cannot request funding that will duplicate other efforts that are currently underway.</td>
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</tbody>
</table>
| Seven Recommended Steps for the Grant-funded Project          | 1 – Establish partnerships  
2 – Convene and mobilize partners  
3 – Assess community needs  
4 – Develop a strategic/implementation plan  
5 – Implementation  
6 – Provide Victim Services  
7 - Provide community outreach and education |
| Establishing a New Hopi Victim Services Program               | Year One | Year Two | Year Three |
| Ready/Aim/Fire Approach                                      | Ready | Aim | Fire |
| • Establish Partnerships                                      | • Strategic/Implementation Plan |
| • Convene/ Mobilize Partners                                  | • Provide Victim Services  
• Outreach/Education |
| • Assess Needs                                                | • Implementation |
| Unallowable Costs and Activities                              | Funding must be used to improve Victim Services and may not be used for activities that are not related to Victim Services – For example, activities that are |
centered on crime prevention, investigation, prosecution, offender services or corrections. New construction costs are unallowable.

**Evidence-based Programs or Practices**

OJP strongly emphasizes the use of data and evidence in policy making and program development in criminal justice, juvenile justice and crime victim services.

**Project Period**

January 2020-December 2022

**Required Training Sessions**

Year One – New Grantee Orientation
Year Two – National Indian Nations Conference
Year Two – OVC Mandatory Training

*Note: These training sessions have been impacted by the pandemic.*

**Allowable Costs**

The grant application provides detail as to the allowable and unallowable costs.

<table>
<thead>
<tr>
<th><strong>Project Partners</strong></th>
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<tr>
<td>Prosecutors Office</td>
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</tbody>
</table>

**Villages:**

- Bacavi
- Hotevilla
- Kykotsmovi
- Lower Moenkopi
- Mishongnovi
- Oraiyvi
- Shungopavi
- Sichomovi
- Sipaulovi
- Tewa
- Upper Moenkopi
- Walpi
- Yuwehloo Pahki
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Section 5: Demographics 41
Hopi Victim Services Program
EXECUTIVE SUMMARY

Methodology
Responding to the need to provide better services to victims of crime, the Hopi Tribe successfully made an application in July of 2019 to the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Office for Victims of Crime (OVC) for $720,000 from the OVC FY 2019 Tribal Victim Services Set-Aside Program.

The Hopi Tribe then engaged the services of Building Communities, a strategic planning firm, to develop a Strategic Plan for the development of the Hopi Victim Services Program.

Consistent with the guidelines of the federal program, a seven-step project is underway to develop the Hopi Victim Services Program: 1) establish partnerships, 2) convene and mobilize partners, 3) assess community needs, 4) develop a strategic/implementation plan, 5) implement the program, 6) provide victim services, and 7) provide community outreach and education.

This is a three-year project with the establishment of partnerships and assessing the needs of crime victims being completed in Year One. The development of this Strategic/Implementation Plan is to be completed in Year Two. Finally, the implementation of the program and providing such services is to commence in Year Three.

The primary work to date has been the development and administration of a Needs Assessment survey to better understand the overarching needs of the victims of crime. It should be noted that the pandemic has impacted the timeline for the project. The successful administration of the Needs Assessment survey was complicated by the partial closure of Hopi Tribal Offices and the substantial health and social impacts of the pandemic to the Hopi people. Nonetheless, 63 responses (combined in-person and on-line) to the survey were received.

Ultimately, the Needs Assessment and the Strategic Plan will be integrated into one overarching document guiding the development of the Hopi Victim Services Program.

Findings
The overarching findings of this Needs Assessment is that Hopi needs to establish a Victim Services Program and the Tribe is basically “starting from scratch.” Although there are some services being provided to victims of crime, the primary finding is that such services are woefully inadequate and an overall system to address crime victims is not in place.

Complicating the problem is the finding that intergenerational trauma has created a general attitude of victimization whereby many of the Hopi people perceive themselves as hopelessly lost in a harsh world where crime is rampant and services and support systems for victims are crime are nonexistent.
Key Findings

• 60% of the survey respondents have been a victim of crime within the past five years.

• 68% of survey respondents are either not familiar or only somewhat familiar with services that are available to victims of crime. 52% of respondents are either not familiar or only somewhat familiar with the Hopi Domestic Violence Program.

• Police and medical services are the top two services being accessed by victims of crime.

• There are a wide variety of services needed by victims of crime that are currently not available.
  ○ The top two needed services which are currently not available are compensation for damages and mental health services/counseling.

• There is generally a very low level of satisfaction with the existing Victim Services Programs. Only two of the 11 services ranked average or better. Most of the services scored below helpful.

• The concern level for 11 of the 22 crime categories ranked very high to extreme. Of the remaining 11 crime categories, the concern level ranked between concerned and very concerned.

• The written/qualitative responses may be the most powerful. Respondents found this survey as a serious opportunity to plea for help.
Hopi Victim Services Program Needs Assessment

Summary of Written Responses

The content below represents many of the sentiments expressed in the Needs Assessment Survey. These expressions go to the “heart of the matter.”

- 60% of the respondents indicated that they or a family member have been a victim of crime over the past 5 years.

- By far and away, the most frequently used existing service is Police Services. Nearly half of the respondents indicated that they have utilized police services during a difficult time.

- The top two unmet desired services include: 1) compensation for damages, and 2) mental health services/counseling.

- If we have laws to protect us, services are then needed to enforce them.

- A lot of people keep quiet because of it being a family relation or for fear that they will be retaliated against in any crime. With there being no or late responses occurring, people feel they can do things without being held accountable.

- Hopi needs better victim advocacy as it relates to child abuse, elderly abuse, and spousal abuse. Police training is needed to understand the crimes that are being committed. An update needs to occur to overhaul laws/Hopi constitution pertaining to today, not 50 years ago. A bigger, more modern law enforcement facility is needed to house criminals. More experienced/certified/licensed social workers/mental health employees are also needed to work with those affected by abuse, suicide, mental health issues, etc. We must get new blood into the systems!!

- Hopi needs a one shop stop for victims of domestic violence, so that they are not being pushed off to another office or program to get their needs fulfilled.

“I feel that Hopi can have a reliable system victims/individuals could depend on, but it not only takes funding, but it also requires to have individuals willing to stand up with the victim or for the victim. There is an image of the staff only willing to help certain people and presents the lack of trust in the victim services.”

“Regardless of if crimes are prosecuted federally, our tribal members need a victims of crime support from the tribal level that caters to our cultural practice/beliefs even if the federal OVC is providing their version of victim support. In working with agencies, we do not send our work off to other agencies and leave it be. We support the victim and work at the court level to support evidence-based practices to prove guilty verdicts beyond a reasonable doubt.”
• There is no victim advocacy, no follow up or investigations by law enforcement, no referrals given to any kind of services that might be able to help, and no one to express concerns too.

• We need to have a better judicial system and judges, harsher penalties for all crimes, and a jail out on Hopi for adults and juveniles.

• The services that happen to respond make the situation worse or the services don't respond at all. I have many experiences where professionals didn't respond in a professional manner, let criminals go, and no investigation was performed to provide the ability to prosecute. We don't have any safety emergency plans for the entire Villages and Community. If we do, where is the education and training for the community to play a role in responding? It has been years; major departments have been hugely under-resourced, and no efforts have been made to address the systemic issues. Laws and policies have needed to be updated for years. Transparency and communication among services is non-existent. No one wants to take responsibility on all governmental levels for the crime and trauma that is occurring and for the rate of people that are being killed or going missing.

• The victim chose not to file due to the low possibility of conviction and the low percentage of cases solved on Hopi. Also, because the victim advocate knew the victim, he/she did not seem to put aside personal knowledge/experience and made judgmental remarks to a sexual assault victim.

• We want all these services to work together... the domestic violence program, villages against meth, child protective services, etc. Until these programs begin sharing/ exchanging information, there will be no change for our people. All these crimes are associated with one or multiple problems that we all know of but are not being addressed.

• The selling and use of drugs (e.g., meth) and bootlegging are major issues on the reservation.

• Alcohol and drug addiction is the root of all the above crimes.

• There are drug houses that exist in our community.
Needs Assessment Survey

To determine the need for services for victims of crime, a 17-question survey was developed. The questions asked in the survey are shown below. There are five sections to the questionnaire:

1. Nature of the Crime Problem
2. Satisfaction with Existing Victim Services
3. Concerns About Various Forms of Crime
4. The Voice of the People
5. Demographics

The Survey Questionnaire

In order to develop the Needs Assessment, a survey questionnaire was formed containing 17 questions. Here are the questions:

1. How familiar are you with the services available to individuals who are victims or survivors of crimes and other trauma?
2. How familiar are you with the Hopi Domestic Violence Program?
3. Have you or a family member been a victim of a crime?
4. What services listed below did you or your family member(s) receive during that difficult time?
5. What services did you or your family member(s) need that were not offered/available?
6. If you or your family member(s) received any service(s), how helpful was it/were they?
7. If you selected "Other" in Question 6, please explain what other service(s) you/your family member received.
8. Was the service(s) provided in a manner you found culturally acceptable?
9. Have you or a family member(s) been a victim of a crime but chose not to report it?
10. If yes, why did you choose not to report it?
11. Please rank your concerns about the types of crimes and other trauma/issues on/around Hopi Tribal Lands listed below.
12. Please share any comments/clarification/additions you may have regarding your answers to the previous.
13. Were the services you received helpful? If no, please explain.
14. Please share any other comments you may have about crime and other trauma experienced by individuals related to the content of this questionnaire--issues, needs, services, recommendations, etc.
15. What is your gender?
16. How old are you?
17. Where do you live?
Section 1: Nature of the Crime Problem

1. How familiar are you with the services available to individuals who are victims or survivors of crimes and other trauma?

How familiar are you with the services available to individuals who are victims or survivors of crimes and other trauma?

- Extremely familiar: 8%
- Not at all familiar: 28%
- Somewhat familiar: 40%
- Familiar: 17%
- Very familiar: 7%
- Extremely familiar: 8%
2. How familiar are you with the Hopi Domestic Violence Program?

In general, the survey respondents were generally familiar with the Hopi Domestic Violence Program. 85% of the respondents expressed familiarity in a range of “Somewhat Familiar” to “Extremely familiar.”

It should be noted that the familiarity with the Hopi Domestic Violence Program by the Hopi people at-large is probably less than that of the survey respondents simply because the survey was distributed to a somewhat targeted subset of the overall Hopi population.
3. Have you or a family member been a victim of a crime?

Of the survey respondents, 80% of those that did respond indicated that they or a family member have been a victim of crime.

Of those that have indicated that they or a family member have been a victim of crime, 26% of those occurrences have happened in the past year. Sixty percent (60%) of the respondents indicated that they or a family member have been a victim of a crime within the past five years.
4. What services listed below did you or your family member(s) receive during that difficult time?

The Hopi people have an array of existing services that can respond to persons who have been a victim of crime.

The chart below shows that the most frequently used service is Police Services followed by Medical Services. Other services that are used with relative frequency include Mental Health Services/Counseling, Victim Advocacy, and Legal Assistance/Services.

Still other services available include Emergency Protection Orders, Substance Abuse Programming, Cultural/Traditional Healing, Substance Abuse Treatment, Crisis Intervention, Shelter/Transitional Housing, and Transportation.
5. What services did you or your family member(s) need that were not offered/available?

Respondents to the survey indicated a broad array of desired victim support services that are not available to their satisfaction today.

The top two unmet desired services include: 1) compensation for damages, and 2) mental health services/counseling.

The next tier of desired unmet services includes Legal Assistance/Services, Crisis Intervention, and Police Services.

The next most desired unmet services relate to Victim Advocacy and Shelter/Transitional Housing.

Other unmet and desired services include Cultural/Traditional Healing, Emergency Protection Orders, Emergency Services, Transportation for Victims, Medical Services, and Substance Abuse Treatment.

<table>
<thead>
<tr>
<th>Service</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensation for Damages</td>
<td>14</td>
</tr>
<tr>
<td>Mental Health Services/Counseling</td>
<td>12</td>
</tr>
<tr>
<td>Legal Assistance/Services</td>
<td>10</td>
</tr>
<tr>
<td>Crisis Intervention</td>
<td>9</td>
</tr>
<tr>
<td>Police Services</td>
<td>8</td>
</tr>
<tr>
<td>Victim Advocacy</td>
<td>8</td>
</tr>
<tr>
<td>Shelter/Transitional Housing</td>
<td>7</td>
</tr>
<tr>
<td>Did not choose to access services</td>
<td>6</td>
</tr>
<tr>
<td>Cultural/Traditional Healing</td>
<td>6</td>
</tr>
<tr>
<td>Emergency Protection Orders</td>
<td>5</td>
</tr>
<tr>
<td>Emergency Services</td>
<td>4</td>
</tr>
<tr>
<td>Transportation for Victims</td>
<td>3</td>
</tr>
<tr>
<td>Medical Services</td>
<td>2</td>
</tr>
<tr>
<td>Substance Abuse Treatment</td>
<td>1</td>
</tr>
</tbody>
</table>

What services did you or your family member(s) need that were not offered/available?
Section 2: Satisfaction with Existing Victim Services

Although, in general, this Needs Assessment begins with the acknowledgement that the Victim Services Program is “starting from scratch,” there are currently some services available that do provide a certain level of support for victims.

The table at right presents the overall findings with respect to the level of satisfaction throughout Hopi on 11 existing service delivery of programs that support victims.

The services are rated on a scale of ‘4’ to ‘0’ based on the satisfaction level of services as follows:
- ‘4’ = Extremely Helpful
- ‘3’ = Very Helpful
- ‘2’ = Helpful
- ‘1’ = Somewhat Helpful
- ‘0’ = Not at all Helpful

As the table indicates, there is generally a very low level of satisfaction around such services. Only two of the eleven services rank above ‘2’ meaning there is an “average” level of satisfaction: Mental Health Services/Counseling and Medical Services. A third service, Cultural/Traditional Healing ranks third highest.

In general, the responses to this question underscore the need for the establishment of the Victim Services Program.
6. If you or your family member(s) received any service(s), how helpful was it/were they?

Respondents were asked to characterize the helpfulness of services that they had received on a five-option scale (Extremely Helpful, Very Helpful, Helpful, Somewhat Helpful, Not at all Helpful). The series of pie charts shows the overall level of satisfaction for each of the potential services.
Not at all helpful
46%

Somewhat helpful
18%

Helpful
27%

Very helpful
9%

------

Helpful
30%

Somewhat helpful
30%

Not at all helpful
40%

------

Very helpful
0%

Extremely helpful
0%

------

Helpful
27%

Somewhat helpful
9%

Not at all helpful
64%

------

Shelter/ Transitional Housing

Emergency Services

Compensation for Damages/Restitution
7. If you selected "Other" in Question 6, please explain what other service(s) you/your family member received.

There was only one response related to “Other Services.” This related to an Emergency Protection Order that was not granted, but rather denied for a reason that did not make sense to the crime victim.
8. Was the service(s) provided in a manner you found culturally acceptable?

Respondents were asked to evaluate whether or not services that were received were “culturally acceptable.” Respondents were split on this evaluation.

There were several notable hand-written “Other” Response comments expressing concern about the lack of Victim Services. The responses below fall into four categories: Lack of Services, Cultural Issues/Disconnect, Lack of Care/Insensitivity, and Enforcement:

- There is a severe lack of local services available.
- Response systems all based on western design.
- If services do respond it is not culturally aligned with our values.
- The services are disconnected for community, even if they are from here.
- Officer was insensitive to the traumatic situation.
- Responders were aloof.
- Victim Services staff were judgmental and gave victim a lecture.
- Protection orders not enforced in Villages or around the community.
9. Have you or a family member(s) been a victim of a crime but chose not to report it?

Of the 54 respondents to the question on whether or not they or a family member had been a victim of crime and chose not to report it, exactly 50% said “yes” and 50% said “no.”
10. If yes, why did you choose not to report it?

Many victims of crime are not reporting their situation for a variety of reasons:

- Law Enforcement is not available in our area (Moencopi).
- The time it takes for law enforcement to get to Moenkopi is longer than it would take to properly respond, the issue is over, or person(s) got away.
- I’m not sure of the process that occurs off reservation.
- The number was invalid and there was no relay of new information.
- After many non-responses, the community takes matters into their own hands.
- I could not trust that anything would be done if I reported it.
- Burglary and vandalism cases never get resolved.
- Law enforcement or the Hopi code did not have laws to prosecute the offenders. The law broken was under a discretion of the officer to file the crime.
- Nothing was ever done or followed up with the initial attack, not worth the effort to have nothing done.
- There’s just a bunch of paperwork and being told that’s all they could do, put it on file.
- There’s a feeling of no support from Victim services, lack of law enforcement personnel/support, and lack of confidence in the current justice system.
- It wasn’t reported due to untimely or no police response, the perpetrator gets released by the court, too much paperwork to access services, and the lack of personal documentation due to homelessness.
- I was concerned about confidentiality and lack of reaction/action from HLES.
- The perpetrator was a family member.
- I didn't want to report family.
- I was fearful of reprimands by family members.
- I feared that children would be removed from the home.
- I was fearful of retaliation.
- There’s a stigma to reporting a crime.
Section 3: Concerns About Various Forms of Crime

The Victim Services Partners identified 22 different forms of crime that may be of concern to the people throughout Hopi. The table at right lists each of these crime categories, and the relative level of concern expressed by respondents to the survey.

The scores range from 0-4, with:
- ‘4’ = Extremely Concerned
- ‘3’ = Very Concerned
- ‘2’ = Concerned
- ‘1’ = Somewhat Concerned
- ‘0’ = Not at all Concerned

As the table indicates, 11 of the 22 categories rank between ‘3’ and ‘4’ meaning that the concern level is very high to extreme. Another 11 categories range from ‘2’ to ‘3’ meaning that the concern level is ranging between concerned and very concerned.

The pie charts on the following 12 pages provide more detail about the level of concern for each of the 22 crime categories.
11. Please rank your concerns about the types of crimes and other trauma/issues on/around Hopi Tribal Lands listed below.

**Child Abuse**
- Not at all concerned: 3%
- Somewhat Concerned: 0%
- Concerned: 13%
- Very Concerned: 23%
- Extremely Concerned: 61%

**Suicide**
- No answer: 5%
- Not at all concerned: 3%
- Somewhat Concerned: 3%
- Concerned: 9%
- Very Concerned: 14%
- Extremely Concerned: 66%
### Alcoholism

- Not at all concerned: 8%
- Concerned: 11%
- Very Concerned: 14%
- Extremely Concerned: 63%
- No answer: 4%

### Homicide

- Not at all concerned: 3%
- Somewhat Concerned: 3%
- Concerned: 12%
- Very Concerned: 16%
- Extremely Concerned: 61%
- No answer: 5%
Not at all concerned 5%
Somewhat Concerned 9%
Concerned 18%
Extremely Concerned 60%

Sexual Assault

Not at all concerned 0%
No answer 6%
Somewhat Concerned 20%
Concerned 22%
Extremely Concerned 52%

Burglary
Somewhat Concerned 2%
Concerned 23%
Very Concerned 18%
Extremely Concerned 51%
No answer 6%

Vandalism

Cyber Crimes (e.g. online bullying, stalking, etc)

Not at all concerned 2%
Concerned 23%
Very Concerned 20%
Extremely Concerned 49%
No answer 6%
Not at all concerned 3%

Somewhat Concerned 6%

Concerned 20%

Very Concerned 7%

Extremely Concerned 59%

Domestic Violence

Not at all concerned 3%

Somewhat Concerned 6%

Concerned 20%

Very Concerned 7%

Extremely Concerned 59%

Physical Assault

Not at all concerned 3%

Somewhat Concerned 3%

Concerned 15%

Very Concerned 27%

Extremely Concerned 46%

Physical Assault
DUI/DWI Crashes

- Not at all concerned: 3%
- Somewhat Concerned: 8%
- Concerned: 14%
- Very Concerned: 21%
- Extremely Concerned: 49%
- No answer: 5%

Hate Crimes

- Not at all concerned: 3%
- Concerned: 30%
- Very Concerned: 16%
- Extremely Concerned: 43%
- No answer: 8%
Not at all concerned: 8%
Concerned: 23%
Very Concerned: 17%
Extremely Concerned: 43%

Kidnapping:

No answer: 9%
Not at all concerned: 8%
Concerned: 23%
Very Concerned: 28%
Extremely Concerned: 39%

Sex Trafficking:

No answer: 9%
Not at all concerned: 5%
Concerned: 17%
Very Concerned: 28%
Extremely Concerned: 39%
Arson

- Not at all concerned: 6%
- Somewhat Concerned: 1%
- Concerned: 37%
- Very Concerned: 17%
- Extremely Concerned: 31%
- No answer: 8%

Financial/Other Fraud

- Not at all concerned: 4%
- Somewhat Concerned: 11%
- Concerned: 25%
- Very Concerned: 20%
- Extremely Concerned: 31%
- No answer: 9%
Identity Theft

- Not at all concerned: 8%
- Somewhat Concerned: 11%
- Concerned: 18%
- Very Concerned: 24%
- Extremely Concerned: 30%
- No answer: 9%

Prostitution

- Not at all concerned: 5%
- Somewhat Concerned: 14%
- Concerned: 21%
- Very Concerned: 17%
- Extremely Concerned: 32%
- No answer: 11%
12. Please share any comments/clarification/additions you may have regarding your answers to the previous questions.

- *Alcohol and drug addiction is the root* of all the above crimes.

- Nothing gets done by the police, detectives, or court system. *Therefore no one reports it.*

- I believe all crimes are a concern and strongly believe if the justice system on Hopi could change to acknowledge that the current ordinances no longer fit society today, these issues would not be so severe.

- *Illegal dumping* is an issue as well as having plain enforcement of our laws. If we have laws that protect us, services then need to reinforce them.

- The *selling and use of drugs* (e.g., meth) and *bootlegging* are major issues on the reservation. There are *drug houses* that exist in our community.

- Need *resources to help parents* be parents or start requiring people to have procedures so unwanted children will not be born.

- *Updated legislation* is required to address most of the concerns.

- I was unaware that *prostitution* occurs on Hopi Land.

- Substance abuse and alcohol abuse are huge factors that contribute to the other above-mentioned crimes. Young children are partaking of *drugs and alcohol*, causing their emotional and mental health to become compromised. More resources are needed to address substance/alcohol abuse and psychological services to *address mental health* are also needed.

- The distribution and use of substances are happening openly and not being addressed. Also, *weapons (guns) are openly shown and used as a threat.*

- What we need is *Tribal-police/governmental transparency, accountability, consistency, honesty and reliability.*

- For years we have had program operations to work with these types of problems. To date, there is *no direct services provided and/or facilities* established here on the reservation. I doubt if proposals and plans are ready to be implemented. No statistics are available to reflect our reduction of these critical issues.
13. Were the services you received helpful? If no, please explain.

- Most of the time the Hopi Law Enforcement seems to not really take the matter into consideration.

- Our system/resources are inadequate/unavailable.

- It’s, "Did you take a number? Take a number and wait to be called...next!!!!!!" (Long story short)

- It’s both yes and no. Some services are willing to help and work with victims but there are other services that do not appear to be wanting to help, unless you have physical scars/bruises.

- I’m concerned to see if LGBTQ victims and victims that have disabilities (cognitive or physical, etc.) have specific programming and legal advocacy needs and resources.

- I haven’t experienced going through any of these services on Hopi reservation.

- No local direct services are available. Only referrals off the reservation.

- No victim response team, no follow up investigation occurred from Law Enforcement.

- No, the police never went after the guy to arrest him. They didn’t even chase after him after the crime happened to my daughter.

- Our law enforcement service was disappointing.

- The services were somewhat helpful.
Section 4: The Voice of the People

Perhaps the most poignant aspect of this Needs Assessment were the hand-written (or typed) responses from the respondents. There were many responses that come from a direct and personal experience related to crime activities in their lives. It is these responses that underscore the significant and immediate need of the Hopi Tribe to establish a fully-functioning Victim Services Program.

14. Please share any comments you may have about crime and other trauma experienced by individuals related to the content of this questionnaire--issues, needs, services, recommendations, etc.

- A lot of people keep quiet because of it being a family relation or for fear that they will be retaliated against in any crime. With there being no or late responses occurring, people feel they can do things without being held accountable.

- Hopi needs better victim advocacy as it relates to child abuse, elderly abuse, and spousal abuse. Police training is needed to understand the crimes that are being committed. An update needs to occur to overhaul laws/Hopi constitution pertaining to today, not 50 years ago. A bigger, more modern law enforcement facility is needed to house criminals. More experienced/certified/licensed social workers/mental health employees are also needed to work with those affected by abuse, suicide, mental health issues, etc. We must get new blood into the systems!!

- I feel that Hopi can have a reliable system victims/individuals could depend on. It not only takes funding, but it also requires having individuals willing to stand up with or for the victim. There is an image of the staff only willing to help certain people, which presents a lack of trust in the victim services.

- I have experienced domestic violence. At the time of the crime, I was reaching out for help through the Hopi domestic violence program and did not get my needs met. Victims of domestic violence need the guidance and assistance of individuals that can be personable and caring. Rather than being directed to another office or program to get victim services fulfilled. Hopi needs a one stop shop for victims of domestic violence, so that they are not being pushed off to another office or program to get their needs fulfilled. A one stop shop, where all the services for victims of domestic violence can be located to assist the victims.

- In my personal experience, sexual harassment continues to plague our community. Our youth need more support when speaking on the matter. Tribal government and other organizations on Hopi need to educate their staff, not just give a handout to say they "informed" their employees. It’s a sensitive issue. However, supervisors and directors overlook the issue and when someone has the courage to speak up, they are attacked because confidentiality was not
followed. Continued support following the trauma needs to be offered as well. Victims still must see their abusers, or their family members. While we can't always protect everyone, helping someone understand it wasn't their fault and that they can heal and be stronger in the end is important.

- **Moencopi needs more services and better response times** when incidents do occur.

- There is a need for a **better police force**, people who care for the community, for elders, kids, etc. There is also a need for a **better judicial system** and judges, **harsher penalties** for all crimes, and a jail out on Hopi for adults and juveniles. Nothing gets done unless it happens to a cop, judge, chairman, vice chairman, tribal council family member, or it affects them personally. The **cops need to respond in a timely manner**. We have people who sell meth, everyone knows where they live and who their customers are, but the cops do nothing about it.

- No services are offered for other crimes.

- There is **no victim advocacy**, no follow up or investigations by law enforcement, **no referrals** given to any kind of services that might be able to help, and no one to express concerns too.

- Our **law enforcement is NOT equipped** to handle, respond to, and fully enact repercussions for crimes committed. We need a jail, **victim services, and our court system and ordinances are in dire need of updates/improvements**.

- The Police/First Responder level need trained personnel to assess and triage immediate needs and make referrals to local service providers. At the Medical Response level, **assistance for victims to obtain emergency services** (including health insurance or third-party payment options). At the Tribal Court level, **training for Judges on protecting the rights of victims, intervention/pre-trial services, knowledge of and access to local service providers**, allowing victims to be a part of a sentencing hearing. At the BHS/Social Services and Detoxification level, Community education on the process of obtaining services, availability of local services, **more qualified staffing is needed**.

- If crimes are prosecuted federally, our tribal members need a victims of crime support from the tribal level **catering to our cultural practice/beliefs**, even if the federal OVC is providing their version of victim support. In working with agencies, we do not send our work off to other agencies and leave it be. Instead, **we support the victim and work at the court level to support evidence-based practices to prove guilty verdicts beyond a reasonable doubt**.

- **Shelters** and improved services by CPS and DV programs are needed. The **Hopi Code needs to be revisited**. The Tribal Justice system needs to be looked at, as too many individuals are given a slap on the wrist. Stricter "punishments" from the judicial branch need to be implemented.
• The current Law Enforcement services is in critical need of experienced leadership. There is no contact with the villages and no preventative programs that exist.

• The services that happen to respond make the situation worse or the services don’t respond at all. I have many experiences where professionals didn’t respond in a professional manner, let criminals go, and no investigation was performed to provide the ability to prosecute. We don’t have any safety emergency plans for the entire Villages and Community. If we do, where is the education and training for the community to play a role in responding? It has been years; major departments have been hugely under-resourced, and no efforts have been made to address the systemic issues. Laws and policies have needed to be updated for years. Transparency and communication among services is non-existent. No one wants to take responsibility on all governmental levels for the crime and trauma that is occurring and for the rate of people that are being killed or going missing.

• More advocates are needed on the reservation (such as DV, SA, child abuse, etc.).

• Victims still need help and support because they are back home.

• The victim chose not to file due to the low possibility of conviction and the low percentage of cases solved on Hopi. Also, because the victim advocate knew the victim, he/she did not seem to put aside personal knowledge/experience and made judgmental remarks to a sexual assault victim.

• We want all these services to work together... the domestic violence program, villages against meth, child protective services, etc. Until these programs begin sharing/exchanging information, there will be no change for our people. All of these crimes are associated with one or multiple problems that we all know of, but are not being addressed.

• Well, we don’t have a fire department, or house insurance. We need to have an option to buy home insurance in case of a fire.

• There needs to be a group put together for grandparents that are stepping in to care for their grandchildren, mentally and physically. Also, law enforcement needs to step up and punish the ones/individuals right after a crime is committed.
Section 5: Demographics

15. What is your gender?

With respect to the gender of the respondents, 66% self-identified as female, 26% self-identified as male and 8% preferred not to indicate their gender. Of those that did choose to indicate their gender, therefore, 72% responded that they were female and 28% responded that they were male.

![Gender Distribution Chart]

Female: 72%
Male: 28%
Prefer not to say: 8%

97% Response Rate
16. How old are you?

Respondents to the survey represented a broad array of ages from under 18 to up to 74 years of age. A total of 71% of the respondents were between the ages of 35 and 64.
17. Where do you live?

With respect to the location of the respondents the top response was people from Polacca, followed by Moenkopi and Hotevilla.

As noted in the bar chart, respondents were from virtually all of the Hopi Villages as well as off-reservation locations such as Phoenix, Tuba City, and Hopi Winslow Community.
This Victims Services Program Needs Assessment is a subset of an overall project that will create a Strategic Plan to develop and implement a Victim Services Program for the Hopi Tribe. Once the Strategic Plan is completed, this Needs Assessment will become a subset of that overall Plan.
## Appendix C
### Detailed Responses from Partners Survey

<table>
<thead>
<tr>
<th>Editing Comments from the Partners</th>
</tr>
</thead>
<tbody>
<tr>
<td>The content on this and the following similar pages is the responses received from the various Partners to the Partner Survey. Modest editing was made, but the intent of each of the responses is unchanged.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DHS/Office of Adult Aging Services/ALTCS</th>
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</thead>
<tbody>
<tr>
<td>3. What positions/titles does the program/organization have?</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>4. What are their key responsibilities?</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>6. If your program/organization is funded by a grant, who is the Funding Agency?</td>
</tr>
<tr>
<td>IGA with State Arizona Health Care Cost Containment System.</td>
</tr>
<tr>
<td>8. What services does your program/organization offer?</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>10. If you are aware of any gaps or needs in victim services, please explain.</td>
</tr>
<tr>
<td>We need assurances to carry out our duties (Case Managements).</td>
</tr>
<tr>
<td>11. What codes/ordinances does your program/organization abide by as it refers to victims?</td>
</tr>
<tr>
<td>The Hopi Tribe only has one – Domestic Violence – there are no other codes/ordinances.</td>
</tr>
<tr>
<td>13. If applicable, what internal policies and procedures does your program/organization have as it refers to victims?</td>
</tr>
<tr>
<td>Hopi Courts, Domestic Violence, and Hopi Tribe Personnel Policies do not provide any internal policies and procedures.</td>
</tr>
<tr>
<td>14. If a client or employee discloses they’ve been a victim of a crime, what are your program/organization’s procedures?</td>
</tr>
<tr>
<td>I am not aware as this has not been disclosed to me.</td>
</tr>
<tr>
<td>16. What is your program/organization’s office hours?</td>
</tr>
<tr>
<td>Normal working hours are 8:00 am to 5:00 pm, Monday thru Friday.</td>
</tr>
<tr>
<td>17. What other agencies, programs, organizations, etc. does your program/organization commonly work with?</td>
</tr>
<tr>
<td>We work with State Arizona Health Care Cost Containment System (AHCCCS), Hopi Government, Private Agencies, Hospitals on/off the reservation, Nursing Facilities, Home Health Care Agencies, Non-Emergency Medical Transport, Assistant Living Facilities, Durable Medical</td>
</tr>
</tbody>
</table>

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Equipment Agencies, Dialysis Centers, Members in the Villages and Family, Attendant Care Workers, Contractors for Home Modifications.

18. What specific population(s) does your program/organization serve?
   Our program/organization serves Hopi Elders from 60 years old and older.

19. What other agencies, programs, organizations, etc. does your program/organization commonly get referrals from?
   We commonly get referrals from State Arizona Health Care Cost Containment System (AHCCCS).

20. What other agencies, programs, organizations, etc. does your program/organization commonly refer to?
   We refer to Non-Emergency Medical Transport, On/Off Nursing Facilities, Durable Medical Equipment Agencies, Hospitals On/Off Reservation, Behavioral Health Agencies on/off reservation, Home Care Agencies, Assistant Living Facilities, Hopi Tribal Government, and State AHCCCS.

23. Is there anything else that you feel it’s important for us to know?
   Elderly Abuse Policy, Emergency Evacuation Policy, Hopi Tribe employees need coverage, as the Hopi Tribe does not ensure employees of wrongful errors or admissions.

<table>
<thead>
<tr>
<th>Hopi Behavioral Health Services</th>
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<tbody>
<tr>
<td>3. What positions/titles does the program/organization have?</td>
</tr>
<tr>
<td>HBHS has the following programs in place: Substance Abuse Counselors, Mental Health Therapists, Family &amp; Child Therapists, Client Transporters, Secretary, Records Management Specialist, Office Manager, Case Managers and Clinical Psychologists, and Prevention Educators (suicide and substance abuse).</td>
</tr>
<tr>
<td>4. What are their key responsibilities?</td>
</tr>
<tr>
<td>Their responsibilities entail providing behavioral health services - outpatient and refer to inpatient services, outreach, and follow-up services.</td>
</tr>
<tr>
<td>6. If your program/organization is funded by a grant, who is the Funding Agency?</td>
</tr>
<tr>
<td>We bill our services to Indian Health Services. We also have 2 SAMHSA grants, and a state grant.</td>
</tr>
<tr>
<td>8. What services does your program/organization offer?</td>
</tr>
<tr>
<td>We offer outpatient treatment services with referrals for inpatient services, as well as aftercare and prevention services.</td>
</tr>
<tr>
<td>10. If you are aware of any gaps or needs in victim services, please explain.</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>11. What codes/ordinances does your program/organization abide by as it refers to victims?</td>
</tr>
<tr>
<td>We abide by Ordinance 51.</td>
</tr>
</tbody>
</table>
13. If applicable, what internal policies and procedures does your program/organization have as it refers to victims?
   We work with clients who may have these types of needs.

14. If a client or employee discloses they’ve been a victim of a crime, what are your program/organization’s procedures?
   We provide therapeutic services and support.

16. What are your program/organization’s office hours?
   Currently, we are telephonic services from 9:00 am - 5:00 pm, Monday thru Friday.

17. What other agencies, programs, organizations, etc. does your program/organization commonly work with?
   We work with all organizations, Tribal programs, Tribal courts, and off-reservation inpatient treatment facilities, the State of Arizona, ITCA, NACA, Health Choice Arizona, etc.

18. What specific population(s) does your program/organization serve?
   We service all populations who are enrolled in a federally recognized tribe residing on the Hopi reservation.

19. What other agencies, programs, organizations, etc. does your program/organization commonly get referrals from?
   We typically receive referrals from Schools, Hopi Health Care Center, Self, Courts, federal probations, etc.

20. What other agencies, programs, organizations, etc. does your program/organization commonly refer to?
   We tend to refer to off-reservation inpatient treatment facilities, Hopi Foundation’s Substance Abuse Program, TCRHCC, etc.

23. Is there anything else that you feel it’s important for us to know?
   N/A

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### Hopi Jr/Sr High School

3. **What positions/titles does the program/organization have?**
   Our program has Educational employees.

4. **What are their key responsibilities?**
   Our Educational employees’ responsibilities include educating and providing support services to students in grades 7-12 from across Hopi as well as to some areas on the Navajo reservations.

6. **If your program/organization is funded by a grant, who is the Funding Agency?**
   Our funding agencies are the Bureau of Indian Education (BIE) and Bureau of Indian Affairs (BIA).
8. What services does your program/organization offer?
We provide educational and student-centered counselling.

10. If you are aware of any gaps or needs in victim services, please explain.
I believe there needs to be better communications with victims of crime and with the parents of underage victims. I would also like to see better communications between the schools where victims and suspects are both enrolled in the same school. When we have not been informed of this type of situation, it has caused great safety issues for the school. I believe it traumatizes the victim all over again when the suspect of a violent crime shows up at school, because they were released, and we were never informed to be prepared for the situation.

11. What codes/ordinances does your program/organization abide by as it refers to victims?
We use the education code and all Tribal and Federal codes.

13. If applicable, what internal policies and procedures does your program/organization have as it refers to victims?
N/A

14. If a client or employee discloses they’ve been a victim of a crime, what are your program/organization’s procedures?
We are to notify Law Enforcement.

16. What are your program/organization’s office hours?
Our hours of operation are from 7:30 am to 3:30 pm - Monday through Friday.

17. What other agencies, programs, organizations, etc. does your program/organization commonly work with?
We commonly work with Indian Health Services (IHS), Hopi Child Protective Services, and Community Health.

18. What specific population(s) does your program/organization serve?
We serve students in grades 7-12.

19. What other agencies, programs, organizations, etc. does your program/organization commonly get referrals from?
N/A

20. What other agencies, programs, organizations, etc. does your program/organization commonly refer to?
We typically refer to Indian Health Services (IHS), Law Enforcement, or Child Protective Services.

23. Is there anything else that you feel it’s important for us to know?
N/A
Hopi Law Enforcement Services

3. What positions/titles does the program/organization have?
   Our titles are Police Officers, Sergeants, Dispatchers, Lieutenants and Support Services personnel.

4. What are their key responsibilities?
   Their responsibilities entail serving, protecting, and maintaining the safety and security of the Hopi community members, residents, and visitors of the Hopi Tribe.

6. If your program/organization is funded by a grant, who is the Funding Agency?
   N/A

8. What services does your program/organization offer?
   Our services offer law enforcement.

10. If you are aware of any gaps or needs in victim services, please explain.
    There is a gap in direct services in certain areas of victim services. The Tribe has a couple of different offices/programs directed at service providing their particular interests, but either due to lack of personnel or repetitive stagnated practices in response by these programs to reported incidents, adequate services are not provided. For example, the DV Program is limited to incidents involving partner to partner crimes and Social Services/CPS deals with children. The majority of DV cases we respond to are intra-family relations, such as brother against brother, uncle against nephew, etc. The Tribe does not offer services to these victims nor to other victims of other crimes. For example, property crimes. All victims of major crimes investigated by the BIA-CIU unit are serviced by the BIA Victim Advocate.

11. What codes/ordinances does your program/organization abide by as it refers to victims?
    We abide by Hopi Code.

13. If applicable, what internal policies and procedures does your program/organization have as it refers to victims?
    We utilize Hopi Law Enforcement Services General Orders in reference to responding to and investigating reported incidents.

14. If a client or employee discloses they've been a victim of a crime, what are your program/organization’s procedures?
    We receive the report, investigate, and then prosecute in the proper court of law (Tribal, state or federal). We also refer victims to applicable programs/services.

16. What are your program/organization’s office hours?
    We operate 24/7, 365 days a year.
17. What other agencies, programs, organizations, etc. does your program/organization commonly work with?
   We work with Social Services, Child Protective Services, Behavioral Health Services, and Domestic Violence.

18. What specific population(s) does your program/organization serve?
   We serve members, residents, and visitors of the Hopi Tribe.

19. What other agencies, programs, organizations, etc. does your program/organization commonly get referrals from?
   Referrals can come from Community Schools, Social Services, Child Protective Services, and Indian Health Services (Hopi Health Care Center).

20. What other agencies, programs, organizations, etc. does your program/organization commonly refer to?
   We tend to refer to Social Services, Child Protective Services, and Indian Health Services (Hopi Health Care Center).

23. Is there anything else that you feel it’s important for us to know?
   N/A

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**Hopi Opportunity Youth Initiative, Hopi Foundation**

3. What positions/titles does the program/organization have?
   We have a Youth Liaison, Data Associate, and Program Associate.

4. What are their key responsibilities?
   Our key responsibilities include conducting outreach to Hopi/Tewa Youth and providing assistance to programs/partners accordingly.

6. If your program/organization is funded by a grant, who is the Funding Agency?
   We are funded by Aspen Institute, Rockefeller, SFCF, FNDI, and Rapid Response Grant.

8. What services does your program/organization offer?
   We provide the following services: Youth Advisory Board, Partnerships with Tribal and nontribal programs, trainings, data analysis, and youth support.

10. If you are aware of any gaps or needs in victim services, please explain.
    N/A

11. What codes/ordinances does your program/organization abide by as it refers to victims?
    We follow codes adopted by the Hopi Tribe.

13. If applicable, what internal policies and procedures does your program/organization have as it refers to victims?
    N/A
14. If a client or employee discloses they've been a victim of a crime, what are your program/organization’s procedures?
   Our staff is required to listen to youth, assess the situation and provide a list of services available on the reservation if the individual wants help. We make sure our youth feel comfortable and safe before allowing them to leave without a service contact.

16. What are your program/organization’s office hours?
   Monday through Friday 8:00 am to 5:00 pm, but our office is restricted to visitors at this time due to COVID.

17. What other agencies, programs, organizations, etc. does your program/organization commonly work with?
   We work with First Mesa Youth Center, Hopi Tewa Women's Coalition, and Behavioral Health Services.

18. What specific population(s) does your program/organization serve?
   Our organization serves youth ages 14 to 26.

19. What other agencies, programs, organizations, etc. does your program/organization commonly get referrals from?
   We get referrals from schools or youth related programs.

20. What other agencies, programs, organizations, etc. does your program/organization commonly refer to?
   No referrals have been made in quite some time.

23. Is there anything else that you feel it’s important for us to know?
   N/A

Hopi-Tewa Women’s Coalition to End Abuse

3. What positions/titles does the program/organization have?
   We have the following positions: Executive Director, Director of Training & Technical Assistance, Membership & Outreach Coordinator, Communications Specialist, and Office Manager.

4. What are their key responsibilities?
   *Executive Director* - Oversees organization & staff, grant management, budget, communicates with funders, Promotes programs & staff initiatives, Works with board on mission & vision.  
   *Director of Training & Technical Assistance* - Develops training opportunities for program partners and tribe, Works with programs to develop specific training and technical assistance, Responds to needs, and Creates/provides resources that promote historical trauma, victim-centered services, and other violence against women issues.
Membership & Outreach Coordinator - Oversees education and awareness campaigns for the general public as well as the coalition's membership program and Develops cultural focused programs.

Communications Specialist - Oversees coalition's marketing and public relations via email, website, and social media.

Office Manager - Assists Executive Director with administrative duties and grant financial management, payroll, equipment management, and support to all staff.

6. If your program/organization is funded by a grant, who is the Funding Agency?
   We receive our funding through the Department of Justice: Office of Violence Against Women - Tribal Coalitions Program.

8. What services does your program/organization offer?
   We offer training, technical assistance, education/outreach and cultural programming that address ending violence against women, promote healing, community resiliency, and cultural values.

10. If you are aware of any gaps or needs in victim services, please explain.
    Hopi only has the Domestic Violence program that address intimate partner violence, therefore leaving no services for victims of all other crimes within Tribal and Federal jurisdiction.

11. What codes/ordinances does your program/organization abide by as it refers to victims?
    We refer to the family ordinance.

13. If applicable, what internal policies and procedures does your program/organization have as it refers to victims?
    N/A

14. If a client or employee discloses they've been a victim of a crime, what are your program/organization’s procedures?
    Currently we only provide referrals to local and other programs.

16. What are your program/organization’s office hours?
    Will be opening our physical office in the beginning of 2022.

17. What other agencies, programs, organizations, etc. does your program/organization commonly work with?
    We commonly work with Hopi Domestic Violence Program, Hopi Law Enforcement, Department of Public Safety, and Hopi Tribal Courts.

18. What specific population(s) does your program/organization serve?
    We serve community members of Hopi as well as programs/service providers of Hopi.
19. What other agencies, programs, organizations, etc. does your program/organization commonly get referrals from?
   N/A

20. What other agencies, programs, organizations, etc. does your program/organization commonly refer to?
   We commonly refer to Hopi Domestic Violence Program, Hopi Behavioral Health Services, and urban organizations such as Honwungsi Consulting.

23. Is there anything else that you feel it’s important for us to know?
   N/A

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Office of Aging & Adult Services

3. What positions/titles does the program/organization have?
   We have Case Managers, Caregiver Coordinator, Social & Recreational Coordinator, Cooks, Assistant Cooks, and Drivers.

4. What are their key responsibilities?
   We serve elders on Hopi reservation.

6. If your program/organization is funded by a grant, who is the Funding Agency?
   We are funded by the following entities: The State of Arizona - Title XIX, Inter-Tribal Council of Arizona - Title III, Administration on Community Living-Title VI, and Arizona Health Care Cost Containment System - Title XX.

8. What services does your program/organization offer?
   We offer the following services: Case Management, Social & Recreation, Supportive Services, Congregate & Home Delivered Meals, and Transportation.

10. If you are aware of any gaps or needs in victim services, please explain.
    The Hopi Tribe has a "DRAFT" Adult and Vulnerable Adult Protection Ordinance, however, due to budget restraints for the Tribe the ordinance was not moved on to Tribal Council.

11. What codes/ordinances does your program/organization abide by as it refers to victims?
    We abide by Ordinance 51-Family Relations Ordinance.

13. If applicable, what internal policies and procedures does your program/organization have as it refers to victims?
    N/A

14. If a client or employee discloses they’ve been a victim of a crime, what are your program/organization’s procedures?
    We can only notify them that we are aware of incident.
16. What are your program/organization’s office hours?
   Our hours of operation are Monday-Friday, 8:00 am – 5:00 pm.

17. What other agencies, programs, organizations, etc. does your program/organization commonly work with?
   We commonly work with Indian Health Services (IHS), Social Services: Villages, Native American Disability Law Firm, and Law Enforcement.

18. What specific population(s) does your program/organization serve?
   We serve adult individuals 55 years and older.

19. What other agencies, programs, organizations, etc. does your program/organization commonly get referrals from?
   We receive referrals from: Social Services, Villages, IHS, off-reservation hospitals, Families, and Law enforcement.

20. What other agencies, programs, organizations, etc. does your program/organization commonly refer to?
   We commonly refer to Law Enforcement, Social Services, IHS, and Villages.

23. Is there anything else that you feel it’s important for us to know?
   N/A

**Prosecutor’s Office**

3. What positions/titles does the program/organization have?
   We have the following positions: Chief Prosecutor, Licensed Deputy Prosecutor, Deputy Prosecutor, Office Manager, and Legal Assistants.

4. What are their key responsibilities?
   Prosecutors prosecute criminal cases, juvenile offender cases, and child dependency cases. They also consult with Tribal Council on amendments to codes. The Office Manager and Legal Assistants support the efforts of the Prosecutors.

6. If your program/organization is funded by a grant, who is the Funding Agency?
   N/A

8. What services does your program/organization offer?
   We offer prosecution of crime, filing of child dependency cases, and filing of involuntary commitment cases.

10. If you are aware of any gaps or needs in victim services, please explain.
    Communication between victims and Prosecutor’s Office is difficult. Prosecutor schedules make it difficult to track victims down for consultation, trial preparation, restitution, etc.
11. What codes/ordinances does your program/organization abide by as it refers to victims?
   We refer to Hopi Code, Children’s Code (Ordinance 35), Ordinance 51, and Ordinance 50.

13. If applicable, what internal policies and procedures does your program/organization have as it refers to victims?
   N/A

14. If a client or employee discloses they’ve been a victim of a crime, what are your program/organization’s procedures?
   We call law enforcement.

16. What are your program/organization’s office hours?
   We operate Monday through Friday, 8:00 am to 5:00 pm. The office is closed during lunch which is between 12:00 pm to 1:00 pm.

17. What other agencies, programs, organizations, etc. does your program/organization commonly work with?
   We work with a number of organizations: Hopi Domestic Violence Prevention Program, Hopi Social Services, Hopi Behavioral Health, Hopi Law Enforcement Services, Bureau of Indian Affairs Law Enforcement and Victim Services, United States Attorney’s Office, Federal Bureau of Investigation, Tribal Courts, Probation Office, and Public Defender Office.

18. What specific population(s) does your program/organization serve?
   We serve the Hopi Tribe.

19. What other agencies, programs, organizations, etc. does your program/organization commonly get referrals from?
   We receive referrals from Hopi Law Enforcement Services, and Bureau of Indian Affairs Law Enforcement.

20. What other agencies, programs, organizations, etc. does your program/organization commonly refer to?
   We commonly refer to Hopi Behavioral Health.

23. Is there anything else that you feel it’s important for us to know?
   N/A

Social Services Director
3. What positions/titles does the program/organization have?
   Our office has the following positions: Office Manager, General Assistance Coordinator, Social Worker, Child Protective Services Social Worker, ICWA Coordinator, Family Preservation Specialist, Foster Care Coordinator, and Director.
4. **What are their key responsibilities?**
   - **Office Manager** - Assists with budgets and finances.
   - **General Assistance Coordinator** - Provides general assistance for individuals, including burial assistance.
   - **Social Worker** - Provides case management services for children and parents.
   - **Child Protective Services (CPS)** - Investigates and determines if emergency custody is necessary.
   - **ICWA Coordinator** - Works with CPS outside of Hopi jurisdiction.
   - **Family Preservation Specialist** - Works with families to provide training, transportation, and teaching families.
   - **Foster Care Coordinator** - Recruits families, assists staff with placement, and assists families with training opportunities & areas for improvement.
   - **Director** - Oversight of programs under Social Services.

6. **If your program/organization is funded by a grant, who is the Funding Agency?**
   We are funded through 638 funding and Title IV.

8. **What services does your program/organization offer?**
   We offer the following services: Burial assistance, General assistance, Case management, Foster care, Child placement, Transportation, and Referrals to Behavioral Health Services & Treatment Centers.

10. **If you are aware of any gaps or needs in victim services, please explain.**
    Victims never have the opportunity to see full justice. Victims also do not know how to go about filing a complaint in order to receive compensation and/or protection.

11. **What codes/ordinances does your program/organization abide by as it refers to victims?**
    We refer to the Children's code.

13. **If applicable, what internal policies and procedures does your program/organization have as it refers to victims?**
    N/A

14. **If a client or employee discloses they've been a victim of a crime, what are your program/organization’s procedures?**
    We work closely with Hopi Law Enforcement Services to file a report. We also attend court proceedings.

16. **What are your program/organization’s office hours?**
    Generally, Monday through Friday 8:00 am to 5:00 pm. However, we are always on call and will respond 24/7 to community needs.

17. **What other agencies, programs, organizations, etc. does your program/organization commonly work with?**
We work with a host of entities: Behavioral Health Services, Hopi Health Care Center, NACA, Several Treatment Centers, Winslow Behavioral Health Services, Tuba City Regional Health Care Corporation, Behavioral Health Services, Courts, Prosecutors Office, Brian Webb Attorney, Elderly Services, and all schools on Hopi.

18. **What specific population(s) does your program/organization serve?**
   We support both children and families.

19. **What other agencies, programs, organizations, etc. does your program/organization commonly get referrals from?**
   We tend to get referrals from Hopi Law Enforcement, Schools, Community members, Programs, and Anyone who has a need to report to Social Services.

20. **What other agencies, programs, organizations, etc. does your program/organization commonly refer to?**
   We commonly refer to Behavioral Health Services, Treatment Centers, Youth Homes, and Elderly Services.

23. **Is there anything else that you feel it’s important for us to know?**
   N/A

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**The Hopi Foundation**

3. **What positions/titles does the program/organization have?**
   We offer administrative and programming positions at our organization.

4. **What are their key responsibilities?**
   Their responsibilities focus on administration, development, and direct services.

6. **If your program/organization is funded by a grant, who is the Funding Agency?**
   We receive our funding through multiple sources including foundation grants, income from endowments, contracts, fees and sales, and individual donors.

8. **What services does your program/organization offer?**
   We offer the following services: Capacity building services, Community micro-grants, Educational programs for youth & adults, Substance abuse peer services, Agricultural preservation, Public radio, and Emergency relief.

10. **If you are aware of any gaps or needs in victim services, please explain.**
    There needs to be more attention towards local shelter care (or displacement of victims), survivor support, financial support, and personal planning for long term recovery such as jobs, housing, & childcare.

11. **What codes/ordinances does your program/organization abide by as it refers to victims?**
    We work with victims who are in substance abuse recovery.
13. If applicable, what internal policies and procedures does your program/organization have as it refers to victims?
   Client referral for substance abuse mentorship and recovery. The tribe has no ordinances for this. We follow standards of care similar to other peer recovery programs.

14. If a client or employee discloses they've been a victim of a crime, what are your program/organization's procedures?
   Based on the client’s request we can refer them to a health care provider, domestic violence services, and/or law enforcement.

16. What are your program/organization’s office hours?
   Monday thru Friday 8:00 am – 5:00 pm for office hours and on-call substance abuse related referrals from health providers, social services, or law enforcement agency.

17. What other agencies, programs, organizations, etc. does your program/organization commonly work with?
   We work with Hopi Wellness Court, Hopi Behavioral Health Services, Hopi Social Services, Winslow Community Bridges, Hopi TANF program, and Stewart Health Choice (formerly NARBHA).

18. What specific population(s) does your program/organization serve?
   We serve adults and youth ages 14-26.

19. What other agencies, programs, organizations, etc. does your program/organization commonly get referrals from?
   We get referrals from Hopi Wellness Court, Hopi Behavioral Health, and Hopi Social Services.

20. What other agencies, programs, organizations, etc. does your program/organization commonly refer to?
   Same as above including Educational services, Employment services, and Detox or Rehabilitation centers.

23. Is there anything else that you feel it’s important for us to know?
   N/A

The Village of Tewa

3. What positions/titles does the program/organization have?
   We offer the following positions: Administration, Security, Facilities Management, Wood Project, Youth Program, Elderly Program, and Aftercare Program/COVID-19.

4. What are their key responsibilities?
To serve the Tewa members by way of facilitation of crucial programs that aid, guide, empower, implement, and support community-based services in a fair and equitable manner.

6. If your program/organization is funded by a grant, who is the Funding Agency?
   N/A

8. What services does your program/organization offer?
   We offer Administration, Security, Facilities Management, Wood Project, Youth Program, Elderly Program, Aftercare Program/COVID-19.

10. If you are aware of any gaps or needs in victim services, please explain.
    Updated Hopi Codes and Ordinances to address many issues and concerns within the scope of these dynamics relating to Hopi Law Enforcement Services (HLES), Courts, Tribe/Hopi Tribal Community, Social Services and Behavioral Health policies/procedures.

11. What codes/ordinances does your program/organization abide by as it refers to victims?
    HLES is the first line of contact in these matters.

13. If applicable, what internal policies and procedures does your program/organization have as it refers to victims?
    N/A

14. If a client or employee discloses they've been a victim of a crime, what are your program/organization’s procedures?
    We are all considered mandatory reporters as we work with both the elderly and youth populations. It must be reported to the respective agency within 24 hours of initial report.

16. What are your program/organization’s office hours?
    Our office operates from 8:00 am – 5:00 pm Monday through Friday, but due to COVID-19 we currently have very limited services under Executive Orders of the Hopi Tribe.

17. What other agencies, programs, organizations, etc. does your program/organization commonly work with?
    We commonly work with Villages, Outsourcing, Tribal entities, and Community-based programs.

18. What specific population(s) does your program/organization serve?
    We work with both the elderly and youth populations.

19. What other agencies, programs, organizations, etc. does your program/organization commonly get referrals from?
    We commonly work with and receive referrals from: Villages, Outsourcing, Tribal entities, and Community-based programs.
20. What other agencies, programs, organizations, etc. does your program/organization commonly refer to?
   See above.

23. Is there anything else that you feel it’s important for us to know?
   Unfortunately, there are too many issues and concerns to address in this survey.

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**Upper Village of Moenkopi**

3. What positions/titles does the program/organization have?
   We offer the following positions: Accountant/Assistant Administrator, Secretary, Youth Coordinator, and Facilities Manager.

4. What are their key responsibilities?
   Their responsibilities include Financing/budget/investments & Administrative work, Greeting the public, Filing, Appointments, Typing letters, Working with youth, and Maintaining Village facilities.

6. If your program/organization is funded by a grant, who is the Funding Agency?
   N/A

8. What services does your program/organization offer?
   We provide many different services to the Village people: Health, Education, Notary, Newsletter to provide information, Wood/coal, Seek outside assistance, and Security personnel.

10. If you are aware of any gaps or needs in victim services, please explain.
    Victim services lacks Police service, Suicide prevention, and abuse in the areas of Alcohol/drug, Elderly/child, and Physical, Mental, Emotional, & Spiritual.

11. What codes/ordinances does your program/organization abide by as it refers to victims?
    We refer to Hopi code.

13. If applicable, what internal policies and procedures does your program/organization have as it refers to victims?
    N/A

14. If a client or employee discloses they've been a victim of a crime, what are your program/organization’s procedures?
    I'm sure people have been in situations before, but they don't report them.

16. What are your program/organization’s office hours?
    Right now, Monday through Friday from 9:00 am – 4:00 pm, due to the Corona virus.
17. What other agencies, programs, organizations, etc. does your program/organization commonly work with?
   We work with: Behavioral health program, WIC program, Hopi courts, Elderly program, Hopi Lands Office, Legal Information Service, Realty, UMTRA, and AML.

18. What specific population(s) does your program/organization serve?
   Our Village has a population of approximately 3,000 consisting of elderly, adults, teenagers, all the way down to toddlers and infants.

19. What other agencies, programs, organizations, etc. does your program/organization commonly get referrals from?
   We get referrals from the Bureau of Indian Affairs and Tribal programs.

20. What other agencies, programs, organizations, etc. does your program/organization commonly refer to?
   We also refer to Police, Social Services, Hopi Courts, Range Management, Revenue Commission, TERO, and Realty.

23. Is there anything else that you feel it’s important for us to know?
   N/A

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Yuwehloo Pahki Community

3. What positions/titles does the program/organization have?
   We have the following positions: Secretary, Business Technician, Maintenance Technician, and Community Service Administrator.

4. What are their key responsibilities?
   N/A

6. If your program/organization is funded by a grant, who is the Funding Agency?
   N/A

8. What services does your program/organization offer?
   We provide food and wood.

10. If you are aware of any gaps or needs in victim services, please explain.
    N/A

11. What codes/ordinances does your program/organization abide by as it refers to victims?
    N/A

13. If applicable, what internal policies and procedures does your program/organization have as it refers to victims?
    N/A
14. If a client or employee discloses they've been a victim of a crime, what are your program/organization’s procedures?
We have none.

16. What are your program/organization’s office hours?
Our office is still closed to the public due to COVID.

17. What other agencies, programs, organizations, etc. does your program/organization commonly work with?
We tend to work with other Villages, Hopi Tribe, and Red Feather.

18. What specific population(s) does your program/organization serve?
We serve the residents of Yuwehloo Pahki Community.

19. What other agencies, programs, organizations, etc. does your program/organization commonly get referrals from?
N/A

20. What other agencies, programs, organizations, etc. does your program/organization commonly refer to?
We commonly refer to Red Feather.

23. Is there anything else that you feel it’s important for us to know?
N/A
Victim Services and the Civic Condition Assessment

Building Communities, the strategic planning company facilitating the development of this Strategic Plan, put the participants through an exercise on December 7, 2021 referred to as the Civic Condition Assessment (CCA). This assessment addresses the “quality and intent of civic discourse as it relates to public decision making.”

The assessment tool helps community leaders to identify which of four stages they are currently in:

- Apathy Communities are characterized by a peaceful civic setting, modest community pursuit and a general acceptance of the status quo.
- Argumentative Communities are communities that have a collective desire for better times, and yet have no common acceptance of a path to realize such conditions.
- Action Communities are characterized by a never-ending series of achievement in community and civic development.
- Alliance Communities clearly focus on the overall interest of the community, frequently subordinating the advancement of one project to another.

Each of the 13 participants addressed a series of 20 questions and the result was identical for all 13 respondents: Hopi finds itself in an Argumentative Stage. That is, unlike historical times when the Hopi people worked together for the common defense and advancement of Hopi, there is an alarming sense of division and divisiveness within Hopi.

Of the four stages, it is the Argumentative Stage that is the most problematic in terms of envisioning and enacting a desirable future. The creation and implementation of the Victim Services Program must be advanced during this challenging time.
Appendix E
Allowable and Unallowable Costs Chart
Office for Victims of Crime
FY 2019 Tribal Victim Services Set-Aside Program Examples of Allowable and Unallowable Costs

This document provides examples of activities, services, and items for which Office for Victims of Crime (OVC) Tribal Victim Services Set-Aside (VSSA) Program grant funds can and cannot be used. This is not an exhaustive list, and OVC will review all proposed costs in the context of each grant proposal.

Notice: OVC grant funds must supplement, not supplant, existing funding. In other words, you may not substitute OVC grant funds in place of tribal, state, or local funding that is otherwise available for victim services. See DOJ Financial Guide, section 2.3. [For example, if your tribe spends $100,000 per year on victim services, you may not decrease this funding to $50,000 because you receive a $50,000 OVC grant. (Changes in spending due to considerations other than receipt of OJP grant funds – e.g., jurisdiction-wide budget reductions across all programs – are not considered supplanting.)]

Funding under this solicitation may be used for a wide-range of victim service related activities. These allowable activities, which can be broken down into various costs in the budget categories below, include, but are not limited to:

- **Needs assessment** – assessing the victim service needs of the community to inform the planning, development, implementation, and expansion of victim service programs;
- **Strategic planning** – developing a strategic plan that will guide the development, implementation, and expansion of victim service programs;
- **Program development** – developing victim service programs based on the documented victim assistance needs of the community (Note: For example Applicants should include, a community needs assessment relevant to the request, statistics, etc.);
- **Program implementation** – implementing victim service programs based on the documented victim assistance needs of the community;
- **Program expansion** – including:
  - expanding *types of services* provided to victims (such as crisis intervention, allowable legal support, forensic medical services, court-based advocacy, law enforcement- or prosecution-based victim services, bilingual/multilingual advocacy, healing/cultural practices, mental health services, victim advocacy, forensic interviewing of children, transportation services for victims of crime, emergency services, substance abuse treatment for victims when related to their underlying victimization, etc.);
  - expanding *populations served* (such as children, older adults, individuals with disabilities, male victims, adults who were victimized as children/adolescents); and/or
  - expanding the *types of crime* addressed (such as human trafficking; victimization as a result of opioid/drug-related crisis; financial crimes; child abuse and neglect, including physical and sexual abuse and exploitation; sexual and physical assault; homicide; cyber-crimes; etc.).
HOW TO USE THIS DOCUMENT

• Determine the victim service activities that will be undertaken through this grant.
• Use the chart below as a guide to breakdown these activities into specific costs and assign them to the appropriate cost categories in the required budget detail worksheet.
• Use your tribe or organization’s policies and procedures to determine parameters of specific costs (e.g., how to determine appropriate market rates in your area).
• Use DOJ’s Grants Financial Guide as a resource for your budget-related questions.
• The cost categories provided in this chart reflect DOJ’s Budget Detail Worksheet categories. The Budget Detail Worksheet can be found online in two formats—Excel and PDF—and provides additional information, including a sample budget that may further assist you in developing your preliminary budget.
• When considering whether costs are allowable through this grant program, use these two questions as a guide:
  o Is this cost related to supporting or assisting crime victims?
  o How does this expense help crime victims?

A. Personnel

Personnel Costs: Award funds may be used to pay the salary for full- and part-time employees who will spend their time and effort providing services to victims of crime. Applicants must follow provisions included in the DOJ Grants Financial Guide (3.9 Allowable Costs, Compensation for Personal Services) and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (“Part 200 Uniform Requirements,” 2 C.F.R. § 200.428).

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<th>Cost Category</th>
<th>Allowable Cost Examples</th>
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| Personnel     | Types of Costs
|               | • Salary – Compensation paid must be reasonable and consistent with that paid for similar work in the organization. |
|               | • Annual cost of living increases. |
|               | Types of Positions
|               | • Victim advocates, coordinators, specialists, etc. – professionals trained to support crime victims (e.g., counsel victims, offer emotional support, provide information, accompany victims, staff crisis hotlines, run support groups). |
|               | • Case managers – provide follow-up care and identify, coordinate, and link victims to services. |
|               | • Program coordinators – personnel that lead multidisciplinary team efforts, for example Sexual Assault Nurse Examiner-Sexual Assault Response Teams (SANE-SART), and child protection teams (for cases involving child abuse and neglect). |
|               | • Outreach coordinators – personnel who work to increase public awareness of the victim services available. |
|               | Time not allocable to grant activities. Recipients must track staff time spent on grant activities. Time not spent on grant-related activities (i.e., not allocable to the grant) may not be charged to grant funds. |
|               | • For example, if the Executive Director is expected to spend only 30% of their time on grant activities, salary for the position should be budgeted at 30% of annual salary. |
|               | • The recipient must keep documentation (e.g., timesheets) that show the Executive Director’s time spent on grant activities, and this documentation must be consistent with the amount of grant funds obligated, expensed, and drawn down for those activities. |
- **Executive and administrative staff** (Note: These typically are budgeted as a percent of salary, if they will not work full-time on the grant):
  - Executive directors, administrators, or other senior management positions to provide supervision for direct victim services staff.
  - Administrative support personnel who support grant-related activities such as: data entry/statistics, grant financial reporting, preparation of financial documents such as reimbursement claims, preparation and submission of required grant reports, etc.
- **Specialized on-staff professionals**:
  - Forensic interviewers (e.g., for a child advocacy center);
  - Mental health professionals qualified to provide mental health services (e.g., psychologists, social workers, counselors);
  - Medical providers to provide medical services to crime victims directly related to the survivors victimization that are not covered by other sources.
  - Attorneys to provide legal services for victims of crime on issues related to the underlying victimization. For example, representing victims seeking a protective order, family law matters (e.g., divorce, custody, and child support), housing, employment, bankruptcy, and crime victims’ rights enforcement.
  - Performance-based salary bonuses to the extent that such salary increases are generally available to all personnel of the grantee organization and consistent with the organization’s established policies and procedures.

### B. Fringe Benefits

**Fringe Benefits:** Allowances and services provided in compensation in addition to regular salaries and wages. Fringe benefits costs must be reasonable, and are allowable to the extent required by law, agreement, or established policy of the grantee. Applicants must follow provisions included in the DOJ Grants Financial Guide (3.9 Allowable Costs, Compensation for Personal Services) and the Part 200 Uniform Requirements (2 C.F.R. § 200.431).

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<th>Cost Category</th>
<th>Allowable Cost Examples</th>
<th>Unallowable Cost Examples</th>
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<tr>
<td><strong>Fringe Benefits</strong></td>
<td>Worker’s Compensation Insurance</td>
<td>• Profit sharing</td>
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<td></td>
<td>Unemployment Insurance</td>
<td>• Fringe benefits associated with any unallowable salary costs.</td>
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<td>Health Insurance (e.g., employee health plan contribution, dental, vision)</td>
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<td>Federal Insurance Contributions Act (FICA) taxes (Employer share for Medicare and Social Security)</td>
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<td>Retirement/Pension Contribution</td>
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Appendix F
Relevant Hopi History and Cultural Values

One of the most discusses aspects of establishing the Hopi Victim Services Program by the planning partners related to history and culture. In addition to the discussion which is summarized in the body of the Strategic Plan, this exhibit pulls from documentation provided on the Tribal Law and Policy Institute website. This provides a “deeper dive” to understand how Hopi history and culture shapes the design and future of victim services programming.

Evolving the Hopi Common Law

Pat Sekaquaptewa

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I. OVERVIEW

It is difficult in both tribal and mainstream American communities to get people to understand or become interested about the evolution of the community’s judge-made law. However, as many judges and lawyers will attest, judge made law—the legal standards adopted in the written opinions of a court—are the key to fitting general legislation to the realities of the community. The standards adopted by judges in their opinions integrate and formalize the previously unwritten values of the community and are recorded as precedent. A judicial system with well fleshed out judge made law, or common law, is one that promotes fairness, consistency, and a respect for local values.

In tribal communities, development of the common law is the key to ensuring tribal ownership over once imposed justice systems and often imported foreign legal standards. The common law process should be used to weigh when, if, and under what circumstances, foreign laws (state, federal, and/or other tribal) should be imported into the tribal jurisdiction. The common law process may also be used to identify and formalize custom and tradition in court process and in the adoption of substantive legal standards.

The dedicated judges of the Hopi Tribal Courts recognize the crucial function of the Hopi common law, and are committed to evolving it to ensure a tight fit between Western justice models and persisting Hopi ways. This paper outlines the efforts of the Hopi Tribal Courts in this regard. Recent cases have given rise to important discussions concerning the nature of the union of the Hopi villages, and the sorting of jurisdiction between the central Tribal Council and these villages. Recent cases have given rise to discussions concerning the formal application of Hopi values, including the application of generally accepted customs and, where necessary, finding relevant village customs and applying them in a particular case. Finally, important issues of fair process, particularly in the context of tribal court enforcement of village decisions, continue to be raised.

II. BACKGROUND INFORMATION ON THE HOPI TRIBE & VILLAGES[1]

Hopiis are one of the oldest native cultures in North America. Hopis consider themselves descendants of an ancient people—the Hisatsinom—who occupied a vast territory encompassing much of what is now Northeastern Arizona. Hopi clan markings and the ruins of ancestral villages today mark the boundaries of these traditional Hopi homelands.[2] The older Hopi villages are believed to be between 1000 and 10,000 years old. The Hopi Reservation was formally created by executive order in 1882. This order recognized a substantially lesser area than the Hopi aboriginal claim. Subsequent squatting by Navajo Indians on the designated executive order lands, and the federal government’s indifference...
and inaction to the squatting, resulted in further diminishment of lands dedicated to exclusive Hopi use. Today the Hopi reservation encompasses 2439 square miles (1,561,054 acres) and is bounded on all sides by the Navajo Reservation. Despite diminishment, however, Hopi villages and clans continue to reside on aboriginal lands. The Hopi population is estimated to exceed 12,000 by the year 2000.

The Hopi Tribe today is comprised of twelve villages. Each of the older Hopi villages is made up of a hierarchy of clans based on their order of arrival to the area. According to village mythologies, Masau’u, a Hopi deity, holds the original claim to all Hopi lands. It was Masau’u who granted the leader of the original clan control or stewardship over village lands. Various plots were later allotted to clans as they arrived to the area in exchange for specific (often ceremonial) services. Modern villages and clan leaders trace their authority and rights in land to these original sources. Bear clan tends to be regarded as the first and highest ranking clan in a number of the villages with the male head of the clan serving as the village chief or “Kikmongwi.”

Traditional village government is a merger of clans, clan officers, religious societies and priesthoods. Many higher-ranking clans “own” religious societies, which are responsible for performing specific ceremonies or services for the villages. Although clan members fill the leadership positions within these societies, minor offices, and general membership in a society is usually open to any villager regardless of clan membership.

Beneath the clan hierarchy and village government, lays the internal governance structure of clans. A Hopi clan is best described as a group of Hopi families, the females of which derive their clan through their mother’s line. The female head of the clan is often the oldest living female member of the clan. The male head of the clan is likely to be her maternal uncle, her brother, or her son - but never her husband. In the typical traditional household, daughters and their families remain in her mother’s home for life.

Female clan heads “own” the central clan homes and the male clan heads oversee a clan’s ceremonial responsibilities to the village. Traditionally, each clan had at least one “wuya” (a mask, figurine, or fetish referring to the clan ancestor or ancient). The wuya represents the heart of the clan and the ancestor or ancient that it refers to often plays a central role in the myths explaining the origin of the clan. Rightful possession of the wuya provides the authority for the holding of a society office and the exercise of certain ceremonies. Where the wuya takes the form of a physical object, it is placed in the central clan house.

The female and male clan heads are often responsible, directly or indirectly for determining clan member land use rights. Two types of possible clan land holdings have been identified: 1) land allotted a given clan upon initial arrival to the village in ancient times; and 2) land reserved to the village chief who then allotted some of it to clans and officers of important ceremonies. In the former case, the female and male clan heads may have the final say with respect to clan member rights in land. In the latter case, it appears that plots were held only during terms of active ceremonial service and then reverted to the Kikmongwi.

Within every clan household the traditional disciplinarian and counselor is the maternal uncle or “Taha.” Young clansmen look up to their Taha as he will select and train them for ceremonial offices. The maternal uncle is also responsible for the practical care of his sister’s children and for supervising their upbringing. He is also responsible for narrating clan legends and for dispensing advice when problems arise.

Contact with American settlers and the intrusions of the American government radically restructured traditional village institutions in the late 1800s and early 1900s. During this period, Hopi families were enticed or coerced into sending their children away to federal government boarding schools. Parents that resisted were arrested and shipped to jail, prisons, or distant boarding schools. The children of these parents were kept for years in boarding schools and were not allowed to return home because government officials feared that they would not return to school. In addition, the federal government sought to break up the village and clan land holding systems and assign land allotments to individual Hopis below the mesa villages. However, due to heavy resistance from the “hostile” Hopis of some villages, the allotment plan was ultimately abandoned. Cooperation or non-cooperation by different groups of Hopis with the American government polarized village politics, causing clans and societies to split and ultimately resulted in the break-up of one of the oldest and largest villages.

By 1934, the federal government’s boarding schools, Indian agents, police, judge and jail were well established in Hopi Country--in addition to a number of missionaries and mission schools. Hopis in the 1920s and 1930s suffered the indignities of boarding school life, including punishments for speaking their language and for participating in their most basic ceremonies. Hopis were forcibly “sheep-dipped” or deloused in their own villages, and were pressured to sell their livestock at a reduced rate to the government. The federal government also limited the Hopis exclusive use of its range lands to one fourth of the area designated in the 1882 Executive Order. These policies and practices led to public outcry from Hopis to their many white friends (scientists, missionaries, artists and others) who in turn put pressure on Congress to change its Indian policy.
The Hopi Tribal Courts were established by the Tribal Council in 1972.

A. About the Trial Court(s)

The courts do not have a separate constitutional dedication of powers from Tribal Council at this time. The trial court is housed in a modern courthouse/police headquarters complex on the Hopi
reservation near Keams Canyon, Arizona. The trial court is comprised of three associate lay judges and an attorney who serves as the Chief Judge. All the trial court judges are Hopi.

The trial court has general authority, guided by the Indian Civil Rights Act, to decide nearly every type of case, subject to the limitations of the Hopi Constitution, By-laws, and tribal ordinances. The trial court handles civil matters concerning such issues as marital disputes, commercial contracts, torts, employment rights, property disputes and probate matters. The Tribe has also established a Hopi Children’s Court with limited jurisdiction over minors who are shown to be dependent, minors who are in need of emergency care, and minors who are shown to be delinquent.

The trial and Children’s Court’s civil jurisdiction extends to both Indian and non-Indian litigants. The criminal jurisdiction of the trial court, however, is limited to Indians who commit offenses on the Hopi reservation. The criminal offenses include what are generally considered to be misdemeanor crimes and are listed in Ordinance 21. Indians who are not members of the Hopi Tribe are also subject to the jurisdiction of the Hopi Courts. However, the trial court does not exercise criminal jurisdiction over non-Indians who commit crimes on the Hopi Reservation. Non-Indians, if arrested, are taken before a state or federal court. The trial court’s authority to impose punishment is limited. The maximum sentence the trial court can impose for each criminal conviction is one year in jail or a fine of $5000 or both. However, the trial court can require that multiple sentences be served consecutively beyond this limit.

2. About the Appellate Court

The Hopi Appellate Court was also established by Ordinance 21 in 1972. The Appellate Court is comprised of a three-judge panel of attorneys, which meets to hear oral arguments and deliberates two to three times per year at the Hopi court facility near Keams Canyon, Arizona. The Hopi Appellate court is assisted by a joint tribal-non-profit-university sponsored law clerking project housed at the University of California at Berkeley’s school of law (Boalt Hall).

The Hopi Appellate Court’s jurisdiction and mandate extend to the review of final trial court civil decisions, including the review of the trial court certification of decisions made by the nine, constitutionally recognized Hopi villages. The Appellate Court also has jurisdiction to review trial court criminal orders exceeding fifty dollars in fines or thirty days in jail. Finally, the Appellate Court is authorized to issue advisory opinions given certified questions of law from tribal agencies or departments or other judicial forums (including village forums).

C. Contemporary Village Government

The Hopi Constitution permits a village to adopt its own constitution. Only one village has done so: the village of Upper Moenoco in 1959. In recent times, the voting populace of other traditional villages has attempted to adopt village constitutions. Thus far, none of these efforts have been successful.

In practice, most villages are “traditional,” meaning that they have not adopted local constitutions. However, these traditional villages have administrative officers such as village governors or community service administrators that handle the day to day business and service needs of a village. Additionally, most villages also have a village board of directors that holds meetings and votes on the passage of village resolutions. These positions may be filled at the pleasure of the Kikimongwi or by popular vote.

IV. THE MULTIPLE DISPUTE RESOLUTION AUTHORITIES AT HOPI

As described above the Hopi Tribe was created by a union of once autonomous villages which delegated powers to a central tribal council. This council in turn created a tribal court system. This complex series of delegations has created troubling legal voids with respect to original and subject matter jurisdiction as between the tribal council, the villages, and the tribal courts. These legal voids are being addressed through the tribal common law—the tribe’s judge made law—on a case by case basis. The issues raised in these cases give rise to important discussions concerning the nature of the union of the villages, the sorting of jurisdiction between the central tribal council and these villages, and the constitutional distribution of powers between the tribal legislative and judicial branches.

The debate among the different Hopi government and village authorities over who gets to decide disputes invariably turns on constitutional interpretation. More specifically, the debate turns on whether one authority has exclusive subject matter jurisdiction, or there is concurrent subject matter jurisdiction.
A Tribal Council vs. Tribal Court

Under the Hopi Constitution the Hopi Tribal Council may sit to hear inter-village land disputes. Shortly after the establishment of the Hopi court system, parties often argued that the tribal council had exclusive jurisdiction under this provision to decide disputes. Whether the tribal courts had concurrent jurisdiction to hear an inter-village land dispute was a question of first impression in Hopi Indian Tribe v. Hopi Tribal Court. In this case, the Hopi Tribal Council undertook to build a civic center on lands claimed by the Sand Clan of the Village of Oraibi. Mina Lansa, the self-identified Kikmongwi of Oraibi, petitioned the Chairman of the Hopi Tribal Council, informing him of the dispute and requesting that the Council hear and decide the matter. The Chairman informed Ms. Lansa that the Council officially recognized her brother as Kikmongwi of Oraibi, and consequently could not entertain a request from her to hear the dispute.

When the Tribe proceeded to prepare the site for construction, a representative of the Oraibi Sand Clan brought a petition for injunctive relief in tribal court. The petitioner argued that construction of the civic center would constitute an illegal taking of private property from individual members of the clan under the Indian Civil Rights Act of 1968 (ICRA). The Hopi Tribe moved to dismiss the petition arguing that the tribal courts lacked jurisdiction to hear the matter. The trial court denied the motion in 1983. The trial court found that the language of Article VIII of the Hopi Constitution, which sets out the procedures by which a Kikmongwi may request the Council to hear an inter-village matter, is permissive rather than mandatory. The Tribe appealed the denial of the motion to dismiss. In 1998, the Appellate Court dismissed the case following the death of the petitioner and the failure of any real party in interest to step forward to further prosecute his claim. Today the trial court’s holding finding concurrent jurisdiction in the tribal courts (concurrent with the Hopi Tribal Council) to decide inter-village land disputes stands as the applicable law in the Hopi jurisdiction.

B. Tribe/Tribal Court v. Village

One of the most significant unanswered questions of Hopi constitutional interpretation is whether the villages, when they formed the union, gave up all their governmental powers to the central tribal government, reserving only the delineated powers of Article III, Section 2 to themselves, or whether they retain all pre-existing sovereign powers not dedicated exclusively to the Council under the provisions of the Constitution. In the absence of documented legislative history on this point, the Tribal Council and tribal courts have done their best to sort tribal and village jurisdiction in a principled manner. The typical cases coming before the courts can be divided into three subject matter areas: 1) Matters involving the custody and care of children (abused or neglected children or juvenile delinquency); 2) Disputes involving family relations (paternity, divorce, custody, child support, spousal or child abuse); and 3) Land/Property disputes between individuals, clans, villages, and the Tribe. All three of these areas could conceivably be considered to be reserved to the villages. However, the courts tend to exercise concurrent jurisdiction in those subject matter areas where the Tribal Council has legislated or where a village has “waived” its jurisdiction. Although this solution addresses the immediate subject matter jurisdiction concerns of the tribal courts, it does not address the deeper constitutional questions outlined above. The following is a sampling of legislation and court decisions in each area.

1. Children & Families

The Hopi Tribal Council has enacted at least two ordinances providing the tribal courts with jurisdiction to deal with family matters. The first, the Hopi Children’s Code was adopted in 1981 and was last amended in 1997. The second is the Hopi Family Relations Ordinance, which was adopted in 1996.

Under the Children’s Code the Hopi Children’s Court exercises jurisdiction to intervene in or to request transfer of state court proceeding involving Hopi children under the Indian Child Welfare Act; over all children declared minors-in-need-of-care where the villages are not handling the matter; over all juvenile offenders; and over the placement of Hopi children. The Children’s Code also provides for jurisdiction over adults including persons accused of victimizing a child, or for the purposes of compelling attendance in court or other proceedings involving the child or his care and custody.

The Children’s Code restates the reserved jurisdiction of the villages to appoint guardians, to adjust family disputes, and to regulate family relations among village members. However, the Code goes further and sets out the procedures and content of notice for notifying the villages so that they may choose to handle the matter or may waive jurisdiction over the matter. If the village does not assume jurisdiction or does not respond to the notice by the deadline, the Children’s Court may assume jurisdiction. The Court may also assume jurisdiction in emergency cases.

The Hopi Family Relations Ordinance provides the tribal courts with jurisdiction to hear and issue protection orders in independent civil actions: “The court may provide remedies to protect persons within the territorial jurisdiction of the Hopi Tribe to prevent future abusive and violent conduct.” This ordinance also reiterates the reserved jurisdiction of the villages and provides for notice and the assumption of tribal jurisdiction.
court jurisdiction in the absence of a response from the villages. However, the notice requirements are applicable only when both the petitioner and the defendant are members of the same village.

What is notable about both the Children’s Code and the Family Relations Ordinance is that they provide for notice to the villages with the possible exercise of tribal court concurrent jurisdiction in the absence of a timely response from the village. Such tribal regulation of village jurisdiction is troubling to some as an unconstitutional limitation of village powers. However, others argue that such statutory provisions are necessary in dealing with children and abuse situations - especially given the as yet undeveloped state of village agencies, judicial authorities or bodies and police. An argument can also be made that the legislation is constitutional given that the villages acted through their representatives to Council when such legislation was adopted.

2. Land and Property

Article III, Sections 2 (c) and (d) of the Hopi Constitution reserve the power to regulate the inheritance of property, and to assign farming land, to the recognized villages. Article VII, Section 1, specifies that the assignment of the use of farming land “shall be made by each village according to its established custom, or such rules as it may lay down under a village Constitution.” Further, “Unoccupied land beyond the clan village holdings . . . shall be open to the use of any member of the Tribe, under the supervision of the Tribal Council.” Finally, “Nothing in this Article shall permit depriving a member of the Tribe of farming land actually occupied and beneficially used by him at the time of the approval of this Constitution.”

Under these Constitutional provisions the proper exercise of village jurisdiction turns on whether the land in question is being probated, on whether it is “farming land” versus “land beyond the clan village holdings,” or whether the land was “occupied and beneficially used in 1936.” These, of course, are questions of fact to be determined in preliminary jurisdiction hearings before the Hopi tribal courts. If the land is being probated, or if the land is “farming land,” the court tends to find that it lacks jurisdiction to hear the matter and dismisses the case, instructing the parties to approach the appropriate village to resolve the matter.

The question of whether the tribal courts have concurrent jurisdiction to decide intra-village land disputes over farming land was a question of first impression in Ross v. Sulu. In Ross, the representative of the Tewa Kachina Clan of First Mesa filed a complaint for trespass in tribal court against the assignee of a half-acre of land within the First Mesa Consolidated Villages. The assignment was made to defendant on a Tribal Housing Authority land assignment form, which was signed, by the “Kikmongwi of First Mesa” and the male and female Butterfly-Badger Clan leaders of that village. In 1988, the defendant moved a mobile home onto the land. The complaint sought injunctive relief (removal of the mobile home) and damages, alleging that the land in question lay within the territorial possession of the Tewa Kachina Clan and that absent the clan’s consent, defendant was a trespasser. In September of that year, the trial court issued a temporary restraining order and then “remanded the matter for negotiation” between the plaintiff, the defendant, the Tewa village Chief, the Butterfly-Badger clan leader, and the Kikmongwi of First Mesa. The parties were unable to resolve the matter so a trial date was set in tribal court.

In January of 1989, the trial court heard testimony regarding the history of the Tewa people’s arrival to the Hopi villages and the Hopi clan’s right to use the land. The trial court found that at some point in Hopi history, the Hopi leaders had assigned the land to the Tewa people and that the land in question did indeed belong to the Tewa Kachina Clan. The trial court granted the plaintiff’s motion for a directed verdict and found defendant to be committing trespass, enjoining her from maintaining a home on the land. Defendant appealed the matter to the Hopi Appellate Court arguing that the Hopi Constitution required that such disputes be resolved under traditional village procedures, rather than by the tribal courts, and that the assignment made by the Kikmongwi here was in accordance with Article III, Section 3 of the Hopi Constitution (the farming land reservation).

The Hopi Appellate Court vacated the lower court order and held that under the Hopi Constitution, the power to assign farming land was reserved to the “Village of First Mesa” to be undertaken as follows:

With regard to the procedures through which the land is to be assigned by the villages, Article VII, Section 1 of the Hopi Constitution provides that assignment of the use of farming land “shall be made by each village according to its established custom.” Hopi villages are free to adopt modern constitutions and governmental organization, but unless they do, they are considered as being under the traditional Hopi organization. That traditional organization recognizes the Kikmongwi of each village as the leader of the village. The Village of First Mesa has not adopted a village constitution. The village, therefore, remains under the traditional Hopi organization, with the Kikmongwi as village leader.

These provisions of the Hopi Constitution, reserving certain powers to the Hopi villages, determine the outcome of the present case. The underlying dispute here is between two clans of the same, traditionally organized village. Each clan claims the right to assign the land in
question. The determination of which clan has the right is to be made not by the tribal court system, but by the village according to its established custom. Therefore, when the Tribal Court became aware that the case turned on an intravillage dispute between clans over a matter reserved for village decision, it should have dismissed the case for lack of jurisdiction, requiring the parties to seek resolution of the dispute through established customary village procedures. The Tribal Court’s attempt to decide this dispute pursuant to its own procedures and substantive standards violated the expressly reserved constitutional right of the village to resolve the matter according to its established custom.\textsuperscript{[56]}

In dicta, the Court stated that the village should decide the dispute “according to procedures that it determines and utilizing . . . the members of the village that the village deems appropriate . . . through the leadership of the Kikmongwi.”\textsuperscript{[57]}

The Court further held that the tribal courts did not have jurisdiction to hear trespass actions, which turned on a determination of which clans within a village have rights to a particular tract of land. However, the tribal courts do have jurisdiction to hear trespass actions where the claim of right does not flow from a clan assignment, where “the validity of plaintiff’s assignment through customary village procedures is undisputed” or where the village has already resolved the underlying dispute.\textsuperscript{[58]}

After Ross, it would appear that the villages have exclusive jurisdiction over intra-village farming land disputes. The Hopi Appellate Court has interpreted the Hopi Constitution’s reservation of subject matter jurisdiction (Article III, Section 2) over such matters to be exclusive—requiring trial court dismissals for lack of concurrent jurisdiction. The exercise of jurisdiction over such “farming land” is becoming increasingly important as the Hopi population expands and as more and more Hops seek to build homes or to locate mobile homes outside of the traditional residential areas. However, Ross has not stopped the flow of related actions to tribal court. Instead, the legal issues are shifting to the matter of whether and how the tribal court may recognize and enforce village decisions. This important issue was recently addressed in Honie v. The Hopi Tribal Housing Authority.\textsuperscript{[59]}

In July of 1996, the Hopi Tribal Housing Authority (HTHA) filed a complaint for injunctive, declaratory, and monetary relief against Mr. Emil Honie, Sr., leader of the Tewa Sand Clan. The HTHA alleged that Mr. Honie threatened and interfered with the activities of employees of the construction company contracted to build a home on the disputed plot of land. In August of 1996, the trial court “remanded” the matter to the First Mesa Consolidated Villages (FMCV) to resolve the dispute. The FMCV filed its notice of decision with the trial court, FMCV abrogated the land assignment to a Ms. Deborah Pablo, set forth the “format and procedure for acquiring all future land assignments by the FMCV,” and re-granted the land to Ms. Pablo under such procedures. The trial court formally recognized and certified the village decision.\textsuperscript{[60]}

The petition filed by HTHA for injunctive relief against Mr. Honie was then heard in October of 1996. At the conclusion of the evidence, the trial court issued a permanent injunction against Mr. Honie enjoining him from going near the property or otherwise interfering with construction.\textsuperscript{[61]} Mr. Honie appealed this decision arguing that the trial court’s recognition and certification of the FMCV’s decision constituted legal error since both the procedure and substance of the village’s decision were in error. Mr. Honie argued that this same land had been previously properly assigned to a member of the Tewa Sand Clan and that neither he nor members of the Tewa Sand Clan were involved in the village decision-making process, that the trial court certified.

The Court construed Mr. Honie’s appeal to be a petition for an extraordinary writ to review the trial court’s certification of the FMCV’s decision because the issue before the court “involve[d] an issue of great public concern and no other plain, speedy and adequate remedy . . . appear[ed] to exist for review of the trial court’s actions on the certification issue.”\textsuperscript{[62]} The Court then found that the trial court had the authority to certify the village decision in matters reserved to the village and to proceed to the enforcement of such decision with injunctive relief or other remedies. However, the Court held that the trial court must hold an evidentiary hearing to determine whether all interested parties have been provided with a fundamentally fair opportunity to participate in the village decision-making process before the trial court could recognize and certify the village decision:

At a minimum, all interested parties should be provided with adequate notice and a meaningful opportunity to be heard in the village decision-making process. . . . Only after the petitioner has established, through an evidentiary hearing, that the village has properly ensured that all interested parties have been provided with a fundamentally fair process in the village’s decision-making process may the court certify the village decision and proceed to consider any available remedies in the courts.\textsuperscript{[63]}

The Court set out the procedure to be followed in such certification hearings: the party requesting certification must provide adequate notice to all interested parties by publication and posting of such request; the trial court shall set the hearing no earlier than sixty days from the date of notice; at the hearing, the burden is on the petitioner (the party requesting certification) to establish that the village has provided all interested parties with a fundamentally fair opportunity to assert their interests before the village makes its decision.\textsuperscript{[64]} Interested parties who move to intervene in the certification hearing shall also have an opportunity to testify or to present evidence that the village did not
provide them a fundamentally fair opportunity to participate in the village decision-making process. Where the petitioner fails to establish by clear and convincing evidence that the village has provided interested parties with a fundamentally fair opportunity to participate, the trial court should deny the petitioner’s request for certification of the village decision.

In the certification process in Honie I, the trial court merely ordered the certification—without benefit of public notice of a hearing, or holding of an evidentiary hearing. As a result, the Appellate Court vacated the trial court’s certification of the FMCV’s decision and ordered the trial court to hold a certification hearing within 120 days. After such time, if appropriate, the permanent injunctive order could then be enforced. Although the Appellate Court did not elaborate, it was clearly concerned with basic concepts of Hopi fairness in the use of the Tribe’s court orders and police officers to enforce village decisions. However, Honie is purely procedural. It does not appear to prevent tribal court certification of village decisions where a village uses good notice and hearing practices, but then reaches a decision unsupported by the evidence. The Honie decision stops short of requiring full-blown procedural due process at the village level. Presumably the Court wished to preserve traditional or existing dispute resolution process at the village level, as a matter of local government choice.

The Hopi Constitution sets out the basic framework for an integrated government—unifying the villages and sorting power between the central tribal government and the villages. However, this is a very complex undertaking. This is particularly true when it comes to the reserved jurisdiction of the villages with respect to land issues. The trial court hearing process, the factual and legal findings of the tribal judges, and their written reasoning provide the means by which this complex integration can be worked through case by case.

V. HOW DO THE TRIBAL COURTS DECIDE MATTERS OF CUSTOM?

At the outset of this discussion it is important to state that treating “custom” as a subset of what the Hopi government, villages, and courts handle distorts and minimizes ubiquitous Hopi law ways. From the Hopi perspective, the relevant inquiries are when, how and why Western institutions, process and legal standards were merged into the existing Hopi system. Modern Hopi institutions are a merger of persisting traditional institutions, process and values and western forms (the Hopi Constitution, legislature, and an adversarial court) and values (a rights based versus a duty based legal system). Coming from this perspective the Hopi judges decide cases applying first Hopi constitutional and tribal law, then by applying Hopi custom, and finally, where relevant, importing selected or modified foreign law through the judicial opinion drafting process. Because Hopi constitutional and statutory law recognizes traditional legal authorities and jurisdiction, an exploration of “custom” at Hopi goes beyond identification and application of Hopi values in the tribal courts. First and foremost at Hopi, the tribal custom law area is about identifying traditional legal authorities, determining their subject matter jurisdiction, and determining whether the tribal courts have concurrent jurisdiction to hear a particular type of dispute before them. Consequently, before discussing custom as values, I will discuss traditional legal authorities at Hopi.

A. Traditional Legal Authorities

Given the generalization of traditional village and clan governance outlined in Section II, it is possible to identify a number of potential legal authorities at Hopi: the village Kikmongwi, clans, societies, female clan heads, male clan heads, Tahas, et cetera. Identification of these potential legal authorities raises numerous difficult questions in the modern Hopi tribal court. A sampling might include: 1) Whether a Kikmongwi should be recognized as having legislative authority in addition to judicial authority, 2) Whether he can exercise some sort of personal and subject matter jurisdiction over all persons and things within the bounded area of land under his legitimate control, 3) Whether clans and/or societies should be recognized as having personal and subject matter jurisdiction over individuals and property implicated by land holding rights and their ceremonies, and 4) Whether female or male clan heads should be recognized as having legislative or judicial authority with respect to clan members and clan property, or should they be considered mere mediators. The need to identify village legal authorities and the contours of their power arises in a number of ways in tribal court.

Under Article III, Section 2 of the Hopi Constitution the “villages” may exercise their reserved subject matter jurisdiction to resolve disputes between village members concerning the care and custody of children and incompetents, other family disputes, and intra-village land/property disputes. However, the Constitution reserves powers to the villages without any characterization of what the recognized leadership or institutions of the village are. As a result, there may be two or more potential authorities in a village vying for secular control over village matters and the resolution of disputes. Is it the village leader, or Kikmongwi, or his spokesperson, or the secular village board who decides disputes? When do clan and society leaders decide disputes? Should clan Tahas (maternal uncles) be considered authorities for purposes of dispute resolution or merely mediators or counselors? Ultimately, it is up to the members of the villages and their leadership to work these matters out.

In the interim however, the tribal courts do their best to recognize legitimate exercises of traditional authority when they encounter them.
In the recent case of Nutongla-Sanchez v. Garcia et al., the Hopi Appellate Court held that a clan relative may resolve an intra-village inheritance dispute in the traditional Hopi manner and that the res judicata doctrine will bar re-litigation of such decisions in tribal court where such decisions are final. In this case, the children of the deceased (a daughter and two sons), could not agree on how to distribute three home structures, two within the village and one in a nearby orchard. The children took the matter before a male clan relative who determined that the decedent had an oral will and distributed the three structures according to the will – one structure per child. The children initially expressed satisfaction with the distribution. However, some time later, the daughter informed the others that she no longer agreed with the distribution and took the matter before the village board of directors. The village board was unable to resolve the matter and waived its jurisdiction to decide the matter. Subsequently, the daughter filed a petition in the Hopi trial court asking it to distribute the estate. The trial court took jurisdiction over the matter, found that the decedent left an oral will, and ordered a distribution identical to that of the clan relative. The daughter appealed the trial court’s distribution arguing that the trial court judge failed to make an initial determination that the Hopi courts recognize oral wills, and that if oral wills are recognized, the court distributed the estate without first determining whether the oral will was valid. The Hopi Appellate Court vacated the lower court distribution finding that the trial court erred in allowing the parties to re-litigate an issue already resolved by the clan relative at the village level:

In a hybrid village legal authority is not concentrated in any one governmental entity. Because this case involves a hybrid village, it cannot be assumed that the language of Section 2(c) vests the power to resolve inheritance disputes in the [village board of directors] exclusively. Outside of the [village board], other [village members] possess legal authority within the village. The basis of this legal authority is tradition and custom. Traditional legal authorities, as well as the Village Board, may possess the power to resolve inheritance disputes and distribute property pursuant to the Hopi Constitution.

A village member is a traditional legal authority in the area of inheritance law where there is a longstanding custom within the village recognizing his or her power to resolve inheritance disputes. This acknowledged power to resolve inheritance disputes may stem from the village member’s status within the community, or his or her relationship to the parties. For instance, it is a common practice at Hopi for the heirs of a decedent to take any inheritance dispute that may arise among them to the appropriate clan relative, who determines how the decedent’s estate should be distributed. In recognition of this practice, this Court hereby takes judicial notice that there is a “generally known and accepted” custom at Hopi recognizing the appropriate clan relatives as traditional legal authorities with the power to resolve inheritance disputes .

Clan relative settlement is an effective means to resolve intra-village inheritance disputes in a traditional Hopi manner and in a traditional Hopi legal forum. For the Tribal Courts to disregard this method of dispute resolution would be to show disrespect for traditional Hopi law and traditional legal authorities within the villages. Perhaps more to the point, the Hopi Constitution mandates that the Tribal Court give deference to the villages in inheritance matters. Because the villages have exclusive jurisdiction over intra-village inheritance disputes under Article III, Section 2(c), the Hopi courts cannot overrule a village decision in this area.

The answer to this question is not obvious, because the respective villages at Hopi vary significantly in terms of their governmental structures: some are “traditional” villages, where the preeminent village authority is the kikmongwi; some are “modern” villages with a formal constitution allocating governmental powers within the village; and most are “hybrid” villages, where the division of power between traditional leaders and popularly elected village board members remains somewhat uncertain.

However, the Hopi Appellate Court stated that the res judicata doctrine will only bar re-litigation of a dispute where the clan relative’s decision is final. The Court then set forth the rule that a clan relative’s distribution of property is considered final when: 1) all of the disputants agree upon the clan relative who will resolve the dispute, and 2) the disputants agree at the outset that they will be bound by the final decision of the clan relative, or 3) all of the disputants manifest their satisfaction with or acquiescence to the final decision of the clan relative after he has
rendered his decision. The Appellate Court effectively recognized that under Hopi tribal law (in addition to traditional practice), clan relatives have the authority to arbitrate or mediate inheritance disputes.

Finally, in addition to the formal dispute resolution fora outlined in and recognized by the Hopi Constitution and Appellate Court case law (Council, Courts, Villages, and clan relatives), there are other persisting traditional dispute resolution authorities. Outsiders often seek to lump these authorities and their process in with Western style mediation or restorative justice without understanding what they are. It should be made clear, however, that the Hopi have persisting traditional institutions and authorities that decide matters within their subject matter or personal jurisdiction sphere according to village and clan customary law. These mechanisms include religious societies and the presiding priests of a kiva at a given time of year. This also includes clans and clan leaders, and the Kikmongwi and other village leaders who are undertaking their traditional village responsibilities. The details of what these authorities do and how they do it comprises the body of Hopi religious law, much of which cannot be shared with the uninitiated.

B. Custom as Values

There are many occasions when the tribal courts seek to find and incorporate tribal or local village customs into the common law. But what exactly are the judges looking for? Many of us have a general sense that customs are values. However, the identification and application of these values as law in live disputes requires precise definition. Consequently, I subdivide custom into the following useful concepts: social norms, legal norms, traditional practices, and current local practices. Anthropologists define social norms to be “felt standards of proper behavior.” A legal norm, by contrast, is a felt standard of proper behavior that is “actively protected conduct.” In layman’s terms, social norms are what most people in a given community would consider to be proper behavior (people should refrain from gossiping for example) but which do not rise to the level of an enforceable legal duty. Legal norms are expected proper behaviors backed by official sanctions. A good example of a traditional legal norm at Hopi is that people should be sober and respectful while present in the kiva or the plaza during the ceremonies. Traditionally, and presently, disciplinary kachinas police the villages and physically punish (by whipping with yucca for example) or publicly humiliating those who violate the legal norm. Further, the Hopi Tribal Council has manifested its intent to recognize the norm as legal by criminalizing belligerent behavior and drunkenness in the kiva during the ceremonies. The Hopi police and prosecutor enforce the legal norm by arresting, detaining, and prosecuting perpetrators in the Hopi tribal court.

It is also important, however, to divide “custom” into “traditional practices” and “current local practices.” The Hopi judges have found that these are not always the same, although both may be considered legal and either may be a basis for establishing new legal standards in the tribal common law. No culture is static and the legal norms of all societies evolve. Further, in recent history, at least five Hopi villages have experienced a break-up of the governing clan and society system which has permanently altered traditional clan rights in and power over lands and population. Although I will not go into a detailed discussion here, there are times when Hopi trial judges will seek to discern not only a traditional legal norm but also the current practice as legal norm at the village level. Old law is not always still good law.

C. Finding and Applying Custom in Court

Hopi trial court judges, in hearing matters before them will often be able to identify when and how substantive Hopi legal norms apply in a given situation and may take judicial notice of a custom. For example, it is widely understood at Hopi that children belong to their mother’s clan and that the child is expected to engage in clan activities at certain times of the year. This “custom” would be highly relevant in establishing a common law custody standard, or as a factor in determining what is best for the child. A judge might take judicial notice that it is a Hopi custom for the child to be with his clan at a certain time of the year, hence there may be a presumption of custody with the Hopi mother at bean dance (February) or at homegoing dance time (July).

However, there is a limit to what the Hopi judge might be able to take judicial notice of. The Hopi villages were once autonomous with their own constellations of clans and ceremonies. Each village, and even each clan, has a unique set of substantive legal norms governing given subject matter areas. These norms often derive from the history of the village/clan and the nature and responsibilities of the traditional authority (the Kikmongwi, the clan, the society, clan leaders, et cetera). Further, the secular government of the village (a governor or a village board of directors) may proclaim a modified version of a traditional legal norm as a matter of secular village policy. All this diversity, and the pool of possible authorities, requires fact-finding hearings (at least) at the tribal court level in order to identify the relevant legal norms in a given case.

Increasingly parties before the tribal court today assert that substantive custom is a governing legal standard in their pleadings and arguments before the trial court. Pursuant to Hopi Tribal Resolution H-12-76, Section 2(a), the tribal courts are mandated to consider the applicable law in a precedential order of authority. The courts in deciding matters of both substance and procedure, shall look to and give weight to: (1) the Hopi Constitution and Bylaws; (2) the ordinances of the Tribe; (3) the resolutions of the Tribe; (4) the customs, traditions and culture of the
The case of Hopi Indian Credit Association established the required process for the pleading and proving up of custom before the trial courts.[83] In 1984 the Hopi Credit Association (HCA) brought a civil action in the trial court to recover $2900 from a Hopi businessman who had defaulted on a loan. The default occurred in 1974 and the Credit Association did not file its suit until ten years later. As a result, the defendant filed a motion to dismiss the suit arguing that the action was time barred. The HCA argued in turn that the Hopi Rules of Civil and Criminal Procedure did not include a civil statute of limitations, and that custom and tradition excluded the application of such a limitation. They argued that this was based on a custom that the reciprocal giving between members of a bride’s family/clan and the members of the groom’s family/clan had no time limits and that years could pass before the giving of food and other gifts was complete. The trial court ultimately dismissed the complaint deciding that the federal statute of limitations period of six years would apply. The HCA appealed the decision arguing that under Hopi Resolution H-12-76, the trial court erred in applying federal law before Hopi custom and that the Hopi custom addressed the legal issue.

The Hopi Appellate court reversed the trial court’s dismissal and remanded the matter for a fact finding hearing on the existence and relevance of the asserted custom:

Although Hopi customs, traditions and culture are to be considered by a trial court before it considers foreign law before a court reaches the use of any foreign law, including federal or Arizona law. The ease of use may convince a trial court to forego the difficulty and time needed to properly apply our unwritten custom, tradition and culture. However, the trial court must apply this important source of law when it is relevant.[84]

VI. CONCLUSION

Although the origins of the Hopi Tribal Council and the Hopi Constitution are controversial and arguably not originally derived from the Hopi people themselves, the modern Hopi electorate has amended and re-adopted the Constitution as a declaration of sovereignty, and in an act of self-determination. No one’s culture is static and many who would coerce Hopis to emulate the past usurp Hopi control over its future. While Hopis themselves do no seek to emulate the past, they continue to live in a Hopi present with the ubiquitous Hopi law ways. These ways are invoked in the tribal constitution, in tribal legislation, and are being identified and elaborated on in the tribal common law. The process of evolving the Hopi common law is a primary means by which the Hopi people are having important discussions about the nature of the union of the villages and the modern application of their values. This process is facilitating the sorting of jurisdiction between the Tribe and the villages in a principled way. It is facilitating the identification of traditional authorities. It is ensuring that the tribal enforcement of clan relative and village decisions are based on a minimally fair process. Finally, this process is identifying, bolstering, and documenting Hopi values by finding relevant customs and practices, and by carefully weighing when and how foreign (federal and state) law will be imported into the Hopi jurisdiction. And this time Hopis are in control of the process.