

*"The cop was at the door to
serve papers. I was scared
and didn't know what to do.*

*But then I turned around
and saw every woman in the*

*shelter staring at me big-
eyed. I knew if I let that cop*

*in that all the women would
leave because they wouldn't*

*be able to believe that we
could keep them safe. I took*

*a deep breath and told him
our policy. "We don't give*

*out information."
He threatened me with*

*contempt . . . jail.
I was so scared. But I know*

*I did the right thing."
— Shelter Advocate*

Confidentiality

Cornerstone of Safety for Native Women who are Battered

We Don't Give Out Information

A little girl staying in our shelter just said, "Mommy, are we going home? I don't want to. I'm scared 'cause I think Daddy might kill you. Let's just stay here." How can we, as shelter advocates, keep her and her children safe?

Shelters for women who are battered are intended to provide a sense of sanctuary, support, and safety. When a native woman who is battered comes to the shelter, she should feel the same feelings of security as she does when she is sitting in the sweat lodge. It is said that when we are in the sweat lodge we are sitting in the middle of the universe. We can open our hearts to the Creator because there is absolute safety, nothing can harm us; we are suspended in a net of love and support.

How can we recreate this same feeling of absolute safety and support when a woman is in the shelter? How do we help a woman and her children feel like they are sitting in the middle of the universe where they are safe and cared for?

The cornerstone for safety is confidentiality. It is through our confidentiality policies and the strength we show in enforcing those policies, that women and their children feel a sense of sanctuary. Women, as sacred beings, have the right to expect a protective and safe atmosphere when they are in shelter.

Violence destroys trust and any sense of safety. This booklet is written to encourage advocates. Stand strong and show the same courage we expect her to have as she leaves the violence to make a new life with her children. Acknowledge her sacredness.

*— Karen Artichoker, Director
Sacred Circle & Cangleska, Inc.*

There are three sacred elements within the Inukaga (sweat lodge). These elements are elders, children and women. The elements of the sweat lodge help us maintain balance in everyday life.

The fire-pit is where the elders, keepers of wisdom and knowledge are present. The pit is where Mother Earth (Uñci Maka) prepares the Grandfather Rock (Tunkasila) to share their ancient wisdom and knowledge. The Pipe alter is where the pipe is placed once it is prepared. It is prepared to ensure that life continues and is representative of the Child. The Child is the keeper of truth and honesty. We see this in children, who in their innocence speak the truth without thinking about whether that truth is polite or not.

Before entering the sweat lodge, we have already been touched by the Elders and Children. We enter into the womb of WOMAN, Mother Earth, who nurtures us. She is the keeper of values, virtues and Life. We acknowledge her sacredness.

*— Wayne Weston, Resource
Development & Specialist,
Cangleska, Inc.*

An Advocate's Thoughts

I was so busy today. A couple of women and their children came to the shelter badly in need of safety and help.

I hurried about after hearing their stories and doing intake to help meet some of their basic needs: a bed, personal essentials and a good meal. They came here in a hurry with nothing but the clothes on their backs. Between doing this and answering the phone, my mind was in a whirl. I was feeling angry and frustrated. I was angry at the system: angry at the police, angry at the courts, and angry at the abusers who caused such pain and suffering for these women.

Feeling overwhelmed and exhausted, I finally sat down to catch my breath. I looked up, and there at the dining room table feeding their children, sat my sisters. Their arms, legs, faces, bore the visible bruises, cuts and bite marks inflicted on them by their abusive partners, the fathers of their children, the men who had professed to love them.

I stared and stared at them. Yes, there sat our sacred women feeding our sacred babies. They sat there, the visible scars testimony to what colonization has done to us a Lakota people.

As I continued to stare a lump of sorrow formed in my throat, making it hard to swallow as tears welled in my eyes. It seemed to me the room began to swell with a tangible evidence of their strength. I looked and saw the tattered, bruised, torn spirits of my sisters. Here, visibly, before me, was the reality. And this is what I will never forget: We can go to workshops, conferences, and meetings to discuss the "why's" and "should've's" and "could've's" of battered women all we want, but THIS is the reality! Here is the truth.

Here were my sisters, my daughters, my nieces, my granddaughters, my auntie, my mother: And yet, beyond all reason, and all despair, here they sat. Still going on. Tending to their children! What Strength! What Courage! What Perseverance Lakota women have!

Now I want to know, who is the real Lakota Warrior?

I honor them, I respect them - my sisters. And I know that is why I am here. I am here to help them, to persevere with them, and to use my frustrations and anger to help make a difference, so that we don't have to live like this anymore.

- Gloria Cournoyer - Shelter Coordinator, Cangleska, Inc.

Confidentiality

Cornerstone of Safety for Women who are Battered

When a person shares personal information with the expectation that the information will not be shared except under specific circumstances, a special, unique relationship is formed. That relationship is based on trust and the assurance that the information will remain confidential. For women who are battered, confidentiality is the cornerstone of safety and can be a matter of life or death.

Confidentiality is always a matter of respect and honors the personal sovereignty of the woman who is battered. When we tell women that we are not only advocates, but sisters, confidentiality becomes a fundamental necessity. Betrayal of trust and confidence is an extremely powerful and dangerous tactic of battering and method of colluding with the batterer. If confidentiality cannot be guaranteed, women who are battered have no logical reason to risk trusting anyone with their story or lives. Advocates must have the ability to maintain the confidentiality of women who are battered: How can true safety be provided without confidentiality?

Historically, the confidentiality of women who are battered and advocates' ability to protect that confidence has been continually challenged on a number of fronts. Women who are battered, and their children, tend to be the overwhelming losers of those challenges. The consequences can be another beating, loss of custody, having to run for their lives (again), having to return to the batterer, or death.

Breach of confidentiality always means a woman's "safe space" is diminished and her reason to believe that others can and will protect her has been destroyed. It also means that all the words women hear about "rights," "respect," "women are sacred" and "you

"It took every ounce of courage I had to go to the shelter. It meant giving up on my marriage, giving up my home, taking my children out of school, giving up my job, giving up almost everything I worked for... even the dog. The advocate said they'd help me, support me, keep me and my kids safe. They lied. He must have filed for custody. Cops came to the shelter with a custody order. The advocate said she was sorry, but I'd have to leave... He's beaten me when I stopped him from hitting the kids. All I know is I'm alone with my kids, people lie and I don't know if I'll ever be safe."

*—Woman Who
Has Been Battered*

can trust me” have become warnings of impending danger, not the basis for relationships or the way they are to be treated.

Meeting the Challenge



When an advocate resists challenges to a battered woman’s confidentiality, rarely is she supported for acting with the courage of her convictions. More often, the advocate faces a backlash ranging from name-calling, accusations of being “uncooperative” by state, federal and tribal agencies, shunning, to threats of legal actions against herself and/or her program. Instead of recognizing a woman’s confidentiality as primary to her safety, charges of obstruction of justice, harboring, etc., may be brought against the advocate. Focus is then effectively removed from the batterer’s accountability for his violence, including his manipulation of various systems and programs.

This situation, at best, results in an advocate sharpening her legal advocacy skills. At worst, it means the advocate compromises her integrity and ethics and participates in “turning a woman over.” In the short term, this may serve to protect other women in shelter. But in the long run, it means the shelter is no longer safe space. Either way, women who are battered get the message that there is no safety anywhere and no one can or will protect her from the batterer.

Federal grant requirements (Family Violence Prevention and Services Act, and Victims of Crime Assistance) offer minimal standards for confidentiality. Some state laws have

“privileged communication” for advocates, similar to that of doctors, lawyers, etc. Some criminal justice systems and law enforcement agencies understand the dynamics of battering, the issues of women’s safety and batterer accountability, and develop policies and procedures that recognize and uphold the relationship between confidentiality and the woman who is battered.

Tribes, as sovereign nations, have the ability to enact laws that protect the confidentiality of Native women who are battered. These laws need to reflect the understanding that shelters are sacred places that save the lives of women and their children. Supporting policy, procedure, protocol and memorandums of agreement between criminal justice systems, law enforcement agencies, and other related programs with domestic violence shelters/programs, must prioritize women’s safety and batterers’ accountability. This means when conflicts arise due to jail space shortage, overloaded court dockets, lack of resources or competing interests, battering will not be minimized and is understood as assault with intent and, often is attempted murder. Understanding the lethality of battering compels judgments that honor confidentiality over “old” fines and warrants against women escaping violence, and over enforcement of custody/visitation orders demanded by batterers while women are in shelter or in other situations where they are not safe.

Outside the Criminal Justice System

Confidentiality and the implied respect for battered women’s right and ability to live freely are violated on a regular basis by others outside the criminal justice system. Though obviously integral to protecting women who are battered, the legal system can not be the only system to guarantee the right to confidentiality. In communities where a battered woman’s right to confidentiality has been openly challenged, it has usually

“There should be consequences for bad behavior. That is our way. Beating up a woman was never traditional. We had consequences for doing that. We have to set standards.”

—Council Representative

I used to think that “family disputes” or domestic violence cases were really a counseling issue or because of drinking. Sometimes I’d sentence them both to counseling. Then my sister was murdered by her ex-husband. As a judge, a brother and Indian man, I have to live knowing maybe that has happened or could happen to women that came before me in court, because I didn’t realize domestic violence is assault with intent...and sometimes murder. As a judge I hold offenders accountable for their behavior. As a judge, brother and relative, I have to hold myself and the court accountable to women, my relatives that have been battered.

—Tribal Judge

Every part of me hurt - my head, ribs, face, legs... He kicked me with his boots on, used a cast iron skillet. I was so scared, so alone, so tired. Nothing stopped it. I couldn't stand the pain, the fear, all those people who did nothing. So I got really drunk, made it all go away for a little while. Ended up in treatment. The counselor said I had to be honest about everything. During family days I'm sitting there with my husband, my batterer, and the counselor says to him "Your wife told me about your anger problem..." On the way home he said nothing, but I knew what was coming... Last thing I remember about that night was him grabbing my hair and his fist coming at my face...

—Woman Who
Has Been Battered

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been the shelter/domestic violence program that has defended confidentiality.

These programs base their stand on written policy and procedure established to reinforce the safety and personal sovereignty of women who are battered. Given the historic, earned mistrust of programs and agencies by Native people and the lethality of battering, confidentiality and other rights of every woman who is battered must be pro-actively supported by all programs, agencies and systems. Unfortunately, this is not the usual case.

Those that refuse to see battering as a crime, and as a gender/civil rights issue, tend to minimize the accountability of the batterer. They "treat" women who are battered as mental health cases, and identify the causes as a lack of communication, co-dependency or other "illnesses." Rather than deal with a human being who has been victimized on a continual basis by violence, they "treat" a "sick" person who must be fixed. A phenomenon unique to the dominant American medical model then kicks in. As happens with other people in America identified as "ill" or "sick," women who are battered are treated as though their I.Q. has dropped. There is an assumption that they can no longer be trusted to know what they need, make decisions for themselves or their children, or to name their reality for themselves.

The professionals, those "that know," must rescue them. There tends to be a free flow of information within the medical model; confidentiality tends to be "qualified" by the judgement and involvement of a variety of service providers depending upon what is deemed "best for the client." Mental health assessments, diagnosis, case staffings, team meetings, and/or treatment planning takes place. These case conferences between social services, child protection, the prosecutor's office- supposedly for the "case" or "client" benefit, are usually conducted without her request, consent or participation, even though decisions made during these sessions may impact a woman's (and her

children's) life forever. These are major violations of confidence and confidentiality.

Battering is defined as a system of tactics aimed at maintaining power and control over another; how then is a method that makes decisions by, for, and without a woman any different from the tactics used by her batterer? Same song, different verse.

Women who are battered go to shelters and other helping agencies to regain their basic rights to safety and the resources to get their lives back. Women are not coming to shelters to exchange conditions of male ownership for program ownership.

On another level, the medical model, as a social service/mental health approach focusing on direct services to isolated individuals is extremely dangerous to Native women. It excludes the Native world view and ignores the impact of colonization and oppression on Native people. Colonization can also be defined as a system of tactics aimed at maintaining power and control over entire groups of people; how then is a system that re-defines our relationships with each other and distorts our world view any different from that tactics used by the batterer or oppressors? Same song, different verse.

Respectful Paperwork

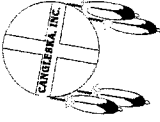
Our indigenous grassroots perspective supports women's rights to confidentiality and leads us away from programming that requires documentation unrelated to the violence against a woman, eligibility issues, case management and other activities that open the door to breach of confidentiality. If this grassroots perspective is honored, there is no need for concern about documentation of a woman's behavior, emotional state, parenting skills, etc.

Coming from a different field, I was used to a lot of paperwork. I never gave a second thought about why we asked for the information we did. It was a real eye opener to work in a domestic violence program and be challenged to think about why we needed information. I never thought about how invasive and disrespectful paperwork can be. Now I focus on documenting his violence and making sure I don't objectify her. She's not just a "client," she's my sister.

—Advocate

What information should be kept on women and why?

The Contact Sheet is designed to gather basic information, provide documentation about his violence, and allows for ongoing assessment of law enforcement response.



CANGLESKA, INC.
Serving the Oglala Lakota Nation

OUTREACH SERVICES
P.O. Box 3300
P.O. Box 10370
Rapid City, SD 57709
(605) 341-1037 (Fax)

SHELTER & BUREAU OFFICE
P.O. Box 638
Rapid City, SD 57709
(605) 341-2244

SOUTH DAKOTA CIRCLE
222 S. W. Circle
Rapid City, SD 57701
(605) 341-2244
(605) 341-2172 (Fax)

CONTACT SHEET

TO BE COMPLETED BY THE IDIYOCATE
(In other words, DO NOT hand this to the woman to fill out)

Date: _____ Time: _____ Advocate: _____

Physical Referral: _____

By Agency: Probation Safety check Orientation

Other _____

Self _____

Type of Contact: Shelter Phone Drop in

Woman's Information:

Name: _____

Address: _____

City/State/Zip: _____

Phone: _____

Tribal: _____

District: _____

Birth Date: _____

Marital Status: _____

Special Needs or Impairment medical information: _____ Age: _____

Emergency contact: _____ Age: _____

If different from above, how can Cangleska, Inc. contact you if you leave the area? _____ (How)

Children's Names and Ages:

_____	Age: _____
_____	Age: _____
_____	Age: _____
_____	Age: _____

Is an Order for Protection in place or pending? _____ If yes: Ex Parte Permanent

Which court? _____ Court date for hearing on permanent order? _____

Are there any warrants or charges against you? Describe: _____

Are there any warrants/charges against your partner? Describe? _____

Is your partner on probation? Yes No _____

Were the police notified? Yes No _____

Names of responding officer: _____

Actions taken by officer: _____

What is your opinion of the police response? _____

Describe his violence and any system's responses: What happened? Describe injury actions have been taken with the criminal justice system, social services, religious/spiritual violence? What was the response? _____

Which Court? _____

Date: _____

Ask the woman if she would like to see _____

Blanket release of information forms are illegal (and unethical).

Confidentiality agreement forms signed by a dozen or more people does not guarantee confidentiality, and does not confer the right to talk about women and make decisions about their lives without their informed consent. Even within shelter programs, information should be shared on a "need to know" basis only. There seems to be massive confusion about the difference between a woman's request for help in getting safe and an open invitation to get into every aspect of her life.



CANGLESKA, INC.
Serving the Ongoing Litigation Nation

AUTHORIZATION TO RELEASE INFORMATION TO CANGLESKA, INC.

TO RELEASE INFORMATION TO CANGLESKA, INC.

Name of person/organization/facility: _____
Address: _____
City/State: _____
to disclose information from my record.

The purpose or need for this disclosure is: _____
The information to be released is: (check one) (NKS)

The information related to: _____
 The entire record
 Only information related to: _____ from: _____
 Only the period of events: _____

AUTHORIZATION TO RELEASE INFORMATION FROM CANGLESKA, INC.*

I, _____
Name (of person/organization/facility): _____
Address: _____
City/State: _____
Cangleska, Inc., to disclose information from my record to: _____

The purpose or need for this disclosure is: _____ (check one) (NKS)

The information to be released is: _____
 The entire record
 Only information related to: _____ from: _____
 Only the period of events: _____

*This form is to be completed for each individual disclosure.
I understand that this authorization is valid only for the intents and purposes stated
and unless the information has already been released.

Signature: _____
Advocate Signature: _____

THE IN'S AND OUT'S OF WOMEN'S FILES IN SHELTERS

The files of women in shelter are legally considered program property and, therefore, can be released by subpoena or court-order. Some programs choose not to respond to subpoenas or court-orders, in order to protect women and the integrity of the program.

Keeping this in mind, the purpose of these files is to support the safety of women. The purpose of files is not tracking, case management or documentation for "progress." Shelters are sacred ground for women who have been battered, providing sanctuary for women escaping violence. Shelters are not treatment centers or social service programs.

Women have the right to review their file and determine what they want and don't want documented. This can vary from woman to woman, depending upon many factors, including the tactics her batterer uses and local systems' response.

The following are basic guidelines for what is appropriate to include in files - the "IN'S," and what is inappropriate to include in files- the "OUT'S".

Some programs place contact sheets in three-ring binders by month and do not utilize individual files. One separate file can be kept with letters validating attendance if other agencies require participation in support groups, etc.

THE IN'S

1. Contact information (addresses, phone numbers, how they can be contacted)
2. Documentation about the violence:
 - a. "Excited utterances" about the battering
 - b. Documentation of injuries, including photos, if appropriate
 - c. Actions and threats by the batterer
 - d. Police and other systems' response
3. Release of information forms (one per request)
4. Dates only of participation in groups, if required by other agencies

Note:
Most programs must collect statistical data for funders, research or program development. It is safest to keep this information elsewhere, if possible.

THE OUT'S

1. Subjective data: observations, assumptions, progress notes, assessments
2. Treatment plans, including goals and objectives
3. Logs, daily contact sheets, notes about a woman's comings and goings
4. Notes on parenting methods or mother/child interactions

Note:
Women may need to keep copies of protection orders, divorce papers, social security cards or other personal documents at the program. A locked file cabinet documented as designated for personal items, not program property, is the safest way to keep these types of records. It is generally safest to treat safety plans as personal property of a woman, depending upon her individual situation.

Shelters are supposed to be safe places, not treatment programs or social service agencies. Our relationships are based on the reality that we are relatives, not professionals treating clients or cases. As relatives, we are responsible for the safety of women and their children and for holding our relatives who batter accountable for their violence. These principles guide our work.

In keeping with this thought, the rationale for any filing system and paperwork in shelter should be based on the safety and needs of the women in shelter. Any type of program documentation should automatically raise concerns about confidentiality violations through court orders and subpoenas. If it's not in writing, it cannot be subpoenaed. Information that documents the violence should be written down.

Any and every action taken by shelter/domestic violence program advocates and other agency advocates should be tested by the action's impact on a woman's safety and personal sovereignty and the effort to hold a batterer accountable. Anything else is outside the realm of our work, may serve to re-victimize and does not respond to women's requests for help in stopping or escaping the violence.

Building a Native Movement

The shelter movement within dominant American society was born by women who were battered and opened their homes to their sisters who were also being battered. Women offered each other support, safety, resources and validation as relatives. Confidentiality was acknowledged as a necessary and integral aspect of their relationship as sisters. The safety of women who are battered and batterers' accountability were understood in this movement to be about violent crime, human rights and social change.

The perspective that violence against women is a culturally-based human rights issue

*"I thought I had my fingertips
on the pulse of my community. I
had worked in the criminal
justice and human services
fields. So when the domestic
violence programs started, I
thought, "sure, this will be a
good thing!" Little did I realize
how getting involved with the
domestic violence movement
would change my life. Being
part of a movement makes sense
to me as a tribal person. We
care about each other and help
each other and we also work
collectively to make life safe for
everyone. Awesome! Sounds like
an Indian Tribe!"*

—Advocate

came in large part from white women's earlier observations of the natural respect and equality of Native women within tribal societies before colonization. Many people know that the American Constitution was strongly influenced by the Iroquois Confederacy's Great Tree of Peace. The "Founding Fathers" ignored part of the Tree of Peace: women's powerful status. Arthur C. Parker of Seneca descent, at the turn of the century: "... *the red woman that lived in New York state 500 years ago, had far more political rights and enjoyed a much wider liberty than the 20th century woman of civilization... the Iroquois... through his sense of justice gave to the mothers of his race, their rights, maternal, civil, religious, social and political.*"

Many of the white women who fought for women's right to vote, also fought American citizenship for Native people. They clearly understood American citizenship meant a staggering loss of status for Native women. Ironically, citizenship for Native women seems to have picked up where colonization left off. Given the historical background, the "shelter movement" did not impact Indian Country until fairly recently. The Violence Against Women Act of 1994 (VAWA) focused attention on the battering of Native women. VAWA supports the grassroots efforts of Native women who struggled for decades to establish shelters for their sisters who were also being battered, and to create social change based on connections between colonization, oppression and violence against women.

These earlier efforts were thwarted by lack of resources, "ruralness" and the often single-minded focus on alcoholism as "the problem" in Indian Country. The occurrence of battering and alcoholism are both results of colonization and oppression. Alcoholism treatment in Indian Country has been based on the American medical model. The Native shelter movement is endangered by attempts to address violence against women with a model that focuses solely on the individual rather than the societal changes that need to take place in order for women to be safe.

Beyond Women's Rights

Beyond the ballot...
More than a vote in a system
driven by control

Our mothers saw people in
harmony- it stirred a
remembering
of a time before the laws of
church and nation-state.

Sovereign women in sovereign
nations living beyond fear, beloved
not owners, but keepers of the land
not property, but sacred centers
of creation

In a world where
everything is a part, connected
each valued and responsible to
the whole

Wiser women of older nations
remind us still today
that dominance control
ownership man-made, can be
unmade.

Balance comes from honoring
life, living in Thanksgiving
Wise women, living this vision,
we thank you.

*Syracuse Cultural Workers@1998 Poem
written by Sandy Bigtree, Karen Kemeey,
Sally Roesch Wagner, 1997 Syracuse
Cultural Workers, Box 6367, Syracuse, NY
13217 (315-474-1277)*

There must be clarity that advocacy and the movement to end violence against Native women is not just about “direct services.” It is about providing safety for our relatives while simultaneously creating social change that reclaims the status of women as sacred and sovereign human beings. This movement must be framed within the context of who we are as a culturally distinct sovereign nation. A successful Native movement to end violence against Native women relies on our ability to understand battering as a violent crime rooted in a “foreign” belief system and world view, to prioritize women’s safety and offender accountability, and to reclaim our indigenous belief system and life ways.

Conclusion

Native culture is grounded in the knowledge that we are all related, that the values of respect, compassion and non-violence are integral to our survival, and that women truly are sacred. Historically amongst Indian people, what we now call “confidentiality” was the practice of honoring individual’s life changes and paths and the right to walk through the world with freedom, safety and respect. We have an alternative to utilizing the hierarchical medical model of dominant society as a basis for the way we do our work. Our work in Indian Country to end violence against Native women and their children is powerful when we choose to use our indigenous culture, beliefs and worldview as models.

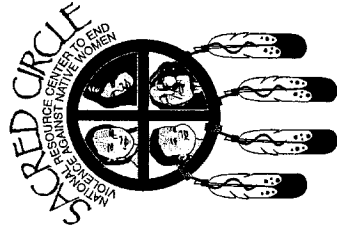
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*Written by Brenda Hill, Education Coordinator, Design by Lonnie Jeffries
Sacred Circle, National Resource Center to End Violence Against Native Women.*

*A nation is not conquered until
the hearts of its women are on
the ground. Then it is done no
matter how brave its warriors
or how strong its weapons.*

—Cheyenne

The mission of Sacred Circle and Cangleska, Inc., is to change individual and institutional beliefs that justify the oppression of Native women. The work to transform tribal families and communities into a circle of balance and harmony requires individual growth and systemic responsibility. Sacred Circle is dedicated to actions that promote the sovereignty and safety of women.



722 St. Joseph Street • Rapid City, SD 57701
1-877-733-7623 • 605-341-2050 • Fax: 605-341-2472
scircle@sacred-circle.com