

Just Sexual Assault Response in Indigenous Communities

Intro [00:00:01] RTI International's Justice Practice Area Presents Justice Science.

Voiceover [00:00:09] Welcome to Just Science, a podcast for justice professionals and anyone interested in learning more about forensic science, innovative technology, current research and actionable strategies to improve the criminal justice system. In episode four of our 2023 Sexual Assault Awareness Month mini season, Just Science sat down with Mark Pooley, founder of Native Search Solutions, to discuss how the challenges faced by Indigenous communities impact sexual assault investigations. In the United States, many Indigenous communities are geographically isolated, which contributes to a lack of resources such as police staffing and training, healthcare, or even access to the Internet. These challenges, in conjunction with other cultural and historical considerations, can make it difficult to effectively conduct sexual assault and other violent crime investigations in indigenous jurisdictions. Listen along as Mark describes his experience with violent crime investigations within Native American populations, the specific needs of indigenous communities and possible steps forward in sexual assault response reform. This episode is funded by the National Institute of Justice's Forensic Technology Center of Excellence. Some content in this podcast may be considered sensitive and may evoke emotional responses or may not be appropriate for younger audiences. Here's your host, Tyler Raible.

Tyler Raible [00:01:20] Hello and welcome to Just Science. I'm your host, Tyler Raible, with the Forensic Technology Center of Excellence, a program of the National Institute of Justice. April is Sexual Assault Awareness Month and all month we'll be covering emerging topics in the arena of sexual assault response reform. Today, we'll be discussing sexual assault awareness and response reform in Indian Country. To help guide us in today's conversation, I'm joined by our guest, Mark Pooley, founder of Native Search Solutions, a nonprofit organization with a focus on finding missing indigenous people, both on and off the reservations. So, Mark, welcome back to the show. It's great to talk to you. How are you doing?

Mark Pooley [00:01:53] Tyler, thank you, I'm excited to be here and honored to be part of this program.

Tyler Raible [00:01:57] Love it. We're thrilled to have you back on the show. So can you tell us a little bit about yourself and your work with indigenous persons?

Mark Pooley [00:02:05] I'm retired law enforcement with the city of Tempe. And a little bit about my story and my story is important of how I got into this work. I retired from the police department because I ended up being diagnosed with cancer. It's called multiple myeloma. It's a blood cancer which actually broke my back in ten places. And so I medically had to retire. And so during retirement, as I started to see how what my next career or calling would be, I started to travel Indian Country with my dad. And during those times, I would meet family members who would ask me to help find their missing aunt, brother and sister. And because of those experiences, I looked to try to find what could I do to help our people that are missing. And that's how I started Native Search Solutions. But that's how I started getting into this work in Indian Country.

Tyler Raible [00:02:53] Tell me a little bit about your time as an officer. Can you give us a little bit of background on what kind of cases you were working on, what departments you were involved with and stuff of that nature?

Mark Pooley [00:03:02] When I first started, just like everyone else, you had to start in patrol. And that's just a basic foundation of how to do proper investigations. And I want to talk highly of Tempe police. I learned I was very fortunate to have the proper training, continual training, from patrol. I was able to work as a detective in robbery, a nice squad, robbery, where what we did is we investigated violent crimes, home invasions, street Johns, shooting, stabbing, sexual assaults, anything major at night, that's what I started in. After doing that, I had the opportunity to work with the Joint Terrorism Task Force with the FBI out of the Phoenix office and I absolutely loved that. I loved working with a lot of those federal, state and even local agencies at that task force. After that, I was able to be a homicide detective, homicide and missing persons. It's very meticulous work. You have to have resources. You have to have technology, and you have to do everything in an organized manner. So that's what I did. After Homicide/Missing Persons, I got promoted to sergeant, went back to patrol, learned those foundational things of how to lead a squad. And then I had the opportunity to be the sergeant over our Professional Standards Bureau, people known as Internal Affairs. And so basically what I did is I investigated officers that violated policy. And so I guess that's you know, that's pretty much what I did in law enforcement. Also, before my career in law enforcement, I was also a tribal prosecutor here in Arizona, at the Salt River Pima Maricopa Indian community. And that was also a great learning experience because I got to work with our native people at the tribal court level and I've been very fortunate in my career.

Tyler Raible [00:04:47] An incredible career that's been so diverse, and I think that that gives you an excellent perspective on today's conversation. So I was hoping that before we really dive in, could you give us an idea of some of the challenges that people experience on tribal lands in regard to violent crimes?

Mark Pooley [00:05:04] There's so many different obstacles and challenges that people don't know about. First of all, I will say this, one of the things that you have to understand in Indian Country, there are 574 federally recognized tribes in the United States and up in Alaska. Now, because of that, our native people, we believe that we have our sovereignty. And that's a huge thing in Indian country. Our sovereignty is something that we hold very dear. And because of that, we are in essence, a state within a state and we're all different. We all have sometimes different languages, different cultures, different beliefs. And so when you try to put a certain program or a cookie cutter saying this is how we do it, there's challenges. And that's not just with tribal communities. But if you look at the United States, we have 50 states, and each state is somewhat different. They have different laws and then you expound that with tribal laws, federal laws, jurisdiction, those are always being brought up. So I guess to answer the question, the challenges are those. Now that's more at the bigger level. Now, if you go to the grassroots, to the people themselves and with the people and individual tribe, what we find that there is our native people are very distrusting of the federal government, of law enforcement, of non-native and even some native organizations, we don't trust. And there's historical records of why we don't. And we're very resilient people and very strong in what we believe and what we do. And so as Native people, I believe that we need to come out of the reservation and we need to see how other successful organizations are working. And I don't want to say that we copy them, but we need to learn the best practices that are working in other communities and adapt that to our own cultural way of living and our beliefs to make it work in Indian Country. You know, that's sort of what I believe is there has to be change. And if we just keep doing the same thing, it's going to be the same status quo. I'll give you an example. I tell people that we as Native Americans, we only make up 1.6% of the US population. We are basically a minority of a minority. We are very small. And so we as native people, we need to

empower ourselves to start looking for ourselves. And that's one of the things that I push and advocate for our people to take action at the grassroots level and start to do things. And as they start to move forward, then they will start to build their own network, their own connections. And then that's where we'll bring in government agencies, tribal police departments, advocacy groups, and then we start to work together. My approach is from the grassroots up. Sometimes when we think we go from the top down, it doesn't work and it hasn't worked.

Tyler Raible [00:08:07] I love the point you made about the diversity across American Indian, Alaska Native peoples in regards to kind of avoiding that cookie cutter approach, as you put it. So I do want to unpack that a little bit, if that's okay. I'm interested to know and this is you know, this is coming from a place of ignorance on my part, so I apologize. But what are the differences? You know, how do let's say tribal police departments operate differently than a police department on a non-tribal land? Or even if we're looking at your experience as a tribal prosecutor, are there any key differences that you can help me and our listeners understand?

Mark Pooley [00:08:45] Yes, I can. Again, these are my experiences and my opinions of what I see out in the field, boots on the ground. This is how it is. When I worked for the city, we had a lot of resources. And what I mean by that is we had the officers, we had analysts, we had victim advocacy, we had counselors, we had forensics. We had everything to do a proper investigation. Now, if you try to compare that to a lot of our tribal communities, they don't have that. They have very few officers. And I promise you, they most likely don't even have the analysts. And so they're doing it the best they can. So how they operate different is a lot of it has to do with the resources and technology. You know, we talked a little bit earlier at the start of this thing, sort of I call it my pedigree in law enforcement. I did big investigations, large scale investigations. And I had all the tools necessary. And I learned two things; you have to have resources and technology. If you don't have that, you're behind the game. And a lot of our tribal agencies, they don't have that. They don't have those resources. And yes, it would be nice just to throw a bunch of money at it. But just throwing money at it just doesn't solve the problem. We have to get good personnel, good officers that are in the correct mindset of wanting to help and serve. But money is not why officers become officers. You do it because you're there to help the people you serve. You do it because of the message and the safety you bring to them. And that's why we as officers, we become officers. Now, saying that officers at all levels, we get burned out. And I promise you, at the tribal level, when you don't have any support, it becomes even harder. Right now in police work, they talk about - a lot about wellness. We want you to be good. You have to find a good place to decompress to get a lot of those bad things out. And that's at a level where it requires more resources. At tribal level, some of our tribal agencies, they don't even have proper use of the Internet. And so it is a different landscape in that regard.

Tyler Raible [00:10:59] So we have this this set of issues, right? We have the vicarious trauma that you may experience on the job, we have the lack of resources. But what's the impact on working in this specific arena, you know, to make sure that we get onto the real topic of today's conversation is how do all of these hurdles impact sexual assault, case investigation, resolution, supporting victims and survivors and other stuff of that nature?

Mark Pooley [00:11:26] You know, one of the things is, is when you do any investigation, you have to have a strong foundation at the very beginning. And what I mean by that is, is when the first officer comes in contact with one of our victims, especially in something so traumatic as a sexual assault, they have to listen. And they have to create an environment

where it's comfortable for the victim to talk. If an officer comes in already not believing, the victim will know right away and they'll share very little and maybe nothing at all. Again, I came from a city that had a lot of resources. It would be ideal to have a counselor that's trained in this type of trauma, to be with the officer and to go and be with the victim throughout the whole process. Again, what does that look like? I don't know the whole process. I just know as a - I have experience as an officer and as a detective. And then from there, there's a lot of other things that go on afterwards. If you even have a suspect or someone that's identified and they get arrested, then you have that whole process of going through a trial and retraumatizing that victim. Those are real, real issues. I mean, so advocacy for victims is so needed. And I think that's one of the things that I hope in any kind of reform in this area is really looking at the victim and seeing how we could help them go from start to finish to where at the very end that victim will look back at the whole process. And it's going to be very important as part of their healing process. And if anywhere along that way is a disruption where it's a negative impact, it's going to hurt that victim down the road. Our victims, even though they experience something so traumatic, one of the cool things I've seen with people and human resilience is we're strong people even when there's trauma, but we have to have that support. I've seen it actually empowers that victim because they know that they're not alone, that they're well supported. And so that's sort of my take on victims with sexual assault is that they just need to be supported and it comes at the very beginning with law enforcement. Again, family support is important in other departments. But just like I said at the beginning, in any investigation it starts with that officer. And that's why we have to have good officers that are also trained. We don't need to make them counselors, but they have to be aware of the verbiage they're even using, the language, because that's real as well.

Tyler Raible [00:14:08] Mark, I completely agree. There's - I've had some excellent conversations with some detectives who have been in the field for a while, who mentioned that even the way that they have addressed conversations with survivors has evolved dramatically over the course of the last ten years. So I think that that's a sentiment that's shared amongst a lot of people. Just Science in particular, we've talked about the trauma informed interviewing, the victim centered approaches. So it's great to kind of hear those thoughts reiterated as well. In regards to working specifically with survivors, with victims inside Indian Country and inside these tribal communities, are there any specific challenges that you've seen in, you know, in a tribal community that maybe wasn't necessarily as prevalent in your experience in Tempe?

Mark Pooley [00:15:03] You know, just focusing on Indian Country, one of the things that our native people now call it a barrier is really sometimes our own environment that we live in. The family structure, and I'll be pretty honest on this, our family structure has been broken down. And really honestly, that's in the work that I do with missing people. I've noticed that our people, they just don't have the support at home. And a lot of people, if you live in the city and you don't have support at home, you could go to the organizations or advocacy groups that could fill that void that gives you support. In some of our tribes, we actually do have these type of organizations. A lot of our communities are so rural, but again, we're so spread out. You know, getting to them is not a true reality. Having access to Internet is not a reality. There are some of our people still live with no electricity and no running water. And if you don't have those basic needs, trying to get it, trying to - like remember I talked about that cookie cutter? Trying to bring these programs into this environment? Yeah it's all great in theory, but in reality and in practice, it just won't work. And I know our tribal people, our tribal governments, they're really trying. They're looking for new ways to fill those gaps. And again, it's going to be on a case by case thing. And we are going to have to think outside the box. We can't do it the same way to meet the needs

of our people. But I guess a simple answer is because of our infrastructure, because of our different environments, those are real challenges to get these needed services to the people.

Tyler Raible [00:16:51] We've had some conversations on the show that talk about a new initiative that is essentially a mobile sexual assault nurse examiner program. They have vans or busses. They would drive them out to rural communities. I do think that it's something that maybe outside of tribal communities we don't think about or we maybe take for granted. So I think that this lack of resources both in terms of, you know, we'll call them like the social support and then the infrastructure, as you said, is kind of paramount to success. You need them, right? So we've talked about the, you know, the need for infrastructure and for the social aspects of it. What other support is needed to address sexual assault in Indian country?

Mark Pooley [00:17:37] You know, Tyler, that's one of the things as you're talking I totally forgot to even talk about. And that has to do with when investigations are done in tribal lands, especially anything from a homicide to sexual assault. Those are in the states I would call them felonies. Any kind of felony level type crime in most Indian country, it is investigated by the FBI, Federal Bureau of Investigations. They actually have agents that are assigned to do federal cases of those type of violent crimes. Now, misdemeanors, that's usually done by the tribal police. And so there's a big difference. And if you don't have, I guess, reform, a lot of our agents, they don't even live on the reservation. They may live several hours away. And so if there's a violent crime, that initial tribal police officer has to do a good job and even preserving evidence, preserving the scene, and if they don't do that, that jeopardizes the whole case. Then at that point, you have to call the federal detectives or agents and they have to come, however long that takes, and then they have to process it and make sure that evidence is secure and take it back and keep all the evidence clean for the integrity of the investigation. So, again, I've even heard talking to some families up in Alaska, it takes sometimes for a domestic violence case, it takes maybe a day for an officer to get up there, not hours, but a whole day, sometimes two days. And so that's some of the things, the logistics of getting from point A to point B are real challenges. You know, there's a social part, there's the infrastructure part, even the investigative part. There's so many challenges.

Tyler Raible [00:19:35] Mark, that's all fascinating. What additional training would you like to see in these tribal police departments?

Mark Pooley [00:19:44] You know, Tyler, before I answer that question, I want to make this statement about training; as a police officer, we get all different types of crimes that we have to investigate. And each crime that you investigate has to go sometimes in different routes. I remember the very first couple of sexual assault investigations I did. And let me tell you, it's very intimidating. Now, I was very fortunate to be trained in how to do proper investigations, but it wasn't just a one time class training or a conference that I went to and heard these buzzwords. No, no. You have to consistently be trained on the most up to date way of how to do just one type of investigation, and this one, we're focusing on sexual assault. You have to know how to secure a scene, how to preserve evidence, and what are the best practices, not just in your state, but nationally. Now, this is the thing that before I continue to grow, an officer is only good in a stressful situation, we are only as good as the training that we received. And if you don't receive any training, you don't have anything to fall back on. And that's where you have to continually receive the proper training to do these type of investigations. Now to, I guess, answer your question is when you receive this training, now you have to implement it into your caseload. It's one thing

good to go to all these trainings, but until you implement it, it's just a training. You have to actually implement it. And so I'm going to go back - when I was a sergeant, when I was a brand new rookie sergeant, because I was low man on the totem pole, I had rookie officers and a lot of them came to me and they said, Sergeant Pooley, and I'm not saying I'm this great cop, but they would say, Sergeant Pooley, I want to be like you. I love the career that you did. And they say, how did you do it? And I told them, you have to take the big calls. And so my officers and the majority ended up becoming detectives. In fact, two of them became sexual assault detectives. As a sergeant, I would go and I would mentor them and I would make sure and walk through the steps and I wouldn't tell them what to do because they have already been trained. I would watch them and I would guide them. After someone does an investigation, probably be the third, to fourth time they do it, after they do it, they got it. Now they become the mentor for the next one. And so what I'm saying is, it's good to go to these trainings, but at the end of the day, you need to implement them. When I did all my investigations, they're all in a system that was consistent how I always did it. So when I had to testify in court, they would say, Detective Pooley, why did you do it like this? And then my answer would be, that's how I always do it. I don't deviate. And so you learn by doing. But you can't just do it, you have to be trained properly. Again, like I said, all investigations are different. That's why a good police department has different type of detectives. You have homicide detectives, you have sexual assault detectives, you have robbery detectives. You have, all different kinds. If you just have one detective that tries to do everything, it just doesn't work. So you had to be specialized when it comes to that level.

Tyler Raible [00:23:09] So a lot of what you said really resonates with me. Before I came to this current position, I was a teacher, and I always thought the kind of basis for learning was the repetition. And I love this idea of training not being a four hour workshop, right? Training is a continuous application of a new skill until it becomes integrated into the way you do things. I like the model that you laid out here of, you know, this kind of mentorship, but I'm hoping I can get your perspective on the role of trust, both from, you know, your work as an investigator, but also your perspective as a member of the Navajo and Hopi Tribes. How does trust play into this? You know, how do we build these relationships and how do we move forward with reform?

Mark Pooley [00:24:05] Tyler, I wish I had a sound bite answer, but I don't. But I will say this, and I learned this from my father; you have to be a good person. It doesn't matter if you're Native American or not. Serving Native American - if you're non-native and you serve our people, you have to show respect. And this is sort of something that law enforcement doesn't talk about, but you have to love the people. If you don't love the people, you won't serve them properly. In my family, there's three officers of six kids that my dad raised, six kids, and three of us are police officers. And I hope this sort of resonates to answer that question of trust. There are three things my dad told all three of us, and my dad's not a cop. We're all first generation officers. This is what my dad said. He said, son, there's three things as your father, I expect from you as a police officer. Number one is go home safe to your family. That's number one. Number two is you have to be fair when you deal with the public. And what he means by that, he says, you are an officer of justice. You represent justice. That's a true core principle. And number three, you have to restore one's human dignity. That's a hard one. This is the thing, when someone calls 911, they don't just call it because they want to see a cop. They call them because they're in distress. The family usually has gone and exhausted all of their resources for whatever problem it is. Let's just say the case of mental illness. The family has done everything and now they don't know what to do, and someone could be having a mental crisis, and they called the police and they're expecting the police to fix it. But if the cop that shows up, if he

doesn't love the people, he's going to do a bad performance when he tries to help that family. And so when it goes to trust, really, the trust really comes from I guess.

Tyler Raible [00:26:10] I really love that third point of restoring dignity. And I think that, you know, in conjunction with this desire, this, you know, love for your people, the people that you serve, I think that would go a long way. Mark, I could spend the entire day talking to you about all this stuff. So I wanted to know, what do you see in the future for indigenous populations within the arena of sexual assault response reform?

Mark Pooley [00:26:39] Yeah, Tyler, I think that it's going to come down to our leadership. From the very top, from our tribal leaders and then to our department leaders, and then even down to the supervisor level, and then even as to the officer individual. Everyone, you have to have a vision of where you want to go. If you don't have a vision, you're just going to try to duplicate what you think is possibly right. One of the visions that I have for our own people is to see not only what works, but then start to implement some of those things. And I even told you about thinking outside the box. You know, people always say, I'm thinking outside the box. A lot of times us as law enforcements, we don't. We just see what everyone else is doing. But when the leadership really knows their people, they will know what their needs are and then they'll be able to implement what their vision is for their people. This is what I'll say; in any investigation, a proper investigation, a large investigation, you have to do something called a victimology. Meaning, you have to know where that victim came from. That's where the leadership they have to talk to the detectives. They have to talk to their officers saying, what are you seeing that we're not doing? And it could be something as, let's just say, not having a family, not having enough food. One of the unique things about our tribal communities, with most of them are small communities where everyone knows everyone somewhat, and if they know that the officer knows that this family is having problems, they need to let their leadership know, to let these other departments know to get this, for example, this family food. That's a possibility that could actually happen. And so departments need to talk to each other. This is one thing I learned from my dad. My dad's an old Indian guy, so he grew up on the rez and he's worked with tribes all over, is sometimes at the tribal level, we stay within our own department and we don't share information. Education doesn't practice social services, social services, but they don't talk to law enforcement. It's just they all stay within their own little departments. That has to change. We need to talk within ourselves to find the solutions of what our problems that we see, our crime problems on our tribes. And I promise you, as you do this and you start to talk, you'll start to see that there's certain characteristics that are common in all these departments that lead up to this particular crime. And so that's what I hope to see some of the changing is. I guess, at that tribal level, we need to communicate better with one another. And then within law enforcement, the department, they have to talk and we have to share the information they have.

Tyler Raible [00:29:47] Mark, thank you so much for taking the time to sit down with me and with Just Science to talk about sexual assault response reform in Indian Country. So, thank you for sharing your perspective with us. I really appreciate.

Mark Pooley [00:29:58] You're welcome. Thank you.

Tyler Raible [00:30:00] For those of you listening at home on your drive, wherever you enjoy your podcasts, be sure to like and follow Just Science on your platform of choice. For more information on today's topic, or to check out Mark's previous episode with Just Science, check out forensicCOE.org. I'm Tyler Raible, and this has been another episode of Just Science.

Voiceover [00:30:19] This episode concludes our 2023 Sexual Assault Awareness Month mini season. On our next episode, Just Science sits down with Dr. Mohammed Almazrouei to discuss research on workplace stressors and decision making for forensic practitioners. Opinions or points of views expressed in this podcast represent a consensus of the authors and do not necessarily represent the official position or policies of its funding.