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## NATIONAL INSTITUTE OF JUSTICE FRAMING PAPER ON THE IMPACT OF THE COVID-19 PANDEMIC ON THE NATIONAL BASELINE STUDY

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### BACKGROUND

Congress relies on the U.S. Department of Justice (USDOJ) to conduct national-level crime, justice, and victimization studies. As the USDOJ's research and evaluation arm, the National Institute of Justice (NIJ), carries out many of the congressionally authorized studies nationwide, including those involving American Indian (AI) and Alaska Native (AN) tribes and citizens.

In 2005, Congress enacted Title IX, Section 904(a) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Public Law No. 109-162 (codified at 42 U.S.C. § 3796gg-10 note), as amended by Section 907 of the Violence Against Women Reauthorization Act (VAWA), Pub. L. No. 113-4. The law authorizes NIJ, in consultation with the Office on Violence Against Women (OVW), to conduct analyses and research on violence against AI and AN women living in Indian country and AN villages. NIJ addresses this directive as a "program of research" to meet the varied study needs through multiple research projects occurring over time.

NIJ has worked extensively to obtain tribal input on this program of research through direct consultation with tribal governments and the Federal Advisory "Task Force on Research on Violence Against American Indian and Alaska Native Women" (commonly referred to as the Section 904 Task Force) created by the 2005 VAWA Reauthorization. In addition to the Section 904 Task Force, NIJ gathered input and feedback on the program from prominent researchers and experts on violence against women, indigenous research and evaluation methods and execution, and public health and safety issues in Indian Country.

### TYPES OF RESEARCH FUNDED UNDER THIS PROGRAM

NIJ's research program on Violence Against Indian Women (VAIW) began in 2007. In 2008, NIJ published the report titled, "Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is Known."<sup>1</sup>

NIJ's research program funds and supports three major types of scientific research—primary data collection, secondary data analysis, and evaluation. Secondary data analysis provides an opportunity to expand our understanding of the nature, consequences, and responses to violence against indigenous women by using existing data sources. The 2016 NIJ report titled "[Violence Against American Indian and Alaska Native Women and Men](#)" is an example of secondary data analysis funded under this program.

Another component of the program involves evaluation. Under this category, NIJ examines programs or interventions to enhance law enforcement, prosecutorial, and judicial responses to

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<sup>1</sup> Bachman, R., Zaykowski, H., Kallmyer, R., Poteyeva, M, and Lanier, C. (2008). Violence Against Indian and Alaska Native Women and The Criminal Justice Response: What is Known." National Institute of Justice. NCJ Number [223691](#).



violence against indigenous women and programs or interventions to improve victim engagement with the criminal justice system. An example of a study funded under this category is the University of Alaska Anchorage's Justice Center's assessment of the Village Public Safety Officer program (see <https://www.ncjrs.gov/pdffiles1/nij/grants/251890.pdf>).

The third type of research funded under this program involves primary data collection. This type of research is important because many of the data required to address topics outlined in the statute and the goals of NIJ's research program are not available from existing data systems or sources, have not been collected, or have been collected but are incomplete. An example of this type of research is the [National Baseline Study \(NBS\)](#), a study of health, wellness, and safety of AI and AN women living in tribal communities. NBS, which began in 2014, is the flagship of NIJ's VAIW program of research.

### **NATIONAL BASELINE STUDY (NBS)**

By design, the NBS is occurring in geographically dispersed tribal communities across the United States (lower 48 and Alaska). The study includes a tribal sampling plan for recruiting tribes and a local sampling strategy for recruiting randomly selected households, from which to invite all adult American Indian and Alaska Native women to participate in the study.

The NBS survey uses key measures contained in the Centers for Disease Control and Prevention's National Intimate Partner and Sexual Violence Survey Study. The NBS asks participants a series of questions about their health, well-being, safety, and resiliency. Questions include participants' lifetime and previous 12-month experiences with psychological aggression, coercive control and entrapment, physical violence, stalking, and sexual violence. The NBS survey includes questions about the perpetrator (race/ethnicity), where the incident took place (on/off tribal lands), was the incident reported to law enforcement, and, if not reported, why it was not reported. Importantly, these questions address questions related to criminal jurisdiction, which have not been previously studied. The survey also asks participants about the impact of their victimization and service needs, which will help address gaps in health and legal services and their respective outcomes, particularly for victims living on tribal lands.

As described, the NBS will capture significantly more information than previous studies. Once completed, the research results will provide a much more nuanced understanding of the victimization experiences of indigenous women living in tribal communities in the U.S. The NBS findings and results will inform policy, prevention, and interventions specifically for Indian country and Alaska.

### **NBS DELAYS**

In preparation for a national study, NIJ directed a research methods pilot study beginning in 2009 and ending in 2013 that involved testing different sample techniques, cognitively testing survey instruments, and assessing different modes of survey administration. This pilot study was crucial to finalizing the NBS research design and the specific tribal nation engagement and participant



recruitment protocols. Upon completion of the pilot study, NIJ procured contractors to implement the NBS starting in 2014. Those contracts were for a three-year period of performance.

The study encountered a number of unanticipated delays. Considerably more time was needed to confer with and secure tribal nation study agreements at each study site than NIJ had planned. At the same time, the coding and programming of the study survey was delayed due to software constraints and hardware capabilities. These setbacks pushed the study timeline considerably beyond the original anticipated performance period allowed by Federal procurement regulations. This required NIJ to halt study activities in 2018. NIJ immediately began to procure new contracts, and those contracts were awarded in May 2019.

NIJ wants to assure tribal leaders and stakeholders of our commitment to completing the NBS study, given the importance of the topic and the urgent need to support healthy and safe tribal communities. NIJ knows this study is required to provide a critical foundation for quantifying the magnitude of violence and victimization experienced by Native women living in tribal communities and understanding their service needs.

### **COVID-19 PANDEMIC**

The NBS tribal nation engagement protocol requires initial outreach between NIJ and tribal leaders from communities randomly selected for the study. Further discussions occur with tribal leaders and stakeholders by in-person government-to-government engagement that may involve presentations to the tribal council, study-related program staff, and tribal institutional review boards or research review boards. If tribal leaders express interest in participating, the study team works directly with the tribe to secure study approval. Tribes that wish to participate are asked to provide formal written approval that may include a tribal resolution or executive order and a memorandum of understanding or agreement that authorizes study participation. This process ensures close attention and adherence to established governance protocols for each tribal community.

NIJ and the NBS research team had planned to begin tribal nation outreach and recruitment late spring, early summer 2020; however, the COVID-19 pandemic has caused federal, state, and tribal government closures as well as travel bans. While the NBS team had plans in place for a robust schedule of site recruitment in various locations in Indian country and Alaska starting May 2020, postponement of those site visits was required by the current public health crisis.

The NBS study team has been tracking the COVID-related tribal closures since April 2020. The tracking now includes tribal re-openings, including key tribal points of contacts' employment status (terminations, layoffs, furloughs, reinstatements) to gauge the availability of tribal representatives. The study team checks tribal websites and/or makes personal phone calls to tribes without websites to inquire about restrictions on business with outside entities such as researchers. This practice helps determine the timing for starting the official outreach and



recruitment of tribes for the study. The study team also tracks each tribe's broadband and the Internet connectivity capacity and phone service to identify optimal times and platforms to support virtual communications.

NIJ is committed to ethical and engaged efforts in line with responsible research conduct and federal trust responsibilities. The federal-Indian trust doctrine makes clear the federal government's responsibility to ensure the well-being of tribes and their citizens, especially when the issues may have a substantial direct impact on them, which extends to all research and evaluation efforts. NIJ also recognizes that the COVID-19 pandemic has had a particularly devastating impact in tribal communities and is consulting with tribal leaders and stakeholders to get their input and advice on how best to move forward with this very important study. Because of the ongoing pandemic, the NIJ and NBS team are drafting new protocols regarding outreach and recruitment that ensures the protection of tribal nations, their citizens, and study staff and seek tribal input on the NBS tribal outreach, engagement, and recruitment protocols to be used during the pandemic.

### **QUESTIONS FOR DISCUSSION**

The following discussion questions seek to solicit ideas and recommendations to inform NIJ's adjustments to the NBS outreach and engagement protocols for site recruitment during the current pandemic crisis.

1. What precautions have tribal nations put in place regarding human subject research during the COVID-19 pandemic?
2. What are the challenges tribal leaders are experiencing with tribal engagement during the COVID-19 pandemic?
3. What challenges are tribal leaders experiencing using only virtual methods to communicate with other government entities and tribal citizens?
4. What are some effective ways to launch tribal outreach to recruit randomly selected tribes for the NBS during and post the COVID-19 pandemic?
5. What are some strategies for building trust with the randomly selected tribes using only virtual methods during the COVID-19 pandemic?
6. What are the best ways to collaborate with tribal communities to implement the NBS during the COVID-19 pandemic?

NOTE: This paper is not a statement of official Department policy. It is intended to provide information and suggest questions to be considered by tribal leaders and representatives as they prepare to participate at the 15<sup>th</sup> Annual Government-to-Government Violence Against Women Tribal Consultation. The Department welcomes all input from tribes on this and other matters of concern to tribal communities.