



Domestic Violence in Native American Communities



2008 Children & Families Experiencing Domestic Violence Conference

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1. What is important to know about DV and Intimate Partner Violence (“IPV”) as experienced by Indian families in Indian Country?

Tribal Communities

- Nationwide: 550+ tribes
- Washington State: 29 Federally recognized tribes; 7 non-recognized tribes
- Each tribal community is unique.
 - Culture
 - Economy – resources
 - Government structure
 - Tribal laws (Indian Civil Rights Act applies to all Federally Recognized Tribes)
 - Services available

High Rates of *Reported* Sexual Abuse

- Native American / Alaska Native women are more than 2.5 times more likely to be raped or sexually assaulted than women in USA generally.
- More than one in three Native women will be raped during their lifetime compared to less than one in five for the USA as a whole.
- 86% of rape and sexual assault cases on Native women are by non-Native men.

Indian Families and Native Communities

Indian families are closely tied to their Native communities through extended family, friends, religion, work, support services, health care and culture. Even when victims of IPV have the means to leave an abusive situation, it may be difficult to leave the support provided by their Native community.

Factors unique to DV in Indian Country.

- Barriers to reporting
 - Fear of breaches in confidentiality
 - Fear of retaliation
 - Lack of confidence reports will be acted upon

2. Causes for the high rate of IPV in Indian Country.

Substance abuse.

- Tribal court cases involving domestic violence charges are more often than not associated with alcohol use.
- DV is often minimized as being a by-product of substance abuse by both the abuser and victim.



Family history.

- Dynamic of parenting – grew-up with DV.
- Boarding schools – lack of parenting skills and parent role models.



- Undiagnosed or untreated mental health issues.
- Federal government erosion of tribal government authority.
- Chronic under-resourcing of law enforcement and DV services.
- Systemic failure to punish those responsible

3. The various support and resources in Native communities for families experiencing IPV.

Community resources.

- Victims of Crime Programs
- Indian Health Services clinics
- Counseling services
- Probation services

Families.

- Can be helpful.
 - Support
- Can be unhelpful.
 - DV often described as a “private matter” or “family matter”.
 - Victim can experience animosity from extended family for reporting.

Friends.

- Sometimes appear in court as support.

Others.

- Non-Native counselors: cultural people experience discomfort
- Non-Native counselors: some prefer outside services for privacy
 - Victim privacy concerns with using tribal DV services

4. Historical experiences that limit victim's or abuser's ability to access support for DV experiences.

- Federal court decisions and federal laws limiting tribal court authority over non-Indian offenders in criminal matters
 - ICRA: Limits maximum penalty for criminal offenses to \$5,000 fine and one year in jail.
 - Tribes may not assert criminal jurisdiction over non-Indians.

- Complicated jurisdictional issues between tribes, states and federal authorities hinder investigation of DV crimes. The jurisdictional situation is often described as a “maze” or “quagmire”.
- It is difficult enough to operate an effective system to address DV without having to do so in a jurisdictional quagmire.
- Hinders enforcement of protection orders even with VAWA.
- In some situations, jurisdiction can be overlapping or concurrent.
- Three factors used to determine jurisdiction:
 - Whether victim is a member of a federally recognized tribe.
 - Whether perpetrator is a member of a federally recognized tribe.
 - Location: tribal land or other.

- Limited tribal resources for treatment and counseling services.
- Lack of developed organizational structures to maximize use of limited resources.
- Historical lack of familiarity, working agreements and cooperation between tribal and state jurisdictions.
- Lack of understanding about DV by victims and families. Efforts to educate community about Domestic Violence in the mid-to-late nineties led to increase in DV reports.

5. The role of race and poverty on IPV rates.

Race

- Non-Native perceptions
- Native perceptions

Poverty

- Ramifications for family may go beyond the violence. Perpetrator of IPV may be the only financial support for the family. Only source of income is sometimes seasonal.
- Poverty prevents access to services for victims and abusers. Cost for non-tribal services is a barrier to treatment and support services.
- Lack of transportation to access services or to relocate.
- Lack of financial resources to escape.

6. Service and cultural supports needed to help victims and children maintain resiliency and healing from DV experiences.

- a. Recent (historical) developments in service and support
 - Violence Against Women Act (“VAWA”)
 - Federal funding for tribal DV support programs
 - DV training for court staff, judges and law enforcement
 - Increased cooperation between state and tribal agencies such as the recent Washington State CPS/DV protocols.
- b. Family support
- c. Spiritual
- d. Community unity
- e. Elders
- f. Shame

7. How to address the very high prevalence of DV in Indian Country and what can be done as a collective "we"? Suggestions for coordinating community resources to respond to Native American related DV.

- a. Tribal DV service providers and those who come into contact with DV related situations must be knowledgeable about the aspects of DV issues and the system they work in. They must be *great* at what they do.
 - DV training for those involved in the DV system should include knowledge of DV / IPV issues and also how to:
 - Operate effective programs and organizations,
 - Manage people and information,
 - Effectively collect and analyze data,
 - Communication – internal and external. DV service providers should not operate in silos. Know what is going on upstream, downstream and on the riverbanks.

- b. Victims of Domestic Violence must navigate an unfamiliar system to obtain services.**
- **To the extent possible design programs, forms, systems understandable to clients.**
- **Who is the DV system designed to serve?**
- **Know client base and anticipate their needs.**
- **Survey clients to gain an understanding of their demographics and trends in the population. The survey can be anonymous.**

- c. Identify DV service providers and potential service providers.
- Set up a means to communicate with all other departments and service providers.
- Set up periodic meetings with ALL other service providers to discuss communications, information flow, system changes and improvements.
- Set up a communication system to handle emergency situations.

- d. Expectations.
- What are client expectations? Be clear about services provided up front.
- Set clear expectations between service providers and know the scope of what they can provide. Let them know what you provide.
- Have high expectations for quality service.

- e. Know what it means for a DV / IPV program to be successful.
- Establish measures of success for the program.
- Survey clients toward the conclusion of services or afterward to determine the quality of service they received from programs, court, law enforcement and service providers. The survey can be anonymous.

- f. Lead from where you are. To the extent that it is within your authority and ability to lend support to a tribal community regarding what has been addressed in this section, communicate your willingness to provide whatever support or assistance that you can.
- Invite tribal officials to participate in community DV organizations, trainings, working groups and other activities.
- If DV services are available to tribal members notify tribal officials of the services.

Thank You.