

# Native Survivors & Economic Security

## Introduction

Intimate partner violence (IPV), sexual assault and stalking are crimes with deep economic impacts. These include both the resulting costs of violence as well as economic abuses used to maintain power and control. Ranging from employment loss to housing instability to debt, financial consequences can thwart a survivor's ability to recover from an attack, leave an abusive relationship or stay independent. Although sexual assault and IPV affects people of every kind, some groups suffer violence disproportionately and face distinct and significant barriers to safety.

The final brief in WOW's Population Policy Series focuses on Native American and Alaskan Native survivors. While Native people account for around 2% of the US population,<sup>6</sup> they experience unique and more severe threats to economic security and safety from IPV, sexual assault and stalking. Discrimination, legal barriers, historical oppression, isolation and cultural differences all contribute to the barriers Native survivors face when seeking help and safety. Thus, service providers, the justice system and policy makers need unique strategies to support such survivors.

The Native population is geographically and culturally diverse.<sup>7</sup> Where possible, this brief will refer to specific tribal names. Generally, though, the discussion will refer to the entire Native American population and use the terms American Indian/ Alaska Native (AI/AN) and Native. Please see the sidebar on page two for additional definitions and identity considerations.

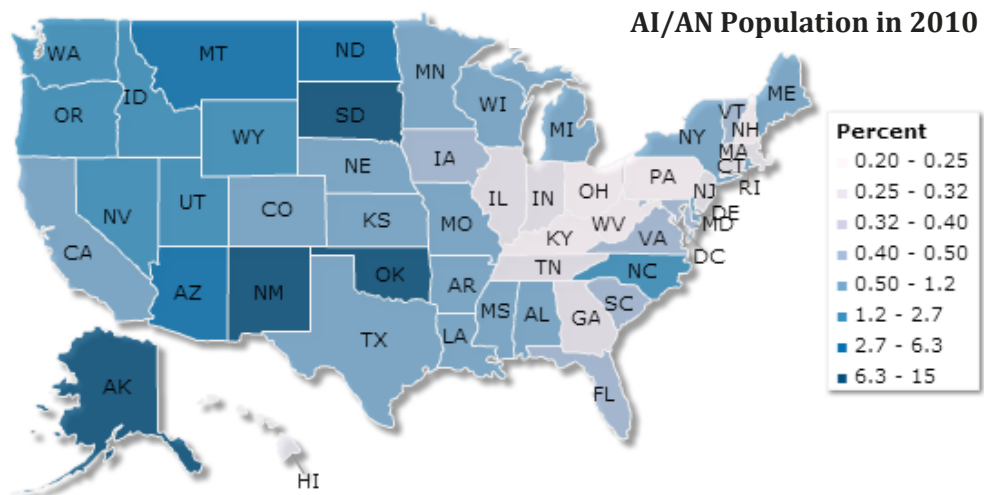
## Natives and Economic Security

Isolation, historical disenfranchisement and complicated legal systems contribute to a range of issues that threaten the economic security of Native communities including lower education and earnings, greater health needs and limited access to resources. These barriers are especially harmful for AI/AN women.<sup>8</sup>

As has been the case historically, AI/AN people experience poverty at a greater rate, 27%, than any other racial group.<sup>9</sup> However, levels of poverty vary greatly by location, from 50.9% on the Pine Ridge Reservation in South Dakota to 16.6% in Anchorage, Alaska.<sup>10</sup> The poverty rate for AI/AN female-headed households with children was an alarming 53.8% in 2012.<sup>11</sup>

## Economic Security of Survivors: Overview

- Shelters reported that 74% of survivors **stayed with an abuser longer** due to financial issues.<sup>1</sup>
- Survivors of sexual violence or stalking at college are more likely to **drop out**.<sup>2</sup>
- Survivors **lose 8 million days** of paid work annually.<sup>3</sup>
- 25%** of survivors were asked to resign or were fired from their jobs due to stalking.<sup>4</sup>
- Rape costs survivors over **\$145,000** in health care, lost wages and criminal justice system costs.<sup>5</sup>



## Relevant Definitions

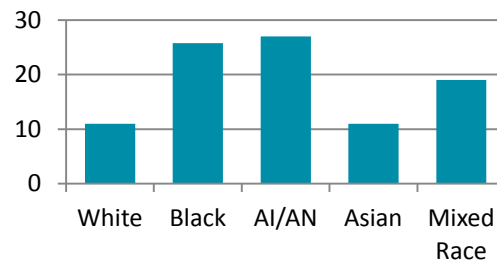
There are **566 federally recognized tribes**.<sup>6</sup> The [Bureau of Indian Affairs](#) (BIA) legally defines an American Indian as “a person who is an enrolled or registered member of a tribe or whose blood quantum is 1/4 or more, genealogically derived.” Some tribes set their blood quantum higher or lower than others.<sup>22</sup>

In addition, the [US Census Bureau](#) relies of **self-identification**. Some Tribes are recognized by the state but not by the federal government. Some individuals identify as indigenous even if they are not recognized by their state or federal government. Indigenous people of Hawaii are not afforded AI/AN status.<sup>23</sup>

Federal law defines **Indian Country** as “all land within the limits of any Indian reservation,” “all dependent Indian communities within the borders of the United States” and “all Indian allotments, the titles to which have not been extinguished.”<sup>23</sup>

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**Poverty Rate (%) by Race**



The lack of quality education and jobs contributes to the high poverty. Due to isolation and low funding, basic education for most Native students is unequal to that of non-Native students. Most Native K-12 students attend US public schools and about 7% attend one of the 184 Bureau of Indian Education schools across 23 states.<sup>12</sup> The US Commission on Civil Rights found they face “deteriorating school facilities, underpaid teachers, weak curricula” and discrimination.<sup>13</sup> As a result, Native students score lower than other races on basic reading, math and history, and graduate at lower rates. Native students are 117% more likely to drop out of school than White students.<sup>14</sup> Only 13% of Natives have undergraduate degrees compared to 30% of the general population.<sup>6,15</sup>

These education issues, combined with isolation and cultural differences, directly contribute to poor employment. In 2012, the median income of Native households was \$35,310, compared to \$51,371 for the US,<sup>6</sup> and far below WOW’s [Basic Economic Security Tables](#) (BEST) Index, a measure of the income it takes for US families to make ends meet. And while the unemployment rate varies by tribe, the average rate, 14.6%, is higher than every other racial or ethnic group besides Black.<sup>16</sup>

For Native women specifically, only 45.9% are employed in the labor force and those that are typically work low-wage, low-benefit jobs.<sup>16</sup> The top three industries that employ Native women are gasoline stations, social assistance and general merchandise stores. Native women make up only 0.9% of executive or senior-level officials/managers in the private sector.<sup>17</sup>

And the Bureau of Indian Affairs (BIA) Tribal Priority Allocations, which provides basic services such as adult job training, had a budget shortfall of \$2.8 billion in 2010.<sup>13</sup>

Contributing to Native women’s economic insecurity are transportation and housing costs. Limited transportation access makes it difficult for Tribal land and rural residents to travel to hospitals, schools, employment centers and stores. In fact, 15% of Tribal members must travel over 100 miles to access a bank or ATM. Besides the distance, the extremely poor quality of roads “is the primary barrier to economic development” and creates health and safety challenges.<sup>18</sup>

Indian Country faces a severe lack of safe housing and over-crowding is a problem.<sup>13</sup> Of existing reservation housing, 40% is considered inadequate. Due to isolation, limited resources and legal barriers, fewer Native households have access to home-ownership resources or own their own home than the general public.<sup>6</sup>

*A quarter of Native households spend 30% or more of their income on housing.<sup>19</sup>*

High unemployment and lack of access to benefits forced 27.4% of AI/AN people to go without health insurance in 2012.<sup>6</sup> Many Natives rely on the Indian Health Service (IHS) for care, which is underfunded and only meets 52% of AI/AN needs.<sup>20</sup> Poverty, low use of preventive care and distance to facilities create huge health disparities. Compared to non-Natives, tuberculosis is 500% higher, diabetes is 177% higher, alcoholism deaths are 514% higher and suicide rates are over double. Given these risks and the rates of violence against Native women, PTSD is also vastly higher.<sup>21</sup>

## Barriers to Survivor Security

Native women’s economic insecurity increases their vulnerability to IPV, sexual assault and stalking while amplifying the challenges to recovering. And the systemic barriers imposed on Native survivors alter their experiences of violence and impedes their safety and economic security.

## Diversity Amongst Tribes

- 29% of Natives speak a language other than English at home.<sup>29</sup>
- Over 200 Native languages are spoken in the US.<sup>29</sup>
- A study of six tribes found that assault rates ranged from 27% to 65% and rape rates from 4% to 29% for the same tribes.<sup>30</sup>
- Tribes vary in how they define physical assault in intimate relationships: some limit to spouses while others include family members or gender-neutral language.<sup>31</sup>
- Alaska has more incidences of “forcible rape” than any other state.<sup>23</sup>
- Natives make up 6.4% of Montana’s population but 13% of intimate homicides.<sup>32</sup>
- 43% of Natives live in rural areas compared to 17% of the general population.<sup>33</sup>

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**Table 1: Female Victimization by Race and Crime**

	Rape	IPV	Stalking
<b>Native Women</b>	<b>34.1%</b>	<b>37.5%</b>	<b>17.0%</b>
<b>White Women</b>	17.7%	24.8	8.2%
<b>Black Women</b>	18.8%	29.1	6.5%
<b>Asian/Pacific Islander</b>	6.8%	15.0%	4.5%
<b>Mixed Race</b>	24.4%	30.2%	10.6%

### Victimization and Reporting

Before America’s encroachment, violence against women was hardly a problem with the Tribes.<sup>23</sup> Unfortunately, research, though limited, indicates that Native women now experience vastly higher rates of violence than any other racial group. In general, American Indians face violence rates more than double that of the general public.<sup>24</sup> Table 1 shows specific rates of IPV, rape and stalking across races, with AI/AN women clearly and consistently higher.<sup>25</sup>

One study of low-income AI/AN women in Oklahoma found that 87% experienced physical or sexual IPV in their lifetime, of which 66% was severe physical and 25% was severe sexual violence.<sup>26</sup> In fact, 20% faced at least one intimate partner rape in their lifetime. Furthermore, 17% reported a partner pulling or using a knife or a gun. Recent TANF recipients also report higher rates of violence.

Due to the severity of both IPV and sexual violence, AI/AN survivors were more likely to suffer injuries and more likely to require medical care than victims of other races.<sup>22</sup> Amnesty International found that in cases of rape, 50% of AI/AN survivors reported additional physical injuries, compared to 30% of non-Native women in the US.<sup>23</sup>

Of IPV survivors, 73% reported moderate or severe injuries with 22% facing over 20 different injury incidents.<sup>27</sup> The related costs were calculated at over \$5.8 billion a year. Native women also face murder rates more than ten times the national average in some counties and the offenders are more likely to be intimate partners.<sup>28</sup>

In general, offenders tend to be non-Native and known to the survivor. AI/AN women

are more likely to be assaulted by partners or family members than women of other races.<sup>27</sup> For sexual assault and rape, the majority of assaults are perpetrated by known offenders and 86% of perpetrators were non-Native.<sup>22,23</sup> This is contrary to non-Native survivors who are usually assaulted by someone of their own race.

*“In 2010, 59% of Native women were in relationships with non-AI/AN men, compared to 23% of interracial marriages for non-Native women.”<sup>28</sup>*

Nearly double the rate of other races, 68% of AI/AN sexual assault survivors believed the offender had been drinking or taking drugs prior to the attack.<sup>22</sup> Alcohol can also be a problem for survivors, as officers and service providers often assume they are drunk rather than reacting to a trauma.<sup>23</sup>

Although these rates are very high, data indicate that crimes against Native women are severely underreported. Reasons include lack of access to police or service providers who can record the incident, isolation, a history of violence and inaction by authorities, and distrust of police and service providers.<sup>23</sup> Reporting is also low due to a belief that involving federal and state governments will infringe on their sovereignty and a fear of further reducing the Tribe’s size by inviting arrest.<sup>22</sup>

### Justice System Interactions

The justice system is critical in helping survivors to recover from the impact of violence and to prevent future costly abuse. Yet AI/AN survivors face challenges accessing or interacting with the justice system due to legal barriers, isolation and historical marginalization.



## Jurisdiction and Legal Issues

Jurisdiction is determined chiefly by the victim's status in a recognized tribe, if the offender is a member and if the crime occurred on tribal land.<sup>23</sup> Other factors include the nature of the crime and if the tribe is in a PL-280 state.<sup>21</sup> Authority may overlap. Key laws are:

- **General Crimes Act** (1817) gave federal courts jurisdiction over interracial crimes in Indian Country.<sup>41</sup>
- **Major Crimes Act** (1885) places "major crimes," such as rape and assault, in federal court if the offender is Native regardless of the victim's status. Natives may also pursue if only Natives are involved.<sup>41</sup>
- **Public Law 280** (1953) gave certain states jurisdiction over crimes committed in Indian Country or involving Natives. There are six mandatory states and ten optional states.<sup>41</sup>
- **Oliphant v. Suquamish Indian Tribe** (1978) ruled that tribes do not have jurisdiction over non-Natives, even in Indian Country.<sup>41</sup>
- **US v. Wheeler** (1978) ruled that charging in both Tribal and Federal court does not violate double jeopardy.<sup>41</sup>

AI/AN tribes are sovereign nations, though they exist as a domestic dependent to the US federal government.<sup>22</sup> Most states are not allowed to interfere in tribal matters. The Indian Civil Rights Act (ICRA) of 1968 sought to limit tribal government abuses but instead removed their right to regulate and protect their people. Such complexities create problems for the criminal justice system, especially in law enforcement response and decisions to prosecute.

Over 350 tribes manage their own judicial systems, which vary widely and include both Western and traditional law practices. Some tribal courts are operated by the BIA and others are run just by the tribe.<sup>23</sup>

- 75% of law enforcement in Indian Country is performed directly by tribes.
- Over 170 tribes run police agencies.
- BIA operates 37 tribal police agencies.
- 175 tribes have a formal tribal court.<sup>34</sup>

Officers with jurisdiction on reservations include those from the FBI, the BIA, tribal government and, in PL-280 states, state police. The confusion over jurisdiction may result in no one intervening, which leaves survivors without protection and offenders without accountability.<sup>23</sup> This has been exacerbated by the inability of tribes to prosecute non-Natives, who make up the majority of offenders. Although the Violence Against Women Act (VAWA) addressed the law, the changes do not take effect until 2015 (see sidebar on page 7).<sup>35</sup>

These realities create distrust in law enforcement and beliefs that they will take too long to respond or nothing will come of reporting.<sup>36,37</sup> This belief is not unfounded: 25-50% of IPV is reported to police and just 6% of AI/AN women report that an arrest was made, less than non-Native women.<sup>22</sup>

Inadequate funding, training and cultural competency exacerbate law enforcement issues in Indian Country. Tribes have 55 to 75% of the law enforcement resources available to non-Native agencies.<sup>37</sup> While federal funding for Native law enforcement rose 85% between 1998 and 2003, it still totals less than 1% of the DOJ budget.<sup>13</sup>

Law enforcement agencies in Indian Country have few specialized officers for IPV or sexual violence, high turnover and low morale.<sup>22</sup> Linguistic and cultural differences also act as barriers to serving Native survivors. Lastly, data collection and sharing systems are often outdated or non-existent. For example, less than 12% of tribes can electronically share data with other agencies and only 55% had access to the National Criminal Information Center.<sup>34</sup>

A lack of data collection also makes it hard to ascertain accurate prosecution rates at any level. Studies show that federal courts often fail to pursue sexual assault cases. In one year, prosecutors declined 60% of the violent cases and only 5% of the declined cases were prosecuted in other courts.<sup>23</sup> Inadequate federal funding of tribal courts contributes to the problem by delaying prosecution proceedings and stalling the hiring of victim witness coordinators.

*Government Accounting Office reported that US Attorneys declined 52% of violent crimes and 67% of sexual violence against AI/AN members.<sup>38</sup>*

The ICRA originally prevented tribal courts from issuing sentences greater than one year in prison, a fine of \$5,000 or both. In 2010 the Tribal Law and Order Act (TLOA) increased limits to three years in prison and \$15,000. It also protects due process and requires a licensed judge, defense counsel and a record of the proceedings. Previously court actors could be "lay advocates" instead of attorneys or judges.<sup>39</sup>

Despite confusion over criminal matters, tribal courts can still take civil actions against Natives and non-Natives alike, commonly **civil protection orders** (CPOs). VAWA attempts to ease the application process for AI/AN survivors and eliminate fees. Yet research indicates that AI/AN survivors still face undue paperwork and delays.<sup>40</sup> There are also concerns that state agencies may refuse to act on CPOs or may not have access to them due to a lack of tribal computer and data sharing systems.<sup>23</sup>

## A Call for Research

Due to isolation, language barriers and jurisdiction issues, comprehensive data on violence against Native women does not exist.<sup>21</sup> The lack of data on the economic status and victimization of AI/AN women limits service providers, the justice system and policy makers from responding to need. Challenges include:

- Data is mostly outdated
- Little data on stalking of AI/AN women<sup>22</sup>
- Does not account for Tribal diversity
- Data more likely to represent urban than rural areas<sup>23</sup>
- Issues with classification (self-identification, multiple races, etc)
- Issues with access (rural, language, access to survey)

Updated and reliable data needs to be collected that accurately captures the scope and reality of AI/AN women's vulnerability. Additional research is needed on Native American and Alaskan Natives separately, on the Native health system and its use, and the amount and type of restitution requested and paid to AI/AN survivors.

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## Services and Resources

AI/AN survivors may avoid or be unable to access services critical to keeping them safe from unemployment, homelessness and violence. Fear of mandatory reporting or lack of confidentiality keeps some AI/AN survivors from seeking help. One study found that some Alaskan Native survivors refused to take part in a domestic violence support group due to privacy concerns.<sup>42</sup>

Others working in health clinics have found that rural women may not seek out health care because health aides must report their injuries to state troopers. In fact, 31 tribes required the Indian Health Service facilities to report IPV as of 2001.<sup>43</sup> AI/AN survivors may also be reluctant to leave their tribe to get help due to fear of exposure.<sup>44</sup>

Geographical and social isolation create additional barriers that AI/AN survivors in urban areas may not face, such as access to transportation and telephone services.<sup>22</sup>

AI/AN women who choose to seek help may have to leave their tribe or travel great distances. One study of remote tribes in Arizona, Oklahoma, North Dakota and South Dakota found that only 43% to 72% of households had phones.<sup>45</sup>

Medical care for injuries related to IPV or sexual violence may be necessary for IA/AN survivors to stay safe and achieve economic security. Isolation may keep survivors from getting adequate medical care and limit the availability of rape kits utilized by trained staff.<sup>22</sup> In Alaska, rural women may need to travel by plane to access care, which can be prohibitively expensive. While these costs legally should be reimbursed, this rarely happens due to survivors' unfamiliarity with the law and lack of funding.<sup>23</sup>

Many IHS facilities, often the sole health providers in Indian Country, lack policies or protocols for treating survivors of IPV and sexual violence.<sup>43</sup> For example, [44% of IHS emergency rooms](#) do not have procedures or trained staff in place for sexual assault.<sup>46</sup> As a result, they do not consistently provide forensic assault examinations for survivors.<sup>23</sup>

AI/AN survivors face similar barriers when seeking survivor-specific services. While there are over 500 tribes, there are less than 30 Native-specific shelters.<sup>21</sup> The STOP program identifies three types of shelters:<sup>22</sup>

- Tribally-affiliated shelters on tribal land and chartered by AI/AN members (23)
- Collaborative shelters on mainstream or tribal land, but run by a non-profit with a relationship with the tribe (27)
- Mainstream shelters not on tribal land, often county or city affiliated (33)

Unfortunately, shelters serving AI/AN survivors also face severe underfunding, inadequate training and lack of cultural competency.<sup>23</sup> Programs run by tribes use a mix of federal, state and tribal funds, but often fall far short of the need. In 2008, Montana found that half of the 98 women turned away from shelters due to lack of space were AI survivors.<sup>32</sup> Programs often have high staff vacancies due to challenges recruiting qualified workers to remote areas.<sup>44</sup> Language differences can also be a barrier to services and resources recover.

## Strategies and Solutions

### Economic Security

Due to the economic vulnerability of AI/AN women and its connection to safety, those responsible for protecting AI/AN survivors must support their economic security.

**Education** Both a high school diploma and higher education - in community college, universities or apprenticeships - are key to economic security. Financial aid for AI/AN students largely comes from the [BIA](#), specifically the [Bureau of Indian Education](#). Other sources include the [American Indian College Fund](#), the [IHS](#) and colleges. Some Tribes offer their own [educational grants](#) and general scholarships for minorities may also be applicable. Case managers should be aware of the options, determine which are available and offer to survivors.

For those without high school diplomas, providers can post materials to study for and take the [GED](#). Finding online or flexible classes that accommodate single parent or

*“The health care setting offers a critical opportunity for early identification and even primary prevention of abuse.”<sup>21</sup>*

## Improving Access

Improving access to **healthcare** both within and outside the IHS system is needed:

- Establish mobile clinics and services in rural areas.
- Train locals in Indian Country as SANEs; perhaps incentivize getting certified.
- Existing clinics can operate satellite SANE offices.
- Increase the number of rape kits and staff trained to use them in IHS and other clinics.
- Train traditional healers on options for survivors so they can utilize both systems.

As citizens, Natives have access to state services as well as Tribal services. Utilizing services outside Indian Country can protect their confidentiality as well. **Victim services** need to be coordinated over multiple jurisdictions.

AI/AN survivors must be able to access the **justice system** to have a chance for justice, restitution and protection from harm.

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working survivors may also be helpful. Students also require adequate support and programs to keep them in school as Native women face barriers to completion.

**Employment** While the rural areas where most reservations are located lack a diverse selection of high-paying jobs with benefits, there are some job training programs that can help survivors access the available jobs. The [Workforce Investment Act](#) seeks to support the employment and training of AI/AN workers. The Department of Labor’s [Division of Indian and Native American Programs](#) provides local training grants, which case managers can find [here](#) or through their local [Career One-Stop Center](#).

Good jobs are often found in typically male-dominated careers. Connecting survivors to job training in **non-traditional careers** such as the construction trades or [green economy](#) can increase their economic security. Moreover, working in the trades may improve workers’ self-esteem and job satisfaction, an important consideration for survivors. However, case managers should be sensitive to Native survivors’ cultural or logistic concerns.

If underemployed, survivors may consider entrepreneurship. There are many ways to sell arts, crafts and other products without taking on the risk of owning a business. For example, survivors with internet access can use websites such as [etsy.com](http://etsy.com), [artfire.com](http://artfire.com) and others to supplement their income while celebrating their Tribal culture.

### Key Recommendations: Direct Service Providers

- Raise awareness of resources through radio and cable shows, newspapers, local bulletin boards, Tribal events and schools.
- Create culturally and linguistically correct outreach materials and intake forms.
- Support Native survivors who left school to pursue the GED, higher education and/or job training.
- Collect data on the rates and economic needs within each Tribe.

## Competency and Outreach

Direct service providers, justice system workers and local [Sexual Assault Response Teams](#) (SART) and [Coordinated Community Response](#) (CCR) teams should be trained on the nuances of AI/AN culture, history and barriers to recovery from violence. Because Native survivors may seek help on or off Tribal land, first responders and service providers must undergo training regardless of whether they primarily serve Natives.

Those interacting with survivors should make consistent efforts to be [culturally competent](#).<sup>21</sup> For example, organizations can ensure that the staff mirrors the ethnic composition of the community. Providers can create culturally and linguistically appropriate literature that uses more storytelling. Simply inserting images of a Native woman into materials is not enough. Advocates should learn terms or phrases unique to the community they are serving.

**Outreach** Due to a history of oppression by the US, all state and local governments, mainstream service providers and justice systems need to be dedicated to the long work of rebuilding trust and forming relationships with Tribes.<sup>47</sup> It is important to value their unique needs and culture. Perhaps using traditional formats like talking circles, stakeholders can convene and organize coalitions to address violence. Considering the economic realities many Tribes face, programs should address basic needs such as transportation, childcare and food. Home visits are also important and best done by a Tribal staff member.

To overcome Native survivors’ isolation and mistrust, agencies and organizations should target outreach to these communities. Violence is so pervasive and justice so rare that Native women are often resigned to being victimized. Widespread campaigns and events should educate Native women to respond to and prevent violence. Dissemination strategies should be specific to each tribe, but there are general places to inform survivors about their options and resources (see recommendation box).<sup>44</sup>



## Violence Against Women Act 2013<sup>35</sup>

VAWA 2013 grants tribes special domestic violence criminal jurisdiction (**SDVCJ**), which allows courts to try non-Native offenders for **IPV or CPO violation** if it occurred on tribal land while upholding defendant protections in the ICRA and TLOA.

The expanded jurisdiction does not include child abuse, elder abuse or sexual assault outside the IPV context. Alaskan Native survivors are also not covered. Defendants must live on the tribal land, work on tribal land, be an intimate partner of a member, or a Native of another tribe living on the participating tribe's land.

Tribes cannot prosecute non-Native abusers until **March 7, 2015** unless the tribe's justice system fully protects defendants' rights and participates in the **Pilot Project**.

Phase One included assessment and planning. Expressions of interest were due in July 2013 and comments were due in September. Phase Two, the implementation, will run from late 2013 to March 2015. Select tribes will formally request to begin exercising SDVCJ.

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### Key Recommendations: State and Tribal Coalitions

- Conduct research on the rates, needs and best practices of state tribes.
- Provide cultural competency training to staff, subgrantees and STOP trainers.
- Hold a state conference or convening with all stakeholders to educate on the economic security of Native survivors.
- Support rural providers in Indian Country with fundraising, recruiting and outreach.

**Partnerships** Strong partnerships are key to build the cultural competency and capacity required to address economic insecurity for Native survivors. Mainstream sexual assault and IPV groups, the justice system and AI/AN organizations need comprehensive and **ongoing cross-training**. CCRs, SARTs and state fatality review teams should include workers from the federal justice level, the state level if a PL-280 state, Tribal services and leadership. Teams should try to travel to the reservation or fund a representative to travel to the review site, particularly in fatality reviews.<sup>47</sup> States can also recruit Tribal members to join the state VAWA Advisory Board or implementation team.

### Justice System

**Policy** Beyond training, law enforcement of any jurisdiction can take concrete steps to help AI/AN survivors.

- Cross-deputize officers between Tribes and/or State or Federal agencies.<sup>34</sup>
- Investigate the reasons that AI/AN survivors do not report crimes and create responding protocol.
- Better protect survivors by crafting policy to maintain their confidentiality.

Prosecutors must also be aware of witness intimidation. For example, AI/AN survivors likely face pressure from the offender's family and community. Tribal courts can also be very small, sometimes a single trailer, so the prosecution needs intense and creative safety planning for survivors.<sup>48</sup>

Much like healthcare providers, the lack of attorneys and legal services in rural Indian

Country is a problem. States can follow the example of South Dakota, which passed a law offering lawyers an annual subsidy to live and work in rural areas.<sup>49</sup> The program is modeled on a national one for doctors and nurses. The Iowa and Nebraska bar associations are also taking creative steps to attract young lawyers to this work.

Considering poverty levels, prosecutors and judges need to be creative with restitution, particularly in its payment. For example, many tribal courts allow a substitution of goods, services or labor if victim safety is still protected.<sup>48</sup> And with overlapping and compounding impacts on economic security, courts should include alcohol/drug treatment and mental health in restitution, CVC and sentencing orders. Some tribes can banish Native offenders, but it is extreme and can be difficult to enforce.

**Protection Orders** As tribal courts are more pro se friendly than state courts and more open to creative civil remedies, tribal CPOs can include expansive remedies.<sup>48</sup> These can be economic provisions, such as home or car possession, restitution or other financial remedies. But civil jurisdiction is just as complicated as criminal.

Tribal court orders often appear different than state orders and they may not contain 24-hour contact numbers, which makes it hard for officers to confirm validity in the field.<sup>48</sup> However, tribal CPOs are granted full faith and credit. Police training should include better enforcement of Native CPOs. One promising strategy is the Hope Card, originally implemented in Montana.<sup>47</sup>

### Key Recommendations: STOP Administrators

- Invite AI/AN representatives to advisory boards and implementation teams.
- Fund the development of partnerships and communication across tribal, state and local jurisdictions.
- Train STOP grantees on unique Tribal needs and cultural competency.
- Conduct a long Tribal Listening Tour with STOP grantees and leaders from all tribes.

*"A downward trend in funding has begun that, if continued, will severely compromise public safety in Native communities."*<sup>13</sup>

## Funding for Native Survivor Services

Due to the recession and government spending cuts, service providers and the justice system are struggling to meet the needs of Native survivors. For example, \$90 million was cut from tribal justice programs (FY2012) which delayed implementing TLOA.<sup>50</sup> And funding cuts are especially common in rural areas where most reservations are located.

- Federal and state agencies should keep better records of funding for programs whose service areas include Tribal Nations.<sup>13</sup>
- Better informed funding is needed for cultural training, outreach, research and health services.
- Reservations need financial assistance with housing, schools and transportation.
- Funding formulas should be changed to reflect the real cost of serving rural clients.

Most Tribal CPOs are not entered into NCIC or state databases. Law enforcement needs access to crime reports and to share data across jurisdictions. This will help uphold court orders and verify rates of violence. One innovation is the [Indian Country Federal Crime Case Tracker](#), created for tribal officials to disclose federal crimes directly to the US Attorney's Office.<sup>47</sup>

**Traditional Remedies** Native cultures have a custom of compensating victims for their losses.<sup>48</sup> Some communities are creating interventions for violence against AI/AN women both within and outside of the criminal justice system.<sup>22</sup> Traditional systems of justice and recovery include Native healers, cultural ceremonies and tribal justice forums.<sup>44</sup> These forums emphasize [restorative and reparative approaches](#) to justice. For example, the [Navajo Peacemaking](#) method is a hybrid model.<sup>22</sup> Native communities may also benefit from more culturally appropriate treatments for Native offenders, including mental health, substance abuse, batterer intervention and job training programs.<sup>48</sup>

## Policy

**Health IHS services** may be available on or near reservations, though some also serve Natives in urban areas. Most lack programs for sexual assault, but survivors can be treated for injuries, sexually transmitted infections and pregnancy.<sup>44</sup> Survivors would benefit from specific IHS sexual assault programs and services in more metro areas. Survivors also have access to free therapy through IHS,<sup>44</sup> but therapists need to be trained on trauma associated with sexual assault and IPV.

Hospitals that serve a high number of Natives should implement protocols to cross-screen for IPV and sexual assault when treating for alcohol/drug abuse or injuries. This would help limit the costs and long-term impacts. Policies should also protect survivors' confidentiality so they can seek help at IHS facilities without fear of being reported to state police.

**Financial Assistance** Given the financial impact of violence on Native survivors, it is critical that they receive economic justice to recover. State victim rights funds must pay Native survivors for non-federally prosecuted crimes, but these can often be difficult to access. For example, women in Oklahoma must report a crime within 72 hours to be eligible for [Crime Victims Compensation](#).<sup>23</sup> Native survivors will be more economically secure if such processes are eased. They will also benefit if tribes reduce the housing assistance waiting list.<sup>44</sup>

**Infrastructure** Some barriers to safety require action on the Federal, Tribal or State level. For example, increasing cellular and broadband internet access will help survivors seek aid and improve their ability to take classes, apply for jobs or start a business. In addition, survivors in Indian Country urgently need better roads and transit. Investing in this infrastructure will keep survivors, and entire communities, safer while creating non-traditional jobs. For AI/AN survivors to be independent, they also need long-term transitional housing and more affordable permanent housing.<sup>21</sup> Until policymakers and communities invest in these needs, many AI/AN survivors will be forced to stay with an abuser and remain at risk of abuse.

## Conclusion

For Native survivors, safety and recovery is complicated by economic insecurity, high rates of violence, isolation and limited resources. Furthermore, centuries of segregation, genocide, exploitation and violence inflicted by the US government on Native communities is a fact of history and a serious obstacle in creating the trust between communities and criminal justice systems that allows for safety and accountability in IPV, sexual assault and stalking cases. While the passage of a Native-inclusive VAWA 2013 represents major progress, it is just a start. A comprehensive, creative, long-term strategy is needed with buy-in from all sectors. Within these efforts, the input and leadership of diverse Tribal communities is essential.



## Additional Resources

IACP: [\*Promising Practices for Improving Safety in Indian Country\*](#)

BJS: [\*Improving Criminal History Records in Indian Country, 2004-2006\*](#) on the success of the Tribal Criminal History Records Improvement Program and activities allowed.

NCPOFFC: [\*Model Tribal Domestic Violence Full Faith and Credit Policy\*](#)

Futures Without Violence: [\*Building Domestic Violence Health Care Responses in Indian Country: A Promising Practices Report\*](#).

The Federal Transit Administration: [\*Toolkit for Rural Community Coordinated Transportation Services\*](#)

A broad Congressionally mandated study on AI/AN housing needs is underway. Click [here](#) to participate or receive updates. The final report is due December 2014.

The Native American Indian Housing Council: [\*2013 Indian Housing Development Handbook\*](#) and technical assistance.

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