



Domestic Violence Against American Indian Women

By Jane Feustel

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American Indian women experience more domestic violence than any other racial or ethnic group in the United States. Many argue that it is a result of U.S. policies toward tribes that have contributed to the breakdown of Indian families, widespread poverty and high rates of alcoholism. Today cross-jurisdictional issues particularly exacerbate this dangerous trend.

In a 2000 U.S. Department of Justice study, 37.5 percent of American Indian women reported some type of victimization (including rape, physical assault and stalking) as opposed to 24.8 percent of white women. American Indian men also reported victimization at higher rates than white men. Alaskan Native women in particular are 4.5 times more likely to be killed by an intimate partner than women of other racial groups. In the vast majority of these intimate-partner violence cases (75 percent), the perpetrator is non-Native. According to federal Indian law, tribal governments do not have the authority to handle crimes committed by non-Native people, even when they are committed on a tribe's reservation. These crimes often are under federal—and in some cases state—jurisdiction. As a result of these complicated jurisdictional issues, prosecution rates are low, which discourages victims from reporting crimes. Incidents of abuse off the reservation are subject to state jurisdiction, but state officials and agencies are often not aware of or lack culturally appropriate treatment services.

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Regardless of jurisdiction, many women choose not to report domestic violence for fear of alienation from their family and tribe, concern that their children could be taken away, lack of money or shelter, or acknowledgment that such crimes are often not prosecuted.

Federal Action

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Grants for tribal programs to address domestic violence have been available through the Violence Against Women Act (VAWA) of 1994 and funding increased as part of the reauthorization of the act in 2000. The majority of the funding, however, is for programs that replicate state and county models rather than more culturally appropriate approaches that emphasize unique spiritual teachings, customs, history or circumstances of individual tribes. In 2005, two bills specifically addressing tribal programs and safety for Indian women were introduced in Congress with bipartisan support: the latest reauthorization of VAWA, S.1197, and the Restoring Safety to Indian Women Act, S.987.

Tribal Action

Although constrained by a lack of resources and jurisdictional obstacles, several tribes have made varied and sustained efforts to address domestic violence in their communities. Some tribes have domestic violence advocates, others have worked with nonprofit groups to provide services, or

have considered legislation to increase awareness of domestic violence and services for victims. For example, the United Keetoowah Band of Cherokees (Okla.) received a Department of Justice grant to provide legal services to victims of domestic violence and establish an intervention program.

State Action

States also have a role in promoting solutions. Several states have promoted cooperation with tribal governments and law enforcement, which is a possible step in providing more timely response to domestic violence victims. In 2004, the Kansas Legislature approved a state-tribal law enforcement agreement addressing jurisdictional gaps and allowing tribal police officers to administer state law within the reservation.

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Inconsistency in honoring tribal restraining orders is a problem. All 50 states have enacted some version of full faith and credit legislation, although only 27 of those explicitly require enforcement of protection orders from tribal courts. South Dakota enacted HB 1117 in 2003 to ensure the enforcement of domestic violence protection orders issued by other states, territories and tribes.

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New Mexico has considered several bills in the last eight years that appropriate funds for domestic violence counseling and other services, and a shelter for battered women and children. For FY 2006, the legislature appropriated \$450,000 for domestic violence services for Indian women.

State governments have been active outside the legislature as well. In California in 2000, the Indian Health Council, Inc., and Peace Between Partners Program sponsored a training workshop for law enforcement highlighting the importance of first responses to domestic violence calls from reservations. The training included a discussion of historical/socio-cultural factors contributing to domestic violence; an overview of federal, state and tribal laws relating to jurisdiction over such crimes; different cultural forms of communication; and strategies for building trust between tribal governments and local and state law enforcement.

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Alaska hosted five Tribal-State Forums on Domestic Violence in 2004. The forums were open to all affected communities and agencies and provided training, promoted cultural awareness, and encouraged communication and cooperation between state and tribal officials.

Although some work has been done on federal, tribal and state levels to counteract domestic violence against American Indian women, successful programs can be replicated and expanded, and cross-jurisdictional complications warrant further examination. Suggestions have been made to increase training about domestic violence and sexual assault for tribal, state and federal law enforcement officials and to expand affordable emergency, transitional and long-term housing for American Indian victims of domestic violence. Some advocates also believe that enhancing the authority of tribal governments is a central part of the solution to this problem.

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Selected References

- The National Advisory Council on Violence Against Women. *Toolkit to End Violence Against Women*. November 1, 2001. <http://toolkit.ncjrs.org/>
- Sacred Circle. *Restoration of Native Sovereignty: Restoration of Safety for Native Women*. Volume 1. Rapid City, South Dakota: January 2004. (605) 341-2050, scircle@sacred-circle.com

Contacts for More Information

Andrea Wilkins
NCSL—Denver
(303) 364-7700, ext. 1558
andrea.wilkins@ncsl.org

Virginia Davis
National Congress of American Indians (NCAI)
(202) 466-7767
vdavis@ncai.org

Tribal Court Clearinghouse—Domestic Violence Resources:
<http://www.tribal-institute.org/lists/domestic.htm>