

Considerations for Responding to Native American Survivors

Contributed by Denise Johnson, American Indians Against Abuse

The victim specific or cultural consideration section is designed to help SART members understand victims from diverse cultures to ensure all victims are served with respect regardless of their background. This section is intended to be a tool to help professionals; however, it is the responsibility of each SART member to integrate culturally relevant and responsive care into their services for victims. It is hoped that SARTs will utilize these considerations to increase their understanding of diversity and learn ways to serve victims with respect to their cultural background and identities.¹

United State Native Americans/First Nations/Indigenous people are from all over the United States and Alaska. American Indian people can be considered originating from all the Americas, from the top of Canada to southern South America. There are over 573 federally recognized tribes as well as several unrecognized tribes in the United States. Larger groups considered individual ‘nations’ can be broken down into individual tribes, bands, or pueblos. Each tribe can have their own language, ceremonies, and customs that make each community different.

Tribal membership is determined by each tribe and generally have non-enrolled descendants due to colonized systems of deciding who is Native and who is not. Individual tribes may consider their non-enrolled descendants as part of the tribe, but non-enrolled members may be excluded from services many times due to programmatic requirements of being considered a “card carrying” Native. The lack of membership can change jurisdiction in legal action as well as their exclusion to tribal programs, depending on the tribe’s policies within programming. Non-membership does not mean they do not identify as a Native person.

While most Native people in the United States speak English, there are pockets of tribal members who only speak their language or minimal English. Finding out what your local tribe(s) speak and, if needed, what kind of interpreter may be required. For example, Navajo communities and Alaska tribes many times speak their language exclusively, especially elders.

Family members may want to interpret. Family members may want to be part of the process. These family members may be outside of what is considered “nuclear family.” Extended family and various clan members can fall in the range of support systems for the survivor which may be problematic at non-tribal hospitals and clinics. Local tribal programs may have resources for specific language interpretation specialists. Mainstream programs that encounter Native clients may want to enter into working relationships with tribal programs with trained tribal advocates or even hire a trained Native specific advocate.

¹ Georgia Sexual Assault Response Team Guide. 2021. [2021sartguidev2-final.pdf \(svrga.org\)](#)

Important Reminders:

- Understanding Historical Trauma is huge. Understanding that each community, family, and individual has been impacted to some degree by colonization to some degree. There are many ways that Historical Trauma is expressed in individuals and families and can be different in each scenario you encounter.
- Racism is a historic barrier that continues today. If individuals within systems have racist biases, the Native survivor can find barriers and not feel comfortable in accessing services or even reporting to law enforcement.
- Family members (or friends) may not be nuclear, which can be problematic when support persons may be excluded from exams and interviews. While confidentiality is necessary, look for alternative ways your facility, program or policies can allow or discuss options that assist the survivor and their supportive cultural needs.
- Survivors may not want law enforcement present or to report to law enforcement. Law enforcement has actively done harm, historically, to Native people. Native people are, many times, distrusting of systems. This comes from historical (and at times continuing) harm in the process to colonize, assimilate, and even eradicate Native people, their rights, and their historic resources. Native people have been demonized so colonizer systems have been able to take their resources without guilt or shame.
- Violence may be normalized due to generations of violence (including sexual assault) being used as tactics to assimilate and overpower Native people historically.
- Family separation has been used as a tool of assimilation. Sexual violence among children during the Boarding School era of assimilation has resulted in the normalization of violence in Native community and families today. Refusal to report or interaction with law enforcement may be a protective measure ingrained by these family separation policy and practice that result today in vastly unreported violence and assaults. They are a very real reason survivors and victims' do not wish to report.
- Survivors may want to follow Native spiritual practices and want to smudge with sage, cedar or sweetgrass. Know your policies for those who request this since smoke of any kind is often restricted from use in clinics or hospitals and even shelters. Best practice would be allowance but think outside the box. Perhaps there is a designated area the survivor can utilize, especially in extended stay instances. Smudging may be wanted to cleanse specific spaces rather than taking place outside. In some instances, especially in extended stays, the survivor may request a spiritual person to come to do specific ceremony such as smoking a traditional pipe. Discuss this and adjust policies and procedures if possible.
- Remote communities and homes make services hard to access for victims and survivors. Not all tribal communities have services needed for sexual assault and

require victims to travel long distances for some or all services such as a SANE exam. Traveling to these locations may not be an option for those in financial distress or they may not even have a running vehicle to transport.

- LGBTQ2S+ might not have support in their tribal communities. Specialized advocacy for this portion of tribal victims and survivors. These services are often in metropolitan areas. Know your nearest resource or hotline to assist an individual in need.

Legal/Law Enforcement System Considerations

Victims of sexual assault often believe that it is their fault. Victims may choose not to discuss the assault with their family for many reasons. Shame, guilt, religious beliefs are among some of those reasons. Not reporting or attempting to find services and support can be results of some of the issues above. Normalization of violence in Native communities and families can be connected to the historic policies enacted to the detriment of healthy communities and families which law enforcement can be linked to.

Retaliation can also be limiting factor for reporting. Native communities are often small (even within larger town/city populations since Natives stick together) and everyone knows everyone and often their business. When law enforcement needs to travel far distances to get to reservation communities, time can be a factor in response to retaliation attempts.

Jurisdictional issues happen often and has a been a major cause of cases getting prosecuted. When a sexual assault occurs, it is important to know where the crime happened, tribal enrollment status of both parties, and what designation applies in said state. States with Public Law 280 statutes will give jurisdiction to the state and cases will be tried in county courts. States with Federal Jurisdiction (The Major Crimes Act; The General Crimes Act statutes) will prosecute in federal courts. There are also now limited tribes with tribal court jurisdiction. It's important to know your jurisdiction and what is available for prosecution in your area. There will be times where you will come across law enforcement that does not understand these differences.

In some cases, law enforcement may be avoided due to the victim or others involved having current warrants, current cases, or fear being prosecuted themselves for drugs/addiction. They may also want to protect the perpetrator if they are a family member, or someone know to them. Losing family members, community members to the boarding schools, adoptions, and murder has caused entire communities to be distrustful of law enforcement and systems.

Resources for Professionals

- American Indians Against Abuse
- Tribal Law and Policy Institute (TLPI): <https://www.home.tlpi.org/>
- National Indian Country Clearinghouse on Sexual Assault (NICCSA): <https://www.niccsa.org/> & <https://www.niccsa.org/safestar/>

- National Indigenous Women's Resource Center: <https://www.niwrc.org/>
- Coalition to Stop Violence Against Native Women: <https://www.csvanw.org/women-are-sacred/>
- Indian Law Resource Center: <https://indianlaw.org/safewomen>

This project was supported by grant #2016-WE-AX-0042 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.