

DOMESTIC VIOLENCE IN INDIAN COUNTRY

A Law Enforcement & Victim Services Resource Toolkit — National Native Justice Institute | www.nativejustice.us

■ DOMESTIC VIOLENCE IN TRIBAL COMMUNITIES

Domestic violence (DV) is among the most prevalent and dangerous crimes in Indian Country. Native American women experience intimate partner violence at rates more than double the national average, and on some reservations, Native women are murdered by intimate partners at rates up to ten times higher than other populations. Effective tribal response to domestic violence requires legal knowledge, victim-centered protocols, inter-agency coordination, and trauma-informed practice.

♥ More than 4 in 5 Native American women have experienced violence in their lifetime — 56.1% have experienced sexual violence and 55.5% have experienced physical violence by a partner.

⚠ Domestic violence is the most dangerous call in law enforcement. Complacency, failure to separate parties, and inadequate scene control are the leading causes of officer injury on DV calls.

⚖ The Violence Against Women Act (VAWA) 2022 expanded tribal criminal jurisdiction over non-Indian abusers in domestic violence, dating violence, sexual violence, stalking, sex trafficking, and child violence cases.

📞 Many domestic violence victims in Indian Country have no safe place to go — shelter access, transportation, and advocacy resources are critical life-safety tools.

■ CORE DOMESTIC VIOLENCE RESPONSE PROTOCOL

Scene Safety & Control

- Request backup before arrival whenever possible. Approach quietly, note vehicles, and listen before announcing presence.
- Separate all parties immediately upon entry. Interview victim and subject separately, in locations where they cannot hear each other.
- Conduct a visible weapons scan of the immediate environment. Know the location of weapons in the home throughout the investigation.
- If children are present, assess their safety and welfare immediately and document their condition in your report.

Victim Interaction Standards

- Conduct the victim interview in a private location, away from the subject and any bystanders who may be aligned with the subject.
- Use a trauma-informed, non-judgmental approach. Never ask why the victim didn't leave, report sooner, or fight back.
- Administer a validated Lethality Assessment Protocol (LAP) and connect high-danger victims with an advocate immediately.
- Provide the victim with written information about their rights, available services, and protective order procedures.

VAWA Special Domestic Violence Criminal Jurisdiction (SDVCJ)

- Under VAWA 2013 and 2022 reauthorization, tribes with SDVCJ authority may exercise criminal jurisdiction over non-Indian defendants in covered DV, dating violence, sexual violence, stalking, sex trafficking, and child violence offenses.
- Consult with tribal legal counsel and your U.S. Attorney to confirm whether your tribe has enacted SDVCJ and which offenses are covered.
- For non-Indian defendants in non-SDVCJ offenses, notify federal and/or state law enforcement immediately for concurrent jurisdiction investigation.

■ TIPS FOR TRIBAL OFFICERS ON DOMESTIC VIOLENCE RESPONSE

- **Conduct a Thorough Lethality Assessment on Every Call** – Use a validated LAP on every DV call. High-danger indicators include weapon access, strangulation, threats to kill, and prior violation of protective orders.
- **Photograph Every Visible Injury** – Photograph all injuries at the scene with a scale reference. Schedule follow-up photographs 24–48 hours later when bruising is more visible.
- **Document Strangulation Indicators Specifically** – Strangulation is a leading predictor of homicide in DV cases and often leaves minimal visible injury. Document redness, petechiae, voice changes, swallowing difficulty, and victim account specifically.
- **Make Arrest Based on Evidence, Not Victim Preference** – Mandatory arrest or preferred arrest policies exist in most tribal codes. Your arrest decision is based on probable cause, not victim willingness to cooperate.
- **Connect Every Victim with an Advocate Before You Leave** – A warm handoff to a victim advocate — by phone or in person — before you clear the scene dramatically increases victim safety and case cooperation.
- **Follow Up After the Initial Response** – A check-in call or visit within 24–48 hours demonstrates institutional care, surfaces new information, and identifies safety changes that may require updated action.

RESOURCES, GRANTS & SUPPORT

Funding, Training, and Support Resources — Tribal Domestic Violence Response Programs | www.nativejustice.us

FEDERAL GRANT RESOURCES

Domestic Violence Response Funding

- **OVW Tribal Governments Program** – Funds comprehensive DV victim services, prosecution, and law enforcement for tribes. justice.gov/ovw/tribal-governments
- **STOP Violence Against Indian Women (VAIW)** – Addresses domestic violence and supports victim-centered tribal response programs. justice.gov/ovw
- **OVW VAWA SDVCJ Implementation Support** – Technical assistance for tribes implementing VAWA Special Domestic Violence Criminal Jurisdiction. justice.gov/ovw/tribal-governments

Shelter, Safety & Services

- **Family Violence Prevention & Services Act (FVPSA) Tribal Grants** – Funds tribal DV shelter, advocacy, and emergency services. acf.hhs.gov/fysb
- **VOCA Victim Assistance Grants** – VOCA funding for tribal DV victim services administered through state crime victim agencies. ovc.ojp.gov
- **CTAS – Coordinated Tribal Assistance Solicitation** – DOJ consolidated tribal funding including DV response and victim services. justice.gov/tribal
- **HUD Tribal Housing & Safety Programs** – Supports safe housing options for DV victims in tribal communities. hud.gov/program_offices/public_indian_housing/ih

STATE & ADDITIONAL RESOURCES

- **State Homeland Security Grants (SHSGP)** – Tribal law enforcement may be eligible for state-administered FEMA homeland security funding.
- **Tribal Law & Order Act (TLOA) Resources** – Expanded tribal criminal authority and DOJ technical assistance for implementation.
- **Grants.gov Tribal Search Tool** – Search all federal grants available to tribal entities. grants.gov (filter: Tribal Government eligibility)

HELPFUL TIPS FOR TRIBAL PROGRAMS & LEADERS

Adopt a Mandatory or Preferred Arrest Policy Written mandatory or preferred arrest policies for DV calls ensure consistent, evidence-based response and reduce officer discretion that may be influenced by community dynamics.	Implement Lethality Assessment Protocol Department-Wide Consistent use of a validated LAP on all DV calls identifies high-danger victims, triggers immediate advocate contact, and documents officer's safety assessment.
Establish a Coordinated Community Response (CCR) A CCR brings law enforcement, prosecution, courts, victim services, and social programs together to create a unified community response to domestic violence.	Train Officers on VAWA SDVCJ Jurisdiction VAWA jurisdiction over non-Indians is a significant legal tool. All tribal officers must understand which offenses are covered and the proper arrest and notification procedures.

KEY WEBLINKS

National Native Justice Institute	www.nativejustice.us
OVW Tribal Governments Program	justice.gov/ovw/tribal-governments
Family Violence Prevention Act Grants	acf.hhs.gov/fysb
SAMHSA Tribal Behavioral Health	samhsa.gov/tribal-ttac
BIA Law Enforcement Services	bia.gov/bia/ojs
Grants.gov (Tribal Search)	grants.gov

PARTNER WITH NNJI — WE ARE READY TO SUPPORT YOUR COMMUNITY

TAKE ACTION TODAY — Contact NNJI at www.nativejustice.us to schedule training, consultation, or access resources.

Strengthening Tribal Justice — One Community at a Time