

TITLE IX OF S. 1925, FIGHTING DOMESTIC VIOLENCE LOCALLY TO STOP VIOLENCE AGAINST NATIVE WOMEN

Federal law blocks local control. The U.S. Constitution, and hundreds of treaties, federal laws, and court cases acknowledge that Indian tribes are sovereign governments. Despite this fact, Indian tribes are the only government in the Nation without jurisdiction to combat certain types of domestic violence in their communities.

Federal laws force tribes to rely exclusively on far away federal—and in some cases state—government officials to investigate and prosecute misdemeanor crimes of domestic violence committed on tribal government lands by non-Indians against Native women.

Existing law is failing Indian women.

Tribes have reported that it takes federal and state officials hours, or even days, to respond to calls for help to stop domestic violence. That means that if outside law enforcement arrive, often the crime scene and evidence to secure a prosecution is already compromised, and witnesses and suspects are long gone.

Federal authorities will never have the resources to address misdemeanor crimes. For example, in 2006 and 2007, U.S. attorneys prosecuted an average of 24 misdemeanor crimes on Indian lands. Compare that number to the problem. The Salt River Reservation in AZ (a relatively small reservation) faced more than 450 DV cases in 2006 alone – that's one act of domestic abuse every 19 hours.

Federal officials have a difficult enough time keeping up with the violent felonies. From 2005-2007, U.S. Attorneys declined to prosecute more than 65% of sexual assaults on Indian lands.

State governments have also not been able to address reservation violence. In 1953, Congress by enacting Public Law 83-280 experimented with Indian reservations by delegating federal authority over reservation crimes to six state governments. For nearly 50 years, PL 280 has proven to be an abject policy failure. States have ignored reservation crimes, citing the lack of resources, and higher priorities of addressing crimes important to state and local government officials.

Unpunished acts of domestic violence escalate.

This gap in jurisdiction has left many acts of domestic against Native women unpunished. Nonmember abusers feel UNTOUCHABLE. Tribal leaders, police officers, and prosecutors report a pattern of escalating violence that goes unaddressed, with beating after beating, each more severe than the last, ultimately leading to severe physical injury or even death. An NIJ-funded analysis of death certificates found that, on some reservations, Native women are murdered at a rate more than ten times the national average.

S. 1925, a local answer for a local problem.

S. 1925 will address domestic violence in American Indian communities at the local level in the early stages, before violence escalates to aggravated assault and homicide. It will empower tribal courts to prosecute crimes of domestic violence, dating violence, or violations of protection orders, regardless of the race of the perpetrator.

Domestic violence is an intimately personal and local crime. It's proven that one of the only way to prevent abuse from escalating is to force the offender to face the local community.

Existing law denies Native victims equal access to justice. S. 1925 provides that justice, where a tribe is willing to provide the full realm of constitutional protections to suspects of abuse.