According to the latest census data, 1.7 percent of the U.S. population are American Indian, Alaska Native (AI/AN) alone or in combination with another race. This number is expected to grow in the upcoming 2020 census. Tribal populations experience high rates of poverty. In 2010, the median household income for AI/AN was $16,450 less than the U.S. as a whole. Studies show that AI/AN often experience significant legal issues and have a multitude of unmet legal needs. This population is also more likely to experience employment-related problems, and problems with rental housing, law enforcement, health care, and education (Social & Economic Sciences Research Center, 2014).

Page 1 of this research brief provides some research highlights; page 2 a narrative overview; page 3 a featured federal resource; page 4 other helpful resources; and pages 5-7 summaries of the curated studies. All endnotes are to sources not included in our summaries section.

**RESEARCH HIGHLIGHTS:**

- According to 2017 survey data of AI/AN DV victims, “In terms of legal needs, many clients reported receiving all of the help needed for legal help with their abuser’s arrest (n=16; 44%), obtaining a protective order (n=16; 44%), child protection issues (n = 13; 35%), and getting information about options within the criminal justice system (n=15; 41%) and crime victims’ rights (n=15; 41%)” (Fox, et al., 2018, p. 253).

- “While 54% of all [survey] respondents experienced one or more problems relating to rental housing, 68% of African-American respondents, 65% of Native America, [sic] and 63% of persons with a disability had a problem in this area” (Social & Economic Sciences Research Center, 2014).

- Native Americans are more likely to have non-parental custodial care (like grandparents having custody over their grandchildren) than other Americans. In interviews conducted with Native American caregivers, they noted “legal custodial issues as critical” and “reported legal aid as a significant need” (Kopera-Frye, 2009).

- Those who used the services of the Native American Disability Law Center reported satisfaction with the services provided but also frustration that there were not more resources available to them. "People who received one-on-one services are twice as likely to believe that they got the kind of help they wanted than those who receive a lesser service. Only 7% of those who got the highest level of service feel they did not receive what they wanted compared to 15% of those who received information and referral, short-term assistance or were unsure about that kind of help they got" (Native American Disability Law Center, 2007).

- Researchers found “The most frequent problem was difficulties in obtaining rights and privileges guaranteed to Native Americans. … The second most frequent problem was traffic violations, which accounted for 16% of all IPS [Indian Paraprofessional Services] cases. … Twelve percent of the cases were domestic problems involving family conflict, desertion, separation, or divorce” (Stauss et al., 1979).

- “An analysis of the National Crime Victimization Survey (NCVS) reveals that rates of rape and other sexual assaults are higher for American Indian and Alaska Native women compared to both African American and white women.” (Bachman, et al., 2008, p. 6)
NARRATIVE OVERVIEW RE:
WORKING WITH TRIBES AND TRIBAL MEMBERS

According to the most recent census, 1.7 percent of the U.S. population are American Indian, Alaska Native (AI/AN) alone or in combination with other races. While there are currently 573 federally-recognized tribes and more than 100 state-recognized tribes, census data reveals that close to 80 percent of the AI/AN live outside of tribal statistical areas. The West and the South hold most of the nation’s AI/AN population, which is concentrated in several states, including: California, Oklahoma, Arizona, and New Mexico.²

American Indian/Alaska Native populations face unique challenges in the U.S. They are subject to federal and tribal rules and regulations, which can be difficult to maneuver without the aid of a lawyer. They also experience high rates of poverty and barriers to critical services. In 2017, the median household income for this population was $45,448, compared to $65,845 for non-Hispanic white households. In the same year, one-fifth of this population lived in poverty, in comparison to one-tenth of non-Hispanic whites. Moreover, close to 15 percent of AI/AN have no access to health insurance and, overall, this population has a lower life expectancy than other U.S. populations as a result of salient barriers to timely primary care and preventative services.³, ⁴ and face a unique set of cultural, geographic and economic barriers that impact their quality of life.

DATA AND STUDIES SHOW LEGAL AID HELPS:

The California Courts sponsored three roundtable discussions in California sponsored to discuss legal issues facing Native Americans.⁵ The roundtables identified four areas in need of reform and better access: tribal justice systems, environmental law, family law, and sentencing alternatives. With regard to family law, one of the recommendations was to link families with California Indian Legal Services, an organization that provides legal aid to Native Americans in California.

Research agrees with the roundtables’ assessments of the legal issues tribal populations face. Studies show that, like other women, AI/AN often experience significant legal issues associated with domestic violence (Summary 1). However, in comparison to other women, AI/AN women are more likely to be victimized by sexual violence and have higher lifetime prevalence rates for physical assaults (Summary 6). AI/AN are also more likely than other populations to have non-parental custodial care (such as a grandparent taking care of a child) and that Native American grandparents reported legal aid as a significant need (Summary 3). Further, AI/AN are more likely than others to experience employment-related problems, problems with rental housing, law enforcement, healthcare, and education (Summary 2). Certain subsets of Native Americans can also feel like there are limited resources to help them. For example, 81 percent of disabled Native Americans in New Mexico reported that there was no other place they can go to for legal help than the one disability law center (Summary 4). An earlier study found that Native Americans most often faced difficulties in obtaining rights and privileges guaranteed to Native Americans, traffic violations, and family law issues (Summary 5).
FEATURED FEDERAL RESOURCE:
U.S. Department of Justice, Office for Victims of Crime Vision 21 Report

Vision 21: Transforming Victim Services (TVS) outlines a comprehensive and systematic approach to change how we meet victims’ needs. TVS grew out of a series of meetings that were sponsored by OVC. The discussion and research focused on the role of victim assistance, how to better serve victims, addressing issues in the field, and identify emerging issues in the field.

This report dedicates an entire chapter to meeting the holistic legal needs of crime victims. The TVS statement reads: “Every state will establish wraparound legal networks that will help ensure that crime victims’ rights are enforced and that victims of crime receive the broad range of legal services needed to help rebuild their lives in the aftermath of crime” (p. 9). This chapter summarized efforts made within the last decade to secure crime victims’ rights, the difficulties victims face in navigating the justice system, and ways that legal networks can better address crime victims’ needs.

Highlights:

- “A staggering 42 percent of victims never report serious violent crime to law enforcement. We need to know why. Stakeholders described a maze of overlapping, complex legal issues facing victims; for example, a single victimization can involve immigration status, civil legal assistance, administrative law remedies, and rights enforcement” (p. vi).
- “Victims of crime all too often face a perplexing maze of coexisting, overlapping, and complex legal issues after their victimization. They must navigate multiple systems (i.e., the criminal, civil, and administrative justice systems), each with its own requirements and processes. One case of victimization may produce myriad legal issues for the victim, including orders of protection, victims’ rights enforcement, compensation, employment, housing, home foreclosure, spousal support, and child custody, visitation, and dependency” (p. 12).
- “Serving crime victims in indigenous communities presents a special challenge to all members of the victim service community, particularly providers of legal services. American Indian and Alaska Native populations suffer significantly higher crime rates than the rest of the Nation—a fact that underscores the urgency of finding ways to deliver services more successfully or, in the case of legal assistance, to deliver services at all” (p. 12).
- “Compounding the lack of legal representation for crime victims is the absence of a single point of entry through which victims of all types of crime may access services to address the wide range of legal needs they may have as the result of their victimization” (p. 14).
- “A coordinated, collaborative, and holistic legal response has the potential to serve victims far better through an inherent capacity to provide the type of legal assistance needed at any given time. A network approach would also ensure that victims are connected to community legal resources that can help them address their administrative, civil, and other legal issues” (p. 14).

HELPFUL RESOURCES:

- The U.S. Census provides the most recent statistics on Native Americans.\(^6\)
- U.S. HUD published a report on housing, demographic, social and economic trends in the American Indian population.
- The organization, American Indian Youth, has a page with recent statistics about poverty and Native Americans.\(^7\)
- Legal Services Corporation has collected client success stories here.\(^6\)
- The National American Indian Court Judges Association published a report on tribal justice systems and organizations that have collaborated to serve tribal and low-income populations through civil and criminal legal aid initiatives.
- In October 2020, the Northwest Justice Project submitted comments for the DOJ OVW Task Force meeting on violence against American Indian and Alaska Native women. These comments provide model advocacy language for legal aid organizations serving AI/AN survivors.
- For more information about civil legal aid messaging, communications, and story-telling, go to the Voices for Civil Justice and All Rise for Civil Justice websites.\(^9\)
- For a more comprehensive repository of legal aid related research, go to the National Legal Aid & Defender Association’s LegalAidResearch website.\(^10\)

Endnotes

\(^6\) https://www.census.gov/programs-surveys/geography.html
\(^7\) http://indianyouth.org/american-indian-life/poverty-cycle
\(^8\) https://www.lsc.gov/what-legal-aid/client-success-stories
\(^9\) See https://voicesforciviljustice.org/ and https://www.allriseforciviljustice.org/
\(^10\) https://legalaidresearch.org/
SUMMARIES OF KEY STUDIES


The purpose of this study was to identify and summarize the complex needs of American Indian survivors and the role of service providers in assisting this population. The researchers identify these needs and critical services through client exit survey data and staff interviews at an Arizona DV shelter. The study found that, clients have myriad needs related to personal, family, community and legal needs. These observations allow for a closer look at the ways service providers can meet the unique set of needs found in American Indian populations impacted by DV and lead to specific recommendations for research approaches.

Methodology:
The researchers used exit survey data collected from June 2016 to 2017 from 37 American Indian female clients in a domestic violence shelter in Arizona. From May to June 2016, the researchers conducted interviews with 10 staff members to better understand the role of service providers in meeting client needs identified in the surveys. The total number of clients surveyed was 37 and, of those clients: most (n=32; 86%) were Navajo; two were Hopi (5%); and one was from another tribe (3%). The age range of survey participants was 18 to 77, with an average of 37.

Highlights:
• "Findings also indicate that clients have a wide variety of specific personal needs (e.g., safety, housing, transportation), needs relating to their children (e.g., safety, education, socialization), community needs (e.g., relating to their tribe), as well as legal needs (e.g., help obtaining a restraining order or divorce)." (p. 251)
• "Because limited resources are devoted to community services for victimized American Indian women, identifying victim needs will help service providers allocate scarce resources to assist victims and reduce initial, repeat, and poly-victimization (e.g., experiencing multiple types of victimization)." (p. 252)
• "In terms of legal needs, many clients reported receiving all of the help needed for legal help with their abuser’s arrest (n=16; 44%), obtaining a protective order (n=16; 44%), child protection issues (n = 13; 35%), and getting information about options within the criminal justice system (n=15; 41%) and crime victims’ rights (n=15; 41%)" (p. 253).
• “Several staff members...mentioned the importance of equipping clients with the tools needed to understand, process, and cope with their situation, which is also consistent with research that shows that domestic and sexual violence negatively impacts victims’ mental health.” (p. 255)


Researchers with the Social and Economic Sciences Research Center conducted a probability sample of individuals living in Washington state. They found that Native Americans were more likely than other Washingtonians to experience employment-related problems, problems with rental housing, law enforcement, healthcare, and education. This report was commissioned by a special committee of the Washington State Supreme Court.
Methodology:
They conducted a statewide random probability survey in the main report, but in this supplement, they present the findings from a targeted non-probability survey they used to obtain responses from groups, like Native Americans, unlikely to be represented in the address-based probability survey. They recruited community-based organizations that provided services to members of these groups and had them fill out the survey.

Highlights:
- “59% of Native Americans and 58% of persons with a disability experienced employment-related problems” (p. 7).
- “While 54% of all [survey] respondents experienced one or more problems relating to rental housing, 68% of African-American respondents, 65% of Native America, [sic] and 63% of persons with a disability had a problem in this area” (p. 7).
- “Native American respondents were more likely than all [survey] respondents to report discrimination in the areas of rental housing, law enforcement, health care, and education” (p. 10).


Kopera-Frye, a social scientist, writes that non-parental custodial care (such as care for children by grandparents) is common among Native Americans. In interviews conducted with Native American caregivers, they noted “legal custodial issues as critical” and “reported legal aid as a significant need” (p. 364). For those interviewed, Native American grandparents reported a median income of $1,300. This study interviewed Latino and Native American grandparents about their social and legal needs.

Methodology:
Kopera-Frye conducted in-depth interviews with 17 Native American and 7 Latino kin givers. She used a modified version of the Belief Development Scale to see how caregivers influenced their care recipient in religion and spirituality, politics, sexuality, family ideals, education, work, morals, personal identity, and cultural sense and identity. She also had them respond to a Shared Cultural Activities Scale, which asked about how often the caregiver engaged in activities related to their cultural heritage.

Highlights:
- “Among those grandparents aged 30 years and older, 56% of American Indian and Alaskan Native grandparents report primary caregiving responsibility among the 550 federally recognized tribes; the corresponding rate for the U.S. total population is 41%” (p. 399).
- “Regarding issues and needs surrounding the kin caregiving role, results indicated that both groups similarly reported concerns involving finances and health of child; Native Americans noted legal custodial issues to be of importance. … Native Americans predominantly reported legal aid as a significant need” (p. 404).


The Law Center specializes in providing civil legal aid to disabled Native Americans. Using a mail survey, the Native American Disability Law Center contacted 2,000 individuals who had used their services of attended an outreach workshop. They had a response rate of 9 percent for this mail survey.
researchers also held focus groups with 70 individuals who had used their services. Despite the low response rate for the mail survey, the surveys were representative of the Law Center clients. Approximately half of the respondents experienced a favorable outcome and 81 percent said that there is no other place they can go to for legal help.

**Methodology:**
The Law Center sent out a mail survey to 2,000 of their clients and held focus groups with 70 individuals.

**Highlights:**
- “Three quarters of all respondents, for example, receive Social Security, and nearly half (42%) are on Medicaid. These are strong indicators that the population surveyed is very low income” (p. 13).
- “One important finding of this survey is that people who received one-on-one services are twice as likely to believe that they got the kind of help they wanted than those who receive a lesser service. Only 7% of those who got the highest level of service feel they did not receive what they wanted compared to 15% of those who received information and referral, short-term assistance or were unsure about that kind of help they got. Individuals who received training and education appear to be clear about the service they were seeking and received” (p. 17).
- “Respondents were asked if their problem was solved with help from the Law Center. While 15% of all respondents are still waiting for a final resolution, exactly 50% say the issue was, and fewer (37%) said it was not.”
- “81% of respondents say there is no other place they can go for help” (p. 23).


This study was conducted when almost half of all Native Americans lived in urban areas (today, it is about 71 percent). They conducted a survey of Native American paraprofessionals in Seattle. They were called the Indian Paraprofessional Services (IPS) and provided outreach legal and social aid and made referrals to legal aid services, among other social services. IPS referred almost 700 individuals to the public defender, a legal aid attorney, another attorney, or social services. IPS also offered advice, assisted at hearings, and lent money.

**Methodology:**
The researchers tracked the activities of the Native American paraprofessionals in Seattle. They reported on the type of problem with which they assisted, the actions of the paraprofessionals to assist the clients, and their outreach activities.

**Highlights:**
- “Native Americans do have disproportionately high arrest rates: they are arrested six times more frequently than White Americans and twice as often as Black Americans. The difference is even greater for alcohol-related offenses for which arrest rates of Indians are 16 times as high as for Whites and eight times higher than for Blacks” (p. 386).
- “During the 18 months that IPS solicited clients, nearly 700 people came into the office with problems sufficiently serious as to require at least 15 minutes of a paraprofessional” (p. 388).
- “The most frequent problem was difficulties in obtaining rights and privileges guaranteed to Native Americans… The second most frequent problem was traffic violations, which accounted for 16% of all IPS cases. … Twelve percent of the cases were domestic problems involving family conflict, desertion, separation, or divorce” (p. 389-390).
• “The program demonstrated that minority people without extensive formal training can be trained fairly quickly to deliver legal and social services to their own communities. The practice of careful screening of requests for assistance, with only the more complicated legal problems being referred to the supporting attorneys, seemed to be an economical way of delivering legal aid services” (p. 393).


This study, funded by the National Institute of Justice, Office of Justice Programs, and U.S. Department of Justice, summarizes the epidemiology of violence against American Indian and Alaska Native women and the criminal justice response to violence. It reviews several datasets and surveys to identify key issues and barriers related to assault, dating violence, stalking and other forms of victimization among AI/AN women. The study also highlights the prevalence and potential effectiveness of grants and federal programs (such as the STOP VAIW Program) that can help survivors navigate complex civil and criminal justice systems.

Methodology: The study employed data from the National Crime Victimization Survey (NCVS), police reports, the National Violence Against Women survey and other national and local studies to summarize various forms of violence against AI/AN women.

Highlights:
• “An analysis of the National Crime Victimization Survey (NCVS) reveals that rates of rape and other sexual assaults are higher for American Indian and Alaska Native women compared to both African American and white women. Rape and sexual assaults against all women regardless of race were more likely to be committed known offenders.” (p. 6)
• “National annual incidence rates and lifetime prevalence rates for physical assaults are also higher for American Indian and Alaska Native women compared to other women.” (p. 6)
• “Although tribal governments do not have jurisdiction to prosecute non-American Indian and Alaska Native offenders in criminal courts, they do have authority to enact civil orders against them, including Personal Protection Orders (PPOs). PPOs provide injunctive relief for petitioners who seek to use legal remedies to end threatening behavior, cease contact with another individual, or to alter custody arrangements.” (p. 9)
• “…[T]he variety of orders and accompanying legal punishments and the understanding of the intent of the order vary by each State and tribal government, creating significant barriers to the enforcement of ‘Full Faith and Credit.’” (p. 9)
• “One of the most significant and long-running initiatives administered specifically for American Indian and Alaska Native communities has been the Services-Training-Officers-Prosecutors (STOP) Violence Against Indian Women (VAIW) program.” (p. 134)
• “American Indian and Alaska Native tribal governments and tribal associations may also apply for funding under the Legal Assistance for Victims Grant Program. This initiative is designed to improve civil and criminal legal assistance for victims of domestic and dating violence, as well as sexual assault and stalking.” (p. 136)