



# Sexual Violence Against American Indian/Alaska Native Elders

Materials and Presentation by:

Hallie Bongar White

Executive Director, Southwest Center for Law and Policy

(c) 2014 OVW, USDOJ/SWCLAP

[bongarwhite@swclap.org](mailto:bongarwhite@swclap.org)

[www.NICCSA.org](http://www.NICCSA.org)

[www.SAFESTAR.org](http://www.SAFESTAR.org)

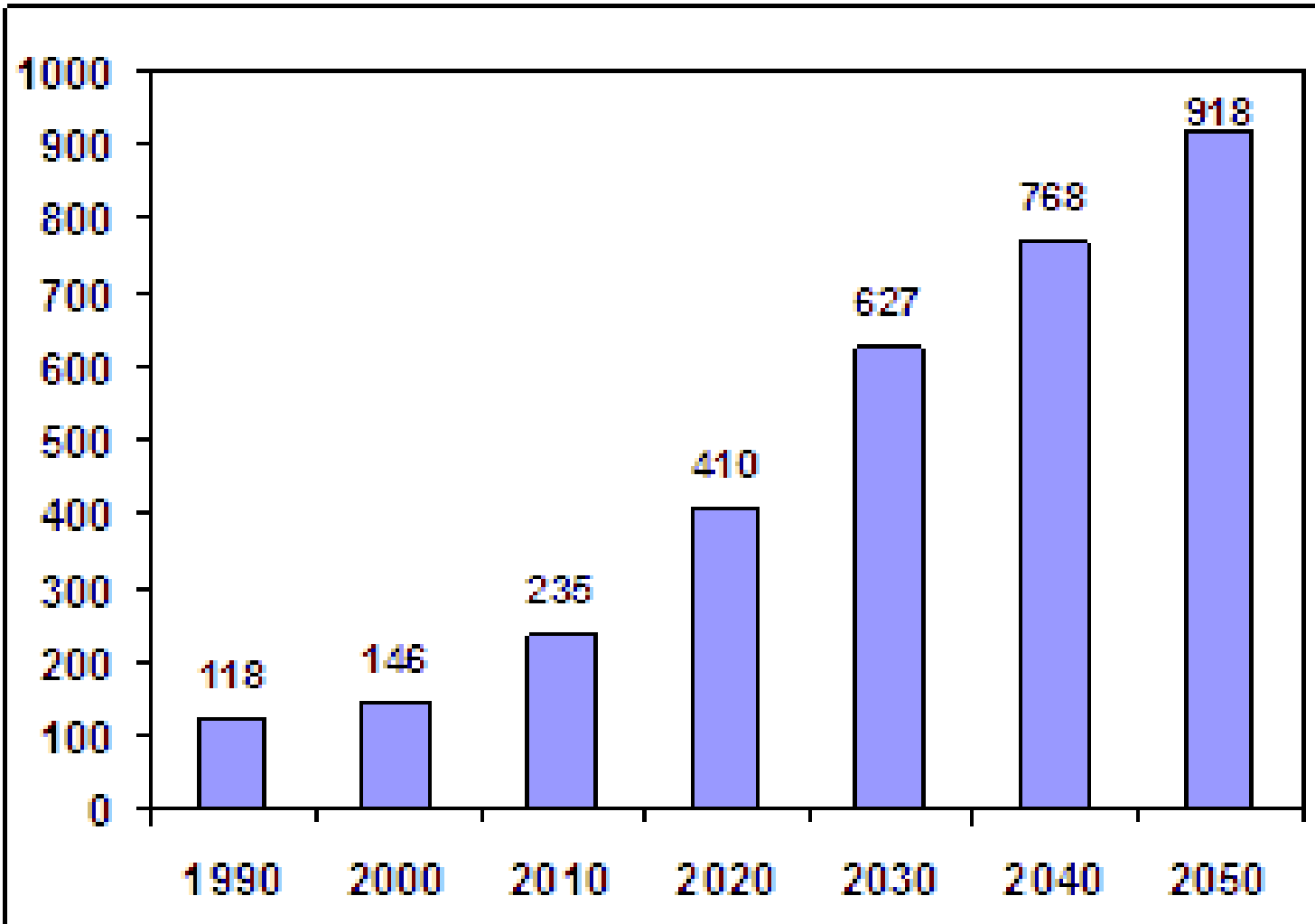
[www.SWCLAP.org](http://www.SWCLAP.org)

# 2010 Census

- 2.9 million “AI/AN alone”
- 5.2 million “AI/AN alone or in combination with another race”
- More than 560 Tribes, Pueblos, Villages, Rancherias, Communities, Nations
- Urban, rural & reservation
- Sovereign Nations



# Past, Present, and Future - American Indian and Alaskan Native Persons 65+, 1990 - 2050 (numbers in thousands)



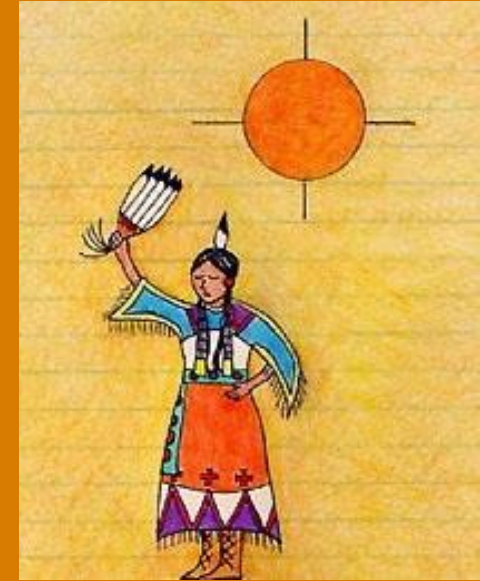
## **Residence –**

**In 2007, 51% of American Indian and Alaskan Native elderly lived in just six states:**

**California (13.8%), Oklahoma (11.2%), Arizona (9.4%), New Mexico (6.5%), Texas (5.7%), North Carolina (4.3%)**

# REPORTED Crime Against Adult Native Women

- Native women have highest rate of
  - violent crime victimization
  - sexual assault (2 ½ x),
  - Stalking (2 ½ x),
  - domestic violence (2 ½ x),
  - more likely to suffer a sexual assault
    - by multiple perpetrators,
    - with a weapon,
    - result in injuries



# Statistics

**More than 1 in 3 of American Indian/Alaska Native women (34.1%) will report being raped sometime during their life (CDC & DOJ, NVWS 2000)**

# Low Reporting

**Less than half** of all rapes and sexual assaults committed against American Indian women are **reported** to law enforcement.

U.S. Dep't of Justice, *Reporting Crime to the Police 1992-2000* (March 2003).

# Sexual Assault Against Elders: The “Unthinkable”

- 79% of all forms of elder abuse against Natives goes unreported NICOA
- There are few statistics addressing the prevalence of sexual violence against older Native women.



# NICOA: lack of reporting

- Elders' fears of being perceived as weak or dependent
- Elders' desires to protect their abuser
- Shame, embarrassment and stigma
- May not be aware of what behaviors are considered abusive
- Lack of screening by health care providers and social services providers

# Lack of reporting cont'd

- A perception that elders will refuse help or will not take any action
- Elders' beliefs that they cannot leave abusive situations for financial reasons
- Elders may not view themselves as being abused or exploited by family members

# Lack of reporting cont'd

- Elders may believe that abuse stems from factors that can not be remedied by services or legal interventions (insufficient prayer, etc.)
- Cultural beliefs that discourage confrontation, accepting help from outsiders, etc.
- Elders' desire not to bring law enforcement into the lives of their family

# Who Is An “Elder?”

- Dominant Culture Definition
- Definition used by Native people



# What Is Elder Abuse?

- National Center on Aging:
  - Physical Abuse
  - Sexual Abuse
  - Emotional or Psychological Abuse
  - Neglect: refusal to fulfill duty to an elder

*What is Duty towards elders in dominant culture and under dominant culture's law?*

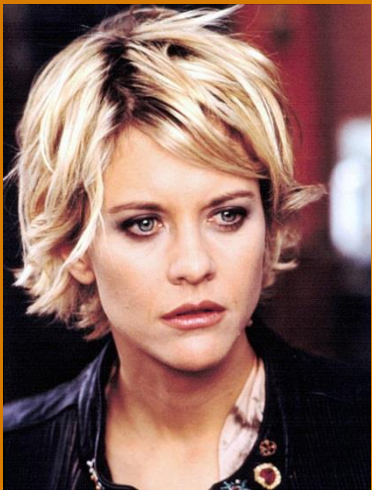
*In Native communities?*

# What Is Elder Abuse cont'd

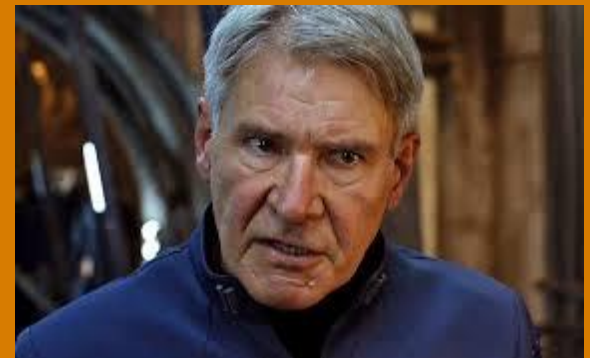
- **Abandonment**
- **Financial or Material Exploitation**
- Other forms of abuse common in tribal communities? \_\_\_\_\_

# What is the **value** of an elder?

- In Dominant Culture?
- Is it different for males and females?



Meg Ryan



Harrison Ford

**AGING: IF IT'S NOT YOUR ISSUE....  
IT WILL BE**

# **Native communities traditionally hold elder women in extremely high regard.**

Native elders are respected for:

- Traditional knowledge**
- Life experience**
- Often viewed as important, historical, link in the chain of The People.**
- “Glue” for the family & community**





# Rape is an act of power and control, not sex.

- **Myth:** Rape is sex.
- **Fact:** Rape is experienced by the victims as **an act of violence**. It is a life-threatening experience....**power, control** and anger are the primary motives.... Gratification comes from gaining power and control and discharging anger.

# Why Do Perpetrators Sexually Abuse The Elderly?

- Power and Control – Domestic Violence
- Male Privilege
- Lack of fear of punishment
- Because they can

Any additional **causes of Native elder abuse** (including sexual abuse)?

**NICOA** asked AI/AN elders:

**alcohol and substance abuse;**

**turning away from traditional culture**

# Risk Factors for Abuse

- Female
- Oldest of the elders (80 plus = 2 x risk)
- **Poverty**
- **Physically Frail**
- **Inability to care for oneself**
- Elder living in same house as caretakers
- Caretakers report feeling overwhelmed



As many as 50 percent of patients who are long-term residents of hospitals and specialized rehabilitation centers are there due to crime-related injuries

National Rehabilitation Information Center (NARIC)

# OJP/OVC 2003 Report

First Response To Victims of Crime Who Have A Disability

- Risk of crime victimization of people with disabilities is higher than that of the general population
- People with disabilities are often repeatedly victimized by the same perpetrator

Office for Victims of Crime

**OVC**

# Crimes Against Persons With Disabilities

- 90% of perpetrators of all crimes against people with disabilities are known to the person with the disability

# 2009 NIJ Study: telephone survey of 6,000 elderly victims of physical abuse:

- A majority (57 percent) of perpetrators were partners or spouses.
- Half of perpetrators were using drugs or alcohol at the time of the mistreatment.
- Three in ten perpetrators had a history of mental illness.
- Over 1/3 of perpetrators were unemployed.
- Four in ten perpetrators were socially isolated.



# 2005 NIJ Elder Sexual Abuse Study

- Elderly sexual assault victims not routinely evaluated to assess the psychological effects.
- The older the victim, the less likelihood that the offender would be convicted of sexual abuse.

# 2005 NIJ Elder Sexual Abuse Study

- When elder victims have signs of physical trauma (bruises, positive DNA, etc.) the perpetrators were more likely to be charged with a crime.
- Victims who live in assisted living (nursing homes, etc.) are **less likely** than victims living independently to see criminal charges brought and the perpetrator found guilty.

# Challenges to Addressing Abuse

- Justice systems' lack of codes
- Lack of APS
- Jurisdictional complexities in investigation and prosecution
- Lack of training for law enforcement, health and social services on responding
- Lack of training of non-Indians working with Native elders

# Challenges cont'd

- Lack of resources for in-home support
- Lack of resources for respite care for caregivers
- Lack of resources for crisis care and long term placement on reservations
- Lack of caregiver training
- Lack of community awareness

# Issues

- Who pays for services for abused elders residing on reservations? The Tribe? The State? IHS?
- What if there is no Adult Protective Services?

# What Can Tribal Communities Do?

- TREAT AS A CRIME!
- Additional enhanced criminal penalties for crimes against elders and victims with significant disabilities
- Screening of caregivers
- Mandatory reporting:
  - “An individual struggling to maintain independence may perceive mandatory reporting as excessive "protectionism," while others believe that the legal requirement to report crimes against "vulnerable adults" is integral to ensuring their safety.” NOVA

# What to do cont'd

- Independent Living or Elder Centers
- Trained respite care workers
- Better screening by legal services, social services, healthcare, law enforcement, etc.
- Multi-disciplinary teams with independent review when there are unexplained deaths, injuries, etc.
- Abuse prevention education for families and care givers (increased reporting goal)

# What to do cont'd

- Consider using CAC for forensic interviewing of elders
- Shelter and other living accommodations besides institutionalization – accessibility
- Cross disciplinary cooperation (health care, social services, legal system)



# Problem Solving

- Ombudsperson
- Codes (UNM) criminal and civil
- **Guardianship (over person) and conservator (over \$\$\$ and property) proceedings**
- **Listen to elders** for suggestions on improving the system



[Swclap.org](http://Swclap.org)



Southwest Center for  
Law and Policy