

U.S. Department of Justice
Office on Violence Against Women

2019 Tribal Consultation Report

New Buffalo, MI

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Acronyms and Definitions

Acronym	Definition
ACF	Administration for Children and Families
AI/AN	American Indian and Alaska Native
ANWRC	Alaska Native Women’s Resource Center
BIA	Bureau of Indian Affairs
BJA	Bureau of Justice Assistance
CFR	Code of Federal Regulations
COPS	Office of Community Oriented Policing Services
CTAS	Coordinated Tribal Assistance Solicitation
DOI	U.S. Department of the Interior
DOJ	U.S. Department of Justice
FBI	Federal Bureau of Investigation
FVPSA	Family Violence Prevention and Services Act
HHS	U.S. Department of Health and Human Services
HUD	U.S. Department of Housing and Urban Development
IHS	Indian Health Service
LGBTQ	Lesbian, gay, bisexual, transgender, and queer
NamUs	National Missing and Unidentified Persons System
NCAI	National Congress of American Indians
NIHB	National Indian Health Board
NIJ	National Institute of Justice
NIWRC	National Indigenous Women’s Resource Center
OIG	Office of the Inspector General
OJJDP	Office of Juvenile Justice and Delinquency Prevention
OJP	Office of Justice Programs
OJS	Office of Justice Services
Oliphant Fix	In <i>Oliphant vs. Suquamish Indian Tribe</i> , the Supreme Court ruled against tribes’ criminal jurisdiction over non-Indian perpetrators of crime on tribal lands. The term “Oliphant Fix” refers to legislative proposals to reverse this decision and reaffirm tribal jurisdiction over all crimes on tribal lands.
OVC	Office for Victims of Crime
OVW	Office on Violence Against Women
P.L.	Public Law
P.L. 280	For the six states in which it applies, Public Law 83-280 limits federal authority over most major crimes on tribal lands, supplanting it with expanded state criminal jurisdiction over those crimes.
P.L. 638	Under Public Law 93-638, the Indian Self-Determination and Education Assistance Act, tribes and tribal organizations can acquire increased authority over federal programs that affect tribes. The agreements that transfer this authority are called 638 contracts or compacts.
SAUSA	Special Assistant U.S. Attorney

Acronym	Definition
SDVCJ	Special Domestic Violence Criminal Jurisdiction
STOP	Services, Training, Officers, Prosecutors (used in the title of OVW's largest grant program, the STOP Violence Against Women Formula Grant Program, which provides funding based on population to the states, which in turn make subawards to entities within their states)
TAP	Tribal Access Program
TLOA	Tribal Law and Order Act
U.S.C.	U.S. Code
VAWA	Violence Against Women Act
VOCA	Victims of Crime Act
VPSO	Village Public Safety Officer

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Disclaimers

This document is a summary of testimony provided at the 2019 OVW Tribal Consultation, held pursuant to Public Law 109-162, Title IX, Section 903 of the Violence Against Women Reauthorization Act of 2005, as amended. The document itself has no force or effect of law and does not create any legally binding rights or obligations binding on persons or entities. This document does not reflect the opinion or position of the Department of Justice; rather, it provides a comprehensive overview of two days of testimony and dialogue at the 2019 Government-to-Government Consultation.

The complete transcript for the 2019 Tribal Consultation is available upon request. Please note hard copy requests may incur a charge for printing.

Introduction

When the Violence Against Women Act (VAWA) passed in 1994, it established a framework for the federal government to respond to domestic violence, sexual assault, and stalking. The legislation authorizes programs and funding streams designed to help protect victims and promote justice. Subsequent reauthorizations of VAWA added dating violence and included specific provisions for addressing violence against AI/AN women, including responses to sex trafficking. Among those provisions, VAWA 2013 affirmed Special Domestic Violence Criminal Jurisdiction (SDVCJ), under which federally recognized tribal governments can prosecute certain non-Indian perpetrators for crimes of domestic or dating violence or violations of qualifying protection orders that occur on tribal lands.

VAWA requires the Attorney General to conduct government-to-government consultation with tribal nations to gather input on how to best administer tribal funds and programs established by VAWA and subsequent legislation. DOJ OVW hosts an annual tribal consultation, at which representatives from DOJ, HHS, and DOI hear testimony from tribal leaders and their delegates and seek recommendations regarding:

- Administering funds and programs;
- Enhancing the safety of AI/AN women from domestic violence, dating violence, sexual assault, stalking, and sex trafficking; and
- Strengthening the federal response to these crimes.

This report summarizes testimony provided by tribal leaders and their delegates during the 2019 tribal consultation event or subsequently submitted to OVW in writing.

Consultation Questions

OVW provided two framing papers to registrants prior to the tribal consultation: one discussing approaches to increasing the number of tribal applications for OVW funding and another regarding proposed grant funding incentives in Savanna's Act. (See Appendix 3 for the full text of the framing papers.) As part of their oral or written testimony, tribal representatives were asked to respond to the following tribal consultation questions from the framing papers.

Increase Tribal Applications Framing Paper

- How can OVW encourage tribes to apply for OVW funding to help ensure that violence against women grant funds reach more tribal communities?

Proposed Grant Funding Incentives in Savanna's Act Framing Paper

- Do tribes support, under OVW grant programs, proposed funding incentives for jurisdictions, including tribes, that are implementing certain guidelines, protocols, or data reporting related to missing or murdered Indians?
- If such funding incentives are enacted, how should OVW implement them so that they are helpful to tribes and tribal communities in their efforts to combat domestic violence, dating violence, sexual assault, and stalking?

Tribal Consultation Event

OVW held its 14th Annual Government-to-Government Violence Against Women Tribal Consultation on August 21 through 22, 2019, in New Buffalo, MI. Participants included 173 tribal attendees (68 of which were tribal leaders); 56 federal representatives; and 80 others, including state representatives and leadership from AI/AN organizations.

Opening Ceremonies

Clarence White, Pokagon Band of Potawatomi Spiritual Elder, offered an opening prayer. John T. Warren and Ribbon Town performed an honoring drum song while the Pokagon Tribal Police Honor Guard and Pokagon Veterans Color Guard posted the colors.

Uniting Three Fires Against Violence conducted a shawl ceremony to pay homage to victims of violence. Members of the coalition placed shawls on five chairs to symbolize women, children, men, elders, and the LGBTQ community. Alongside these chairs, they left a sixth chair empty to honor those who have passed away or remain unfound.

Welcoming Remarks

Andrea “Andy” Jackson, Tribal Council Member, Pokagon Band of Potawatomi Indians

Ms. Jackson welcomed the participants to the tribal consultation. She encouraged tribal attendees to share their voices and the voices of their communities, who are counting on them to speak from the heart.

Laura Rogers, Acting Director, DOJ OVW

Ms. Rogers thanked the tribal leaders and delegates for their attendance and thanked the Pokagon Band of Potawatomi Indians for hosting the tribal consultation. She expressed her excitement at attending her first OVW tribal consultation.

Sherriann Moore, Deputy Director, Tribal Affairs Division, DOJ OVW

Ms. Moore welcomed attendees and announced that the 14th annual OVW tribal consultation marks the largest OVW tribal consultation to date. She then described the event logistics, including the order of speakers.

Principal Deputy Associate Attorney General Claire McCusker Murray

Principal Deputy Associate Attorney General Murray welcomed all attendees to the tribal consultation on behalf of DOJ. She thanked the tribal delegates for making time in their schedules and, in many cases, traveling great distances to attend. The presence of so many tribal leaders and delegates attested to their commitment to the common goal of addressing violence against AI/AN women. Domestic violence and sexual assault are devastating crimes that affect every community, but AI/AN women face some of the highest rates of domestic violence, sexual assault, and domestic violence homicide in the country. This epidemic is appalling and unacceptable. Principal Deputy Associate Attorney General Murray stated that she and all of DOJ are committed to using every tool available to combat this violence and help victims heal. She noted that she looked forward to hearing more from tribal representatives about the best way to accomplish this goal.

While acknowledging there is more to be done, Principal Deputy Associate Attorney General Murray highlighted several of DOJ's recent successes regarding violence against AI/AN women, which include the following:

- **Addressing the Needs of Alaska Natives:** After visiting Alaska, Attorney General William Barr was determined to act. Within a few weeks of his return, the Attorney General declared a law enforcement emergency in rural Alaska under the Emergency Federal Law Enforcement Assistance Program and authorized funding to support Alaska Native Village public safety and victim services. A few of those measures include:
 - Six million dollars in BJA funds for hiring and training VPSOs, village police officers, and tribal police officers;
 - COPS funding for 20 new law enforcement positions, including equipment and training;
 - An OVW award for training community health aides in Alaska Native villages to perform sexual assault forensic exams and to train victim advocates;
 - OJJDP and OVC funds for children's advocacy centers in rural Alaska to conduct forensic interviews and medical exams for children; and
 - An invitation to the state of Alaska to apply for funding to support two new prosecutors, cross-designated as SAUSAs, in rural Alaska who will focus on prosecuting violent crime.

- **Increasing Prosecutions and Special Assistant United States Attorneys:** DOJ has increased criminal prosecutions of certain forms of domestic violence on tribal lands by as much as 167 percent. This increased capacity for prosecutions is partly due to a federal statute, 18 U.S.C. § 117, which allows for the prosecution of habitual offenders who commit domestic assault "within the special maritime and territorial jurisdiction of the United States or Indian Country." To boost capacity for holding perpetrators accountable, OVW has expanded the Tribal SAUSA program, which cross-designates tribal prosecutors as Special Assistant U.S. Attorneys to promote high-quality investigations and strengthen cooperation between tribal and federal law enforcement. Because tribal SAUSAs can bring cases to both tribal and federal courts, they help ensure cases are prosecuted.

- **Responding to Cases of Missing or Murdered Indigenous People:** DOJ has undertaken two initiatives to address missing or murdered indigenous women and children. In 2020, OVW will host its second annual Strengthening Sovereign Responses to Sex Trafficking conference. This conference provides training for tribal service providers, law enforcement, and justice system personnel on sex trafficking, including the intersection of sex trafficking and missing or murdered AI/AN women and youth. Second, NIJ and other partners hosted a Missing Person Day Event in conjunction with this tribal consultation.

Principal Deputy Associate Attorney General Murray concluded her remarks by reiterating DOJ's deep commitment to working with tribal leaders to address the unacceptable rates of violence against women in AI/AN communities.

Introduction of Federal Partners

Ms. Rogers facilitated the introduction of federal participants. In addition to Principal Deputy Associate Attorney General Murray, Ms. Rogers, and Ms. Moore, the following DOJ representatives engaged in the tribal consultation.

- **Taylor McConkie**, Deputy Associate Attorney General
- **Gina Allery**, Deputy Director, Office of Tribal Justice
- **Kurt Alme**, United States Attorney for the District of Montana
- **John Anderson**, United States Attorney for the District of New Mexico
- **Andrew Birge**, United States Attorney for the Western District of Michigan
- **Darlene Hutchinson**, Director, OVC
- **Sean Lewis**, Assistant U.S. Attorney, Western District of Michigan, U.S. Attorney's Office
- **Mary Powers**, Deputy Director for Policy, Outreach, and Communications, OVW

As mandated by VAWA, federal partners from HHS and DOI participated in the tribal consultation. HHS representatives included:

- **Jean Hovland**, Commissioner of the Administration for Native Americans and Deputy Assistant Secretary for Native American Affairs, ACF
- **Rear Admiral Chris Buchanan**, Deputy Director, IHS
- **Shawndell Dawson**, Director, Division of Family Violence Prevention and Services, ACF

The representative from DOI was:

- **Carol Brown**, Senior Counselor to the Assistant Secretary—Indian Affairs

Tribal Testimony

In total, **45 tribal leaders and designees** representing **46 tribes** shared in-person testimony at the tribal consultation. The following sections summarize this testimony, organized alphabetically by tribe and accompanied by the name and title of the speaker(s).

Some tribal representatives who spoke at the tribal consultation also provided written comments to underscore or elaborate on their oral testimony. In those cases, the written comments are integrated into the summarized testimony below. A separate section of this report presents testimony from the 10 tribes and one AI/AN organization that provided written comments only.

Akiak Native Community

Michael Williams, Council Secretary and Treasurer

As sovereign nations, tribes need to reassume tribal authority to protect AI/AN women from harm because they are our backbone. Akiak Native Community supports NCAI's resolution on violence against women and briefing paper on the tribal VOCA set-aside.

Law Enforcement

AI/AN people suffer from high rates of crime and victimization. The 2013 Indian Law and Order Commission Report confirmed a dramatic under provision of criminal justice services in rural and Native regions of Alaska. Until recently, tribes in Alaska and other Public Law 83-280 (P.L. 280) states were ineligible for BIA funding for tribal law enforcement and courts. Although the funding stream is now available, it is insufficient to meet tribal needs. Current federal funding levels fail to support criminal justice needs in Alaska. Law enforcement created and administered by Alaska Native villages will be responsive to local needs.

Funding

Tribes must compete against one another for DOJ and HHS funding. In the end, only tribes with grant writers can successfully apply for funding, while under-resourced tribes go without. Tribes that do receive awards cannot rely on continuity of the funding. As a result, many successful tribal programs fail after the grant cycle ends. Funding is extremely limited for rehabilitation and treatment, which are essential components of public safety and crime reduction.

Housing

Since many victims of domestic violence cannot afford airfare to flee a remote village, there is an urgent need for shelters in Alaska Native villages. FVPSA is the only dedicated federal funding source for domestic violence shelters. The 10% FVPSA set-aside predated the restoration of Alaska tribes, which increased the number of federally recognized tribes by 40%. The set-aside is now stretched much more thinly across many more tribes.

STOP Violence Against Women Formula Grant

VAWA 2013 requires states under the STOP Violence Against Women Formula Grant program to consult with tribes when developing the state STOP implementation plan. Alaska has not complied with their obligation to consult with Alaska tribes, and the resulting plan does not reflect tribal concerns. The state has not provided adequate notice to Akiak Native Community regarding tribal consultation and has not coordinated with the tribe appropriately in developing the plan. DOJ needs to hold the state accountable for fulfilling the tribal consultation obligation to ensure collaboration between the state and tribes in determining how to address violence against women.

Recommendations

Law enforcement:

- Consult with tribes to develop a proposal for reforming tribal public safety funding to meet local needs.
- Support the authority of Alaska Native Villages to design and carry out local, culturally relevant, and tribally defined solutions to address the lack of law enforcement and judicial services in villages by using SDVCJ funds to support an Alaska intertribal working group. This working group would help develop a pilot project for Alaska Native responses to violence against women and reforms for tribal public safety funding in Alaska.
- Provide training and funding directly to Alaska Native Village tribal governments to create and administer their own law enforcement who can respond immediately to crimes.

FVPSA funding:

- Reauthorize FVPSA to include the following enhancements for tribes. Within the reauthorization:
 - Increase the tribal set-aside to 12.5%.
 - Create permanent authorized funding for the ANWRC.
 - Establish permanent authorized funding for the StrongHearts Native Helpline.
 - Create permanent funding for the tribal domestic violence coalitions.
- Provide separate, non-competitive FVPSA funding for tribes.
- Offer tribes the option to base their annual FVPSA funding allocation on their enrollment numbers, rather than census numbers, which are usually outdated.

Crime Victims' Fund:

- Transfer OVC funds to FVPSA to support safe housing.
- Establish a standing tribal advisory committee to guide decisions regarding the tribal set-aside of the Crime Victims' Fund.
- Amend VOCA to create a dedicated tribal funding stream that follows a self-governance compacting model. Consult with tribes to develop an appropriate formula for a tribal set-aside under VOCA.
- Organize and fund a regional technical assistance team for working with tribal governments to develop strategic plans for victim services.

STOP Violence Against Women Formula Grant

- Clarify the process that states must follow for tribal consultation regarding STOP, including whom to contact and when and how to contact them.
- Require states to certify that they have consulted with all tribes within the state before disbursing funds.
- Require the state of Alaska to provide information on how STOP funds directly support local tribal government responses to violence in Alaska Native villages.

Missing or Murdered Indigenous Women

- Establish a high-level working group to develop and implement protocols for responding to missing or murdered indigenous women, to include the NCAI violence against women task force, Indigenous Women's Resource Center, Indian Law Resource Center, and the ANWRC.
- Provide federal support for forensic testing to process backlogged cases of missing or murdered indigenous women.

Anvik Tribal Council

Elizabeth Jerue, Authorized Designee

Alaska Native women make up 19% of Alaska's population, yet account for 47% of reported rapes. In Alaska Native villages, the reported rates of domestic violence are up to 10 times higher than the rest of the country. In some villages, every single woman has reported being a victim of rape in her lifetime.

Law Enforcement

The village of Anvik is among the nearly 40% of Alaska villages that have no law enforcement. The only law enforcement option in the village is the Alaska State Troopers, who have displayed a consistent pattern of insufficient response to domestic violence. Three troopers cover 45 other villages in addition to Anvik, and they are 1.5 hours away from our village by plane. Further, Anvik often has impassable weather, which leaves law enforcement unable to respond and victims trapped.

Some of my earliest memories as a child are waking up in the mornings to see someone sleeping on the couch who was not there when I went to bed because my parents had responded to a life-threatening situation in the night. My parents are not law enforcement, but they helped keep women and children safe because there was no law enforcement available to do so.

Tribal Criminal Jurisdiction

VAWA 2013 failed to fully protect women, in part because it failed to extend SDVCJ to Alaska and Maine tribes. VAWA 2013 states that SDVCJ shall apply in Indian country, but 228 of the 229 Alaska tribes do not meet the legal definition of Indian country. For tribes in Maine, the Maine Indian Claims Settlement Act prevents implementation of SDVCJ. VAWA also did not extend tribal criminal jurisdiction to include other violent crimes beyond domestic violence, such as sexual assault, stalking, and sex trafficking.

Housing

There are only two tribal domestic violence shelters in Alaska, which is insufficient to properly serve all 229 Alaska tribes. The shelters are almost always full, and victims therefore have nowhere to go.

Recommendations

- Support the authority of Alaska Native villages to design and carry out local and culturally relevant solutions to address the lack of law enforcement and judicial services in the villages.
- Provide direct funding and training for Alaska Native villages to hire village police officers and VPSOs.
- Work with villages to address habitual offenders.
- Expand SDVCJ to tribes in Alaska and Maine and to include additional violent crimes.
- Increase funding for tribal implementation of SDVCJ.
- Support the pending reauthorization of VAWA.
- Support the reauthorization of FVPSA.
- Support the Native Youth and Tribal Officer Protection Act, Justice for Native Survivors of Sexual Violence Act, Savanna's Act, and the Not Invisible Act.
- Create a specific funding stream for improving the response to missing or murdered indigenous women.

Asa'carsarmiut Tribal Council

James Landlord, First Chief

Asa'carsarmiut Tribal Council supports the concerns and recommendations that NCAI has articulated.

Funding

Funding to tribes should be non-competitive, and the federal government should defer to tribes on how tribes should implement federally funded projects. Federal grant programs will only succeed if they are tailored to each tribe's circumstances and traditional ways.

Asa'carsarmiut Tribal Council does not support the proposed requirement in Savanna's Act to provide funding incentives to tribes that implement a protocol for addressing the disappearance or murder of indigenous people. Incentivizing tribes that already have resources works against tribes that lack the resources and personnel to implement these protocols. The funds that go toward the incentives would subtract from the pool of money available to all tribes. OVW should instead provide base funding to all tribes seeking funds to address violence against women.

Justice Response

VAWA funding provided the tribe with the resources it needed to develop a police force and tribal court. However, grant conditions prevent the village from using its own legal team to draft codes regarding domestic violence and sexual assault. The tribe requested an amendment, but the request was denied. The tribe's legal team understands tribal law, state law, and local circumstances and, as such, is an asset to developing codes. The tribe has attempted to recruit legal assistance from outside the village to no avail.

Recommendations

- Provide non-competitive OVW base funding to all tribes, and design the grant to include flexibility for tribes to determine how to implement projects using these funds.
- Permit tribes to use their own legal teams for grant-funded projects.
- VOCA funding must be non-competitive and flexible for the development of tribal programs.
- Increase funding for tribal safe shelters for victims of violence.
- Support crisis response training for tribal victim services staff.

Daphne Joe, Wellness Coordinator, Authorized Designee, Asa'carsarmiut Tribal Council

Domestic Violence Shelters

As the village grows, many households have become overcrowded, which can exacerbate family tensions and abuse. These struggles lead some families to move away, which severs them from their culture and traditional lifeways. Safe housing is a basic need for victims of violence, and an urgent need in Mountain Village due to extreme cold that lasts for half of the year. Women and children have fled outside in temperatures of negative 40°F because they are escaping abuse and have nowhere to go. The closest shelters require a flight to Bethel or Emmonak. Even these shelters are underfunded, and sometimes women and children must wait days or weeks for available space.

I am a survivor of domestic violence and sexual assault. I experienced domestic violence with the father of my children. The longer I stayed with him, the worse the situation became and the quieter and more afraid I became. Women who successfully leave domestic violence situations often do not adequately

heal from the violence; some turn to alcohol. Survivors of domestic violence need services that encourage them to heal so that our communities, as a whole, can heal. I started a group gathering where women can share their stories, and this approach has helped with healing.

Historical Trauma

The federal government must understand the history of violence against women in Alaska Native villages. Traditionally, Alaska Native cultures are based on respect and did not tolerate abuse. However, federal termination policies damaged this way of life. In my grandparents' generation, our homes were invaded, our relatives died from new diseases, and we were punished for speaking our language and living our way of life. People turned to alcohol to mourn these changes. We are still healing from the historical trauma. We must provide shelter for women and children and education for the perpetrators. Federal programs that provide funding to tribes must be based in tribal ways of life and must support who we are, rather than change who we are.

Recommendations

- Redesign tribal VAWA and VOCA funding to be non-competitive.
- Recognize that tribes have the authority and knowledge to protect their own people through traditional approaches to justice.

Cahuilla Consortium

Samantha Thornsberry, Director of Cahuilla Consortium, Authorized Designee

Cahuilla Consortium includes three tribes:

- Cahuilla Band of Indians
- Los Coyotes Band of Cahuilla and Cupeño Indians
- Santa Rosa Band of Cahuilla Indians

In 2018, through funding from OVW, FVPSA, and OVC, the Cahuilla Consortium secured an office and two program vehicles after nine years of staff working out of their personal vehicles. The program now has two full-time and one part-time staff members. The program has also expanded emergency and transitional housing services.

Law Enforcement

Only one of the three consortium tribes has a police department. The Cahuilla Band and Santa Rosa Band must rely on the county sheriff for 911 response, meaning the response is usually delayed or nonexistent. The two tribes would like to develop their own police forces, but they lack resources and infrastructure. When a tribe lacks law enforcement, perpetrators see the tribal lands as a lawless place where they can get away with committing crimes.

County responses to 911 calls are different for off-reservation incidents than on-reservation incidents. A few weeks ago, while away from the reservation, I accidentally called 911 on my new phone. A dispatcher called me back immediately saying a deputy was nearby, and when I explained that the call was an accident, the dispatcher instructed me to go to the nearest store and ask a store clerk to verify my identity and confirm that I was fine. In contrast, my elderly uncle was assaulted on tribal lands a few years ago, and county law enforcement did not respond until the next day.

Housing

Shelters are often full, low-income housing is limited, and placing a victim in a hotel room is often an isolating and scary experience. The consortium has not established its own shelter due to security concerns and a lack of funding.

Prosecution of Crimes

In 10 years of serving victims, only one of our cases was ever picked up for prosecution. Even then, the investigator almost declined the case. He believed the perpetrator's statement that the victim has a drug problem because, when he interviewed her over the phone, her speech was slurred. She has a medical condition that causes hearing difficulty and speech delay; the investigator should have interviewed her in person.

Proposed Grant Funding Incentives in Savanna's Act

The consortium opposes providing incentives to some tribes, as this arrangement puts tribes without law enforcement at an automatic disadvantage. Further, tribes do not need encouragement to act on murdered or missing relatives; they are already doing as much as they can to respond with the funding and resources they have.

Funding

The consortium does not support competitive funding models. The federal government should fund tribes equitably. Any funding provided to tribes to address murdered or missing indigenous people must be flexible and acknowledge the value of culturally relevant approaches to violence prevention.

Creating a budget narrative to apply for federal funds is difficult, as it is impossible to estimate how many victims a program will need to serve or which services each victim will need. Even though the federal government has decreased the number of special conditions for tribal funding, there are still more than 60, and they feel intrusive. The items required in funding application packets seem excessive and could potentially be consolidated. For example, an abstract may not be necessary, since it echoes the narrative. Finally, the budget approval process for grant awardees is not timely. Many tribes cannot afford to await reimbursement for months until the budget is approved. Delayed disbursement of funds often leads to tribes rushing to spend down the funds so unspent funds do not give the illusion that the tribe did not need the money.

Staff who are paid under grant funding cannot use their paid time to write grants. Some tribes employ grant writers, but the grant writers may not know enough about the program to draft a satisfactory narrative. In these cases, program staff end up using their personal time to pursue further funding.

Facilities

Not allowing construction under federal grants keeps some tribes from developing the physical infrastructure needed to house and successfully run their programs. Programs can sometimes invest in trailers, as the Cahuilla Consortium did, but this is not a sustainable solution.

Recommendations

- Support the reauthorization of VAWA with a full Oliphant Fix.
- Provide flexible funding that is not incentivized.
- For population-based grant formulas, provide tribes an opportunity to certify their populations, rather than relying solely on U.S. Census numbers.

- Make funding announcements shorter and easier to read and clarify who is eligible to apply.
- Simplify the funding application process.
- Provide ample time for tribes to apply for funds.
- Reexamine the practice of limiting current tribal grantees from continued funding and, instead, encourage existing grantees to form consortia by adding new tribes to their programs.

Central Council of the Tlingit and Haida Indian Tribes of Alaska

Catherine Edwards, Vice President

As the tribal consultation participants discuss violence against women, women and families are being hurt by the crisis of violence. At each OVW tribal consultation, it seems that the tribal delegates echo the concerns that they presented in previous years. The extremely high rate of violence against AI/AN women indicates that the federal government has failed in its trust responsibility to tribes.

This year, my daughter fled our homelands to escape a stalker. The case went to court, where the judge allowed the stalker to question my daughter. The court then denied her request for a protective order, citing that she was too nice, even though the same defendant was in court 2 months prior for a different stalking incident.

In the 1960s, my great aunt was raped, beaten, and left in a ditch to die. My uncle, who was 15 at the time, had to collect her body. The local police would not respond or assist because she was Alaska Native. It is 2019, and indigenous women are still being beaten, raped, and left in ditches. Law enforcement still is not helping enough.

Alaska is the state with the highest rate of women murdered by men, and that rate is higher for AI/AN women. AI/AN people experience higher than average rates of domestic violence and sexual assault. Alaska Natives are victimized at two times the national average and more in some areas. Statistics show that one in three AI/AN women has experienced sexual assault or domestic violence, but I have yet to sit in a group of my tribal sisters and find two out of three who have not experienced these crimes.

Because 3,000 people died on 9/11, we made drastic changes to airport security. We have lost many more than 3,000 AI/AN women to the epidemic of violence against women, yet nothing has changed. Sea otters receive greater federal protections than AI/AN women and children. What is the federal government doing to prevent these tragedies as part of its trust responsibility to tribes?

Funding/Increasing Applications

It is not appropriate to use funds set aside for tribes to meet funding rescissions.

To encourage more tribes to apply for grants, the grant applications need to be more user-friendly. Tribes waste a lot of time dealing with cumbersome funding applications that should be spent attending to victims. Applications and grant reporting requirements are extremely difficult for tribes to navigate, especially in places with slow internet. The Department of Education grant application is two pages of easy questions, so it appears that federal funding applications do not need to be cumbersome.

Tribes do not want to compete with one another for funds. The FVPSA model, which was created in consultation with tribes, is a beneficial funding disbursement model. Using a formula base, FVPSA

receives applications from more than 200 tribes, whereas OVW only received about 60 last year [for its Tribal Governments Program].

Proposed Grant Funding Incentives in Savanna's Act

It is not appropriate for tribes to compete with one another for incentives when they are all facing the same crisis. Rather, DOJ should create a funding stream specifically for improving responses to missing or murdered indigenous women. Incentives for state, county, and city law enforcement to implement protocols for missing or murdered indigenous women may help address this crisis off-reservation.

Law Enforcement

Alaska does not have adequate law enforcement. Tribes largely rely on the state to provide law enforcement services, since Alaska is a P.L. 280 state. The Alaska state government just cut law enforcement funds by the same amount that the attorney general granted to Alaska, so there are not any additional funds overall. A few villages of Central Council of the Tlingit and Haida Indian Tribes of Alaska have VPSOs, but these positions are difficult to retain due to low pay and no authority to make arrests. VPSOs must wait for state troopers to arrive before making arrests. Sometimes, extreme weather delays response and it takes troopers days or weeks to reach the villages.

DOJ Response to Bills Addressing Violence against Women

Central Council of the Tlingit and Haida Indian Tribes of Alaska is concerned that DOJ has not provided comments on any bills that address violence against women, such as VAWA and the Native Youth and Tribal Officer Protection Act. DOJ has consulted with tribes for years on these issues, and their comments are crucial to representing tribal concerns as these bills take shape.

Jurisdictional Issues

Every Alaska tribe but one (Metlakatla Indian Community) is omitted from the federal definition of Indian country, meaning that Alaska tribes are excluded from exercising SDVCJ. Given the economic strain on Alaska overall, the state lacks resources to assist villages in addressing these crimes.

Recommendations

- Consider the U.S. Department of Education's Electronic Application System for Indian Education (EASIE) grant as a model for more user-friendly grant applications.
- Make OVC funding a formula grant, and instate it permanently.
- Fund the ANWRC as the comprehensive technical assistance provider for Alaska.
- Explicitly state that Alaska Native villages are included in the VAWA provisions for Indian country.
- Provide more funding for tribal coalitions to assist tribes with completing OVW grant applications and help design domestic violence programs where there is no law enforcement presence.
- Create a funding stream specifically for improving responses to missing or murdered indigenous women.
- Hold tribal consultation on the jurisdictional issues that Alaska tribes face in not being included in the federal definition of Indian country. Create a pilot project to address this issue that is similar to the SDVCJ pilot project.

Confederated Tribes of the Umatilla Indian Reservation

Woodrow Star, Board of Trustees Member

Written comments from Gary Burke, Chairman

Criminal Jurisdiction

Confederated Tribes of the Umatilla Indian Reservation was among the first three tribes to exercise SDVCJ. Since then, the tribe has filed 18 cases. However, we have not been able to charge many of the crimes that accompanied domestic violence. The crime we encounter the most that we do not have jurisdiction to prosecute is endangering the welfare of a minor by committing domestic violence assaults in front of children. The House of Representatives' version of the VAWA reauthorization would close that gap and extend tribal criminal jurisdiction to include sexual assault, stalking, and other similar crimes without requiring the perpetrator and victim to have an established relationship. The reauthorization of VAWA would also provide more straightforward protections for law enforcement and corrections officers.

Tribal Detention Facilities

The Bureau of Prison's TLOA felony sentencing pilot program worked well for Confederated Tribes of the Umatilla Indian Reservation, but now that the program has concluded, the tribe does not have the budget to continue exercising felony sentencing authority. The tribe needs permanent funding for long-term incarceration.

Tribal Protection Orders

The state of Oregon fails to afford full faith and credit to tribal protection orders. Confederated Tribes of the Umatilla Indian Reservation is now participating in TAP and can thus enter its own orders into the Criminal Justice Information Services hub. However, the tribe continues to experience issues with local prosecutors not charging violations of tribal protection orders. DOJ must hold states accountable for enforcing tribal orders. Encouraging tribes to develop work-arounds is not an appropriate method to deal with states failing to comply with federal full faith and credit requirements.

Savanna's Act

The Savanna's Act bill includes a public outreach effort for NamUs, and the tribe has data integrity concerns about the database being publicly accessible. Savanna's Act will require U.S. attorneys in each district to consult with tribes and states to develop regional best practices guides. However, tribes are unique in their needs, cultures, and approaches to addressing violence, so it will be difficult to represent multiple tribes in a single document. Further, some tribes do not have strong partnerships with their attorney's office. The bill also requires the U.S. attorneys to determine whether tribes have incorporated these best practices into their policies and protocols and DOJ to give preference to those tribes. The tribes themselves, rather than the U.S. attorneys, are in the best position to make this determination. The effect of rewarding tribes for implementing federal guidelines is to punish tribes that do not. Confederated Tribes of the Umatilla Indian Reservation opposes incentives for tribes that implement federal guidelines.

Recommendations

- Support the House of Representatives' version of the VAWA reauthorization.
- Establish a pilot program for Alaska Native villages to exercise criminal jurisdiction over crimes in their villages, including limited, non-Indian criminal jurisdiction.
- Support a full Oliphant Fix.
- Permanently reinstate or, at a minimum, reauthorize the Bureau of Prison's TLOA felony sentencing program.
- Require states to submit detailed plans on how they will ensure compliance with federal laws on honoring tribal protection orders and consider freezing funds for those that fail to comply.
- Encourage states to permit tribal access to record protection orders in state databases.
- Implement Savanna's Act in a way that does not give preference to tribes that implement federal guidelines over those that do not.
- For funds under Savanna's Act, require state or local law enforcement applicants to demonstrate that they have included tribal nations in their planning.

Confederated Tribes of Grand Ronde

Denise Harvey, Tribal Council Member

Through its award from OVW, Confederated Tribes of Grand Ronde has relocated victims and their children to emergency transitional housing, helped victims cover deposits for rental properties, provided crisis intervention services in an instance of stalking, and helped women obtain protection orders and safety planning assistance. Despite these successes, the tribe has no guarantee that funding for its domestic and sexual violence programs will continue, since the grant is competitive. This ambiguity complicates the program's planning and budgeting.

The disparities in Indian country show that the federal government has not fully honored its trust responsibility to tribal nations.

Housing

Confederated Tribes of Grand Ronde recently purchased two mobile homes that serve as an emergency shelter. However, this short-term shelter does not address the long-term housing needs of victims fleeing from domestic violence. Transitional and long-term housing are necessary for survivors to stabilize their lives and thrive. Often, women who seek emergency shelter return to their abusers because they have nowhere else to go. Further, the shelter only has two staff members. We need additional staff to provide case management, treatment plans, employment training, and health services for victims and their children to help them attain and keep long-term housing.

Child Care

Mothers who leave their abusers often need to increase their work hours or return to the workforce to support their families. Victims fleeing domestic violence need affordable, trustworthy childcare options so that they can work without fearing for their children's safety. Abusers often isolate their victims, meaning a mother may have no friends or family who can assist with childcare. In one instance in our community, a woman fled her abuser and stayed with extended family who were emotionally abusive and controlling toward her young children. However, this housing option was safer than staying with her abuser, and no other childcare options were available while she worked. In another instance, a woman

who escaped her abuser left her daughter with a childcare provider who she suspected was physically abusive because she had no other options.

BIA Funding

BIA funding allocations have not changed since the re-recognition of many tribes that the federal government had previously terminated. Rather than reducing the amount of funding that each tribe receives by dividing this same amount more ways, BIA should increase the overall appropriation to include tribes that could not previously access these funds.

Recommendations

- Ensure the availability of stable, noncompetitive funding for tribes to continue to provide victim services.
- Assist tribes in meeting the need for licensed childcare facilities for domestic violence victims.

Emmonak Tribal Council

Emily Kameroff, Tribal Council Member

Alaska has the highest reported rates of domestic violence and sexual assault in the nation, and the actual rates are higher because many victims do not report.

Housing

The Emmonak Women's Shelter, the only tribally based shelter in Alaska, provides a safe place for victims of domestic violence. However, there are still gaps in shelter services. Children from the village still need safe spaces to stay. I have received countless calls from the police looking for a place for a child to spend the night because their parents are intoxicated.

The village also lacks transitional housing for victims. After a stay in the shelter, many victims have no choice but to return home to their abuser. Due to the high cost of living in Alaska, victims often financially depend on their batterer. For this reason, they often do not report domestic violence.

Missing or Murdered Indigenous People

In 2017, the body of a 19-year-old woman was found on a nearby beach; she had been murdered. In 2018, a teenage boy went missing from Emmonak. Both cases remain unsolved and are only two of many unresolved cases.

Law Enforcement

In the Village of Stebbins, police officers have collectively been convicted of 70 crimes, some of which involve domestic violence and sexual assault. Officials have stated that they have no choice but to hire law enforcement officers with criminal records because few candidates apply for the law enforcement jobs. The positions are part-time and have low pay. Some state troopers no longer respond to domestic violence calls because they are so busy, and one of the troopers screens his phone calls.

Rehabilitation for Offenders

The village needs culturally relevant rehabilitation programs to help people heal, especially repeat offenders. Our people often return to jail for the same crimes, and nothing is done to heal their broken spirits, so they return to the village feeling resentful. Often, they cannot find work and turn to alcohol and drugs.

Recommendations

- Increase public safety funding.
- Provide funding to train tribal medical staff to administer rape kits, and create a position for a trusted person whom victims can talk to regarding sexual assault.
- Fund safe homes for children who are exposed to domestic violence.
- Fund transitional housing.
- Support culturally relevant treatment programs for offenders.

Fort Peck Assiniboine and Sioux Tribes

Jestin Dupree, Tribal Executive Board Member

Nearly half of the Fort Peck Reservation's population lives below the poverty line. The county where most of the tribe's population resides has the poorest health in Montana. This health status is connected to rampant drug and alcohol use on the tribe's lands. Studies have identified substance use, poverty, and homelessness as leading indicators of violence in our communities. Suicide has also devastated our communities. The suicide rate on Montana Indian reservations is 22% higher than elsewhere in the state of Montana. A 2016 study showed that 13% of Fort Peck Assiniboine and Sioux Tribes' youth had attempted suicide. In 2017, violent crime on the Fort Peck Reservation was five times higher than the rest of Montana, and nearly three times higher than the national rate. Almost 40% of these violent crimes involved substance use.

Law Enforcement

Fort Peck Assiniboine and Sioux Tribes was one of the first tribes to enter into a cross-deputization agreement with federal, state, county, and local law enforcement. Under this agreement, tribal officers are deputized to enforce state law and state, county, and local law enforcement agencies are authorized to enforce tribal law.

The tribe has 20 tribal law enforcement officers, three of whom serve as criminal investigators. The turnover rate for police officers is high. The tribe needs to double the number of law enforcement officers to address public safety on the reservation. The officers need more training to recognize abuse, sexual assault, and sex trafficking.

Violence Prevention and Victim Services

Fort Peck Assiniboine and Sioux Tribes operates a domestic violence resource center, the Redbird Women's Center, which is currently the only nationally accredited Native American child advocacy program. We also have a school-based clinic that provides mental and behavioral health services, and this program has greatly benefited students.

Missing or Murdered Indigenous Women

The attorney general for Montana implemented a taskforce to address missing or murdered indigenous women in the state of Montana. The taskforce, which is in beginning stages, includes a member from every Montana tribe, as well as representatives of DOJ and the Montana Highway Patrol. A major concern of the taskforce is the KXL pipeline, which is proposed for construction on the west end of the Fort Peck Reservation. If the pipeline goes through, there will be nearby camps of workers, which poses a threat to the safety of women.

Recommendations

- Increase law enforcement funding to create more law enforcement officer positions and improve training on recognizing violent crimes.
- Create an intertribal working group for sharing best practices on addressing violence in tribal communities.

Havasupai Tribe

Carletta Tilousi, Tribal Council Member

Written comments from Muriel Coochwytewa, Chairwoman

The Havasupai Tribe is an awardee of OVW funding. OVW asks tribes to change their government structures and protocols to receive funding. To meet the grant requirements, our tribe secured a licensed judge and prosecutor, created an appellate court, and updated the law and order code. These requirements are a burden on tribal governments, whose resources are already stretched very thinly.

The Havasupai Tribe, as with other tribes, is working to heal from historical trauma. We face challenges with alcohol and drugs, which perpetuates many domestic violence situations. The federal government must support these healing efforts through proper funding and training.

Geographic Isolation

The Havasupai Village is located in the bottom of the Grand Canyon, and can only be accessed via hiking, horse riding, or helicopter. The remote location complicates the establishment of a domestic violence shelter. Currently, the tribe must fly victims out via helicopter to the nearest safe shelter. Even then, the helicopter typically drops the passengers off at a location that is nearly 70 miles from the nearest town. If no helicopters are flying at the time, the victim has nowhere to go. Housing is also limited in the village, and homes are often inherited, leading victims to feel like they must let an offender back into the house, since it belongs to his family and she may otherwise be forced out. The tribe is working to identify a safe space within the community that can house victims.

Law Enforcement

Another challenge of the remote location is a high turnover rate for BIA law enforcement officers. BIA told the tribe that at least five officers are needed to cover the tribal area, but only one or two officers are on duty on any given day. The tribe has a small BIA detention facility, but lacks the infrastructure for long-term incarceration. Transporting the perpetrator out of the village for long-term incarceration is often cost prohibitive.

Tribal Court

The tribal court building desperately needs to be replaced. There are holes in the walls and serious issues with the electrical work and internet and phone lines. The building lacks restrooms, office space for the judge and attorneys, and private meeting spaces for the prosecutor or public defender. The tribal court does not have a bailiff, so security is an ongoing concern. There is also no appeals clerk.

Investigation of Violent Crimes

Havasupai Tribe needs more training and better collaboration for initial investigative reports. The tribe has rotating doctors, so medical personnel cannot always immediately access medical records for victims of violence. BIA law enforcement and IHS need better training on conducting investigations, and

tribal leadership needs training on how to appropriately approach victims of violence and proper protocols for addressing violence.

Domestic Violence

There is a high rate of recidivism among domestic violence offenders due, in large part, to high rates of alcoholism, since most of our domestic violence cases involve alcohol. Supai Village has no roads, so BIA law enforcement patrols on ATVs. When a victim reports domestic violence, the abuser can often hear the sound of the ATV approaching and flee the scene before the officer arrives. Thus, prosecutions often hinge on the testimonies of witnesses or the victim.

Proposed Grant Funding Incentives in Savanna's Act

Havasupai Tribe does not support enacting incentives for tribes that implement certain federal protocols. Tribes, like ours, that rely on BIA law enforcement have no control over whether law enforcement implements those guidelines. Further, funding tribal programs is part of the federal government's trust responsibility and should not be used as a mechanism to force tribes to comply with certain guidelines.

Increasing Tribal Grant Applications

The grant application process is complicated and burdensome. Tribes need more resources to assist them in completing federal grant applications.

Hopi Tribe

Alverna Poneoma, Tribal Council Representative

Hopi culture is matrilineal and never condoned violence against women. Violence against Hopi women stems from systematic oppression of Hopi people.

Hopi Tribe experiences high rates of domestic violence and sexual assault against Hopi women and girls. The tribe recognizes the intersections of domestic violence, sexual assault, stalking, sex trafficking, substance use, and murdered or missing indigenous women.

Tribes understand tribal people best and know what works and what does not. Tribal communities need more culturally competent, strategic approaches to ending violence against women and more technical assistance from organizations well-versed in indigenous approaches. They also need sustainable resources. Hopi Tribe needs funding to hire an expert to assist in developing stronger ordinances and codes.

Law Enforcement

In July 2019, Hopi tribal law enforcement assumed full law enforcement capability through a P.L. 638 contract with BIA, which marked a significant milestone in Hopi efforts to enact its inherent sovereignty and responsibility to oversee public safety. However, this change created a gap in law enforcement response for major crimes, as traveling to the Hopi Reservation takes an FBI agent at least 2 hours. Delayed responses compromise evidence collection and effective investigation. It is critical that the Hopi domestic violence program retain funding to continue to offer immediate assistance for victims.

Proposed Grant Funding Incentives in Savanna's Act

OVW tribal grant funding is part of the federal trust responsibility to tribes. Therefore, the Hopi Tribe does not think using this funding to encourage tribal governments to adopt federally designed protocols is an appropriate use of funds. Rather, tribes should have the flexibility to develop these protocols based on cultural values, specific victims' needs, and guidelines that will not impede tribes in addressing violence against women.

Domestic Violence

The community is still healing from a series of incidents in the 1970s in which a teacher on the reservation molested 145 young men. Many of the young men died by suicide, turned to alcohol or drugs, or became perpetrators of violence themselves. Hopi Tribe does not have a domestic violence shelter and must send victims to neighboring towns that are at least 60 miles away. The tribe uses two sheds as holding facilities for intoxicated people.

Recommendations

- IHS should include sexual assault nurse examiner training and responsibilities in the position description for nursing staff who are willing and able to fill this role.
- Help explore the intersections of domestic violence, sexual violence, stalking, sex trafficking, and missing or murdered indigenous women.
- Increase permanent, non-competitive funding to tribes through VOCA and FVPSA.
- Support a full Oliphant Fix.
- Continue to consult with tribes on the reauthorization of VAWA.

Keweenaw Bay Indian Community

Carole LaPointe, Health Director

VAWA clarified the federal government's trust responsibility to assist tribes with protecting AI/AN people.

Victim Services

Keweenaw Bay Indian Community has one of only about 60 tribal transitional homes across the country. The shelter serves a significant number of AI/AN women from other parts of the country seeking safety from domestic violence, sexual assault, and sex trafficking. When women flee to Michigan from other states, their state's public assistance, such as Medicaid or food benefits, often does not follow them. When fleeing violent situations, there is no time to plan to transfer public assistance between states. Their eligibility for public assistance is then delayed until the case is closed in their home state, which can take several weeks.

Recommendation

- Encourage states to coordinate efforts so victims fleeing their assailants do not lose public assistance.

La Jolla Band of Luiseño Indians

Norma Contreras, Treasurer

I am a fourth-generation survivor of domestic violence and sexual assault, and my daughters are fifth-generation. To end this cycle, we must act. The breakdown of tribal customs, tradition, and language contributed to the stripping away of balance in the lives of tribal people. The federal government must honor its trust responsibility to tribes by supporting them in restoring their traditions and ways of self-governing and caring for their own people.

La Jolla Band of Luiseño Indians did not struggle with violence against women and related issues until colonization by other nations. Over the past 35 years, advocacy has helped tribes slowly shift away from the acceptance of such violence. The federal government must continue to support tribal capacity to continue addressing these injustices.

AI/AN people face many disparities, including the highest crime and victimization rates, poverty rates, and health disparities, such as suicide and substance abuse. Indian country faces the highest rates of missing or murdered women and girls.

Geographic Isolation

The terrain of the reservation makes it difficult to access resources, such as domestic violence shelters or forensic services. The closest cities to the reservation are nearly an hour away. When tribal police officers arrest a perpetrator, they must drive them far away to book them, since the tribe does not have a jail. The police officer's absence during transportation leaves the reservation vulnerable.

Criminal Jurisdiction

Under Section 221 of TLOA, the U.S. attorney general must accept federal criminal jurisdiction for tribes in P.L. 280 states at the tribes' requests. Some tribal requests for federal re-assumption of criminal jurisdiction have been rejected or unaddressed, and the tribe requests an update on these requests.

Training and Technical Assistance

Federal, state, and county jurisdictions that work with tribes to address crimes need training and standard protocols for working with tribal governments and responding to crimes on reservations. Tribes need technical assistance on responding to crimes in their jurisdictions that involve non-Natives.

Recommendations

- Respond to tribes' requests for federal re-assumption of criminal jurisdiction.
- Expand TAP to all tribes.
- DOJ, DOI, and HHS should share best practices with each other regarding working with tribes.
- Create a permanent formula for tribal funds under VOCA, rather than a discretionary tribal set-aside.
- Provide resources for the development of protocols for responding to missing or murdered indigenous women so the cases do not grow cold.
- Consider federal support for DNA testing to help resolve the backlog of cold cases of homicides of AI/AN people.

Little River Band of Ottawa Indians

Ron Pete, Tribal Council Member

As is the case for AI/AN people overall, citizens of Little River Band of Ottawa Indians are economically marginalized. Data shows that more than 70% of the tribe's constituency has household incomes that are below the area's median income. Poverty increases certain risks to citizens' wellbeing, and economic stability is a crucial component of recovery from violence.

Services for Offenders

One of the best ways to reduce recidivism among domestic violence offenders is to include batterer intervention in their recovery plans. However, there is no such program in our area. We need a nearby batterer intervention program that is rooted in culture to educate offenders.

Limitations of Tribal Criminal Jurisdiction

The maximum sentence tribes can impose under SDVCJ still falls short of the average 4-year sentence for rape in non-Native jurisdictions. Inherent tribal sovereignty combined with U.S. notions of justice suggest that tribes should have the jurisdiction to protect tribal people with heavier sentencing for offenders, as needed.

Little River Band of Ottawa Indians is working to secure SDVCJ. Locating culturally competent, experienced legal representation for defendants accused of domestic violence crimes has been the most challenging aspect of SDVCJ implementation so far. The tribe has worked with the National Association of Indian Legal Services to provide criminal defense in tribal courts.

Gaps in Data

A lack of data has led to an underrepresentation of AI/AN victims and their voices. Through our partnership with neighboring, non-tribal victim service providers, Little River Band of Ottawa Indians has learned that many of our non-Native counterparts do not collect data on the AI/AN people they serve. Collection of this data is crucial for tribes and the federal government to understand the extent of violence against AI/AN people.

Funding

Awarding of a grant does not necessarily ensure a tribe will receive the funds in a timely manner. Often, tribes must wait months after award for budget approval and subsequent disbursement of funds. During that timeframe, the tribe does not have the money to provide crisis intervention services.

OVW grant funding has enabled Little River Band of Ottawa Indians to provide crisis intervention services, including shelter, food, transportation, relocation services, legal representation, transitional housing, and cultural advocacy. The funds have helped empower tribal survivors to heal from their victimization and live healthier lives. This funding has also helped the tribe bring awareness and education to our communities.

Limited Specialized Technical Assistance

The tribe has noticed a lack of technical assistance providers who specialize in cross-jurisdictional issues. Tribal communities and surrounding jurisdictions need training from experts who are well-versed in these issues so they can collaborate effectively toward an appropriate response to domestic violence.

Recommendations

- Explore funding opportunities to create and sustain tribal batterer intervention programs.
- Support the reauthorization of VAWA.
- Require victim service programs to gather data on AI/AN people to receive federal funding.
- Consider using a portion of the OVC tribal set-aside to fund criminal defense services from the National Association of Indian Legal Services.
- Fund training in cross-jurisdictional issues for tribes and their neighboring jurisdictions to help bridge cultural divides.
- Provide grantees with a checklist of the tasks they must complete to move through the budget approval process as quickly as possible.

Little Traverse Bay Bands of Odawa Indians

Stacey Ettawageshik, Lead Survivor Outreach Specialist, Authorized Designee

Written comments from Regina Gasco-Bentley, Chairperson

The attack on tribal water rights goes along with perpetration of violence against indigenous women. Where pipelines are built, worker camps follow. Since these workers are not required to clear background checks, they often pose risks to AI/AN women.

We need to develop strong, universal policies and procedures to ensure swift prosecution when cases arise. If these policies were universal, it would not matter on which of the 573 reservations a crime occurred. The response would be the same. We need to strengthen the tribes' collective response to crimes.

Housing

Housing continues to be the primary barrier for victims of violence in rural tribal areas. Lack of affordable rentals and a rising real estate market mean that most victims cannot afford to leave an abusive situation or must move away from the community to secure affordable housing. The tribe has spent thousands of OVW grant dollars on hotel stays for survivors since there is only one women's shelter in the area. The shelter is not tribally run and lacks consideration for cultural practices, such as not allowing AI/AN residents to smudge for healing purposes; it is also frequently full.

Transportation

Geographic isolation and limited access to community resources contribute to a sense of helplessness among victims. Those without cell phone service are affected the most by geographic isolation. Public transportation is inadequate to meet the need of connecting community members with services.

Legal Assistance

Regardless of criminal prosecution, issues including divorce, custody, and child support arise where victims need to access legal aid to prevent further trauma resulting from the crime. The ability to address these issues is paramount to restoring balance and victim safety. In addition to the cost and length of time involved with these types of cases, victims cannot afford to hire a private attorney, are often turned down for legal aid in our area, and left to navigate the criminal justice system themselves.

Criminal Jurisdiction

Broadening the scope of tribal jurisdiction under VAWA by allowing the prosecution of co-occurring crimes, such as an assault on a law enforcement officer or obstruction of justice, creates systemic change. Holding offenders accountable empowers tribes to take a stand as a sovereign nation and say, “We do not accept violence of any kind on our land.”

Funding

The large gap between funding awards and disbursement of those funds makes implementing services difficult and is a challenge to hiring and retaining program staff.

Recommendations

- Support the reauthorization of VAWA that includes expanded tribal criminal jurisdiction.
- Develop strong universal policies and procedures across tribes for prosecuting offenders to the full extent of the law.
- Decrease the timeframe between award of a grant and disbursement of funds.

Lower Elwha Klallam Tribe

Beatriz Arakawa, Advocacy Program Manager and Victim Advocate, Authorized Designee

OVW funding has helped the tribe provide community awareness events and victim services, including emergency and transitional housing. Ms. Arakawa shared the story of one of the survivors who received victim services from the tribe’s program. For this survivor, transitional housing served as a safe space away from her abuser and a place to begin her recovery from addiction.

Shelters

The severe housing shortage in western Washington has made finding transitional housing for survivors increasingly difficult for the tribe. Recently, survivors who have applied for housing have faced waiting lists as long as 2 to 3 years. Instead, the tribe has booked hotel rooms for the survivors, but they soon reach the maximum allowed funding for transitional housing due to the expense of hotels. The high risk of homelessness for those fleeing domestic violence is a barrier to safety and healing.

Funding

OVW funding prohibits the tribe from assisting victims whose situation does not fit the federal definition of a domestic violence relationship, which requires an established romantic relationship. Expanding the definition to include violence perpetrated by family members would align with tribal values and support the tribe in assisting all victims.

Training

There is a lack of training in tribal communities regarding the immigration provisions under VAWA. This training is necessary to ensure tribes can effectively serve all domestic violence victims.

Recommendations

- Create tribal training opportunities on VAWA immigration provisions.
- Revise reporting requirements to include a realistic level of flexibility so that if a tribal grantee submits a report late, their funds will not be frozen.
- End the practice of forcing tribes to compete with each other for funding.

Lower Sioux Indian Community

Grace Goldtooth, Vice President

Tribes have the knowledge to help their own people heal from violence but need support from the federal government. The federal government must meet its trust obligation to tribes. Lower Sioux Indian Community has witnessed increases in domestic violence and sex trafficking crimes, and in crime generally. Although tribal citizens represent 6.4% of the surrounding county's population, calls from tribal citizens accounted for 53% of calls to county police in 2017. Law enforcement calls to tribal police have nearly doubled in recent years.

Domestic Violence

Recently, the life of a 46-year-old mother and grandmother was taken as the result of a murder-suicide on our reservation. The top two crimes for which the tribal law enforcement department receives calls are drug- and alcohol-related crimes, followed by domestic violence. Often, the two crimes are connected, with perpetrators of domestic violence being under the influence of drugs or alcohol. Resource mapping showed that perpetrators often receive more support than victims of the crime.

Women and children who need safe shelter must travel away from the reservation, which disrupts home structures and often takes children out of school. Further, there is a lack of culturally responsive services outside of the community.

Sex Trafficking

Minnesota faces a high rate of sex trafficking of young AI/AN people. Racism, gender bias, and poverty make young AI/AN women especially vulnerable. In 2015 and 2016, there were 70 reported cases of sex trafficking within Lower Sioux Indian Community, many associated with the casino and hotel, where victims from around the state are often brought. High rates of drug addiction also feed into sex trafficking, with many victims engaging to support their drug dependence or being traded by family members to settle drug-related debts.

Recommendations

- Provide Native-run nonprofit organizations to assist urban and rural tribal communities in providing culturally appropriate services.
- Offer funding for traditional healing practices.

Lummi Nation

Nickolaus Lewis, Council Member

I am concerned about DOJ's stance in the pending case of R.G. & G.R. Harris Funeral Homes vs. Equal Employment Opportunity Commission. DOJ argued that federal law does not ban discrimination based on transgender status. Two Spirit and transgender people need protection, and DOJ must not play politics with people's lives.

Funding

Tribes constantly face challenges applying for and complying with DOJ grants. Tribes must be able to consult with DOJ to determine the requirements for the grants. Often, the decision makers lack knowledge of tribes and do not understand how their decisions impact tribal communities. Those

decision makers need to understand tribes, their uniqueness, and their status as sovereign nations. The federal representatives in attendance at the tribal consultation must advocate on behalf of tribes to make sure our voices are heard when decisions are made. When we have funding barriers, we lose the lives of our loved ones.

International Issues

Many tribal lands are located near international borders. Lummi Nation is along the U.S.-Canadian border. The tribe was divided when international borders were drawn, so many Lummi relatives live on the Canadian side. They join Lummi Nation for ceremonies and cultural activities, and if they become victims of a crime while on the U.S. side, they lack the same protections under the criminal justice system as U.S. citizens, even though they may live as close as five miles from Lummi Nation. It affects the whole family when something like this happens.

Recommendation

- Work with the Canadian Embassy on how to protect tribal families that are divided by international borders.

Olivia Solomon, Victim Advocate, Lummi Victims of Crime, Authorized Designee

Our tribe does as much as we can for victims, but federal law limits the ways in which tribes can respond to victims of crime.

Full Faith and Credit

In 2009, a Lummi woman sought a protective order from the tribe against a non-Native partner. The tribe granted her the order, but the county did not afford full faith and credit to the tribal protection order, and thus did not enforce it. A year later, she died. The case remains unresolved, but her children believe their mother's partner murdered her.

More recently, we worked to obtain a protection order for another of our tribal citizens, but because her partner was non-Native, no action was taken. In 2018, this situation ended in a murder-suicide in front of the woman's children.

International Issues

In April 2019, a 13-year-old girl, who is a Canadian Lummi relative, reported a sexual assault that occurred on Lummi lands when she visited to participate in a ceremony. Because federal law does not recognize anyone from Canada as AI/AN, the tribe lacks jurisdiction over their Canadian relatives. Therefore, the case went to the county. It is still unresolved. In the previous year, another Canadian relative, who has Lummi children, reported domestic violence. She and her children currently live in the Lummi domestic violence shelter, but the tribe cannot offer her any additional protection or justice since federal law defines her as non-Native and she does not fall within tribal jurisdiction.

Native Village of Hooper Bay

Eric Olson, Sr., Tribal Chief

Law Enforcement

Currently, six law enforcement officers serve Native Village of Hooper Bay. There is high turnover in these positions due to extremely high stress levels and low pay. These officers are the first responders to suicides. Approximately 65% to 70% of the calls they receive involve domestic violence. Most of the domestic violence calls are alcohol-related.

Domestic Violence

Prosecuting domestic violence perpetrators is challenging, since many victims fear the repercussions of pressing charges. Additionally, due to overcrowded housing and very few employment opportunities in the community, many victims financially rely on their abusers. To seek shelter, most victims must travel to other parts of the state. As a result, women and their children often remain in violent homes, and many men perpetuate the cycle of domestic violence that they witnessed in childhood.

In 2013, an intoxicated man beat his wife to death in front of their children. The children thought their mother was sleeping and remained by her side until their father sobered up and realized what he had done. He is incarcerated now, and the children's grandparents are caring for them. It is unlikely that this was the first time he had beaten her. If the family had access to more resources, such as counseling for the husband and safe housing for the mother and children, perhaps this tragedy could have been prevented. I believe we can break the cycle of violence. It is important to educate children at a young age that violence is not an acceptable way of life. Prevention, education, counseling, and treatment will help address violence in Native Village of Hooper Bay. The village needs funding for new buildings, materials, and staff and more housing to mitigate overcrowding.

Nambé Pueblo

Arnold Garcia, Lieutenant Governor

Funding

OVW increased the grant period based on tribal recommendations. The grant period is now 3 years instead of 2, but tribes would benefit from an additional extension. Nambé Pueblo is not in favor of changing the funding formula to be based upon tribal population. The tribe also opposes the expansion of the tribal government program to include the case of any missing or murdered person and opposes the proposal to provide incentives to tribes that implement federal guidelines.

Nambé Pueblo does not agree with the recommendation to fund domestic violence coalitions under FVPSA. Current FVPSA funding allocations are very tight, especially for smaller tribes, and adding more awardees would subtract funding from other recipients. Domestic violence and sexual assault coalitions were established with the understanding that they would not compete with tribes.

Tribal Criminal Jurisdiction

Some tribes do not plan to exercise SDVCJ over non-tribal offenders because implementation requires tribes to change their traditional court systems to mirror state courts. Asking tribes to change the way they settle disputes so that they can reclaim jurisdiction over non-Indians is very disrespectful.

Recommendations

- Extend the grant period for OVW funding to 4 or 5 years and increase the amounts of tribal awards.
- Contact the tribes that did not receive OVW grants, most of which did not attend the tribal consultation, to gather their input on improving the grant application process.
- Provide specific funding and training for law enforcement to address missing or murdered indigenous women.

Peggy Bird, Chief Judge, Authorized Designee

Welcoming people into our communities is part of the pueblo's traditions, but non-Natives are visiting our communities to target our women and children. The small pueblos have sparse law enforcement presence, and some pueblos do not have their own law enforcement department but rely on BIA law enforcement. BIA law enforcement officers often cover large areas and thus cannot readily respond.

Missing or Murdered Indigenous Women

We must not forget the missing or murdered indigenous women in urban areas. When discussing funding that goes to tribal governments, it is important to also consider how to protect those who live off-reservation in urban areas.

Cultural Considerations

One of our cultural values is to provide food to one another as a way to honor each other. The restriction on purchasing food with OVW funds for events discourages attendance.

Tribal Protection Orders

County and state law enforcement often fails to afford full faith and credit to protection orders from Nambé Pueblo. Annual training for law enforcement officers on this issue is insufficient; the training should be ongoing and provided at the local level. The tribe issued two protection orders to tribal citizens against non-Indians, and the perpetrators continue to stalk and harass the victims in both cases. One of the victims called BIA when the perpetrator violated the protection order, and BIA told her they had no jurisdiction to hold the offender accountable. The tribe met with the county sheriff regarding full faith and credit, who questioned whether federal law requires the county to comply with tribal protection orders. Every time other jurisdictions fail to afford full faith and credit, they jeopardize the safety of those who have the protection orders.

Recommendations

- Restore full tribal criminal jurisdiction over non-Indian people who commit crimes on tribal lands.
- Consider ways to allow tribes to purchase food for awareness events to honor cultural practices.
- Develop the guidelines and protocols for responding to missing or murdered indigenous people based on tribal perspectives.
- Establish ongoing training for BIA, tribal, state, and county law enforcement officers regarding full faith and credit for tribal orders.
- Provide funding for tribes that are not OVW grantees to travel to the OVW tribal consultations.

Navajo Nation

Charlaine Tso, Council Delegate

VAWA provisions have reduced violence against AI/AN women and helped tribes increase their capacity to protect AI/AN women, girls, and Two Spirit people. Navajo Nation implores the federal government to reauthorize VAWA.

In Navajo Nation, when parents teach identity to a child, they teach the identity of your mother's first clan. Navajo Nation views women as sacred. Yet, Navajo women cannot safely go for a short jog in their own communities. Children are not safe on playgrounds. It is time to hold perpetrators accountable for hurting women and children.

Protecting the Two Spirit Community

Two Spirit people have always held a sacred place within Navajo society. However, they are now one of the most targeted groups for violence. A 2016 Dine College study found that one in five Two Spirit people had experienced physical violence within the previous 6 months; 38% reported receiving threats of physical violence within that time period. Navajo Nation supports U.S. Senate Bill 788, the Equality Act, which would permit DOJ to intervene in cases of discrimination based on sexual orientation or gender identity.

Missing or Murdered Indigenous Women

Navajo Nation is vulnerable to crime because of insufficient law enforcement. Further, Navajo Nation lacks a comprehensive data system for missing or murdered Navajo people. This lack of data makes it difficult to fully understand the issue and advocate for missing or murdered relatives. Shortcomings in each case of missing or murdered Navajo people are similar: delayed response from law enforcement, insufficient data management systems, and jurisdictional complexities.

Between 2005 and 2009, three transgender Navajo Nation citizens were found beaten to death in Albuquerque, NM. All three victims were found within a block of the same location, lying in streets or alleys. These crimes remain unresolved.

In the 2016 abduction, rape, and murder of 11-year-old Ashlynn Mike, the Amber Alert was not issued until 8 hours after her father reported her missing due to jurisdictional complications and delayed response from law enforcement.

Housing

Domestic violence victims face a challenging housing application process, since it focuses on home purchasing, rather than transitional housing. There is no separate process for domestic violence victims and other housing applicants. Instead, their applications are reviewed alongside each other. Domestic violence victims need more immediate housing options. Victims cannot wait when they are escaping violent situations.

Prosecution of Violent Crimes

Federal limitations on tribal criminal jurisdiction have created significant problems for all tribes in the pursuit of justice. Nationwide statistics show that DOJ declined to prosecute more than a third of cases from Indian country. In 2014, Navajo Nation received reports of 6,630 rapes. Only 33 cases resulted in

arrests. Fewer than 0.5% of the perpetrators were held accountable, and those who served time were sentenced to a maximum 12 months in prison.

A maze of laws complicates justice efforts and prevent the prosecution of non-Native offenders. The federal government also imposes sentencing limitations and fails to provide sufficient funding to support tribal government infrastructure for the prosecution of crimes. Further, the Navajo Nation prosecutor's office encounters challenges related to staff turnover and high caseloads.

Recommendations

- Fund data collection systems and hire expert personnel to maintain these systems.
- Provide federal funding to establish a non-profit tribal coalition that works to ensure the availability of victim services and resources.
- Implore Congress to appropriate additional grant funding to create strong tribal criminal justice systems.
- Increase funds for building the capacities of tribal courts.

Deannah Neswood-Gishey, Executive Director of Navajo Division of Social Services, Authorized Designee

Navajo Nation lands span a vast geographic area. Unemployment is high and the median household income is low. Navajo communities face basic infrastructure needs. According to FBI data, violent crime on Navajo Nation is increasing.

Law Enforcement

Navajo Nation has 0.85 police officers for every 1,000 constituents, compared to the national average of 3 officers per 1,000 citizens. The rate of homicides per capita is four times higher than the national average. Statistics on assaults and rapes on Navajo Nation are comparable to big cities, but because many victims do not report due to fear of retaliation, accurate rates of violence against Navajo women are not truly reflected in the data.

Domestic Violence

A lack of resources, combined with socioeconomic challenges, perpetuates and exacerbates a culture of violence within Navajo families and communities. Currently, Navajo Nation provides comprehensive victim services for victims of intimate partner violence. To serve victims of other violent crimes, Navajo Nation relies on a patchwork of limited services from Navajo Nation programs and nonprofit organizations.

Recommendations

- Increase federal funding for coordinated intertribal information management systems.
- Support transitional housing for victims of violent crimes.
- Increase funding for victim service programs and victim advocates within tribal law enforcement.

Nez Perce Tribe

Mary Jane Miles, Vice Chairman

Tribal Criminal Jurisdiction

The portions of VAWA designed to help tribes do not necessarily align with tribal needs. It seems they were not written by someone who understood tribal communities. A woman was taken off our reservation by two non-Native perpetrators and raped repeatedly over several days. Even if we had SDVCJ at that time, the tribe would not have been able to prosecute the offenders since they had no relationship to the victim because SDVCJ only applies to intimate partners. I implore you to hear our words and stories and to act on them.

Elizabeth Arthur-Attao, Assistant Secretary-Treasurer

Nez Perce Tribe has not made a policy decision regarding SDVCJ but has implemented the majority of the SDVCJ requirements and is currently revising the tribal code with funding support from BJA.

Law Enforcement

BIA is not providing enough funding to support tribal court systems and law enforcement. Federal grant managers do not seem to grasp the realities of tribal life. Our tribal law enforcement needs more funding.

Funding

The administrative work that accompanies federal grants is extremely cumbersome for our program staff. The reporting for the different grants they manage is extremely stressful, and it pulls them away from applying the skills that they acquired in their education.

Nottawaseppi Huron Band of the Potawatomi

Nancy Smit, Tribal Secretary

Tribes have story after story of person after person who has suffered from violence. I speak for the brave little boy who testified before judges and lawyers to help incarcerate his perpetrator. I speak for the 13-year-old girl I used to tutor who walked into a murky slough and ended her life because she had been victimized.

Criminal Jurisdiction

We appreciate the positive impact VAWA 2013 has made in our community. Nottawaseppi Huron Band of the Potawatomi has made strides in preventing violence against women and helping victims heal since our implementation of SDVCJ. Beyond authorizing the tribe to prosecute all domestic violence cases, SDVCJ has helped the community feel more secure and raised awareness of domestic violence issues, which deters perpetrators from offending and informs victims that rehabilitative and legal resources are available for them.

Allotment of tribal lands carved up reservations, creating checkerboard jurisdiction where much of the land inside exterior tribal boundaries is not tribal land. In addition to advances in communication and transportation, these situations lead to many non-Native people being part of tribal communities. Non-Native people commit the majority of crimes against AI/AN people, and tribal governments have no power to regulate these people and crimes within much of the checkerboarded land.

While SDVCJ was a step toward restoring tribes' authority to protect their communities from outside threats, it falls short of reaffirming the authority that the Oliphant decision took away from tribes. For example, it does not cover rape committed by a stranger, sex trafficking, or stalking. It also does not cover crimes that typically co-occur with intimate partner violence, such as crimes against children and police officers and drug and alcohol offenses. In the event of crimes against children, the tribal police can do nothing beyond removing the perpetrator from the reservation. It defies logic that a tribal government may prosecute a non-Native offender for violence against a romantic partner, but is forced to stand idly by if the perpetrator commits the same acts of violence against a child. If a perpetrator assaults a tribal officer while under arrest for domestic violence, the tribe cannot prosecute. Drug and alcohol offenses are often a contributing factor in SDVCJ cases, and these offenses pose a threat to the community's health and safety.

The Oliphant decision stripped tribal nations of their sovereignty and dignity, rendering tribes almost completely dependent on the federal government to prosecute crimes committed by non-Natives on tribal lands. The federal government cannot keep pace with all the cases from Indian country that require prosecution. With proper funding and jurisdiction, most tribes are capable of prosecuting crimes that occur within their territory. If tribal justice systems were not legitimate, Congress would never have affirmed SDVCJ under VAWA 2013. The tribe, not the federal government, should decide whether to prosecute crimes.

Housing

Housing can be a significant barrier to a victim leaving an abusive home, especially if she has children. The lower peninsula of Michigan needs a domestic violence shelter that is specifically suited to the cultural and traditional healing needs of indigenous women. Because no woman should have to live in a shelter long-term, there is also a need for affordable housing for low-income survivors.

Funding

Tribes need more funding to provide services to families experiencing domestic violence, including legal services, counseling, housing for victims, traditional healing approaches, and emergency services. Many victim services programs have limited staff and struggle to meet timelines and requirements to attain and keep funding. Some tribes that have the most need lack the capacity to apply for grants. Tribes must receive funding directly. The model for the STOP Violence Against Women grant, under which the funds filter through the states first, is ineffective, since states regularly fail to consult with tribes in how to spend these funds.

Missing or Murdered Indigenous Women

Of indigenous women, 84% experience violence in their lifetimes. In some tribal communities, women are murdered at a rate 10 times higher than the national average. Murder is the third leading cause of death for AI/AN women and girls ages 10 to 24. It is shameful that the Senate has not yet reauthorized VAWA. This failure to act puts indigenous people at greater risk for violence, disappearance, and death.

Recommendations

- Enact a full Oliphant Fix to close jurisdictional loopholes that prevent non-Native perpetrators of violent crimes in Indian country from being held accountable.
- Support the Native Youth and Tribal Officer Protection Act, which would ensure tribes can exercise jurisdiction over crimes against children and tribal police officers.

- Reaffirm tribal authority to prosecute crimes related to substance use committed by non-Natives.
- Establish a culturally appropriate domestic violence shelter in Michigan's Lower Peninsula.
- Support affordable housing for survivors of domestic violence.
- Provide training and assistance for tribes to identify human trafficking, including recruitment tactics.
- Implement a system for collecting data regarding human trafficking in Indian country.
- Train state court personnel on compliance with full faith and credit for tribal court protection orders.
- Reauthorize VAWA and strengthen the provisions for protecting AI/AN people.
- Amend TLOA to require federal public defenders to designate a tribal liaison for each district that includes Indian country and to improve justice for Native youth by requiring OJJDP to develop a data collection system for AI/AN juvenile delinquents and notify tribes when tribal youth comes into contact with federal, state, or local justice systems.
- When declining to prosecute a domestic violence or sexual assault case from Indian country, require U.S. attorneys to notify tribal officials in a timely manner so the tribe can decide on the best course of action.
- Pass the Not Invisible Act of 2019, which aims to reform the lack of federal response to violence against AI/AN women and children by creating an advisory committee of tribal and federal law enforcement to determine the best approaches to data collection, law enforcement education, and response times.
- Pass Savanna's Act to improve the federal response to murdered or missing indigenous women by boosting coordination and data collection among tribal, state, and federal law enforcement.
- Initiate tribal consultation on options to enhance deterrents against non-Natives violating tribal exclusion and protection orders.
- Provide tribes with more funding for victim services.
- Increase STOP funding and provide it directly to tribes.

Oglala Sioux Tribe

Darla Black, Vice President

All tribal nations are different, yet all tribes share the understanding that women are sacred. It seems that nothing has changed since the 2018 tribal consultation. The same rhetoric has endured for many years, and tribes need real changes. Savanna's Act still has not passed. We need action. We need to see results by the next tribal consultation.

I encourage other tribal delegates to promote voter registration within their communities to help elect representatives who will prioritize the protection of tribal people and lands. I encourage tribal delegates to write letters to Congress to urge them to pass Savanna's Act.

Funding and Training

Insufficient funding and resources are the biggest problem in addressing violence against women. The Oglala Sioux Tribe, as well as other Sioux tribes, has a large land base, and federal funding is never sufficient to protect women across such a large area. As a domestic violence survivor, our cultural ways helped me heal. Tribes have the knowledge to protect their own people and design culturally based healing programs, but they need appropriate funding to do so. We also need training for law enforcement and courts. I am a survivor of domestic violence, and I used to go to jail for my own safety.

Domestic Violence Shelters

More housing for domestic violence victims is an urgent need. On the Oglala Sioux Reservation, there is only one domestic violence shelter, which covers a 100-mile area that spans nine districts. The shelter only contains 13 beds. Children and elders are often displaced from their culture by domestic violence.

Treaties and Tribal Criminal Jurisdiction

The federal government must honor its treaties with tribal nations, which are the supreme law of tribal lands. Tribes also need a full Oliphant Fix to prosecute perpetrators of violent crimes that do not qualify as intimate partner violence, such as violence against children and police officers, and instances of violence against women in which the perpetrator is not an intimate partner of the victim.

Through the case of *Elk vs. United States*, 70 Fed. Cl. 405, 2006 U.S., Oglala Sioux Tribe was the first tribe to invoke the “bad men” clause of their treaty. This clause states that if “bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians,” the federal government will punish the offender and reimburse the victim for their loss. In this case, a military recruiter fabricated a story about an Oglala Sioux tribal citizen having been accepted into the military to lure her into his vehicle where he sexually assaulted her. The tribe brought the case to federal court where it was prosecuted on the basis of the “bad men” clause, and the tribe won. Perhaps tribes that have this clause in their treaties can pursue a similar alternative avenue to justice.

In another case, a 21-year-old woman was abducted from Rapid City, SD, and brought to Oglala Sioux lands where she was assaulted. The perpetrator dug a shallow grave and began to bury the victim alive, but a witness observed him. He fled with the victim to Nebraska where he continued the assault. The victim survived, and, at the tribe’s request, the perpetrator is being prosecuted multi-jurisdictionally. Had the tribe not requested multi-jurisdictional prosecution, it is unlikely it would have happened.

Missing or Murdered Indigenous Women

The family of Larissa Lonehill, who went missing in 2016, recently reported that a woman has contacted them and indicated she knows where Ms. Lonehill is buried. The family alerted detectives to this lead, but the detectives did not check the area. There is a long list of unsolved crimes against women in our area, including the recent death of a 19-year-old woman who went missing and the severe beating of a 32-year-old woman who was found in a coma in a Pine Ridge Reservation home where she had lain for 3 days before someone found her.

South Dakota announced that they will open an office that focuses on missing or murdered indigenous women. The state must adequately collaborate with tribes and conduct tribal consultation to ensure they are approaching the issue in the right way and understand tribal data and tribal laws.

Law Enforcement

Requiring law enforcement in states where P.L. 638 is in effect to report to courts and judges, just as the domestic violence shelters and victims of crimes are required to do, would help provide tribes with the data they need when applying for OVW funding. Inadequate police reports are another challenge. Law enforcement and other first responders must collaborate to document incidents appropriately, to include photographs and medical reports. Crimes with inadequate police reports often do not make it to the attorney general’s office for prosecution.

Recommendations

- Require BIA law enforcement to report crime statistics to courts and judges.
- Ensure that states and counties afford full faith and credit to tribal protection orders.

Organized Village of Kake

Lincoln Bean, Tribal Court Judge, Authorized Designee

Funding and Resources

Our tribe is doing positive things. At one time, the Village of Kake had the highest suicide rate in Alaska. People connected to the village, including law enforcement, counselors, educators, elders, and youth, gathered to discuss how to address this issue. From that gathering, we learned that the village has the answers to help our own people because we know our people best. However, the village needs funding and tools to apply this knowledge. It is imperative that tribes collaborate internally and with the federal government to implement positive changes, and the federal government must provide the tribes with resources to do so.

Orutsararmiut Native Council

Denise Kinegak, Self-Governance Director

The southwest region of Alaska has the highest domestic violence and sexual assault rates in the nation. Even still, many incidents of domestic violence and sexual assault go unreported. This failure to report, in combination with a backlog of 2,000 untested rape kits in Alaska, contributes to a mindset among abusers that they are untouchable, since they have not faced any repercussions.

The state has failed our women and children, so it is time to stop looking to the state for assistance and instead aggressively build tribal and regional capacity to protect tribal people. Orutsararmiut Native Council has secured three of the 10 Coordinated Tribal Assistance Solicitation (CTAS) grants over the past 2 years, with the goal of building tribal justice capacity.

Shelters

Our shelters are all at capacity with long waiting lists, so victims are forced to live with or alongside their abusers.

Grant Reporting

I often work until 2 or 3 in the morning on the cumbersome grant reporting for the CTAS grants. Given our grave rates of domestic violence and sexual assault, we should never slow our capacity-building, yet I cannot imagine finding time to complete reporting for an additional CTAS grant.

Cultural Considerations

Federal best practices are not working in southwest Alaska. Orutsararmiut Native Council must have the flexibility to practice its traditional ways. Our tribe knows what works for our people. Services modeled after western approaches produce little to no improvement. Offenders do not respect the state court systems and respond more to tribal courts. Orutsararmiut Native Council developed a Yupik Batterer Intervention program without federal funding and now needs funding to continue the program.

Recommendations

- Provide the flexibility for tribes to develop their own best practices rather than adhering to federally designed standards.
- Fund the Yupik Batterer Intervention program.
- Hold the next OVW tribal consultation in Alaska, or hold a separate tribal consultation for Alaska tribal leaders so all Alaska tribes' voices are heard.

Pauma Band of Luiseño Indians

Juana Majel Dixon, Traditional Councilwoman

Tribes within 100 miles of the U.S.-Mexico border, including Pauma Band of Luiseño Indians, are witnessing extremely high rates of human trafficking. Pauma Band of Luiseño Indians is in area with a large military presence, which can lead to increased violence, since soldiers are trained to kill but provided with little support on how to separate this training from their personal lives.

The federal government sterilized me. This practice was legal at the time. What is the government allowing to remain legal now that could leave room for victimization? Many women accept abuse and violence as a way of life, because they are not aware of any other reality. If perpetration is constant and familiar, victims may not realize they are being perpetrated against. There is a freedom to harm women in the United States that is unacceptable. How many AI/AN bodies must pile up before the federal government recognizes that the violence against AI/AN people is amounting to genocidal levels? Perhaps it is time for the federal government to enact emergency laws to effect change.

Tribes do not have justice systems adequate for addressing missing or murdered people. The federal government must collaborate more effectively internally and with tribes to effect change on this issue. Shelters are a significant need for tribes across the nation.

Tribal Criminal Jurisdiction

Non-citizens should be beholden to tribal laws when they are on tribal lands because tribes are sovereign nations. VAWA accomplished a lot for AI/AN women, but some essential components are still missing. DOJ must expand tribal SDVCJ to include sexual assault, stalking, and sex trafficking. Those crimes happen frequently in Indian country, and tribes must be able to hold perpetrators accountable. This year marks the 25th anniversary of VAWA, and this shortcoming must be resolved.

Pauma Band of Luiseño Indians uses full faith and credit relationships to hold accountable non-citizen residents of the tribe's lands. When someone moves onto the tribe's lands, they receive notice that the tribe will hold them accountable under tribal law. I encourage other tribes to implement this approach. The tribe also entered into an agreement with the state of California under which the state recognizes and honors tribal protection orders.

Federal Accountability

DOJ wrote CTAS in a vacuum, very quickly, and without consulting with tribes, and DOJ has not revisited it. Further, the protection order registry required by VAWA 2005 still does not exist. None of the tribal recommendations for the Office of Justice Programs (OJP) have been implemented. Tribes are requesting accountability and follow up from their federal partners on these items.

Cultural Considerations

For us, women are sacred. Violence is not our traditional way, but it has crept into our communities. The federal government must honor cultural approaches to healing. Tribal people need to heal from violence within their cultural contexts.

Recommendations

- Support the reauthorization of VAWA and, within this reauthorization, expand SDVCJ to cover other crimes beyond domestic violence.
- Establish an advisory group to help design a protocol for dealing with habitual offenders in Indian country.

Pilot Station Traditional Village

Cynthia Fancyboy, Vice President

I am a survivor of domestic violence. I was shot at while pregnant with my first child. I was choked, dragged, and stomped on. My oldest son was verbally and emotionally abused, and he later died by suicide. Victims from our tribe often must leave the community to seek shelter in Bethel or Emmonak. We need more housing. Many of our households are overcrowded.

Law Enforcement

We have three village police officers, but they are not armed and do not make arrests. Turnover is high for these positions due to extreme stress, a requirement to be on call, and pay that is close to minimum wage. Most calls to which police officers respond involve alcohol and/or assault. In a small village, upholding the law often creates rifts in family relationships and friendships. This job exposes the police officers to extreme cold and other inclement weather, and sometimes they must confront people who have weapons. They receive no services to heal from trauma they may endure on the job. There are no state troopers stationed near the village. The village needs VPSOs.

Pokagon Band of Potawatomi Indians

Andrea "Andy" Jackson, Tribal Council Member

Written comments from Matthew Wesaw, Chairman

DOJ statistics establish that AI/AN women in Indian country suffer violence at epidemic rates and that this violence is often committed by non-Indians. AI/AN women are twice as likely to experience sexual assault compared with other races. AI/AN children suffer a higher rate of exposure to violence than children of any other group in the United States.

Tribal Criminal Jurisdiction

Pokagon Band of Potawatomi Indians is currently working to implement SDVCJ. However, outside of intimate partner violence, Indian tribes may not exercise SDVCJ over a non-Indian. People in Indian country are often victimized by non-Indians in crimes that do not qualify as intimate partner violence, such as sexual assault; stalking; and violence against children, elders, or law enforcement officers. A recent NIJ study indicates that 90% of AI/AN women who are victims of intimate partner violence, sexual violence, or stalking are victimized by a non-Indian. In many cases, non-Native perpetrators prey upon AI/AN women because they know that, in those circumstances, tribes cannot exercise their sovereign

authority to hold them accountable. A 2010 GAO report indicated that U.S. attorneys declined to prosecute 52% of violent crimes in Indian country over which tribes did not have jurisdiction. Inherent tribal authority must be restored. In the meantime, expansion of SDVCJ to include other violent crimes beyond domestic violence will help tribes protect their people. The reauthorization of VAWA currently pending before Congress would thusly expand tribal criminal jurisdiction.

Tribal Coordination with U.S. Attorney's Offices

Pokagon Band of Potawatomi Indians has developed partnerships with the two local U.S. Attorney's Offices. However, some tribes do not have positive relationships with their U.S. Attorney's Offices. These relationships are critical to ensuring prosecution for cases over which tribes do not have criminal jurisdiction. A commitment by all U.S. Attorney's Offices to regularly meet with tribes is necessary to strengthen the federal response to violent crimes in Indian country.

Funding

Federal funding of tribal programs is not adequate to administer or implement appropriate responses to domestic violence, dating violence, sexual assault, stalking, and sex trafficking in Indian country. Further, DOJ should broadly define allowed uses of these funds to permit tribes to comprehensively address crimes. Where funding is based on grants, tribes need federal assistance with the application process. An appropriate response to violence in Indian country includes funding for tribal law enforcement, tribal courts, victim services, offender services, and overall awareness and prevention.

Recommendations

- Work with tribes to advocate for the restoration of complete tribal sovereignty over all crimes that occur in Indian country.
- Support the currently pending reauthorization of VAWA.
- Support Savanna's Act.
- Increase funding for tribal programs to address violence and broadly define the acceptable tribal uses of DOJ funds.

Rincon Band of Luiseño Indians

Germaine Omish-Lucero, Special Projects Director, Authorized Designee

Genocide against indigenous people has been occurring since day one of the U.S. federal government. Tribes continue to fight against it. We have seen some changes but also much stagnation.

Jurisdiction

Rincon Band of Luiseño Indians is located in California, a P.L. 280 state. These jurisdictional complexities create challenges for victims looking to break free from a violent partner.

Rehabilitation

Tribal communities are very close-knit, meaning many perpetrators of violence intend to return to the community after incarceration. Tribes need funding for re-entry programs to educate perpetrators. Often, when a victim finally leaves a violent partner, we see that offender go on to victimize a new partner because they were held accountable, but they did not heal.

Criminal Jurisdiction

Domestic violence and violations of protection orders are not the only crimes happening on tribal lands, and we want to see other crimes included under SDVCJ in the reauthorization of VAWA.

Funding

Treating tribes differently than states and territories perpetuates distrust of the federal government. To increase tribal applications for OVW funding, DOJ must respect tribal sovereignty in part by not requiring special conditions for tribal awards that do not apply to states and territories. Further, OVW funds must provide the flexibility for tribes to determine how they will assist with victim needs. Tribes are often in remote locations with limited resources, so more services may be required to support the victims than might be needed in other areas, such as transportation to a shelter. Finally, decreasing the timeframe between award of federal funds and disbursement of those funds would encourage more tribes to apply for funding.

The reauthorization of FVPSA includes amendments that strengthen tribal capacity to respond to domestic violence and authorizes formula funds for tribal coalitions. Under this reauthorization, tribes would receive 12.5% of appropriations, rather than following a competitive formula as they currently do. Tribal coalitions would receive a separate percentage and thus, adding the tribal coalitions to FVPSA would not place them in competition with tribes.

Outreach and Education

Early intervention and prevention are crucial to ending the cycle of violence. Community education, including outreach to youth through age-appropriate education, is an important aspect of prevention. Food is part of cultural practice in our community, and providing food at educational events would honor tradition and encourage engagement.

Tribal Courts

Tribal courts are severely underfunded and unable to support Domestic Volunteer Service Act codes, which limits the courts' capacities to issue restraining orders and often forces victims to seek justice through state courts.

Housing

HUD has allowed the eviction of victims of domestic violence while allowing the abuser to stay if the abuser is the lease holder. Additionally, they have blamed victims of domestic violence for damages to housing that the perpetrator caused. Victims' rights must be considered in these cases.

Recommendations

- Support a full Oliphant Fix in the reauthorization of VAWA.
- Remove any tribal requirements for OVW funding by which states and territories do not abide.
- Provide flexibility in funding for tribal victim services.
- Create a separate solicitation for shelter funding dedicated to tribes and tribal organizations. Consider this same model for other types of funding.
- Prioritize and expedite budget approvals for grant awardees.
- Support tribal communities in conducting education and outreach about violence.
- Amend VOCA to include tribes in the statute and create a permanent tribal set-aside through VOCA funding.
- Support the reauthorization of FVPSA.
- Have HUD representation at OVW tribal consultations.

Rosebud Sioux Tribe

Lloyd Guy, Attorney General

The Rosebud Indian Reservation has high unemployment rates, a low average income, and problems with opioids and meth, all of which intersect with violence against women. Cartel members who live on our lands recruit our tribal citizens to traffic drugs, and they get into relationships with our women and abuse them. A few weeks ago, one of them beat a woman with a hammer because she did not do as she was told. Rosebud Sioux Tribe has 20 police officers to cover 1.26 million acres, with only three or four on duty at any given time.

Temporary Workers

The tribe is currently fighting against the KXL pipeline, which would necessitate two worker camps adjacent to the reservation of 3,000 to 6,000 people each. These camps would more than double the local population for an already overburdened police force. The workers are not required to clear background checks, which poses a public safety risk.

Criminal Jurisdiction

Rosebud Sioux Tribe is in the process of implementing VAWA and TLOA. However, tribes need a full Oliphant Fix. People who choose to visit and live on tribal lands should be prepared to face the consequences of breaking tribal laws. Often, federal law enforcement does not prosecute major crimes; they only pursue slam-dunk cases. Recently, federal prosecutors declined a sexual assault case because the victim has a drug problem. Regardless of a drug problem, she did not ask to be assaulted.

Medical Witness Testimony

Federal law requires a Touhy request, which means that the tribe must request that the area IHS director send an IHS doctor to testify as a medical witness to prosecute sexual assault in tribal court. The tribe has experienced difficulty securing witnesses from the IHS Aberdeen Area.

Recommendations

- When basing funding off of tribal population figures, provide the opportunity for tribes to certify their numbers, since U.S. Census numbers are not typically accurate.
- Reauthorize VAWA to reestablish and enhance tribes' inherent sovereign rights to charge anyone who commits a crime in Indian country.
- Increase funding for tribal courts.

Saginaw Chippewa Indian Tribe of Michigan

Louanna Bruner, Tribal Council Member

Tribal Criminal Jurisdiction

Tribal jurisdiction over non-Natives who commit crimes on tribal lands must be expanded. Saginaw Chippewa Indian Tribe of Michigan is pleased with the proposed reauthorization of VAWA, which extends tribal criminal jurisdiction over non-Indians on tribal lands to include crimes of sexual assault, trafficking, crimes against children, and crimes against law enforcement officers. The costs of tribal implementation of VAWA are extremely high and have prohibited some tribes from implementation. We support the bill's provision for DOJ to create a reimbursement fund to support tribes with this expense. The bill also calls for a general study on murdered or missing indigenous people. While data is important, we should not need to wait for another study to conclude before we act on such a critical issue.

Recommendations

- Urge the Senate to pass the reauthorization of VAWA.
- Make a stronger commitment to solve crimes of murdered or missing indigenous people.

Santa Clara Pueblo

Matthew Sisneros, Sheriff

Criminal Jurisdiction

SDVCJ authorized under VAWA 2013 has a proven record in supporting tribes in protecting AI/AN victims from non-Native perpetrators in some cases. However, this jurisdiction does not cover crimes against children or law enforcement personnel or sexual assaults committed by strangers. Such gaps in the law leave openings for crimes to go unpunished.

Tribal Access Program

While DOJ's expansion of TAP to include 72 tribes and all BIA OJS agencies by the end of 2019 is a positive step, all tribes need access to federal crime information databases. Through this access, tribes can view and exchange crime data, check criminal records, and verify identities.

Law Enforcement Equipment

Our tribal police department needs updated equipment to safely and effectively protect our people. The current radio system does not work well across long distances. Communicating across large distances is an inevitable aspect of tribal law enforcement since a small number of officers usually cover a large land base. Unreliable radios threaten officers' safety and create needless barriers to law enforcement response. Additionally, Santa Clara Pueblo police department needs:

- Upgraded software for dispatch to record and track emergency information,
- An emergency alert system to notify tribal citizens of criminal activity in the area,
- An adequate number of law enforcement vehicles equipped with mounted computer systems, and
- Body cameras for police officers

Tribal Justice Departments

Santa Clara Pueblo has developed a robust tribal justice department and court system. However, many tribes lack the resources to establish their own justice departments, and federal funds for the start-up process are very limited. A special program to help tribes establish new justice services, including courts and law enforcement departments, would be beneficial.

Coordinated Tribal Assistance Solicitation

Santa Clara Pueblo supports DOJ's efforts to consolidate tribal programs into a single solicitation under CTAS. This streamlining will help ensure tribes apply for comprehensive federal support in a given area. We encourage DOJ to collaborate with other federal agencies to include links to opportunities that support a given purpose area within the CTAS solicitations. For example, the tribal justice purpose area could include references to SAMHSA law enforcement and behavioral health grants.

Culturally Appropriate Services

Tribes have repeatedly demonstrated that where culturally appropriate approaches to violence prevention and rehabilitation take place, positive outcomes follow, including reduced recidivism among AI/AN offenders. Federal agencies must ensure that all resources targeting gender-based violence in Indian country adhere to culturally responsive practices.

Funding Formulas

The federal government should formulate funding programs that serve Indian country according to demonstrated need, rather than forcing tribes to compete for funds. Small tribes face a disadvantage within this system since they must compete with more economically established tribes that have professional grant writers. Funding from competitive grants is not guaranteed to continue after the initial award period. Needs-based funding would respect tribes' diverse internal capacities and help distribute funds in the most impactful ways.

We urge DOJ to reject funding formulas that would divide funding equally among all tribal applicants. Instead, DOJ should base formulas on the tribe's population, geographic size, rates of crime, and other contributing factors.

Proposed Incentives under Savanna's Act

Santa Clara Pueblo has reservations about the use of proposed funding incentives for jurisdictions that implement certain guidelines, protocols, and reporting mechanisms. Withholding funding from tribes that lack the infrastructure to fulfill these guidelines effectively punishes them for lacking capacity. Incentivizing tribes that already have capacity to implement these measures will only widen the public safety gap. Instead, OVW should support tribes in developing capacity to meet guidelines.

Santa Clara Pueblo has concerns about proposed expansion under Savanna's Act of the Improving Criminal Justice Responses (ICJR) or Tribal Governments Program to include any case of murdered or missing people, regardless of whether the case intersects with domestic violence, sexual assault, or

stalking. Priority funding to victims of domestic and sexual violence is a relatively new allocation, and the tribe believes it is too soon to begin expanding the scope of funds earmarked for tribes to include other purposes.

Tribal Applications for OVW Funding

Consistency in messaging and outreach over time is one of the best ways to build awareness of recurring funding opportunities. Partnering with other federal agencies with established tribal program funding would help increase tribal awareness of OVW funding opportunities.

Recommendations

- Support permanent reauthorization of VAWA with expanded tribal jurisdiction over non-Native offenders for crimes besides intimate partner violence.
- Expand access to TAP to include all tribes.
- Equip tribal law enforcement with the tools they need to effectively protect public safety.
- Immediately begin to create standardized protocols for responding to reports of missing women and girls in coordination with tribal law enforcement departments.
- Dedicate resources for establishing new tribal justice departments.
- Maintain CTAS going forward and work to include funding opportunities from other federal agencies that support a certain CTAS purpose area.
- Support culturally responsive anti-violence measures.
- Increase the use of non-competitive, needs-based funding allocations.
- Rather than providing an incentive for jurisdictions that meet certain guidelines under Savanna's Act, shift those funds to directly support tribal capacity-building.
- Partner with other federal agencies that have established tribal funding streams and advertise OVW funding, such as by including a link to the OVW funding opportunity announcement (FOA) in the other agency's FOA.

Sault Ste. Marie Tribe of Chippewa Indians

*Jami Moran, Advocacy Resource Center Program Manager, Authorized Designee
Written comments from Aaron A. Payment, Chairperson*

The vast majority of AI/AN women (more than 84%, per a recent NIJ study) have experienced violence, and the perpetrators of these crimes are overwhelmingly non-Native. The federal government has a legal and moral obligation to address violence in Indian country where communities continue to recover from years of oppressive, destructive federal policy.

Funding

Sault Ste. Marie Tribe of Chippewa Indians does not support DOJ's continued use of competitive tribal grant programs. The tribe opposes any legislation that penalizes tribes by incentivizing other tribes that have more resources for implementing guidelines. Grant applications are overly cumbersome, especially for tribes without staff to write grants.

Tribal Criminal Jurisdiction

The Oliphant decision left the federal government responsible for the vast majority of prosecutions for crimes committed on tribal lands by non-Native people. The federal government fails to prosecute most

of the crimes over which it has sole jurisdiction in Indian country. In 2016, only half of the cases we forwarded to the U.S. Attorney's Office were resolved. In 2016, 74% of the U.S. Attorney's declinations in Michigan were cases of violent crimes in Indian country. In addition to failing to prosecute many of these crimes, the federal government also fails to record data on most crimes in Indian country.

In 2017, a non-Native perpetrator sexually assaulted a minor on our reservation. The tribe did not have jurisdiction and thus referred the case to the U.S. Attorney's Office. Before any action was taken, the same perpetrator lured another tribal child away from the reservation, whom he raped for 12 hours in a hotel room. Allowing tribal authority to prosecute this offender for the first offense could have potentially prevented the second assault. If a woman travels to another state and is sexually assaulted, or if a woman is assaulted in her home state by a perpetrator from another state, the state where the crime occurred will prosecute the perpetrator and protect the victim. Why can tribes not have the same authority to prosecute or protect someone who is not a citizen of their lands?

Tribal Consultation

Despite DOJ's verbalized commitment, every year since the OVW tribal consultation was implemented, tribes have diligently prepared and provided insightful input with minimal improvements. Tribes need to demand that DOJ begin to meet tribal requests. OVW does not provide tribes with a clear statement of how it will use tribal recommendations.

Recommendations

- Expand VAWA to include violent crimes that occur in contexts besides intimate partner violence.
- Convene all DOJ offices to review all tribal comments provided over the past 3 years. Compile this tribal input into a report to be publicly released by March 1, 2020.
- Include CTAS solicitation survey results in the OVW annual tribal consultation report.
- Conduct a formal evaluation of technical assistance providers for Indian country and include tribal input in this process.
- When receiving a request or concern specific to a single tribe, respond to the inquiry within 60 days.
- For requests or concerns expressed by multiple tribes, create a national matrix and update it annually. Develop an action plan based on this matrix.
- Create a tribal working group to establish a grant formula that works for tribes, and implement it across DOJ offices. Refrain from using competitive grant programs for tribes.
- Eliminate all grant special conditions for tribes that are not mandated by statute.
- Remove any unnecessary deliverables from tribal grant reporting requirements. Consult with tribes to determine if any special conditions are necessary.
- Redesign solicitations to support all grant activities allowable by statute, including construction, property acquisition, and food service.
- Exclude tribal grants from rescission.
- Approve grant award budgets at the same time as award notifications are released.
- Notify grantees of awards at least 2 months before September 30 each year so tribes have time to plan for cessation of their programs, if needed.
- Do not incentivize tribes for implementing guidelines under Savanna's Act.
- Disburse any unobligated funds under tribal programs to tribes with existing programs.
- Provide tribes with the flexibility to determine how to best use OVW funds they receive.
- Open up FVPSA funding to tribal coalitions.

- FVPSA should discontinue the practice of making awards during the second year of the grant cycle, as this only provides tribes with 12 months to use their FVPSA funds.
- Obtain feedback from tribal FVPSA grantees on specific reasons they are not expending these funds within the grant award period.
- Develop a FVPSA formula that includes a base amount for all applicants and an additional amount based on the tribe's population, as defined by the tribe.
- Create a database to track missing or murdered indigenous people.
- Urge the U.S. Attorney's Offices to prosecute more crimes in Indian country.
- Require U.S. Attorney's Offices to notify tribal justice officials as soon as possible regarding their decision whether to prosecute cases.
- Provide the U.S. Attorney's Office for the Western District of Michigan with funding to hire a full-time assistant U.S. attorney in its Marquette office who focuses solely on crimes in Indian country.
- Conduct a review of all forensic interviewer positions and issue a summary of findings to assess the need for additional positions within Indian country.
- Provide the western district of Michigan with funds to hire a full-time forensic interviewer.
- Station an FBI agent in the eastern upper peninsula of Michigan.
- Reinstate the BOP TLOA program.
- Increase funding to meet expenses created by enhanced sentencing.
- Review and revise the DOJ tribal consultation policy in partnership with tribes.
- Implement and fully fund a tribal working group before September 30, 2019, to review and update the DOJ tribal consultation process.

Stockbridge-Munsee Community Band of Mohican Indians

Shannon Holsey, President

Federal-Tribal Partnership

Policy and budgetary changes are important to addressing violence against women in Indian country, and these changes begin with a strong relationship between the federal government and tribes. None of the tribes want to attend the OVW tribal consultation year after year describing the same challenges and telling the same stories. The federal government and tribes must work together to reach resolutions that address the intergenerational trauma that leads to violence and that are acceptable for both parties without diminishing tribal sovereignty. Violence against women is not an AI/AN issue or a partisan issue. It affects everyone and requires all parties to engage and work toward a solution.

Recommendation

- Continue meaningful dialogue with tribes about law enforcement, justice protocols, and related funding appropriations.

Tohono O’odham Nation

Ned Norris, Jr., Chairman

As leaders of nations, tribal leaders must create more conversations around violence against women. They must strive to understand victims and their needs. Resources are scarce, and tribes require adequate funding and staffing to effectively address violence against women. Much of what tribal delegates have shared today has already been said many times. For how much longer must we raise these issues before action is taken?

I ask you: Understand us. Understand the uniqueness. Understand the needs. Understand tribal sovereignty. Understand our need to protect that sovereignty, but do not use sovereignty as an excuse to not provide a resource.

Increasing Tribal Applications for OVW Funding

To encourage tribes to apply for OVW funding OVW must examine the requirements around it. Many tribes lack the capacity or resources to comply with rigid grant requirements. OVW must also consider the unique situations of each tribe, as every tribe is different. Some have diverse economies and resources, while others struggle with poverty. OVW should structure grants in a way that upholds the federal trust responsibility while also honoring tribal sovereignty.

Many tribes, including Tohono O’odham Nation, lack a central data repository. Compiling data for grant reporting can be arduous. Often, tribes are penalized for not reporting their data in compliance with federally imposed deadlines since they lack the data infrastructure to do so. Tribes are grateful for the funds they receive but often struggle to keep pace with the requirements attached to the funding.

Tribal Criminal Jurisdiction

Tribal courts are capable of addressing criminal issues involving non-Native offenders in a fair and impartial way, but need DOJ to expand SDVCJ to include other crimes beyond intimate partner violence. DOJ needs to reaffirm tribal criminal jurisdiction over other violent crimes committed by non-Native offenders, including sexual assault, stalking, and sex trafficking.

BIA Funding

BIA funding for tribal courts, law enforcement, and detention is entirely inadequate. Last year’s unmet obligations report from BIA indicated \$2 billion worth of unmet needs for tribal law enforcement and tribal courts. These funding levels must be adequate for tribes to successfully address violence against women and children in their communities.

Recommendations

- Alleviate the arduous requirements for OVW grant applications and funding.
- Expand tribal criminal jurisdiction to include other violent crimes beyond domestic violence.
- Consider modeling the VOCA tribal set-aside formula after the FVPSA tribal program distribution formula.
- Begin immediate tribal consultation regarding the VOCA tribal set-aside formula.
- Increase funding for tribal law enforcement and courts.

Tulalip Tribes

Glen Gobin, Vice Chair

Criminal Jurisdiction

The SDVCJ restored to tribes under VAWA 2013 was a huge step toward addressing violence against women in Indian country. However, to fully protect women and children, tribes need the federal government to expand this jurisdiction to cover crimes beyond intimate partner violence. When women are in a domestic violence situation, children are often the first responders by stepping in to help their parent, and often become victims themselves. SDVCJ does not give tribes jurisdiction over this crime, and often the federal government declines to prosecute. Currently, it seems like non-Native perpetrators have more protections than victims of crime. To move toward a legislative fix for this issue, tribes are expected to provide justification. The fact that tribal people are being hurt and perpetrators are not being held accountable should be sufficient justification.

Savanna's Act

Tulalip Tribes does not support the proposed incentives for meeting guidelines and reporting requirements under Savanna's Act. These requirements would dilute grant money for tribes. We also oppose penalizing tribes for noncompliance, since many tribes lack the law enforcement and funding needed to comply. The federal government needs to enhance tribal capacity to protect tribal people, not limit that capacity with onerous requirements and penalties. Tribal systems are often treated as inferior to those of other jurisdictions. Just because a non-Native offender is tried in another jurisdiction does not mean they will receive unfair treatment. Tribes want the same thing as other jurisdictions: to be able to protect their people.

Recommendations

- Support the reauthorization of VAWA, and include in that legislation the expansion of tribal criminal jurisdiction to prosecute non-Indians for other types of crimes beyond intimate partner violence.
- Remove penalties for tribal noncompliance currently proposed under Savanna's Act.

Tuolumne Band of Me-Wuk Indians

Frank Canizales, Director of Social Services, Authorized Designee

OVW grants are difficult to manage because of bureaucracy and inefficient practices. Tuolumne Band of Me-Wuk Indians applied for \$139,000 to staff a domestic violence shelter and was denied. The tribe was appalled to hear \$1.6 million of the available OVW funding was not used when we and other tribes had great need. Having tribes submit unsolicited applications for any unobligated end-of-year funding would ensure the money goes where it is critically needed.

Recommendations

- Encourage tribes to submit unsolicited applications for any remaining OVW funds at the end of the year.
- Provide cultural competence training for front-line staff who deal directly with tribes, including federal grants management specialists.

Wabanaki Tribes of Maine

Jane Root, Executive Director, Wabanaki Women's Coalition, Authorized Designee

Research has shown that AI/AN people are 2.5 times more likely to suffer sexual violence, compared to other races. One in three AI/AN women reports sexual assault in her lifetime, and many cases go unreported. To address the epidemic of violence against women, each of the Wabanaki Tribes has an OVW-funded domestic and sexual violence advocacy center under the Wabanaki Women's Coalition, which is funded by the OVW Tribal Coalition Grant.

The five Wabanaki tribes of Maine include:

- Aroostook Band of Micmacs
- Houlton Band of Maliseet Indians
- Indian Township Passamaquoddy
- Penobscot Nation
- Pleasant Point Passamaquoddy

Aroostook County, which is the service area for Aroostook Band of Micmacs and Houlton Band of Maliseet Indians, is economically depressed. Affordable housing, transportation, and employment are difficult to obtain, especially for tribal citizens. Passamaquoddy at Pleasant Point is in the most impoverished county in Maine, and unemployment on the reservation is at 65%.

Barriers to VAWA Implementation in Maine

The Maine Implementing Act and Maine Indian Claims Settlement Act of 1980 inhibit tribes in Maine from implementing SDVCJ under VAWA. These acts created a mechanism for overriding the framework of federal Indian law by two provisions: Section 1735(b) and Section 1725(h). Specifically, the interpretation of these provisions prevents federal laws enacted for the benefit of Indian country after October 10, 1980, which affect or preempt the state's jurisdiction, from applying in Maine. The law impedes Wabanaki Tribes from fully implementing VAWA. Maine is attempting to pass a bill to rectify this issue, but the bill only acknowledges the jurisdictional rights the three Wabanaki Tribes that currently have functioning court systems. If the other two tribes establish tribal courts, they would have to revisit the process to obtain state approval.

To surmount this barrier, VAWA must explicitly state that its provisions apply to tribes in Maine. The legislation must also state that it applies to Alaska tribes, as all but one of the Alaska tribes do not fall under the federal legal definition of Indian country. A version of the VAWA reauthorization bill that includes these provisions passed the House of Representatives but must still clear the Senate. This version of the bill also would expand tribal criminal jurisdiction over non-Native perpetrators of sexual assault, dating violence, stalking, and child abuse.

Transitional Housing

Under OVW CTAS Purpose Area 5, a victim must relocate to qualify for transitional housing assistance. This requirement opposes victim-centered practices, which would involve removing the abuser from the home so the victim can stay. Transitional housing assistance should be available for victims who remain in their homes but can no longer afford rent or utilities when the abuser relocates.

Another challenge related to transitional housing is the requirement for program staff to receive permission from the program manager to purchase furniture for transitional housing assistance participants. Further, participants are required to return furniture to the program once they are no longer in the transitional housing assistance program. Our programs do not want to be responsible for taking away a child's bed, and we have nowhere to store returned furniture. Other grantees are not aware of the furniture return policy, so OVW should provide clarification on this issue.

Funding

Wabanaki Tribes do not support population-based formula funding. This formula would mean that small tribes would receive only \$75,000, which is insufficient to provide victim services. Formula funding is not an automatic award to all tribes; tribes must still apply for this funding.

OVW and OVC tribal set-asides from the previous year were not fully awarded. DOJ should use these funds to provide onsite technical assistance for tribes that would like it. All funds earmarked for tribes must go to tribes. Because the federal government has a trust responsibility to tribes, rescission of funds should never apply to tribal programs, especially since these programs are already drastically underfunded.

The reauthorization of FVPSA increased the tribal set aside from 10% to 12.5%. This increase is an improvement, but the distribution formula means that small tribes receive woefully insufficient allocations. Previously, FVPSA had established a tribal work group to study the formula and develop recommendations to improve it. However, that work group was dismantled. Another concern regarding the tribal FVPSA funding is the new requirement for tribes to submit a budget with their application. This requirement is problematic because tribes do not know the funding level for which they are applying until they receive notice of the award and because tribes may use the funds to cover gaps in program expenses, which are difficult to show in a budget.

Increasing Tribal Funding Applications

Limiting current tribal grantees' eligibility for continued funding has the effect of penalizing tribes for successfully administering OVW funds. Wabanaki Tribes oppose this practice. To not fund successful victim service programs after they spend years building up a safety net for victims is a travesty. OVW must disburse all funds before they consider not funding existing programs. Lack of basic infrastructure to house and staff programs also discourages some tribal programs from applying for funds.

Tribal Coalitions

Funds were rescinded from tribal coalitions. Why were these funds not awarded when tribal coalitions are formula funded? The Wabanaki Women's Coalition is stretched very thin and has a high rate of burnout but will never be able to add staff at the current OVW funding levels. However, if coalitions received the proposed FVPSA funding, they could add staff.

Missing or Murdered Indigenous Women

Wabanaki Tribes strongly support Savanna's Act as a starting point to improve the response to missing or murdered indigenous women. However, they do not support expanding the scope of VAWA grant funding to include any missing person or murder case, as this addition would reduce funding available for tribal services related to the VAWA crimes. Instead, appropriating additional funding for Savanna's Act would support other cases of missing or murdered people without subtracting funds for the VAWA crimes from tribes.

Recommendations

- Support the reauthorization of VAWA, which includes language articulating its implementation for tribes in Maine and Alaska.
- Expand TAP and fully fund access for all tribes that want it, including those that do not currently have courts or law enforcement departments.
- Remove the word “relocate” from the transitional housing assistance statute to ensure assistance is available for victims who stay in their homes.
- Clarify, in writing to all grantees, the policy on requiring transitional housing assistance participants to return furniture. Revise the rule that has been interpreted as requiring the return of furniture.
- Require that the CTAS Purpose Area 5 narrative be between 10 and 15 pages.
- Use unallocated funds from tribal set-asides to provide onsite technical assistance to tribes.
- Require TA providers to demonstrate experience administering victim services in Indian country.
- Provide early, onsite technical assistance through organizations with experience in tribal administration of OVW grants to tribes that do not receive OVW funding. Require technical assistance providers to prove this experience.
- End the practice of limiting current tribal grantees’ eligibility for additional OVW funds.
- Include tribal grantee program specialists in FVPSA planning meetings, and resume the tribal work group work on the FVPSA funding formula.
- Continue to include funding for tribal coalitions under FVPSA funding.
- Do not apply Congress-mandated rescissions to tribal programs.
- Declare May 5 an annual day of mourning for murdered or missing indigenous people in the U.S.
- Increase funding under Savanna’s Act and create a separate program for addressing cases of missing or murdered AI/AN people, rather than using funds from the already inadequate funding from the Tribal Governments Program for this purpose.

Yavapai-Apache Nation

Lawrence “Larry” Jackson, Sr., Vice Chairman

Tribes need parity. They need fairness and equal justice.

Missing or Murdered Indigenous Women

Arizona set up a study committee for murdered or missing indigenous women. While tribes applaud the state for taking an important first step, tribes urgently need tangible, direct action.

Crime Victims’ Fund

In 2018, due to time constraints, not all of the tribal set-aside under the Crime Victims’ Fund was distributed. Those funds could have saved lives. In the future, DOJ should direct a portion of this funding to all tribes as baseline funding and a portion to formula funding to compensate for tribal populations. The Crime Victims’ Fund should not be competitive; protecting all women and children is important.

Tribal Criminal Jurisdiction

Tribes need expanded judicial oversight of non-Natives. When someone visits our tribal lands, they pass a sign that states they must abide by all tribal rules, but the tribe does not have the jurisdiction to enforce rules for non-citizens. Parity means enabling tribes to protect all tribal citizens, including from non-Native perpetrators.

Written Testimony

OVW welcomed written input from tribal leaders and authorized designees following the event through September 30, 2019, to ensure it received input from those who were unable to attend the tribal consultation but had comments to offer. Some of the tribes represented at the tribal consultation also submitted written testimony to expand upon or underscore the testimony they provided at the event. Concerns and recommendations from these written submissions are incorporated into the summarized testimony above.

In total, 12 tribes and AI/AN organizations submitted stand-alone written statements to OVW. These testimonies are presented in the following sections, alphabetized by tribe or organization name.

Eastern Shawnee Tribe of Oklahoma

Cathleen Osborne-Gowey, Founder, Eastern Shawnee Haven House, Authorized Designee

As part of its testimony, Eastern Shawnee Tribe of Oklahoma (ESTO) submitted a letter written by an anonymous client of its victim services, who no longer sees herself as a victim, but as a survivor.

“I’m not a victim, I’m a survivor.

“Women who have been abused are often viewed as weak. I feel women that have been abused, whether it was verbal, mental, sexual, physical, or all of the above, are the strongest of women. Why? To be able to keep a straight face and not show emotion during those times of torture, to go to work every day and act like everything’s okay when what you really want to do is scream ‘help me,’ to not completely lose your mind, that’s strength. And if those women are able to get out of that hell without killing themselves, even stronger. I know that last sentence might have been a little jarring, but I want you to understand how extreme abuse can be. It’s okay if those reading this don’t agree and I’m sorry if anyone feels like their hard times and strengths aren’t valid. That is in no way my intention. The thing is: we don’t expect you to understand; we were you once.

“I have always been proud of my strength. I’ve always been praised for it, as well, but I became one of those girls trying to hide a black eye and acting like I wasn’t in pain physically and emotionally. I looked in the mirror many times asking myself, ‘How did I get here?’ In the past I have heard other women’s stories and asked myself, ‘How weak can they be? Why they don’t just leave?’ I now feel horrible for not reaching my hand out to help in their time of need because of my lack of understanding.

“As you can gather by now, I was in an abusive relationship. I didn’t even know it for a while. He wasn’t hitting me at the time and he didn’t mean the words he said, right? I’d seen him cry while apologizing. The effects of domestic violence are traumatic. At the time I was convinced there was no way I was a victim. There are many red flags before physical abuse even starts: Abusive control—control of your friends, time, body, and mind. Physical but not-so-physical abuse—this could be grabbing your arm, pushing you, or being pinned up against a wall with his hands around your neck. Fear—fear of him snapping over something little. You are, at this point, walking on eggshells. Then there’s isolation. This is usually an abuser’s last hope or step to gain

complete control. This is usually the point where a woman tries to get out or she is not so lucky and is killed, whether it was intentional or not. Isolation is from anyone whom he feels you will tell. He's in fear of getting caught and needs to get you away from any support you have. This isolation can even move you to another state because of the sense of brainwash and fear you are under at this point.

"I was one of the lucky ones who got away. I shiver every time I think about it. I look at it now and see it all clearly. Why didn't I see it clearly then? Why didn't I leave at the first signs? Maybe I was blinded by his words and actions after each time of abuse. They were kind, he was sensitive, and he said he was sorry. Maybe I didn't want to see. When someone has a dominant force over you, it is like being brainwashed. You cling to any hope left that tomorrow will be better. If he loves me, he will stop. If I can just be a better person and wife to him, he will stop. Abuse doesn't happen overnight, no. The abusers know what they are doing and generally have everything planned out even if their plan takes years to accomplish, which, in my case, it did. He would have complete control of how I would feel throughout any given day by the degrading and belittling words he would say. By the end of the day when he saw me shutting down, he would apologize and be the man I fell in love with. This was always short-term and kept going downhill after each incident. I eventually realized I was giving him more strength and control by forgiving him.

"I am now on a journey to find myself again and be comfortable in my own skin. I feel empowered now and have come a long way in a short time. I'm not going to lie, I still have my weak moments of self-doubt and I question my worth, but those times are getting few and far between. I know what has helped me tremendously is the wonderful support system I have. I always knew my friends were amazing, but I now see them in even a better light. And my family, the ones I pushed away as I got older and started my own life, they are part of my daily life now, and we have grown closer than ever before.

"The Eastern Shawnee Tribe Domestic Violence Program has been so encouraging and helpful. You see, I had to show vulnerability, something that to me meant weakness, but I have now learned otherwise. Recently, a wise woman told me that being able to show vulnerability and being able to ask for help are strength.

"On January 8, 2018, my life changed for the better even though I was still stuck in hell. I finally broke and opened up to some friends who gave me support and guided me. With that support, I was able to tell my family. On January 10, 2018, my family drove more than 700 miles to come to my defense. As I watched my husband walking past me handcuffed, I took a deep breath, trying not to break down. As tears filled my eyes I looked around at my family and I realized I'M FREE!

"I'm not a victim, I'm a survivor."

ESTO is largely in rural, isolated, low-income areas, which are disconnected from each other on allotted lands. Women in our community face geographical barriers and financial hurdles to accessing domestic violence and sexual assault advocacy. Access to sexual assault and domestic violence advocacy outside the Eastern Shawnee Family Violence Prevention Program can be 60 to 90 miles away.

As is the case in many states, domestic violence and sexual assault are significant issues for rural Oklahoma. “On average, an Oklahoman dies every five days as a result of domestic violence, based on homicide numbers compiled by the Oklahoma Domestic Violence Fatality Review Board.”¹

The Ottawa County Sheriff’s Office is 18 miles from ESTO property and does not patrol ESTO property because of sovereignty issues. While the ESTO police department cooperates with the Newton County Sheriff’s Office, Newton County police personnel have no authority in Oklahoma. As a result, ESTO tribal members and other residents are without adequate monitoring of and protection from domestic violence and sexual assault. When Eastern Shawnee women have the courage to make the call to our program or to tribal police, the distance between our tribal members and police department often increases the time it takes an officer or advocate to reach the victim.

Through FVPSA funding that began in 2010, the ESTO Haven House printed flyers and served approximately four to five domestic violence victims a year. From 2010 through 2012, FVPSA funds further supported our program to serve up to five women a year with emergency shelter and support services. By adding OVW CTAS Purpose Area 5, VOCA, and HHS funding, we have increased our capacity to serve approximately 200 victims of domestic violence, dating violence, and sexual assault, as well as 300 to 400 of their children. We estimate that we will continue to serve at least 200 victims of domestic violence and dating violence, and 300 to 400 of their dependents, with emergency shelter and support services (figures based on ESTO Haven House client log from 2016 through 2019). With our current funding this year, we are maintaining our safe house, offering more extensive client services to all victims of crime, providing substance abuse treatment, and increasing our advocacy staff. Our program is expanding to try to meet the critical needs of tribal women in our community.

However, we must continue to build on our previous work accomplished by our last grant awards to provide Eastern Shawnee victims of family violence with immediate emergency shelter and support services. We can only use our CTAS funds (Purpose Area 6 awarded in 2012 and Purpose Area 5 awarded in 2015 and 2018) for specific emergency shelter services and long-term transitional housing needs, the salary of our advocate and director, and the day-to-day running of our program. Our 2018 VOCA grant, which can only be used in Oklahoma, gives a small amount of funding to cover legal services, the rental of a temporary safe house, and counseling services. Many of our clients live outside of Oklahoma in Missouri, and part of our tribal headquarters and a great deal of our allotted lands sit on the state line between Missouri and Oklahoma. We have one local shelter and many of our women find it a frightening place for them and their children. We need continued funding to give our women consistent access to ALL emergency shelter, support, and education services.

The ESTO Haven Advocacy Program is a small tribal domestic violence/sexual assault program designed to give victims access to advocacy, emergency shelter, support services, and assistance with long-term transitional housing needs. We do not yet have an adequate shelter facility with the necessary trained staff, equipment, and procedures in place to meet all the shelter needs of domestic violence victims in our tribe. We have, at this point, two full-time trained domestic violence/sexual assault advocates/outreach coordinators and a part-time program administrator/out-of-state client advocate. We can currently offer our victims emergency shelter services in the form of:

¹ Slipke, D. (2018, April 10). Troubling statistics about domestic violence in Oklahoma. *The Oklahoman*. <https://newsok.com/article/5590185/troubling-statistics-about-domestic-violence-in-oklahoma>

- hotels in the location that works best for them (some of our clients prefer to be in their local hometown, while others prefer an undisclosed location);
- a stay in our emergency temporary safe house (when the situation best fits, though it can only house one woman at a time, and we often have several in need); and/or
- transportation to a local shelter of the victim's choice.

None of our federal funding sources provide for payment of medications, utility bills, emergency food or fuel, emergency rental assistance, or legal and counseling advocacy services outside of Oklahoma. Many of our clients come to us and have just fled their abuser, unable to take time to get their necessary medications or identification, let alone funds for fuel to get to safe housing with family and friends or purchase food. Many only have the clothes on their backs, as do their children, and have little to no way to get additional clothing. They find that their abusers have not paid utility bills and therefore their water and/or electric services are about to be turned off. Since abusers are often in control of finances, some victims of domestic violence and their children who do not require emergency shelter because their abuser has left have past-due rent bills and they are close to eviction but not yet homeless. (Many of these women do not have work but, with emergency rental assistance of up to 1 month, are given time to find employment to cover their housing costs).

One of our goals is to reduce the financial and geographical barriers to accessing domestic violence emergency shelter and support services. Many of our clients have told us that, without the ability to seek legal and counseling advocacy, they would not have been able to break their cycle of violence. We must give this service to all our clients regardless of where they live. We strive to have counseling advocacy services available to children exposed to family violence, domestic violence, or dating violence. The ESTO Haven Advocacy Program advocates are not trained children's therapists but can advocate for families seeking specialized care for children exposed to family violence. ESTO Haven can refer victims and their children to counseling services or any other specialized services necessary for children exposed to family violence. However, our funding is limited and, each year, we have more need than funding.

In short: without continued and additional funding, we will not be able to provide the services we currently provide nor fill in the gaps in care.

Additional funding for all tribes for continued victim services is essential. Funds should not be competitive; pitting tribe against tribe in trying to protect Native women and families only hurts victims in the end. Finally, restrictions must be lifted so that we can fill gaps in services, such as payment for utility bills, substance abuse treatment (especially since 90% of our clients self-medicate to escape the abuse they are living in), and funds to provide child supervision. (Often, abusers use child custody and the exchange of children to intimidate victims.)

Without continued DOJ funding to provide services, education, and outreach, there will be more victims and fewer survivors. Women like the client whose letter is included above deserve the chance to say to themselves, "I AM FREE."

Fort McDowell Yavapai Nation

Bernadine Burnette, President

The Fort McDowell Yavapai Nation employs more than 1,196 individuals between its tribal government and its nine tribally owned and operated enterprises. Additionally, at any given time, the Nation hosts numerous visitors at the Fort McDowell We-Ko-Pa Casino Resort and We-Ko-Pa Golf Course. With so many individuals traveling throughout the Nation, the safety and security of employees, visitors, and especially tribal members who live on the reservations are of paramount importance.

To ensure the protection of all who call the reservation home, the Nation boasts well-developed public safety and family services systems, which include a tribal court (including a wellness court), a full-time tribal police department, and a tribal family (social) services department. More specifically, these systems allow the Nation to provide direct services to tribal and community members who are victims of domestic violence, dating violence, sexual assault, and stalking.

Currently, the Nation provides programs and educational opportunities, such as the Batterers' Intervention Probation and bi-monthly domestic violence community awareness trainings. These influential measures increase direct services and opportunities for victims of domestic violence, sexual assault, dating violence, and stalking to seek knowledge, resources, and healing. One area that is important is encouraging cultural understanding to strengthen our Nation.

The need still remains for additional federal resources and collaboration to both enhance current services and develop new services for victims. As such, the Nation submits the following recommendations to OVW for consideration.

How can the OVW encourage tribes to apply for OVW funding to help ensure that violence against women grant funds reach more tribal communities?

Response: The allocation of federal funds should be based upon a formula whereby tribes of similar sizes are competing for assistance. As a relatively small tribe, Fort McDowell Yavapai Nation often competes for federal funds against much larger tribes. This competition becomes especially difficult because the number of incidents, victims, etc., that establish the need for assistance, as required by grant applications, are not adjusted for population size of the competing tribes. Larger tribes will have larger numbers of incidents, victims, etc. However, in a smaller tribe, even a small number of incidents has a substantial impact on the public safety of our community. All tribes, large and small, seeking federal dollars should receive some assistance. However, a graduated formula, whereby tribes of similar size would compete for federal funding, would alleviate the innate inequality of the current application process.

In closing, the Fort McDowell Yavapai Nation has been a recipient of OVW funding for many years. This funding has helped many tribal members who are victims of crime in our community. It is no secret that the journey of healing for Native women is not an easy one, even under the best of circumstances. It is imperative that the collaboration between federal and tribal governments remain strong and continue to move forward in a positive direction to make that journey less trying. The time when Native women evolve from being victims of violence to healing and perseverance is especially critical. Federal agencies and all tribal governments need to more fully collaborate and cooperate to make this transition effective.

Grand Traverse Band of Ottawa and Chippewa Indians

Mark Wilson, Tribal Councilor

In 2002, a member of Grand Traverse Band of Ottawa and Chippewa Indians, Kathleen Floyd Garcia, was murdered by her estranged husband, Severo Garcia. She had vacated their home and lived with her mother next door. Five months earlier, her husband had called police to complain that she had damaged their van. When officers arrived, they observed that Kathleen had a bruised cheek and jaw, and she told them her husband had hit her.

Later that day, police responded to a reported assault, and found Kathleen terrified. She was bloody, scratched, and bruised with a tennis ball-sized welt on her face. Her face, back, and ribs hurt. Severo had beaten her for talking to a former boyfriend. The tribe lacked jurisdiction over him because he was not a tribal member. There was no justice.

In February 2002, Kathleen was visiting a friend when her husband showed up at the friend's house with beer. The group danced and enjoyed the night for a few hours until Severo became violent, punching her and wrestling her to the ground by the hair. She fought her way to her feet, bloodying his lip. At that point, the host asked everyone to leave. Kathleen drove home to her mother's house. Severo walked back to the reservation, where he broke down the front door of Kathleen's mother's house and headed directly to Kathleen. He grabbed her arm with one hand, pulled out a steak knife with the other hand, and plunged it into her chest. Kathleen's 12-year-old son Auggie was also stabbed while trying to protect his mother during the altercation. While in handcuffs, Severo told an officer, "You know I did it to protect myself. I was getting beat on."

If the tribe had been able to exercise jurisdiction over Severo for the initial assault, Kathleen would still be alive. Family reported that she did not bother to report his physical abuse to the police because she knew he would not be punished.

In 2018, aided by an OVW grant, the tribe implemented SDVCJ with the goal of protecting victims, securing justice, and preventing revictimization.

The Floyd family tragedy does not end with Kathleen's death. Five and a half years later, Auggie traveled across the state to a concert, after which he went to a party on a neighboring reservation. From there, he and his car vanished. Volunteers combed the forests in the area for weeks, and authorities have followed up on tips every few years since then, but neither Auggie nor his car has been seen since the night he disappeared. Some believe Auggie started down the path to his own tragic end on the night his mother was killed.

Grand Traverse Band of Ottawa and Chippewa Indians supports key portions of Savanna's Act. Tribal access to the information in federal databases must be expanded, and tribal information must be incorporated into the databases. U.S. attorneys and other federal actors should provide training on best practices for conducting searches for missing persons, collecting and reporting information, adding tribally held information to databases, and coordinating with other law enforcement agencies. When our indigenous people go missing, we must use every conceivable resource to find them and bring them home.

However, the tribe believes that leveraging funding is an inappropriate mechanism to modify tribal policy. Federal funding to states is purely discretionary; funding to tribes, by contrast, is essential for the federal government to fulfill its trust responsibility. Tribal funding should not be made contingent on adherence to protocols, practices, and guidelines that the federal government will generate and share with tribes later. Without having the opportunity to evaluate the federal guidelines, how can tribes determine whether they are situated to implement them? Will these guidelines and best practices be feasible on the shoestring budget tribes must work with? The answers to these questions are critical.

Due to the federal government's deficient funding to tribal law enforcement, Grand Traverse Band of Ottawa and Chippewa Indians is forced to police its jurisdiction with an insufficient number of officers. The modest police force patrols six counties, including housing developments on trust land in five counties.

Patrols can be particularly challenging because of our geography, climate, and population. Summer tourism is the region's main economic driver. During the summer months, the population swells dramatically with tourists and seasonal residents. The increased density congests the roads and traffic slows the travel. In the winter, lake effect snow slams the region, making travel slow and treacherous. On the night shift, only one officer is on patrol. That officer is put in harm's way when called to reports of domestic violence or other violent crimes. With law enforcement spread so thin, it is hard to be confident that our tribe will have the capacity to implement federal protocols. Given that the federal government's woefully inadequate law enforcement funding is the culprit, the federal government's waving of "incentive" dollars that are contingent on compliance with undefined conditions would be a cruel trick to perpetrate on tribes. The only solution is greater support and more resources. Irrespective of incentives, Grand Traverse Band of Ottawa and Chippewa Indians needs increased law enforcement funding, improved cooperation from neighboring jurisdictions, and access to federal law enforcement resources.

Ketchikan Indian Community

Norman Skan, Tribal Council President

Ketchikan Indian Community (KIC) currently receives OVC grant funds, which the tribe distributes through our social services program where domestic violence prevention and intervention services are provided. The social services program also provides elder services, women's groups, Indian Child Welfare Act intervention, and financial aid.

KIC has collaborated with other programs in the tribe to deepen cultural richness through activities provided during support groups. These activities include, but are not limited to learning local Native languages, moccasin making, beading, and processing Native foods.

We have also included community service activities for women, children, and elders in our community. The ability to donate fresh fish, berries, and seaweed have saved the participants from paying in cash and provided restoration and an opportunity to be accepted back into the community. Volunteering at our congregate meals for the elders is also restoring the ex-offenders back to the tribal community.

The KIC Domestic Violence Program works with the criminal justice system to improve the referral process to the Batterer Intervention Program. The process has improved and the communication between agencies has gotten better. We have increased our visibility in the courts by attending more

hearings pertaining to domestic violence and sexual assault and following the cases through the court system. We have offered trainings and educational opportunities and invited community partners to our community rallies and events. We continue to have confidence and determination despite challenges in our community.

Maintaining our trust with community partners has helped build the bridges necessary to improve our collaborative community response. We teach that accountability for perpetrators is critical and the only way to safety for victims is to create lasting social change. We believe that individuals can change their behavior by changing their belief system. We see the changes in men in our community and believe that it has improved the safety for women and children in their lives.

An area of need is additional options for treatment and reentry programs into the community for offenders. Most offenders are released with no housing, job, or social support. It is very difficult to earn a living while also complying with conditions of release that include weekly programs and classes that interfere with the ability to work. We need case management for offenders and for victims who are arrested in the case of self-defense. We are currently discussing this issue with the superintendent of our jail facility.

KIC believes that each federal agency wants to do the best job they can with the resources they have. We can do it more effectively together, but there is a lack of training, and KIC believes the issues of historical trauma and cultural considerations are not a training priority. Our clients have often run out of options and do not have family to depend on and support them in times of crisis.

Our program needs more staff members to be able to meet the needs of all of the victims of domestic violence in our community. We appreciate the funding we have received from OVW so that services can continue to those in need. We ask that OVW continue to provide funding and technical assistance so they we may offer uninterrupted services. The need for these services is pervasive in Ketchikan, throughout Alaska, and across all tribes nationally.

Koyukuk Village Council

Robert Albert, Second Chief

Koyukuk is located in a remote area of Alaska that is not on a road system, so the main mode of transportation is by air. Victims of crime have to fly more than 300 miles to the nearest city to receive services, including rape kits, disease screening, counseling, safe shelter, and examinations. There is often a long waiting period for the victim to be seen with no one to advocate for their rights. This transportation is costly, and there is little funding available to help the tribe cover travel expenses, including housing, food, transportation, escort, and money for necessities. The tribe makes the following recommendations to improve the funding allocation.

- Make the grant application non-competitive.
- Improve the grant application submission process so that tribes can submit applications without the added worry of a basic requirement not being submitted.
- Deliver webinars that are specific to Alaska on how to complete the grant application submission process.
- Provide Alaska-specific technical assistance.

- Enhance response time to questions about grant eligibility and requirements.
- Provide funds for construction of shelters, offices, and storage for staff and victims of crimes.
- Offer funding for a loaner casket program for those who are required for an autopsy to ensure respect, dignity, and traditional cultural practices in cases involving deaths and to cover travel expenses for an advocate.
- Provide funds for victim advocates to travel with victims of crimes.
- Fund tribal court building staff, including operations, maintenance, and janitorial staff.
- Establish tribal response teams in major cities to be on call for victims of crimes who may be traveling from remote areas to those cities for services.
- Provide funding for tribes to attend DOJ tribal consultations.

The tribe takes the well-being and healthy recovery of all tribal members very seriously, and this includes the victims of crimes who need access to services.

National Indian Health Board

Victoria Kitcheyan, NIHB Chair and Tribal Council Member for Winnebago Tribe of Nebraska

The National Indian Health Board (NIHB)² Resolution 17-04, Supporting the VAWA in Indian Country,³ provides for the continued support of AI/AN victims of domestic abuse. NIHB therefore supports tribal leadership of federal programs and resources to assist domestic violence survivors in attaining safety, exercising their legal rights, and receiving other fundamental needs of survival made possible by access to VAWA grants.⁴ Continued funding for VAWA implementation in Indian country is a critical piece to securing public safety on tribal lands and to ensuring support of violence prevention programming and education for the benefit of AI/AN people. To enhance these efforts, NIHB recommends that DOJ provide targeted technical assistance to tribal nations to combat domestic abuse and, where programs already exist, enhance national promotion by creating a central webpage for tribes that lists all sources. DOJ must also conduct outreach in a way that uses on-the-ground efforts to enhance connections to tribal governments so that the tribes themselves can seek buy-in from their people.

Congress has declared that “it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians ... to ensure the highest possible health status for Indians and urban Indians and to provide all resources necessary to effect that policy.”⁵ The unique legal and political relationship with tribal governments is established through and confirmed by the U.S. Constitution,

² Established in 1972, NIHB is an intertribal organization that advocates on behalf of tribal governments for the provision of quality health care to all AI/AN people. The NIHB is governed by a Board of Directors consisting of a representative from each of the 12 IHS Areas or regional tribal organization. The representatives are elected by their programs. In areas where there is no area health board or regional tribal organization, tribal governments choose a representative who communicates policy information and concerns of the tribes in that area with the NIHB. Whether tribes operate their entire health care program through contracts or compacts with IHS under P.L. 638, the Indian Self-Determination and Education Assistance Act (ISDEAA), or rely on IHS for delivery of some or most of their health care, the NIHB is their advocate.

³ NIHB. (2017, Jan. 25). *Resolution 17-04, Supporting the Violence Against Women Act in Indian Country.*

<https://www.nihb.org/docs/01272017/NIHB%20Resolution%2017-04%20VAWA.pdf>

⁴ 25 U.S.C. § 1602(1) and subsequent reauthorizations (2005 and 2013).

⁵ 34 U.S.C. § 20126(a).

treaties, federal statutes, executive orders, and judicial decisions. Central to this relationship is the federal government's trust responsibility to protect and improve the health status of tribal families. DOJ, as a federal agency, has a trust responsibility to tribes. In fulfillment of that trust responsibility, DOJ must meaningfully consult with tribes in the implementation of policies with tribal implications. Policy-based or regulatory actions that affect tribes' access to and knowledge of available funds implicate tribal nations. As such, NIHB appreciates DOJ's annual efforts to consult with tribes, as mandated by VAWA, and the Tribal Consultation Report summary that DOJ provides to tribes after each annual consultation session.⁶ The involvement of tribes in the development of DOJ policy allows the agency to better fulfill the trust responsibilities and treaty obligations, and to work towards clearer, more equitable grant-making structures and processes. In addition, it allows for culturally appropriate approaches that will result in greater tribal access to DOJ programs and positive outcomes for AI/AN peoples. As well, tribal consultation allows for the improvement of the health programs operated by IHS, tribes and tribal organizations, and by urban Indian organizations.

Consultation Request

OVW requests tribal testimony as to how it can encourage tribes to apply for OVW funding to help ensure that violence against women grant funds reach more tribal communities.

As DOJ is aware, there are unprecedented levels of domestic violence on tribal lands. At least four out of five American Indian women have experienced violence in their lifetimes.⁷ According to DOJ OJP BJS, at least 70% of the violent victimizations American Indians experience are committed by an offender of a different race.⁸ Further, national studies show that men who batter their companion also abuse their children in 49% to 70% of cases.⁹

These appalling circumstances result not only in physical injury or death, they have an under-recognized impact on women's reproductive health and on the contracting of sexually transmitted diseases. Also under-acknowledged is the fact that domestic violence victims crossing state lines to flee their abusers are not eligible for public benefits, such as the Supplemental Nutrition Assistance Program (SNAP) and Medicaid, to which they are rightfully entitled. At least 25% of AI/AN people receive SNAP food benefits. Medicaid, too, is a lifeline to tribal communities. Severing access to any of these resources is traumatic for a large swath of tribal people. For victims and survivors of domestic violence and sexual assault, fleeing their attackers and starting over elsewhere – in many instances with children – the impact is especially acute. Although this access to resources was not the specific topic of OVW's tribal consultation, the plight of AI/AN women in this regard must not be ignored. DOJ must keep these dire statistics and threats to health in mind as it seeks to improve the processes that determine access to vital DOJ funds and programs by Native women and tribal governments.

⁷ NIJ. (2016, June). *Violence Against American Indian and Alaska Native Women and Men*.

<https://nij.ojp.gov/topics/articles/violence-against-american-indian-and-alaska-native-women-and-men>

⁸ Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence. (2014, Nov.). *Ending Violence so Children Can Thrive*.

<https://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2014/11/18/finalaianreport.pdf> (citing statistics that are in need of national update).

⁹ See Footnote 8.

We hope that DOJ will continue to work closely with tribal communities to elevate tribal concerns at the federal policy level and to honor the relationship that exists between the federal government and tribes as sovereign nations.

Osage Nation

Geoffrey M. Standing Bear, Principal Chief

Osage Nation is a grantee of the following funding sources:

- Tribal Sexual Assault Services Programs under OVW,
- Tribal Governments grant (CTAS Purpose Area 5) under OVW, and
- Tribal Set-Aside grant under OVC.

Administering grant funds appropriated for tribal governments and programs created to benefit tribal governments by the original VAWA and subsequent legislation

Osage Nation supports the position of NCAI that it is wrong to have tribal nations competing for grant dollars intended to keep our people safe. The idea of having tribal nations competing for dollars for such a basic right goes against all that we are taught as indigenous people.

However, the tribe does not support any funding formula based solely on tribal population counts acquired through U.S. Census data. Osage Nation's records on tribal citizenship are far more accurate than Census data. In exercising tribal sovereignty, Osage Nation determines its own citizenry and maintains all records on those citizens. Further, tribal programs that serve victims of domestic violence, sexual assault, stalking, dating violence, human sex trafficking, and missing or murdered relatives generally serve not just their own tribal citizens, but all those who need services.

Enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking

In order to enhance the safety of indigenous women from domestic violence, dating violence, sexual assault, and stalking, like the other tribal nations presented at the onsite consultation, Osage Nation supports a full Oliphant Fix, restoring tribal nations' ability to prosecute non-Natives who break the law in Indian country. Any one act of violence against an indigenous woman likely breaks several laws including, but not limited to trespassing, breaking and entering, kidnapping, preventing an emergency phone call, child abuse, threatening a violent act, possession of a dangerous weapon after former felony conviction, and destruction of property.

Strengthening the federal response to crimes of domestic violence, dating violence, sexual assault, and stalking

Many of the victims of violence against indigenous women live off reservation or outside of what is considered Indian country, but these women are counted among the staggering numbers of 84% who will experience physical abuse in their lifetimes and 56% who will be sexually assaulted in their lifetimes. These women who live outside of the jurisdictions of their tribal nations must be able to count on a prompt and effective response from local law enforcement and prosecutors. We have been unable to effectively hold those agencies accountable for their lack of response.

In addition, for tribes that are checkerboarded, like Osage Nation, it is imperative that local law enforcement and prosecutors be required to know federal law regarding the serving and enforcement of tribal protective orders. It is apparent that far too many are either unaware of these processes or unwilling to adhere to them. Federal law mandating the creation of something similar to a commission granted to tribal officers by a local district attorney would eliminate at least part of the problem by allowing tribal officers to go into any jurisdiction to at least serve the tribal protective orders when perpetrators are on fee land.

How can OVW encourage tribes to apply for OVW funding to help ensure that violence against women grant funds reach more tribal communities?

In order to encourage tribal nations to apply for OVW funding to help ensure that violence against women grant funds reach more tribal communities, I encourage OVW to review and eliminate limitations to tribes that are contained in policy, rather than in federal law. Our cultures are clearly different, so our approaches to assisting victims will likely be different from mainstream approaches.

I also encourage OVW to simplify its reports. While I understand the need to gather data to arrive at statistics that help OVW secure funding, I feel as though OVW has gotten too far into the weeds in creating reporting categories. Please remember that our programs create their own data collection systems, so each is slightly different, when a tribe has the capacity to build such a system. Each time OVW adds a new information category, tribal employees must go back to the drawing board to change electronic data collection systems, forms, and policies. During this busy work, victims are still coming in for services, advocates are still going to court, and shelters are still housing families.

It has been the policy of Osage Nation to serve all victims on the Osage Reservation, regardless of ethnicity, as they are our neighbors, in-laws, employees, and friends. We serve all victims who are enrolled members of any federally recognized tribe in Oklahoma or Kansas; and we serve all Osage citizens wherever they reside. In the past few months, we have served victims who are citizens from likely a dozen different tribes. As one of only four or five tribes in Oklahoma with a shelter, we feel serving the citizens of the other tribes within the state, as well as in Kansas, our former homeland, is the right thing to do.

Do tribes support, under OVW grant programs, proposed funding incentives for jurisdictions, including tribes that are implementing certain guidelines, protocols, or data reporting related to missing or murdered Indians?

Osage Nation is in favor of the creation of another purpose area to address the crisis of missing or murdered indigenous relatives, as this sort of work will take the cooperation and collaboration of programs operating under multiple CTAS purpose areas and could not easily be contained within any one of the existing purpose areas.

While tribal nations all need time to plan and create such protocols and guidelines, the sad reality is that we have a large demand for services now from the family members of our missing or murdered indigenous relatives, and our tribal programs are scrambling to serve those families to the best of their ability while staying within the scopes of existing grants. Our tribal employees often work on these cases outside of working hours without any compensation.

Yes, I am in favor of funding incentives for tribal nations that are creating and implementing certain guidelines, protocols, or data reporting related to missing or murdered indigenous relatives. Those dollars must be accompanied by dollars intended to provide services such as:

- Paying agencies to bring in cadaver dogs to search;
- Feeding search parties;
- Purchasing supplies for searches, such as safety vests, machetes, flags, evidence bags, gloves, radios, metal detectors, etc.;
- Printing of missing posters; and
- Awareness events.

If such funding incentives are enacted, how should OVW implement them so that they are helpful to tribes and tribal communities in their efforts to combat domestic violence, dating violence, sexual assault, and stalking?

In many cases of missing or murdered indigenous relatives, there is an intersection with domestic violence, sexual assault, sex trafficking, and stalking. That intersection needs to be acknowledged and accommodated in the creation of guidelines and protocols. In addition, family members of our missing or murdered indigenous relatives often find themselves in danger as they lead the search for their loved ones, so guidelines and protocols should also consider their safety. Grants should include funds to support the safety of family members and witnesses of the murdered or missing, much like tribal programs currently provide for the safety of victims of domestic violence, sexual assault, stalking, dating violence, and sex trafficking.

Pascua Yaqui Tribe

Robert Valencia, Tribal Chairman

Pascua Yaqui Tribe's first duty has always been to protect and safeguard its citizenry. A crime against one person is an offense against the people and the sovereign authority of our government. Pascua Yaqui Tribe's sovereignty and duty to protect operates, in large part, to safeguard the political integrity, economic security, and health and welfare of our community. Nothing is more important or vital to the health and survival of our people.

It is not hard to envision what our enduring ancestors may have coveted as they occupied their ancient lands: shelter, nourishment, kinship, and safety. To be sure, they were resilient people who, like desert plants, adapted and operated in accordance with nature. Our ancestors walked the earth by the grace of the Creator; they were indigenous and roamed aboriginal territories from Durango in Southern Mexico, north to Colorado, and west to California. The tribe has prospered and endured in the Rio Yaqui homeland since time immemorial. Authority was inherent and derived in part by our elders' ability to protect, provide, and administer to the needs of the people. For nearly 500 years, the Yaqui people have fought to protect their homelands and ensure the persistence of their cultural knowledge, the Yaqui language, and the ways of living that are sacred to the Yaqui people. Long before the marking of the international border and the legal creation of the state of Arizona, the Pascua Yaqui people had settled in various communities from present day Tumacacori to Guadalupe, AZ.

Historically, the Yaqui people have always had some form of law enforcement and dispute resolution, most notably through our ceremonial societies. In 1982, the tribe adopted a criminal code and some parts of our current civil code. These codes, along with our adoption of our Constitution in 1988, helped record current Yaqui Law, which has existed since time immemorial. In addition to our Constitution, our tribe created a tribal court system for the arbitration of Yaqui justice and dispute resolution. Prior to 1988, BIA operated the court system through a “Court of Indian Offenses” under the CFR, referred to as a CFR court. The tribe took over the judicial system in 1988. Our official justice system has been operating effectively to resolve our communities’ disputes for approximately 30 years. Our law is organized into a code that our Attorney General’s Office maintains.

Pursuant to its sovereign power, our tribal council also created a law enforcement department and a tribal prosecutor’s office as the representatives of the tribe in criminal and civil matters. The Office of the Prosecutor works with law enforcement and the tribal court to help the tribal council support the safety and protection of the people. A sustainable future for our government and people largely depends on strong judiciary and executive arms to enforce the mandates of our Constitution and ensure the protection of the people and of individual rights guaranteed by our laws and our Constitution.

The Pascua Yaqui Police Department responds to approximately 12,000 calls for service a year. A large percentage of the criminal calls are referred to the Prosecutor’s Office where cases are evaluated, and many are independently charged in tribal court. The tribal prosecutor also represents the tribe in civil matters. The prosecutor handles all civil child welfare/child dependency matters that originate on the reservation and any Indian Child Welfare Act matters transferred from state courts. The prosecutor advises, coordinates, and collaborates with the Pascua Yaqui Police Department, the U.S. Attorney’s Office, Probation, Victim Services, Centered Spirit (the tribe’s behavioral health agency), Education, and Social Services.

Domestic violence is the most pressing criminal justice challenge Pascua Yaqui Tribe faces. In fiscal year 2018, 510 criminal cases were evaluated for prosecution. Of all the criminal cases charged in our tribal court, approximately 40% of the criminal caseload were offenses involving domestic violence, family violence, or non-Indian domestic violence—these cases include aggravated assault, assault, disorderly conduct, and trespass cases in which domestic violence is a major factor. Under SDVCJ, qualifying charges accounted for approximately 13% of the domestic violence caseload in fiscal year 2018.

After the tribe started to exercise SDVCJ in 2014, the Prosecutor’s Office administered a survey about VAWA and the tribe’s implementation of SDVCJ. Of the 220 people surveyed, 130 respondents thought that domestic violence was a big problem; 36 people knew someone who was a victim of domestic violence by a perpetrator who was a non-Indian; 27 knew victims of domestic violence by an AI/AN perpetrator; an additional 36 knew someone who was a victim of domestic violence and did not know the ethnicity of the perpetrator; 25 had been a victim of domestic violence, of those, 6 were victims of non-Indian perpetrators; 140 respondents had heard of VAWA; and 155 knew the tribe has SDVCJ.

Jurisdiction

Pascua Yaqui Tribe exercises criminal jurisdiction concurrently with the federal government and the state of Arizona. The court system where a person is prosecuted depends on the tribal citizenship status of the accused person and victim(s) and whether the alleged crime occurred on tribal lands. The determination of tribal adjudicatory and *in personam* jurisdiction is complex. Roughly speaking, the tribe

has jurisdiction over all Indians who commit crimes within the reservation boundaries. The federal government also has jurisdiction over major crimes committed by Indians in our community. The federal government and the state largely retain jurisdiction over crimes committed by non-Indians on the reservation. However, pursuant to VAWA 2013, the tribe exercises jurisdiction over non-Indians for domestic violence crimes committed on our reservation.

Pascua Yaqui Tribe effectively coordinates prosecution with federal and state agencies for crimes occurring on the reservation, as exhibited by a multitude of intergovernmental agreements in support of this end. The tribe also works closely with federal and state law enforcement to extradite defendants with outstanding warrants. This coordination has achieved better outcomes for victims, enhancing accountability to our community members. For example, Pascua Yaqui tribal prosecutors can now prosecute reservation-based crimes in federal court, as SAUSAs. This relatively new program has ensured that crimes that law enforcement and the tribal council identify as priorities have received proper and timely prosecutorial attention (domestic violence, drug offenses, sexual offenses, and violent offenses). In short, our victims have received greater justice, and criminals who have harmed tribal members are being held accountable for the crimes they commit.

VAWA Implementation

On February 20, 2014, pursuant to VAWA 2013, Pascua Yaqui Tribe was one of only three initial tribes across the United States that began exercising SDVCJ over non-Indian perpetrators of domestic violence. On July 2, 2014, our tribe obtained a conviction of a non-Indian for the first time since 1978 when the U.S. Supreme Court stripped tribal criminal jurisdiction over non-Indians in *Oliphant v. Suquamish Indian Tribe*. In this 2014 case, the tribe convicted a 26-year-old Hispanic male of a domestic violence assault committed on the Pascua Yaqui Reservation under SDVCJ.

On May 9, 2017, Pascua Yaqui Tribe became the first tribe to acquire a jury trial conviction of a non-Indian defendant in a tribal court since the *Oliphant* decision under VAWA's SDVCJ authority. This case involved a defendant who was on probation for a previous VAWA conviction in which he pleaded guilty to strangling the same victim. A jury made up of both tribal and non-tribal members found the defendant guilty of domestic violence malicious mischief and the defendant was sentenced to 100 days of incarceration for his repetitive domestic violence acts.

As demonstrated by its VAWA implementation, the first responsibility of any government, tribal or otherwise, is the safety and protection of its people, for there can be no security or freedom for all if there is insecurity and fear for any of us. With VAWA 2013, Pascua Yaqui tribal officials no longer had to simply stand by and watch their women be victimized without recourse. As the U.S. president said when he signed VAWA 2013 into law, "Tribal governments have the inherent right to protect their people, and all women deserve the right to live free from fear." Restoration of this authority represented a historic first step for renewed law and order in Indian country.

Since February 20, 2019, our tribe has arrested and/or investigated 73 non-Indian defendants. SDVCJ cases include crimes of domestic violence and violations of protection orders. Most of the VAWA perpetrators have extensive criminal records in the state of Arizona. In many of our cases, children were exposed to the violence, were victims, or reported the crime while it was in progress. Most of the cases involved long-term relationships. Twelve of the VAWA offenders have reoffended, demonstrating a pattern of abusive behavior that we know can be a part of domestic violence relationship dynamics. The

offenders' desire to stay on the reservation highlights the strong roots they have within Pascua Yaqui communities. Two of the defendants have three arrests, another two have four arrests, one defendant has five arrests, and another defendant has accumulated six VAWA arrests. Many of these individuals have been referred to the U.S. Attorney's Office for habitual offender prosecutions, and one has been convicted. Pascua Yaqui Tribe has formally charged 59 cases and has secured 28 convictions, with 20 cases being dismissed for evidentiary reasons and 14 cases being declined

Due to VAWA implementation, Pascua Yaqui Tribe has also successfully extradited two non-Indian defendants back to tribal court on tribal court warrants. The defendants were on post-conviction warrant status for failing to comply with the terms of their plea agreements (treatment/diversion). Historically, tribal court authority could not extend beyond the boundaries of the reservation, especially in the case of non-Indians. The Pascua Yaqui Tribe Office of the Prosecutor broke through that barrier with the tribe's implementation of VAWA. In April 2016, one such non-Indian was convicted for acts of domestic violence assault against his Yaqui-enrolled girlfriend under VAWA. A tribal court warrant was issued for his arrest for failing to comply with conditions of his sentence (treatment/diversion services). The Pascua Yaqui Office of the Prosecutor filed a demand for extradition with the Pima County Attorney's Office under Arizona's extradition law. The extradition request contained our tribal court warrant based on VAWA authority. The state statute provides that if a tribe honors extraditions to the state, then the state shall honor extraditions to the tribe. The county superior court judge accepted our tribal court warrant and served it upon the defendant who was in the Pima County Jail on unrelated charges. In August 2016, Pascua Yaqui law enforcement picked up the defendant and brought him back to Pascua Yaqui Tribal Court where he was heard and sentenced. Because of this effective partnership, the tribe will now be able to hold all criminals, including non-Indians, accountable for acts perpetrated on the reservation.

A reflection upon Pascua Yaqui Tribe's VAWA implementation thus far reveals its success. The tribe has demonstrated that it can effectively arrest, investigate, detain, sentence, and hold a fair trial for any accused person. No VAWA defendants convicted by tribal courts have filed *habeas corpus* petitions in federal court. This experience, however, has revealed areas for future growth. SDVCJ was limited to crimes of domestic violence or dating violence committed in Indian country where the defendant is a spouse or established intimate partner of a tribal member. It also does not permit tribal prosecutions unless the defendant has "sufficient ties to the Indian tribe," meaning he/she must either reside on the lands of the prosecuting tribe, be employed by the prosecuting tribe, or be the spouse or intimate partner of a member of the prosecuting tribe. The narrow scope of qualifying non-Indian offenders significantly limits justice for women, children, and other family members who experience domestic violence at high rates by non-Indian perpetrators. The proposed reauthorization of VAWA reflects some of these much-needed changes for improving the prosecution of non-Indian domestic violence offenders in Indian country.

Due Process

As early as 1918, in the United States, the tribe formed a governmental body, presided over by a *commandante-general* (captain) of a Yaqui Pueblo. This role is equated to a war chief (*wikoijaut*). The Captain was responsible for maintaining order, recruiting a police force, presiding over trial courts, and administering punishments. Yaqui Nation also had a *kovanau* (governor). The kovanau's duty was, first, to administer the land of the pueblo, and, second, to concern himself in all disputes and difficulties that arose. The war chief presided over trials and the kovanau gathered witnesses for defense and tried to

uncover extenuating circumstances. These practices in the interest of justice existing since time immemorial are in alignment with the principles of due process.

The right to counsel and due process that appear to be creatures of American jurisprudence are deeply rooted in indigenous tradition and practice. Our tribal culture and history support the right to have a person speak on a defendant's behalf. These concepts, teachings, and traditions pre-date the U.S. Constitution and Bill of Rights and are rooted in beliefs that are arguably older than English common law. This practice is exemplified in our modern Rules of Criminal Procedure, which offer counsel in all cases where indigent defendants are charged with crimes punishable by a loss of liberty, regardless of the duration of the sentence.

The Pascua Yaqui Tribal Court provides all defendants with the same constitutional rights in tribal court as they would have in state court. The tribe's constitution adopted the language of the Indian Civil Rights Act (ICRA) for its own Bill of Rights. The tribe funds a full-fledged Public Defender's Office with four licensed defense attorneys who represent those accused of a crime. The tribe also hires conflict counsel under private contract in cases where a conflict exists. Defendants are entitled to all protections necessary, including an indigent defendant's right to appointed counsel (at the expense of the tribe) for any charge carrying more than a 1-year sentence. Our tribal court upholds ICRA, fundamental due process, tribal common law, U.S. Supreme Court precedence, and fundamental human rights.

Pascua Yaqui Tribe also guarantees the selection of impartial juries. VAWA 2013 explicitly instructs tribes exercising authority under these new provisions to draw from jury pools that reflect a fair cross-section of the community and do not systematically exclude any distinct group of people, including non-Indians. Because of the prominent economic role that Casino Del Sol plays in the greater Tucson community, the tribe has a highly effective process for summoning potential jurors who are employees who represent both a cross-section of tribal citizens, as well as non-Indians. Jury selection practices align with constitutional rights guaranteed to defendants in other U.S. jurisdictions.

Challenges to VAWA Implementation

There have been challenges during Pascua Yaqui's SDVCJ implementation. For example, on March 26, 2014, the Supreme Court decided *U.S. v. Castleman*.¹⁰ This decision had an immediate impact on the tribe's criminal charging decisions when evaluating misdemeanor arrests under SDVCJ authority. In the Castleman case, James Castleman moved to dismiss his 2008 federal indictment under 18 U.S.C. § 922(g)(9), which forbids the possession of firearms by anyone convicted of a "misdemeanor crime of domestic violence." He argued that his 2001 conviction in Tennessee did not qualify as a "misdemeanor crime of domestic violence" because it did not involve "the use or attempted use of physical force."¹¹ The court held that the use of physical force was "satisfied by even the slightest offensive touching." What is problematic for new SDVCJ cases is that VAWA defines the term *domestic violence* as "violence committed by a current or former spouse or intimate partner of the victim."¹² The federal definition of a *misdemeanor crime of domestic violence* used to determine Castleman will likely be used by federal and tribal courts to establish the charging boundaries under VAWA. The tribe, like many other jurisdictions, commonly charges crimes that arise early in the cycle of domestic violence that may not include an

¹⁰ United States v. Castleman, 572 U.S. 157, 134 S. Ct. 1405 (2014), available at https://www.supremecourt.gov/opinions/13pdf/12-1371_6b35.pdf.

¹¹ 18 U.S.C. § 921(a)(33)(A)(ii).

¹² 25 U.S.C. § 1304 (a)(2).

element of “offensive touching,” but nonetheless are violent and dangerous. These crimes can include trespassing, threatening and intimidation, tampering with communications, burglary, breaking and entering, stalking, disorderly conduct, unlawful imprisonment, harassment, endangerment, custodial interference, and malicious mischief.

In the dynamics of intimate partner violence, offenders, in order to maintain power and control, will use escalating abusive and violent behavior against their partner. Over the life of a relationship, aggressive and hostile behavior increases in both frequency and severity. The cycle may end in the eventual separation of the couple, harm to the victim, or even the death of the victim. The tribe’s ability to address and prevent violent encounters through the limited authority of SDVCJ appears to be further restricted by the holding in the Castleman case.

Nevertheless, SDVCJ represents a new dawn on the Pascua Yaqui Reservation. We can now address human rights abuses perpetuated for decades upon women and children, and we have strengthened our tribal justice system. Criminal investigations occur at the local level, led by members of the community who understand the cultural traditions that shape everyday life. Local government is the best government to protect Indian country’s mothers, daughters, sisters, and wives from harm and to eliminate safe havens for criminals. The Pascua Yaqui implementation process has actualized these goals in the interest of justice.

Tribal governments have a trust obligation to the people they represent and to all people who enter their territorial boundaries to ensure their health, safety, and welfare. In light of the effective administration of justice for non-Indians under SDVCJ, the tribe has demonstrated its capacity to ensure justice is upheld for both Indians and non-Indians when crimes are perpetrated within its boundaries. Full criminal jurisdictional authority for tribal governments should be restored, incrementally, by demonstrated ability or otherwise, through future VAWA reauthorizations and federal criminal statutes enacted governing Indian country. Doing so also will ensure that the rights to life and effective remedies under U.S. common law and international treaty agreements are honored for both Indians and non-Indians.

Lack of U.S. documentation of remedial action to eliminate racism and violence against indigenous women may also be construed as a violation of the right to life with respect to the vast number of missing or murdered indigenous women. Failure to provide a remedy is equivalent to violating a right, a fact long established both as a principle of international customary law and in U.S. common law. In *Truax v. Corrigan*, where labor union employees caused a restaurant’s business to decline after protests, boycotts, and libelous acts by the employees and because insolvent defendants could not pay damages if awarded, the U.S. Supreme Court held that the absence of a remedy to the financial harm suffered was equivalent to depriving the restaurant owner of due process of the law.¹³ To give operation to a statute whereby serious losses inflicted by such unlawful means are, in effect, made remediless, is, we think, to disregard fundamental rights of liberty and property and to deprive the person suffering the loss of due process of law.¹⁴ Victims in Indian country are deprived of due process of the law where no

¹³ 257 U.S. 312, 341 (1921).

¹⁴ See *Footnote 13*.

remedy is available because of any agency's or tribe's failure to investigate and/or prosecute perpetrators. Customary international law also requires effective remedies where rights are violated.

An Urban Indian Health Institute report found that "out of the 5,712 identified cases of MMIW [missing or murdered indigenous women] in 2016, only 116 were logged in the DOJ database."¹⁵ This data represents a crisis of justice in Indian country. However, effective law enforcement can continue to fill the justice gap occurring between state and federal agencies that may lack cultural translators who can effectively serve tribal communities. Continuing next steps to restore full jurisdiction over non-Indian offenders will support the United States in fulfilling its treaty obligations to uphold the rights to life and effective remedies under treaty obligations and customary international law. Partnerships with tribal governments are an essential component of the United States' ability to continue its global leadership of meeting its obligation of effective remedies where a significant number of reported federal crimes have been historically unprosecuted in Indian country.

Notwithstanding VAWA, recent federal legislation, and crime-fighting efforts of SDVCJ tribes, there still exists injustice that has darkened Indian country for decades. A public safety and public health crisis is still present in most Native American communities, especially the villages in Alaska. VAWA 2019, as proposed, affords Indian nations additional authority to prosecute perpetrators and hold accountable those who have caused harm to others in Indian country. However, additional legislative revisions must occur to protect tribal communities.

There are shattered tribal communities across the United States. Many women and children will continue to suffer because of this injustice. The overarching legal and jurisdictional framework has not changed for their villages, reservations, and communities. Many tribes simply do not have the resources to comply with the mandates of VAWA and need additional federal funding. Sadly, there has been no "disaster relief" or congressional appropriations for Indian country even though this storm of lawlessness was man-made, brought on by our laws, and sanctioned by our courts. Consequently, VAWA remains a bittersweet first step, a ray of opportunity that can continue to spread across Indian country. We have to pray for strength and pray that we are doing right by our people; for our tribe; and, more importantly, for the victims who have been waiting to be protected.

Proposed Clarifications

Domestic violence: Pascua Yaqui Tribe respectfully proposes that Congress expand the definition of *domestic violence* in VAWA 2013 to include specific crimes that do not require an element of "offensive touching" (e.g., threatening, intimidation, criminal damage of property, trespassing).

Reasons for this clarification: Domestic violence is generally a pattern of abusive behavior in a relationship that one partner uses to gain or maintain control over an intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes behaviors that intimidate, manipulate, humiliate, isolate,

¹⁵ International Indian Treaty Council. (2019, Jan. 19). Indigenous Peoples Coordinated Submission: List of Issues and Questions for the Periodic Review by the United Nations Human Rights Committee of the United States of America as a State Party to the International Covenant on Civil and Political Rights. Retrieved from the United Nations UN Treaty Body Database on Sept. 3, 2019, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT_CCPR_ICJ_USA_33529_E.pdf

frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone, including physical, sexual, psychological, and economic abuse and abuse targeted at children, pets, and family members.

Determine if and how tribal domestic violence assault cases are restricted by the U.S. Supreme Court holding in *U.S. v. Castleman*. The United States should confirm that violent force is not required for an incident to qualify as an SDVCJ offense. Pascua Yaqui Tribe asserts that a tribal crime of domestic violence under VAWA requires only that the offense include the use or attempted use of physical force, the threatened use of a deadly weapon, indirect force, or the violation of an order of protection.

Domestic Violence Scope: Expand the definition of *domestic violence* to include violence perpetrated against children and other family members, expanding coverage of family members beyond the scope of traditional “nuclear family” relatives.

Reasons for this clarification: Many tribal communities contain multi-generational households with extended family members commonly sharing residences and childrearing duties. A restrictive definition does not allow for the prosecution of acts of domestic violence occurring against other, more distantly related children in the home. This gap in jurisdiction results in children from the extended family of the parties in the romantic relationship being exposed to the harms of domestic violence without the perpetrator being held accountable.

Intimate partner: Expand the definition of *intimate partner* to include all romantic relationships, including those that are temporary and fall outside traditional conceptions of spousal, domestic partner, and heterosexual intimate relationships.

Reasons for this clarification: Domestic violence occurs in a wide variety of intimate relationships. Broadening this definition allows a scope that captures the original intent: to break the cycles of control and domination that accompany acts of domestic violence for all violence occurring in homes. Acts of domestic violence in nontraditional patterns of intimacy can become prosecutable when the length of the relationship and the frequency of interaction are no longer qualifiers for intimate partner violence. Nontraditional, casual, yet intimate romantic relationships have become more commonplace in society and are not immune from the same cycles of control and abuse as more traditional relationships. The legislation should reflect these actual societal conditions.

Ties to the tribe: Eliminate the *ties to the tribe* criterion for non-Indian perpetrators of domestic violence.

Reasons for this clarification: Perpetrators of domestic violence in Indian country may or may not live or work on the reservation at the time of the crime. However, the perpetrator’s significant personal relationship with an Indian victim, either in the past or present, should be sufficient for prosecution when it occurs on tribal land. This challenge is particularly true and abundantly problematic for tribes with checkerboard reservations, those with dispersed citizenry across rural and metropolitan areas, and landless tribes. Notice to the perpetrator of having entered the territorial jurisdiction of an Indian nation should suffice to justify prosecution under tribal law.

Tribal Coordination with Federal (or State) Prosecutors

Procedures and protocols should continue to be refined for formal or informal practices of the relevant U.S. Attorney’s Office or Offices (or, where the state has concurrent jurisdiction, the relevant state or

local prosecutor) for coordination, abstention, or deferral in cases in which more than one government seeks to investigate or prosecute the same defendant for substantially the same act or acts.

VAWA Implementation

Pascua Yaqui Tribe requests that Congress make available additional funds to properly implement VAWA, the Sex Offender Registration and Notification Act, and TLOA. During the implementation phase, tribes need access to resources and services that are available to state, county, and municipal governments, including, but not limited to, resources and services addressing the demographic, social, and environmental factors that may account for victimization rates among tribal women.

Southern Ute Indian Tribe

Christine Sage, Chairman

Chairman Sage provided the following recommendations.

- Support House Bill 1585, the reauthorization of VAWA, which would give tribes legal jurisdiction over non-Native offenders committing crimes against Native people within tribal boundaries.
- Offer funding for community education regarding human trafficking, including a toolbox for advocates on how to work with trafficking victims and a youth program that teaches the warning signs and discusses how perpetrators use technology to connect with victims.
- Provide funding and support for transitional housing for victims of domestic violence, including a program to protect elders from abuse.
- Fund a database and staff to track services for victims of crimes to include domestic violence, sexual assault, stalking, and crimes against the LGBTQ+ community.
- Provide a safe space for children who are exposed to violence at home. The closing of our Head Start program took away the only safe place and nutritious meals for children exposed to violence at home. Until our children have their basic needs met, they are not able to learn or thrive.
- Fund domestic violence offender treatment. Currently, there is a lack of licensed local service providers, so these offenders are being sent to anger management. Anger management is not effective in treatment for domestic violence offenders. They need to learn skills that extend beyond controlling their anger, and many use what they learn in anger management as tools to continue their pattern of control.
- Offer funding for home-based forensic interviewers for child victims. The closest child advocacy center is about an hour away.
- Continue to provide opportunities for funders and tribal leadership to gather at the table to discuss the needs regarding violence against women.
- Boost awareness of the need for acknowledgment of, and education and assistance for, male victims of domestic violence and sexual assault.
- Provide ongoing funding for legal assistance for victims of domestic violence, teen dating violence, and stalking. Most of the time, offenders get legal representation, which is intimidating for victims when they are seeking protective orders or child custody or are involved in divorce cases.
- Provide funding for education and programs to address youth suicide, bullying, sexual assault, and social media harassment and stalking, as well as teen dating violence.

Winnebago Tribe of Nebraska

Frank White, Chairman

We appreciate the funding we have received from OVW to address domestic violence, dating violence, stalking, and sexual assault in our community. With these funds, we have been able to provide emergency shelter to victims seeking to leave their abusers; purchase food, clothing, and toiletries to help them when they have had to leave everything behind; and assist them with rent and purchases of furniture and household items to start them on the path to a new life free from abuse and violence. They seek to come home and be healed, and we try our hardest to help them with that. In fact, we recently helped one battered woman flee her abuser by relocating all the way from California back to Winnebago, NE, to be with her family and receive their love and support.

Shelter and related items are vital needs, and we have been gratified to provide them; however, we are often left feeling that it is not enough. Our staff budget has remained at three full-time employees for more than a decade, which is insufficient to do anything beyond providing emergency necessities to victims seeking our services, and we often find ourselves overwhelmed with the volume and scope of calls we receive. We have been unable to provide additional services, such as cultural healing and therapy.

We have a small reservation that is not as remote as others. The unique issues we face are because of our lack of remoteness. We are 20 miles from Interstate 29. We are also 20 miles from Sioux City, IA, and many of our tribal members move there due to a lack of housing on the reservation. Moving off the reservation exposes Native women to additional risks of all forms of violence, including domestic violence, sexual assault, and human trafficking. Removed from friends and family, tribal resources, and cultural values, these women get lost in a system that is not designed to address their unique needs. A high percentage of calls we receive for emergency assistance and crisis advocacy is from Native women living off the reservation.

These challenges do not mean that Natives on reservations are safe either. Jurisdictional issues contribute to a sense of lawlessness that we believe attracts non-Natives seeking to escape justice for committing violent crimes. They get away with beating and raping our women because of poorly defined jurisdiction, and there are times when our very capable BIA police force and tribal court cannot take action. The federal agents and district attorneys care passionately about what they do, but they do not live here, which makes gathering information difficult for them for crimes they are investigating. It is hard enough for law enforcement of any kind to have a connection with criminals in order to investigate crime; it is impossible to have a connection when you rarely visit the community you serve.

These problems are not diminishing; they're increasing. Our resources are stretched thin. Our shelter is often at maximum capacity, and it is old and in need of expensive repairs. The shelter has minimal security measures to ensure the safety of our staff and residents. The domestic violence program director recently requested permission to have a privacy fence erected to provide a protected area for residents to enjoy fresh air and sunshine and to provide greater security for the shelter. This request was denied because it was considered "construction" and therefore disallowed under the contractual budget. These kinds of restrictions are counterproductive if the mission of OVW is to strengthen services to victims of domestic violence, dating violence, sexual assault, and stalking.

Our recommendations include the following.

- Increase flexibility of OVW funding.
 - We need to be able to add on, build, and increase security measures. Leasing a shelter is not sustainable, nor is it a good business plan for the lessor due to excessive wear and tear on the facilities. Most importantly, leasing is often not an option due to housing shortages on most reservations.
 - Budget modifications to add advocate positions should be intuitive and painless. There should be no hindrances to increasing program capacity in this manner.
- Work within DOJ to clarify and increase tribal sovereignty by enhancing tribal power to prosecute violent criminals on tribal lands.
 - Increased accountability of violent criminals will lead to greater faith in the justice system among victims and criminals.
 - If victims believe their perpetrators will be held accountable, they will be more forthcoming with information, thereby leading to greater prosecution rates of violent criminals.
 - If criminals believe they will be held accountable, they may choose not to commit crimes in the first place.
 - In the end, this all leads to a reduction in violent crime on reservations, which contributes to a society free from fear, whose members can participate fully in their cultural traditions and beliefs, and which values the dignity of all people.

Yurok Tribe

Joseph L. James, Chairman

The mission of Yurok Tribe is to exercise the aboriginal and sovereign rights of the Yurok People to continue forever our tribal traditions of self-governance and cultural and spiritual preservation, which require stewardship of Yurok lands, waters, and other natural endowments. To meet our stewardship responsibilities, we must balance social and economic development, peace and reciprocity, and respect for the dignity and individual rights of all persons living within the jurisdiction of Yurok Tribe, while honoring our Creator, our ancestors, and our descendants.

Our community is geographically isolated with high rates of poverty and unemployment. Our greatest natural resource, the Klamath River, is suffering from environmental harms that limit our ability to rely on subsistence and commercial fishing. The health of the Klamath River and its fish populations directly affects the health of our community. Most women and children on the reservation live well below federal poverty levels. Historical trauma, poverty as the aftermath of that trauma, and the re-victimization experienced in our communities result in elevated rates of mental health issues, including suicide. The tribal council recently declared a state of emergency due to the suicide epidemic among the young people on our reservation. Alcoholism, drug use, and a lack of subsistence resources create an environment of despair that produces violence against women and children.

Yurok Tribe operates one of the most advanced tribal public safety departments in California, but we need stable funding to sustain the department and our justice programming. Federally recognized tribes in P.L. 280 jurisdictions have received substantially fewer resources from BIA for tribal law enforcement and tribal courts than those in non-P.L. 280 jurisdictions. While funding levels across all federally recognized tribes are inadequate, the lack of tribal funding within P.L. 280 states is a substantial barrier to justice and community safety.

Our reservation is split into two sections that are not connected by a paved road; many tribal members must travel up to 3 hours to access tribal services. While transportation is a significant barrier to responding to victims of violence, the lack of shelter services is detrimental. Deciding to leave a domestic violence situation is a major step, but without a supportive place to go and/or the ability to provide shelter-in-place services by removing the perpetrator from the home, domestic violence victims still face danger and frustration.

Further, we have suffered from groups infiltrating our lands to set up illegal marijuana operations, which threatens the health and safety of our people, compromises our surface waters with potent pesticides, and harms the salmon in the Klamath River. Over the past several years, we have identified organized crime operations on our reservation. The cartels are here, and they bring a level of violence and environmental pollution that requires enforcement of protection ordinances and clean-up efforts for which we lack capacity and funding. These people take our youth and use them as a labor force, and then, increasingly, to avoid paying them, sell them to sex traffickers.

Yurok Tribe strongly supports more local control of public safety efforts. The disparity between tribal and county police departments is clear. We can no longer continue under the incorrect assumption that states will provide law enforcement and justice services to P.L. 280 tribes. States/counties were NOT given an increase in funding for their increased responsibility, and rural law enforcement is stretched thin without adding in the vast reservation territories.

Recently, two murders occurred on the reservation. Despite the incidents occurring within 20 miles of the hospital and law enforcement, it took first responders hours to arrive at the scene, compromising evidence and community safety.

The following recommendations from the Yurok Tribe are organized according to the consultation questions posed by OVW.

Enhancing the safety of AI/AN women from domestic violence, dating violence, sexual assault, stalking, and sex trafficking

- Expand inherent tribal criminal jurisdiction over all perpetrators, including non-Indian perpetrators, of domestic violence, dating violence, sexual assault, stalking, and sex trafficking for all federally recognized tribal nations.
- Increase funding available to tribes for implementing SDVCJ.
- Increase funding available to tribes for implementing any other inherent criminal jurisdiction recognized.
- Provide funding to address the unique costs of incarcerating non-Indians convicted under SDVCJ.
- Provide funding to address electricity, cell service, and internet access issues, which are resources crucial to public safety and effective law enforcement on a large or rural reservation.

- Create sustainable funding for P.L. 280 tribal courts and police departments.

Strengthening the federal response to the crimes of domestic violence, dating violence, sexual assault, stalking, and sex trafficking

- Review, revise, and/or create law enforcement and justice protocols that appropriately address the disappearance of Native women and girls.
- Coordinate efforts across all federal departments to increase support for tribal responses to the disappearance or murder of Native women and girls.
- Coordinate efforts, in consultation with tribes, to increase the response of state governments, where appropriate, to cases involving the disappearance or murder of Native women or girls.
- Create standards of protection for tribal communities with which extractive industries must comply before, during, and after construction to protect Native women and children, including through any federal permitting process.
- Establish screening guidelines to prevent convicted rapists, child predators, and murderers from assignments by industries on tribal lands.
- Assist tribes in safeguarding the lives of Native women by ensuring that extractive industries do not deploy militarized tactics, use excessive force against members of tribal communities, or otherwise violate the civil rights of tribal members.
- Ensure that tribal justice officials are notified of prisoner release and reentry.
- Ensure that tribal justice officials are notified of missing tribal foster children, and design alert systems to aid all law enforcement in curtailing trafficking of children.
- Support tribal fishing and hunting, including current federal law and policy related to environmental protection and restoration, to limit spikes of domestic violence that accompany the despair brought on by inadequate subsistence resources.
- Support tribes in P.L. 280 states in designing and implementing local, culturally relevant solutions to the lack of law enforcement.
- Provide training to ensure that tribal court orders are enforced per VAWA's full faith and credit provisions.
- Offer training to county law enforcement officers about P.L. 280 and their role in public safety on Yurok lands.

Administering funds and programs for tribal governments established by the original VAWA and subsequent legislation

- Expand funding for tribal justice systems to address the crimes of domestic violence, dating violence, sexual assault, stalking, and sex trafficking.
- Expand the funding available to create viable tribal infrastructures, including court and law enforcement agreements (e.g., memoranda of understanding, cross-deputization agreements, jail access agreements, shelter-in-place supports, treatment programs, and monitoring programs for violators).
- Use a tribal-centered view of what constitutes appropriate use of funds, since different tribes will have different needs, and it is critical that funding be flexible to fit these varying needs.
- Stop any future application of rescission to tribal grant programs.
- Address funding disparities for tribes in P.L. 280 jurisdictions.

- BIA should continue to request appropriate, additional federal funding to end the disparity in funding between tribes based on their P.L. 280 status.
- Provide sequestration exemptions for all tribal funding programs, including IHS funding.

Ultimately, we need consistent services that reflect tribal values; those services require reliable and sufficient base funding. Yearly competitions for minimal tribal funding is not enough to address the needs of Yurok Tribe or Indian county as a whole. Tribal consultations must result in action to implement tribal recommendations and not simply be a yearly exercise that memorializes another hard year in Indian country.

Government-to-Government Interactive Session

OVC facilitated an interactive discussion period to encourage government-to-government dialogue. During the discussion period, DOJ, DOI, and HHS responded to comments and questions from tribal delegates. The questions and comments, their corresponding responses, and any follow-up discussion are summarized below.

- **Brenda Lintinger:** Mental illness plays a role in community violence. Federal departments should make a coordinated effort to develop a unified, holistic, and comprehensive approach to addressing violence.
- **Catherine Edwards:** Are tribes required to have a police report to provide services to and/or cover crime-related out-of-pocket expenses for victims using OVC funding?

Darlene Hutchinson: To provide victim services, such as counseling or emergency shelter, a police report is not necessary. Under the OVC tribal set-aside, depending upon what victim services program a tribe applied for and received funding under, tribes may be able to cover some out-of-pocket expenses that victims incur as a result of victimization without having a police report. States/territories have crime victim compensation programs set up through state agencies (which OVC assists in funding), and each state/territory determines their own requirements and policies; many do require a police report in order to pay claims.

- **Michelle Demmert:** We've heard that OVC's tribal financial management technical assistance provider has implied that tribes that receive OVC tribal set-aside funding will be subject to Office of the Inspector General (OIG) audits on a set schedule, rather than random audits. OIG audits are intense and expensive for tribes, so it is important to ensure tribes can succeed when it comes to audits and are not held to a higher standard than states and territories.

Darlene Hutchinson: OVC is providing extensive financial technical assistance through our Tribal Financial Management Center to help tribes succeed with victim services programs being established with tribal set-aside funding. The OIG uses a risk-based approach for selecting DOJ grantees for audit. OVC is not aware of any intention the OIG has to treat tribes differently. However, at some point, OIG will likely conduct audits of various tribal grantees, as they do with other DOJ-funded grant awards.

- **Juana Majel-Dixon:** Tribes have collectively urged the federal government to provide Alaska Native villages equitable assistance. The federal agencies present at the tribal consultation must follow through with their commitment to assist Alaska tribes in addressing violence against women.
- **Darla Black:** Alaska Native villages experience disparities in law enforcement, as demonstrated by villages often waiting days for law enforcement response. She urged DOJ to thoroughly consider how to best support Alaska tribes.

Laura Rogers: Attorney General Barr is passionate about advocating for tribes and specifically assisting Alaskan tribes.

- **Juana Majel-Dixon:** DOJ should establish a tribal technical working group to this end. DOJ needs to discuss CTAS with tribes to delineate tribal priorities and make any needed adjustments to better serve tribal people.
- **Michael Williams:** Traditional healing practices are crucial to healing tribal people. Federal agencies must work with tribal governments individually and understand that tribes have the knowledge to heal their own communities but lack the funding and infrastructure needed.
- **Juana Majel-Dixon:** DOJ was supposed to develop a national sex offender registry for tribes, particularly those in P.L. 280 states that cannot have their own registries. That registry still has not been established.
- **Darla Black:** Attorney General Barr needs to assist tribes in urging Congress to pass Savanna's Act and the current version of the VAWA reauthorization.
- **Participant:** What screening process does IHS use to recognize sex trafficking victims?

Tamara James: Recent research indicates that 28 to 88% of trafficked persons have interacted with health care providers. These statistics underscore the importance of training clinicians to recognize trafficking and developing a coordinated response to ensure victims receive the care they need. IHS uses the HHS human trafficking recognition and response training modules for health care and social service settings, also known as SOAR for Health and Wellness modules. In these courses, human trafficking screening tools for providers within health care settings are available and recommended for use in IHS facilities. In addition, IHS provides in-person and webinar training to staff on this topic, including dissemination of screening tools to its facilities. IHS has worked with the HHS Office on Trafficking in Persons to develop a specific course for health care providers who work with AI/AN people. Finally, the IHS Tribal Forensic Health Care Training Program exists to train any professionals who serve AI/AN populations to conduct forensic exams. IHS has presented the draft course at various tribal conferences to obtain tribal input and can also present the draft to its national tribal advisory council for additional feedback. Internally, IHS is discussing policy development regarding screening for sex trafficking, which would be similar to the sexual assault or domestic violence chapters in the IHS Manual.

- **Michelle Demmert:** DOJ needs a tribal unit to coordinate tribal aspects of all DOJ programs and offices and consolidate information that is pertinent to tribes. The Office of Tribal Justice assists to some extent but does not oversee grant processes. DOJ is siloed such that a user must visit each office's website to learn about programs or resources available to tribes, rather than OVW presenting all tribal resources in a single place. Further, a website or app that includes all domestic violence services across federal departments would be beneficial.

Laura Rogers: Katharine Sullivan, Principal Deputy Assistant Attorney General for OJP, is aware of the potential benefit of a tribal unit within DOJ. She will bring this recommendation back to others in DOJ. Consolidation was the original goal of CTAS, though it did not necessarily work out that way. DOJ will work on reconceptualizing CTAS to be more beneficial to tribes. OVW is aware that the requirements for tribes are onerous. In the case of grant reporting requirements, OVW needs a lot of specific information to report back to OIG, but can likely still streamline

procedures. OVW will reevaluate its procedures to see where simplification is possible. OVW does not have the capacity to approve tribal budgets simultaneously with announcing awards but will examine the budget approval process to assess whether it can be simplified.

- **Joann Horn:** In Alaska, inclement weather often poses challenges to submitting grant reports on time. The internet is unreliable in remote villages, and when the weather is bad, no one comes to collect the mail, so the tribe cannot submit the report via mail, either. Even when mail is being collected, it is transported by plane and may take several weeks to reach DOJ. One p.m. in Alaska is 5 p.m. in Washington, DC, so if these challenges arise in the afternoon, the tribe cannot reach anyone at DOJ to notify them of the delay. Failing to submit the report on time results in frozen funds.
- **Juana Majel-Dixon:** Tribes in other parts of the country face infrastructure issues that inhibit them from submitting grant reporting in a timely manner.

Laura Rogers: OVW understands and wants to work with tribes to help surmount these challenges.

- **Norma Contreras:** La Jolla Band of Luiseño Indians has missed report submissions due to technical infrastructure issues and then struggled to ensure program expenses were covered. She highlighted the importance of working with tribes instead of cutting off their funding immediately.

Nadine Neufville: Tribes that encounter challenges submitting their reports should contact OVW directly, rather than the general helpline. OVW can help upload progress reports or provide an extension. OVW can also exempt tribes from the electronic submission requirement if they experience technological issues regularly. DOJ considers paper copies submitted on the mailing date, not the date of receipt. She noted that a working group could help reframe the language of the requirements in a way that makes sense to tribes.

- **Colin Wesaw:** For years, tribes have been told, “We’re going to take it back to headquarters. We’re going to see what we can do.” There has been some improvement, but still people are dying and suffering from horrific violence. Tribes demand assistance. We are not asking any longer. Tribes need action, and there needs to be deadlines for DOJ to take those actions. How can tribes help the federal representatives present at the tribal consultation urge their departments to act? How can we help you help them understand our plight?

Chris Buchanan: Sharing tribal stories with federal representatives provides those representatives with specific examples they can repeat to decision makers within the federal government.

- **Lenora Hootch:** My sister, who had been a victim of abuse and neglect, passed away a few weeks ago. We could not afford to purchase a casket or purchase airfare to transport the casket to her home. Would VOCA funds cover any of those expenses? In similar cases in Alaska, bodies of those whose death is even slightly suspicious are sent back to the village naked, in body bags or cardboard boxes. In some cases, there is still blood on the victim’s skin or hair, and we have to wash the victim and dress them. No one should be sent home to their loved ones that way.

Darlene Hutchinson: If a tribe or tribal applicant included this type of victim service in their application for OVC tribal set-aside funds (and received the grant award), the tribal victim service program may be able to help cover these expenses. Otherwise, the state crime victim compensation program may be an option.

- **Tami Truett Jerue:** In Alaska, crime victim compensation [which receives some VOCA funds from OVC] is only accessible when there is a police report. Given that law enforcement often fails to respond, even when crimes are reported, many crimes in Alaska do not have associated police reports.

Darlene Hutchinson: The solicitation for OVC's Fiscal Year 2019 tribal set-aside funding has closed, and therefore, OVC cannot create a new program or accept additional applications at this stage. However, as we finish out Fiscal Year 2019, OVC is considering an option for an entity in Alaska (plus one in the lower 48) to assume the financial and reporting responsibility and disburse micro-grants to a few tribes to assist with unmet needs – particularly smaller tribes and/or those that haven't previously received tribal set-aside funding from OVC in fiscal years 2018 or 2019.

- **Juana Majel-Dixon, Catherine Edwards, and Michael Williams:** Several tribal leaders agreed that some entities, like Alaska Native corporations, are not the appropriate entities to oversee these funds, as they are for-profit corporations, not governments. The state fails to recognize tribal sovereignty and is therefore also not a good steward of these funds. OVC must work with tribal governments to determine how to disburse these funds. Not all tribes have the capacity to manage these funds, so OVC is considering various options. A tribal working group could help OVC/DOJ determine how to disburse the funding. Another recommendation involves funding a position for a liaison who works with medical examiner offices in Alaska to ensure the deceased tribal victims are handled with dignity. Having some larger tribes with more capacity manage the funds for smaller tribes may also be an option. To do this, DOJ would have to lift the limitation on one consortium applying per grant cycle (or fiscal year).

Darlene Hutchinson: DOJ has heard from some tribes that not all tribes have the capacity to manage these funds, so OVC is considering various options to make management of funding less cumbersome for tribes.

- **Carletta Tilousi:** Federal agencies need to work together more effectively when investigating domestic violence on tribal lands. Havasupai Tribe receives medical services through IHS and law enforcement services through BIA and the FBI. The tribe works with these agencies and others to address domestic violence issues, and obtaining proper documentation from these agencies has been difficult. These challenges partly stem from the difficulty of retaining staff in remote locations.

Chris Buchanan: He will raise concerns about the IHS medical documentation at the upcoming area IHS directors meeting.

- **Denise Harvey:** IHS must realize the value of rigorous sexual assault response team qualifications and provide services and training accordingly.

- **Norma Contreras:** Does OVC have any funds set aside for the LGBTQ community for which tribes can apply? La Jolla Band of Luiseño Indians included LGBTQ-specific services in its OVC tribal set-aside application but only received half of the funding requested.

Darlene Hutchinson: There is not currently a separate solicitation specifically to serve LGBTQ tribal victims, but under OVC's tribal set-aside program the past two years (FY 2018-FY 2019), tribes could create victim service programs to meet the needs of their community, which could include LGBTQ-specific services. OVC can look at the tribe's application to assess why it was not fully funded. [Upon exploring this matter further after the consultation, it appears La Jolla Band of Luiseño Indians received sizable grants from the OVC tribal set aside both in FY 2018 and FY 2019 (for a variety of expenses: conducting a needs assessment and strategic planning to develop a victims' program for children, hiring advocates, leasing office space, expanding transportation options, and providing counseling and substance abuse treatment for victims). A few requested costs were reduced, as these items were not allowable expenses or were not adequately justified. OVC can provide specifics directly to the tribal representative.]

- **Larry Jackson:** As sovereign nations, tribes have laws that apply to all tribal citizens. All tribes are asking for is to receive the right to apply those laws equally to non-citizens who come to our lands and to have the freedom to administer justice when they do not respect those laws.

DOJ's 2019 Violence Against Women Tribal Consultation concluded with a traditional closing ceremonial prayer offered by Clarence White, Spiritual Elder, Pokagon Band of Potawatomi. Ribbon Town performed an honoring drum song while the Pokagon Tribal Police Honor Guard and Pokagon Veterans Color Guard retired the colors and Uniting Three Fires Against Violence retired the shawls.

Appendix 1: Consultation Participants

Tribal Participants

Name	Title	Organization
Elizabeth Ivan	Hope for Healing Prevention Coordinator	Akiak Native Community
Michael Williams	Secretary and Treasurer	Akiak Native Community
Michael Bentley	Police Officer	Alabama-Coushatta Tribe of Texas
Diane Hicks	Sex Offender Registrar/Administrative Assistant for Police Department	Alabama-Coushatta Tribe of Texas
Deanna Maldonado	VAWA Advocate, Tribal Police Department	Alabama-Coushatta Tribe of Texas
Elizabeth Jerue	Authorized Representative	Anvik Tribal Council
Daphne Joe	Wellness Coordinator	Asa'carsarmiut Tribal Council
James Landlord	First Chief	Asa'carsarmiut Tribal Council
Rick Garcia	Tribal Justice Director	Association of Village Council Presidents
Samantha Thornsberry	Director of Cahuilla Consortium	Cahuilla Band of Indians
Michelle Demmert	Chief Justice	Central Council of Tlingit and Haida Indian Tribes of Alaska
Catherine Edwards	Vice President	Central Council of Tlingit and Haida Indian Tribes of Alaska
Teola Maytubby	Director of Transitional Housing	Choctaw Nation of Oklahoma
Tasha Mitchell	Director of Project EMPOWER	Choctaw Nation of Oklahoma
Delene Rawls	Director, Grant Development	Choctaw Nation of Oklahoma
Denise Harvey	Tribal Council	Confederated Tribes of Grand Ronde
Millie Kennedy	Attorney	Confederated Tribes of the Chehalis Reservation
Jerrie Simmons	Court Administrator	Confederated Tribes of the Chehalis Reservation
Woodrow Star	Board of Trustees	Confederated Tribes of the Umatilla Indian Reservation
Miranda Salazar	Office Administrator	Eight Northern Indian Pueblos Council, Inc.
Gil Vigil	Executive Director	Eight Northern Indian Pueblos Council, Inc.
Roberta Waska	Tribal Court Clerk	Emmonak Tribal Council
Dana Buckles	Councilman	Fort Peck Assiniboine and Sioux Tribes
Juanita Cantrell	Program Director, Red Bird Woman Center	Fort Peck Assiniboine and Sioux Tribes
Jestin Dupree	Tribal Executive Board Member	Fort Peck Assiniboine and Sioux Tribes
Mark Wilson	Tribal Councilor	Grand Traverse Band of Ottawa and Chippewa Indians
Phyllis Davis	Tribal Council Member	Gun Lake Band of Potawatomi

Name	Title	Organization
Elaine Meshigaud	Vice Chair	Hannahville Indian Community
Wendy Middaugh	Director of Victim Services	Hannahville Indian Community
Nora Williams	Victim Service Unit Outreach Coordinator	Hannahville Indian Community
Canolia Kaska	Manager and Advocate for VAWA	Havasupai Tribe
April Olson	Tribal Attorney	Havasupai Tribe
Carletta Tilousi	Tribal Council Member	Havasupai Tribe
Derek Benally	Council Member	Hoh Tribe
Felicia Leitka	VOCA Manager	Hoh Tribe
Danielle Vigil-Masten	Domestic Violence/Sexual Assault Prevention Manager	Hoopa Valley Tribe
Travis Hyer	Prosecutor	Hopi Tribe
Carey Onsaе	Executive Director, Hopi-Tewa Women's Coalition to End Abuse	Hopi Tribe
Alverna Poneoma	Tribal Council Representative	Hopi Tribe
Dorma Sahneya	Executive Director	Hopi Tribe
Lydia Werito	Domestic Violence Program Secretary	Hopi Tribe
Maude Yoyhoeoma	Domestic Violence Program Director	Hopi Tribe
Diana Billy-Elliott	Vice Chair	Hopland Band of Pomo Indians
Timothy Anderson	Domestic Violence Specialist	Jicarilla Apache Tribe
April Attebury	Administrator	Karuk Tribe
Donna Frank	Elected Tribal Council Treasurer	Ketchikan Indian Community
Judy Leask Guthrie	Tribal Councilwoman	Ketchikan Indian Community
Carole LaPointe	Health Director	Keweenaw Bay Indian Community
Anthony Flores	Enrolled Tribal Citizen	Kletsel Dehe Wintun Nation
Euphrasia Dayton-Demoski	Tribal Court Administrator	Koyukuk Traditional Council
Peter Demoski	Tribal Council Member	Koyukuk Traditional Council
Shirley Sam	Tribal Victim Specialist	Koyukuk Traditional Council
Norma Contreras	Treasurer	La Jolla Band of Luiseño Indians
Dee McGeschick	Social Services Director	Lac Vieux Desert Band of Lake Superior Chippewa Indians
Shanaviah Canales	Victim Services Program Manager	Little River Band of Ottawa Indians
Heather Boening	Human Services Director	Little Traverse Bay Bands of Odawa Indians
Stacey Ettawageshik	Lead Survivor Outreach Specialist	Little Traverse Bay Bands of Odawa Indians
Regina Gasco Bentley	Tribal Chairperson	Little Traverse Bay Bands of Odawa Indians

Name	Title	Organization
Diana Isard	CTAS Project Coordinator/Rural Advocate	Little Traverse Bay Bands of Odawa Indians
Shayne Machen	Prosecutor	Little River Band of Ottawa Indians
Diane Lonn	Council Member	Little River Band of Ottawa Indians
Ron Pete	Tribal Council Member	Little River Band of Ottawa Indians
Larry Romanelli	Ogema	Little River Band of Ottawa Indians
Beatriz Arakawa	Victim Advocate	Lower Elwha Klallam Tribe
Diane Cabrera	Prosecuting Attorney	Lower Elwha Klallam Tribe
Frances Charles	Chairperson	Lower Elwha Klallam Tribe
Grace Goldtooth	Vice President	Lower Sioux Indian Community
Andrea Johnson	Lummi Victims of Crime Office Manager	Lummi Nation
Cheryl Johnson	Council Member	Lummi Nation
Nickolaus Lewis	Council Member	Lummi Nation
Olivia Solomon	Victim Advocate, Lummi Victims of Crime	Lummi Nation
Dolores Berni	Assistant to Lieutenant Governor	Nambé Pueblo
Peggy Bird	Chief Judge	Nambé Pueblo
Arnold Garcia	Lieutenant Governor	Nambé Pueblo
Chastity Sandoval	Victim Advocate	Nambé Pueblo
Raymond Oney	Tribal Council President	Native Village of Alakanuk
Emily Kameroff	Tribal Council Member	Native Village of Emmonak
Eric Olson, Sr.	Tribal Chief	Native Village of Hooper Bay
Nettie Warbelow	Domestic Violence/Sexual Assault Prevention Coordinator	Native Village of Tetlin
Marianne Young	Victim Advocate	Native Village of Tetlin
Charlene Johnson	--	Navajo Nation
Deannah Neswood-Gishey	Executive Director, Division of Social Services	Navajo Nation
Charlaine Tso	Council Delegate	Navajo Nation
Elizabeth Arthur-Attao	Assistant Secretary-Treasurer	Nez Perce Tribe
Mary Jane Miles	Vice Chairman	Nez Perce Tribe
Robyn Burlingham	Tribal Council Coordinator	Nottawaseppi Huron Band of the Potawatomi
Erin Cleveland	Grant Writer	Nottawaseppi Huron Band of the Potawatomi
Elizabeth Cook	Senior Staff Attorney	Nottawaseppi Huron Band of the Potawatomi
Patti McClure	Tribal Court Advocate	Nottawaseppi Huron Band of the Potawatomi
Melissa Pope	Chief Judge	Nottawaseppi Huron Band of the Potawatomi
Nancy Smit	Tribal Council Secretary	Nottawaseppi Huron Band of the Potawatomi

Name	Title	Organization
April Taylor	Probation Officer	Nottawaseppi Huron Band of the Potawatomi
Lydia Bear Killer	Tribal Leader	Oglala Sioux Tribe
Darla Black	Vice President	Oglala Sioux Tribe
Valeria Janis	Tribal Council	Oglala Sioux Tribe
Cleveland Doxtater	Tribal Aging Outreach Director	Oneida Nation of Wisconsin
Lincoln Bean	Tribal Court Judge	Organized Village of Kake
Mona Evan	Tribal Court Judge	Organized Village of Kake
Michele Galuszka	Tribal Court Judge	Organized Village of Kake
Anthony Gastelum	Circle Peacemaking Judge	Organized Village of Kake
Mike Jackson	Tribal Court Judge	Organized Village of Kake
Denise Kinegak	Self-Governance Director	Orutsararmiut Native Council
Gertrude Peter	Community Outreach and Activities Coordinator	Orutsararmiut Native Council
Tammy Cunningham	Domestic Violence Advocate	Osage Nation
Olivia Gray	Director of Family Violence Prevention Department	Osage Nation
Juana Majel-Dixon	Traditional Councilwoman	Pauma Band of Luiseño Indians
Cynthia Fancyboy	Vice President	Pilot Station Traditional Village
Andrew Bennett	Vice Chair	Pokagon Band of Potawatomi Indians
Kelly Curran	Tribal Council Secretary	Pokagon Band of Potawatomi Indians
Elizabeth Eggert	Assistant Prosecutor	Pokagon Band of Potawatomi Indians
Andrea "Andy" Jackson	Tribal Council	Pokagon Band of Potawatomi Indians
Samantha Hickok	Kids First Manager	Pokagon Band of Potawatomi Indians
Kent Miller	Program Manager, Tribal Victim Services	Pokagon Band of Potawatomi Indians
Anita Morales	Tribal Council Member at Large	Pokagon Band of Potawatomi Indians
Ann Morsaw-Banghart	Veterans Service Administrator	Pokagon Band of Potawatomi Indians
Gary Morseau	Tribal Council Member at Large	Pokagon Band of Potawatomi Indians
Annette Nickel	Prosecutor/Presenting Officer	Pokagon Band of Potawatomi Indians
James Olds	Tribal Council Treasurer	Pokagon Band of Potawatomi Indians
Mark Parrish	Tribal Council Member at Large	Pokagon Band of Potawatomi Indians
Nomkiwash Potts	Youth Representative	Pokagon Band of Potawatomi Indians

Name	Title	Organization
Melissa Rodriguez	Executive Secretary to Tribal Council	Pokagon Band of Potawatomi Indians
Alex Wesaw	Tribal Council	Pokagon Band of Potawatomi Indians
Colin Wesaw	Tribal Council Elders Representative	Pokagon Band of Potawatomi Indians
Marchell Wesaw	Compliance Manager	Pokagon Band of Potawatomi Indians
Matthew Wesaw	Tribal Council Chairman	Pokagon Band of Potawatomi Indians
Steve Winchester	Tribal Council Member at Large	Pokagon Band of Potawatomi Indians
Lena Kapotak	Tribal Chief	Portage Creek Village Council
Mary Johnson	Tribal Administrator	Portage Creek Village Council
Michelle Gray	Victim Specialist	Prairie Band Potawatomi Nation
Linda Davis	Advocate	Quapaw Nation
Sherrie Williams	Vice Chairperson	Quartz Valley Indian Reservation
Matthew Smith	Investigator	Red Lake Band of Chippewa Indians
Guadalupe Ybarra	Victim Liaison Officer, Tribal Police Department	Red Lake Band of Chippewa Indians
Germaine Omish-Lucero	Special Projects Director	Rincon Band of Luiseño Indians
Lloyd Guy	Attorney General	Rosebud Sioux Tribe
Louanna Bruner	Tribal Council Member	Saginaw Chippewa Indian Tribe of Michigan
Lindy Hunt	Tribal Council Member	Saginaw Chippewa Indian Tribe of Michigan
Theresa Jackson	Tribal Council Member	Saginaw Chippewa Indian Tribe of Michigan
Kayleen Toner	Victim Support Technician	Saginaw Chippewa Indian Tribe of Michigan
Christina Otto	Counselor	Saginaw Chippewa Indian Tribe of Michigan
Jennifer Wassegijig	Tribal Council Member	Saginaw Chippewa Indian Tribe of Michigan
Alane Breland	Assistant Chief Prosecutor	Salt River Pima-Maricopa Indian Community
CarlyJo Chavarria	Domestic Violence Prevention Initiative Coordinator	Santa Clara Pueblo
Matthew Sisneros	Tribal Sheriff	Santa Clara Pueblo
Tamani Ortiz	Victims Advocate, OVW Program	Santo Domingo Pueblo
Monica Coriz	Victim Advocate	Santo Domingo Pueblo
Jami Moran	Advocacy Resource Center Program Manager	Sault Ste. Marie Tribe of Chippewa Indians
Audrey Jim	Victim Assistance Program	Shoshone-Bannock Tribes

Name	Title	Organization
Donna Thompson	Tribal Council Member	Shoshone-Bannock Tribes
Christine Sage	Chairman	Southern Ute Indian Tribe
Shayna Black	Domestic Violence Advocate	Spirit Lake Tribe
Mary Ann Ott	Domestic Violence Advocate	Spirit Lake Tribe
Jessica Young Bird	Shelter Manager, Sacred Plume Victims Services	Standing Rock Sioux Tribe
Shannon Holsey	President	Stockbridge-Munsee Community Band of Mohican Indians
Jeannine Marsh	Tribal Administrator, CEO	Sun'aq Tribe of Kodiak
Linda Resoff	Social Services Director	Sun'aq Tribe of Kodiak
Cherie Skonberg	Women's Advocate	Sun'aq Tribe of Kodiak
Bridgette Solomon	Community Service Officer and Victim Advocate, Tribal Police Department	Swinomish Indian Tribal Community
Daniel Lucero	Tribal Citizen	Taos Pueblo
Jesse Navarro	Governmental Affairs Assistant	Tohono O'odham Nation
Ned Norris, Jr.	Chairman	Tohono O'odham Nation
Yuriko Toro	Program Manager for Kom Ckud Ki Domestic and Sexual Violence Prevention Program	Tohono O'odham Nation
Glen Gobin	Vice Chair	Tulalip Tribes
Lisa Koop Gunn	Attorney	Tulalip Tribes
Misty Napeahi	Board of Directors	Tulalip Tribes
Brenda Lintinger	Tribal Council Member	Tunica-Biloxi Tribe of Louisiana
Frank Canizales	Director of Social Services	Tuolumne Band of Me-Wuk Indians
Jolene Keplin	Health Educator	Turtle Mountain Band of Chippewa Indians
Griselda Rogers	Education Director	Ute Mountain Ute Tribe
Jane Root	Executive Director, Wabanaki Women's Coalition	Wabanaki Tribes of Maine
Erin Mockler	Domestic Violence Program Director	Winnebago Tribe of Nebraska
Lawrence "Larry" Jackson, Sr.	Vice Chairman	Yavapai-Apache Nation
Robert Mills	Contracts and Grants	Yavapai-Apache Nation

Federal Representatives

Name	Title	Organization
Richard Gerry	Acting Area Director	Bemidji Area IHS
Verna Kuka	IT Specialist	Bemidji Area IHS
Linda Bearcrane-Couture	Supervisory Victim Specialist	BIA OJS
Glen Gutierrez	Police Officer	BIA OJS
Kathy Howkumi	Acting Victim Assistance Program Supervisor	BIA OJS
Laura Kollar	Behavioral Scientist	Centers for Disease Control and Prevention, National Center for Injury Prevention and Control
Carol Brown	Senior Counselor to the Assistant Secretary–Indian Affairs	DOI Office of the Assistant Secretary–Indian Affairs
Claire McCusker Murray	Principal Deputy Associate Attorney General	DOJ
Taylor McConkie	Deputy Associate Attorney General	DOJ
A. Elizabeth Griffith	Associate Deputy Director	DOJ BJA
Norena Henry	Senior Advisor on Tribal Affairs	DOJ BJA
Anne Beamon	Grant Program Specialist	DOJ COPS
Matthew Lysakowski	Senior Advisor for Tribal Affairs	DOJ COPS
Kurt Alme	U.S. Attorney	U.S. Attorney’s Office, District of Montana
John Anderson	U.S. Attorney	U.S. Attorney’s Office, District of New Mexico
Andrew Birge	U.S. Attorney	U.S. Attorney’s Office, Western District of Michigan
Sean Lewis	Assistant U.S. Attorney	U.S. Attorney’s Office, Western District of Michigan
Marlene Mottes	Tribal Victim Assistance Specialist	U.S. Attorney’s Office, Western District of Michigan
Luke Reilander	Assistant U.S. Attorney	U.S. Attorney’s Office, Northern District of Indiana
Kathy Schuette	Victim Coordinator/Advocate	U.S. Attorney’s Office, Western District of Michigan
R. Trent Shores	U.S. Attorney	U.S. Attorney’s Office, Northern District of Oklahoma
Breane Warner	Victim Assistance Specialist	U.S. Attorney’s Office, Western District of Michigan
Lori Bruski	Regional Program Specialist	DOJ NamUs
Steven Hafner	Research Scientist	DOJ NamUs
Allen Neal	Regional Program Specialist	DOJ NamUs
Bobbie “B.J.” Spamer	Executive Director of Operations	DOJ NamUs

Name	Title	Organization
Trisha Chakraborty	American Association for the Advancement of Science Fellow	DOJ NIJ
Howard Spivak	Principal Deputy Director	DOJ NIJ
James Simonson	Associate Director	DOJ OJP OVC
Christine Crossland	Senior Social Science Analyst	DOJ OJP NIJ Office of Research, Evaluation, and Technology
Keisha Kersey	Grants Management Specialist	DOJ OJP OJJDP
Kara McDonagh	Program Specialist	DOJ OJP OJJDP
Gina Allery	Deputy Director	DOJ Office of Tribal Justice
Darlene Hutchinson	Director	DOJ OVC
Frances Cook	Attorney Advisor	DOJ OVW
Jennifer Kaplan	General Counsel	DOJ OVW
Jessica Neal	Management Analyst	DOJ OVW
Nadine Neufville	Deputy Director	DOJ OVW
Darla Nolan	Team Lead	DOJ OVW
Mary Powers	Deputy Director for Policy, Outreach, and Communications	DOJ OVW
Laura Rogers	Acting Director	DOJ OVW
Melissa Schmisek	Team Lead	DOJ OVW
Kevin Sweeney	Grant Manager	DOJ OVW
Rebekah Jones	Grants Program Specialist	DOJ OVW Tribal Affairs Division
Sherriann Moore	Deputy Director	DOJ OVW Tribal Affairs Division
Shellie Davis	Management & Program Analyst	FBI
Robert Perry	Assistant Special Agent in Charge	FBI
Chris Chaney	Unit Chief	FBI Office of the General Counsel
Jean Hovland	Commissioner of Administration for Native Americans and Deputy Assistant Secretary for Native American Affairs	HHS ACF
Shawndell Dawson	Director	HHS ACF Family Violence Prevention and Services Program
Rickeya Franklin	Supervisory Family Violence Program Specialist	HHS ACF Family and Youth Services Bureau
Erica Gourneau	National Forensic Nurse Coordinator	IHS
Michael Weahkee	Principal Deputy Director	IHS
Rear Admiral Chris Buchanan	Deputy Director	IHS
Tamara James	Acting Director, Division of Behavioral Health	IHS
Bronia Ashford	Intergovernmental Public Liaison Branch Chief – Tribal Affairs	U.S. Customs and Border Protection

Other Attendees

Name	Title	Organization
Alex Cleghorn	Legal and Policy Director	Alaska Native Justice Center
Kimberly Miles	Advocate Case Manager	Alaska Native Justice Center
Janelle Chapin	Policy Specialist	ANWRC
Tami Truett Jerue	Executive Director	ANWRC
Carmen Lowry	Executive Director	Alaska Network on Domestic Violence and Sexual Assault
Janice Lowry	--	Alaska Network on Domestic Violence and Sexual Assault
Tara Bourdukofsky	Administrator	Aleutian Pribilof Islands Association
Jessie Kitamura	Healthy Relationships Advocate	Aleutian Pribilof Islands Association
Myasar Ihmud	Program Coordinator	Alliance of Local Service Organizations
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DeeJay Chino	Field Operations Manager	American Indian Development Associates, LLC
Ada Melton	President	American Indian Development Associates, LLC
Timothy Ruise	Rainbow of Truth Coordinator	Avellaka Program/Rainbow of Truth Circle
Danielle Weiss	Consultant	Booz Allen Hamilton/NIJ
Diane Soubly	Counsel	Butzel Long
Curtison Badonie	Media and Communications Coordinator	Coalition to Stop Violence Against Native Women
Ana Romero	Program Director	Eight Northern Indian Pueblos Council PeaceKeepers
Charlene Tsoodle-Marcus	Program Director	Eight Northern Indian Pueblos Council PeaceKeepers
Joann Horn	Director	Emmonak Women's Shelter
Sandra Bercier	Executive Director	First Nations Women's Alliance
Shirley Moses	Executive Director	Healing Native Hearts Coalition
Jessica Marcum Jacobs	Associate Director	Indiana Coalition Against Domestic Violence
Haleigh Rigger	Rape Crisis Center Coordinator	Indiana Coalition to End Sexual Assault
Kim Lambert	Director of Victim Services	Indiana Criminal Justice Institute
Kris Bein	Assistant Director	Iowa Coalition Against Sexual Assault Resource Sharing Project
Eugene Magnuson	Assistant Director	Little River Holdings, LLC
Levi Rickert	Consultant	Little River Holdings, LLC
Tina Olson	Executive Director	Mending the Sacred Hoop

Name	Title	Organization
Heath Lowry	Staff Attorney	Michigan Coalition to End Domestic and Sexual Violence
Erin Roberts	Senior Program Director	Michigan Coalition to End Domestic and Sexual Violence
Aleksandra Andjelkovic	Human Trafficking Services Coordinator	Michigan Department of Health and Human Services
Caitlin Cain	Student	Michigan Department of Health and Human Services
Debi Cain	Executive Director, Domestic and Sexual Violence Board	Michigan Department of Health and Human Services
Karen Porter	Director of Quality Assurance, Division of Victim Services	Michigan Department of Health and Human Services
Leslie O'Reilly	VOCA Program Specialist	Michigan Department of Health and Human Services
Suzanne Cross	Associate Professor Emeritus	Michigan State University
Nigel Perrote	Tribal Liaison	Minnesota Department of Public Safety
Nicole Matthews	Executive Director	Minnesota Indian Women's Sexual Assault Coalition
Angie O'Keefe	Board Chairperson	Minnesota Indigenous Women's Society
Kateri O'Keefe	Advocate	Minnesota Indigenous Women's Society
Casey Peck	Program Manager	Montana Board of Crime Control
Jean Bearcrane	Executive Director	Montana Native Women's Coalition
Virginia Davis	Senior Advisor	NCAI
Julia Dreyer	Director of Federal Relations	National Council of Urban Indian Health
Chelsa Seciwa	Project Specialist, AMBER Alert Training and Technical Assistance Program	National Criminal Justice Training Center of Fox Valley Technical College
Kristie Traver	Co-Director	National Indian Country Clearinghouse on Sexual Assault, Alaska Office
Monica Martinez	Policy Analyst	NIHB
Elizabeth Carr	Senior Native Affairs Advisor	National Indigenous Women's Resource Center (NIWRC)
Rose Quilt	Director of Research and Policy	NIWRC
Beth Meeks	Capacity Technical Assistance Program Director	National Network to End Domestic Violence
Jamison Short	Project Coordinator	Native Alliance Against Violence
Carmen O'Leary	Director	Native Women's Society of the Great Plains
Trishana Jones	Programs Director	North Carolina Coalition Against Domestic Violence

Name	Title	Organization
Tenley Locklear	Domestic Violence and Sexual Assault Program Director	North Carolina Commission of Indian Affairs
Candida Manion	Executive Director	Oklahoma Coalition Against Domestic Violence and Sexual Assault
Sandra Pilgrim Lewis	Board Member	Praxis International
Sarah Lussier	Women's Advocate	Red Lake Nation Women's Shelter
Yolanda Francisco-Nez	Executive Director	Restoring Ancestral Winds
Felicia Antone	Technology and Information Specialist	Southwest Center for Law & Policy
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Leanne Guy	Executive Director	Southwest Indigenous Women's Coalition
Tania Harvey	Director of Tribal Engagement	Southwest Indigenous Women's Coalition
Paul Heirendt	Executive Vice President	STM Learning, Inc.
Glenn Whaley	CEO/Medical Publisher	STM Learning, Inc.
Hedi Bogda	Board Member	Strong Hearted Native Women's Coalition
Bennae Calac	Board Member	Strong Hearted Native Women's Coalition
Kayleigh Omish-Guachena	Board Member	Strong Hearted Native Women's Coalition
Karen Wilson-Holsey	Victim Services Liaison	Strong Hearted Native Women's Coalition
Lori Jump	Assistant Director	StrongHearts Native Helpline
Ronald Blankenship	Owner	Talking Leaves
Lisa Serrano	Executive Director	The Bridge
Bonnie Clairmont	Victim Advocacy Specialist	Tribal Law and Policy Institute
Lonna Hunter	Tribal Victim Resource Specialist	Tribal Law and Policy Institute
Rachel Carr	Executive Director	Uniting Three Fires Against Violence
Collin Church	Board of Directors	Uniting Three Fires Against Violence
Hali McKelvie	Community Outreach Specialist	Uniting Three Fires Against Violence
Vanessa Owaski-Patzwald	Training Coordinator	Uniting Three Fires Against Violence
Hildegard Koenig	Outreach Coordinator	Utah Office for Victims of Crime
Donna Brown	Outreach Coordinator	Wabanaki Women's Coalition
Lenora Hootch	Executive Director	Yup'ik Women's Coalition

Appendix 2: Consultation Agenda



14TH ANNUAL
GOVERNMENT-TO-GOVERNMENT TRIBAL CONSULTATION ON
VIOLENCE AGAINST AMERICAN INDIAN & ALASKA NATIVE WOMEN
 Silver Creek Event Center, Four Winds Casino and Resort, New Buffalo, MI

Tuesday, August 20, 2019	
5:00 pm – 8:00 pm	Onsite Registration
5:00 pm – 6:00 pm	Federal Staff Meeting – Room C1
6:30 pm – 9:00 pm	Tribal Caucus – Open to all Tribal Leaders – Hosted by the National Congress of American Indians and the National Indigenous Women’s Resource Center

Wednesday, August 21, 2019	
7:30 am – 8:30 am	Onsite Registration
8:30 am – 9:00 am	Traditional Opening Ceremony: Clarence White, Spiritual Elder, Elders Council, Pokagon Band of Potawatomi Honor Song and Drum, John T. Warren and Ribbon Town Pokagon Tribal Police Honor Guard: Jacob Stark Richard Newcomer Kristina Lamphere Justin Pangle Brody Weidner Brian Matthews Pokagon Veterans Color Guard: Jerry Campbell Matthew Swisher Anthony Forester Shawl Ceremony: Rachel Carr, Executive Director, and the Board of Directors, Uniting Three Fires Against Violence



Wednesday, August 21, 2019

9:00 am – 9:20 am	Opening Remarks and Introductions: Andy Jackson, Tribal Council, Pokagon Band of Potawatomi Indians Laura Rogers, Acting Director, U.S. Department of Justice Office on Violence Against Women
9:20 am – 9:30 am	Tribal Consultation Logistics: Sherriann Moore, Deputy Director, Tribal Affairs Division, U.S. Department of Justice Office on Violence Against Women
9:30 am – 10:30 am	Government-to-Government Consultation – Tribal Leader Testimony Summary Report of the Tribal Caucus
10:30 am – 10:45 am	Break
10:45 am – 12:00 pm	Tribal Leader Testimony (continued)
12:00 pm – 1:00 pm	Working Lunch—Tribal Leader Testimony (continued) The Honorable Claire McCusker Murray, Principal Deputy Associate Attorney General, U.S. Department of Justice
1:00 pm – 2:45 pm	Tribal Leader Testimony (continued)
2:45 pm – 3:00 pm	Break
3:00 pm – 5:00 pm	Tribal Leader Testimony (continued)



Thursday, August 22, 2019	
9:00 am – 4:30 pm	VAWA Resource Marketplace – Rooms C1 & C2
8:30 am – 10:15 am	Government-to-Government Consultation – Tribal Leader Testimony
10:15 am – 10:30 am	Break
10:30 am – 11:45 am	Tribal Leader Testimony (continued)
11:45 am – 1:00 pm	<p>Working Lunch Presentations: <i>“NamUs: Helping to Resolve Missing Person and Death Investigation Cases with System Improvements and Needed Resources for Family Members”</i> Christine Crossland, National Institute of Justice, U.S. Department of Justice Steven Hafner, National Missing & Unidentified Persons System, University of North Texas Health Science Center B.J. Spamer, National Missing & Unidentified Persons System, University of North Texas Health Science Center</p>
1:00 pm – 1:15 pm	Break
1:15 pm – 4:45 pm	Consultation Interactive Discussion Session: Tribal and Federal Leadership – open discussion
4:45 pm – 5:00 pm	Traditional Closing and Retiring of the Colors

Appendix 3: Consultation Framing Papers

Increase Tribal Applications Consultation Framing Paper, July 2019

Consultation Question: How can the Office on Violence Against Women (OVW) encourage tribes to apply for OVW funding to help ensure that violence against women grant funds reach more tribal communities?

Background

Through prior consultations with tribal leaders, OVW has received input on ways to administer funding for tribal governments to make it easier for tribes to access funds and administer their funded projects. OVW has pursued various methods to make grant funds more accessible to tribes:

- increasing national promotion and outreach to tribes to offer more resources and training;
- holding listening sessions at national conferences to gain input from tribal leaders;
- building capacity for tribes that do not currently receive OVW grant funding;
- consolidating and/or reducing special conditions, where possible;
- increasing funding caps and extending project periods;
- limiting existing tribal grantees' eligibility for continuation funding;
- eliminating the questionnaire and reducing the application requirements for OVW's Tribal Jurisdiction Program; and,
- conducting extensive consultation and collaboration with tribes to determine whether or not to administer tribal funding on a formula basis.

Despite these efforts, tribal interest in OVW tribal grant funding to respond to violence in tribal communities is not robust:

- In FY 2018 and FY 2019, OVW posted its Tribal Jurisdiction Program solicitation twice due to a low response rate.
- Although there are 573 federally recognized Indian tribes, OVW receives, on average, approximately 60 applications annually for its Tribal Governments Program through the Consolidated Tribal Assistance Solicitation (CTAS).
- On average, OVW receives approximately 10 applications annually for its Tribal Sexual Assault Services Program (TSASP).

OVW previously consulted with tribes regarding whether OVW's Tribal Governments Program should shift from a competitive model to an annual formula distribution under which each tribe would receive a base amount of funding. After consultation and the formation of a tribal working group on the subject, there was no consensus from tribal leaders to move to a formula model. Instead, the overall consensus was that OVW should expand tribes' access to Tribal Governments Program funds by a number of strategies, including providing capacity-building technical assistance to tribes that have not received awards under the program. Accordingly, OVW continues to pursue the underlying goal of ensuring consistent and sustainable stable funding for as many tribes as possible while also providing support for

comprehensive victim services programs. To this end, and informed by tribal leader recommendations, we plan to continue to do the following:

- administer tribal grants on a competitive, discretionary basis;
- provide technical assistance to help tribes successfully compete for funding from other OVW programs;
- defer new awards to tribes that have large outstanding balances on existing awards;
- give priority to tribes that have not received funding in the two most recent fiscal years;
- issue three-year awards rather than two-year ones; and,
- each fiscal year, provide tribes with the greatest possible notice of OVW funding change plans so that tribes may plan in advance.

At prior consultations, several tribal leaders have testified regarding a number of concerns related to the administration of OVW's tribal grant programs, including the number and complexity of grant requirements and limitations on how funds may be used. Conditions and limitations on grant awards are often necessary to fulfill legal mandates. OVW has worked to clarify and simplify funding requirements and will continue to identify ways to give tribal grantees more flexibility, where possible.

Question

Consultation Question: How can OVW encourage tribes to apply for OVW funding to help ensure that violence against women grant funds reach more tribal communities?

OVW continues to be interested in exploring strategies to enhance the ability of tribes to access violence against women funding. Do the tribes have any feedback on the steps that OVW has already taken to expand tribal access to its grant funding? Have any of the tribes that have received technical assistance on competing for funding successfully applied for funding? Have any of OVW's efforts to simplify funding requirements made a difference? What additional steps could OVW take to increase tribal access to discretionary funding? What are the reasons why the response rate for the TSASP solicitation is so low, particularly given the high rates of sexual assault in Indian Country?

The Department welcomes any suggestions for additional actions OVW should take that are permitted by law.

Proposed Grant Funding Incentives in Savanna's Act Consultation Framing Paper, July 2019

Consultation Question 1: Do Tribes support, under OVW grant programs, proposed funding incentives for jurisdictions, including tribes, that are implementing certain guidelines, protocols, or data reporting related to missing or murdered Indians?

Consultation Question 2: If such funding incentives are enacted, how should OVW implement them so that they are helpful to tribes and tribal communities in their efforts to combat domestic violence, dating violence, sexual assault, and stalking?

Background

At past consultations, tribal leaders and advocates have expressed support for Savanna's Act, a bill that is currently pending before the 116th Congress. The stated purposes of Savanna's Act are to clarify law enforcement responsibilities for responding to cases of missing or murdered Indians, increase coordination, data collection, and information on such cases, and empower tribal governments with the resources and information necessary to respond effectively. Although the Senate and House bills vary, they both propose a funding incentive to encourage jurisdictions, including tribes, to implement certain guidelines or protocols for handling cases of missing or murdered Indians and submit statistics on such cases to the Department of Justice (DOJ). OVW is seeking tribal input on these proposals, which would affect grant programs under the Violence Against Women Act (VAWA) for which tribes are eligible, including the Grants to Indian Tribal Governments Program (Tribal Governments Program).

Savanna's Act would establish a structure under which DOJ, after consulting with tribes, is to develop guidelines and protocols to respond to cases of missing or murdered Indians, gather and report statistics on such cases, and track whether tribal, state, and local law enforcement agencies are implementing the guidelines and submitting the requested statistics to DOJ. The Senate bill, as introduced, would require DOJ to give a grant funding preference to tribal, state, or local law enforcement agencies that are doing so. The House bill, as introduced, would amend two OVW grant program statutes' purpose areas to allow funds to be used to implement the guidelines and protocols and submit the requested data to DOJ. It also would require OVW to give larger grant awards to applicants that have implemented the guidelines or submitted the requested data. The two affected OVW programs would be the Improving Criminal Justice Responses (ICJR) Program and the Tribal Governments Program.

Questions

Consultation Question 1: Do Tribes support, under OVW grant programs, proposed funding incentives for all jurisdictions, including tribes, that are implementing certain guidelines, protocols, or data reporting related to missing or murdered Indians?

The Department's first question for tribal leaders is whether they support a funding incentive for jurisdictions to implement guidelines for responding to cases of missing or murdered Indians and submit statistics on such cases to DOJ. Would tribes recommend a different approach, particularly for tribal applicants?



What do tribes think about expanding the scope of OVW's ICJR Program or Tribal Governments Program from their current focus on violence against women crimes to any missing or murdered case, regardless of its connection to domestic violence, dating violence, sexual assault, or stalking? Would such an expansion raise concerns about reducing funding currently available to support tribal services for victims of domestic and sexual violence? Would tribal leaders support, as an alternative, a funding priority under OVW's Tribal Governments Program for applicants that have implemented the guidelines or submitted the requested statistics? Such a priority would give a competitive advantage to tribes that have done so, but it would not guarantee funding.

Consultation Question 2: If such funding incentives are enacted, how should OVW implement them so that they are helpful to tribes and tribal communities in their efforts to combat domestic violence, dating violence, sexual assault, and stalking?

The Senate bill's DOJ-wide funding preference, in the bill as introduced, would apply only to law enforcement-focused applications that would help address the issue of missing or murdered Indians. If the Senate bill is enacted into law, what criteria would tribal leaders recommend that OVW use to determine that an application would help address the issue of missing or murdered Indians? Do tribal leaders have other recommendations for implementing this preference, if this version is enacted?

The House bill would require OVW to give larger grant awards under certain OVW grant programs, to all jurisdictions, including tribal governments, that have implemented the guidelines or submitted the requested data. Do tribal leaders have specific recommendations for what information applicants should be required to submit to qualify for the increase or how applicants should be permitted to use the additional funds to ensure a focus on the VAWA crimes? Are there additional steps that OVW should take in implementing this approach, if it is enacted, so that it achieves the intended goal of encouraging jurisdictions to implement the guidelines and submit the requested statistics? Do tribal leaders have additional recommendations for how OVW should implement this VAWA focused approach, if it, or one similar to it, is enacted?



United States Department of Justice

Office on Violence Against Women

Working Together to End the Violence

**2020 Update on the Status of
Tribal Consultation Recommendations**

prepared for

Department of Justice Annual Government-to-Government

Violence Against Women Tribal Consultation

Four Online Sessions

October 27-30, 2020, 1 pm ET

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Introduction

On August 21-22, 2019, the Department of Justice (DOJ) hosted its 14th annual government-to-government consultation on violence against American Indian and Alaska Native (AI/AN) women. This annual consultation is required by law to address the federal administration of tribal funds and programs established under the Violence Against Women Act of 1994 (VAWA) and its subsequent reauthorizations.¹ DOJ, the Department of Health and Human Services (HHS), and the Department of the Interior (DOI) received recommendations from tribal leaders on the three statutorily-mandated consultation topics:

- Administering tribal funds and programs;
- Enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, stalking, and sex trafficking; and
- Strengthening the federal response to such crimes.

In addition, DOJ's Office on Violence Against Women (OVW) asked tribal leaders for input on how to encourage more tribes to apply for OVW funding to help ensure that violence against women grant funds reach more tribal communities. OVW requested testimony on specific strategies for enhancing the ability of tribes to access OVW funding.

The purpose of this follow-up report, also known as the Update Report, is to provide tribal leaders with a comprehensive update on activities undertaken in the past year to respond to their recommendations at the 2019 consultation session, including DOJ's coordination and collaboration with tribes, HHS, and DOI to address these recommendations. This report includes three sections: 1) information on actions taken in response to certain specific recommendations made at the 2019 and prior consultations; 2) a review of progress made on implementation of tribal provisions included in VAWA, as amended; and 3) an update on other DOJ activities related to combating violence against AI/AN women. It also includes an appendix (Appendix A) with updates from HHS's Family Violence Prevention and Services Act (FVPSA) Program (and Indian Health Service (IHS)), an appendix with a table of recommendations from the 2019 consultation and brief responses (Appendix B), and two appendices with information on OVW's tribal grant funding. This Update Report is meant to be a companion to the report summarizing the proceedings of the 2019 consultation, which is available at www.justice.gov/ovw/tribal-consultation.

¹ 34 U.S.C. § 20126; Pub. L. No. 103-322, tit. IV, 108 Stat. 1796, 1902-55; Violence Against Women Reauthorization Act of 2000, Pub. L. No. 106-386, div. B, 114 Stat. 1464, 1492-1539; Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Pub. L. No. 109-162, 119 Stat. 2960 (2006); Violence Against Women Reauthorization Act of 2013 (VAWA 2013), Pub. L. No. 113-4, 127 Stat. 54.

Part One: Detailed Responses to Selected 2019 Recommendations

This part addresses recommendations made by tribal leaders (or their designees) at the 2019 consultation in five specific areas: 1) improved responses to the disappearance or murder of AI/AN women; 2) tribal set-aside funding under the Victims of Crime Act (VOCA); 3) tribal access to federal crime information databases; 4) enforcement of tribal protection orders; and 5) state consultation and coordination with tribes related to OVW grant funding. Information on responses to other recommendations related to the implementation of VAWA 2005 and 2013, as well as strengthening the federal response to violence against AI/AN women, can be found in Parts Two and Three of this report. In addition, Appendix B of this report contains a table of recommendations made at the 2019 consultation with brief responses or cross-references to relevant information.

Improved Responses to Missing or Murdered AI/AN Women

Recommendations: Tribal leaders recommended that DOJ, DOI, and HHS establish a high-level working group to establish protocols for responding effectively to the disappearance or murder of Native women and develop an emergency alert system for disappearances so that community members can stay informed in such instances.

Response: On November 26, 2019, President Trump signed Executive Order 13898, forming the Task Force on Missing and Murdered American Indians and Alaska Natives, also known as Operation Lady Justice (OLJ or the Task Force). OLJ aims to enhance the operation of the criminal justice system and address the legitimate concerns of AI/AN communities regarding missing and murdered people – particularly missing and murdered women and girls. The work of the Task Force is concentrated on meeting with tribal leaders and communities, improving the response by law enforcement, communities, and systems, reviewing research and data collection, and developing an outreach campaign.

On October 10, 2020, the President [signed into law](#) S. 227, Savanna’s Act, which directs DOJ to develop law enforcement protocols to address the disappearance or murder of AI/AN people, and S. 982, the Not Invisible Act of 2019, which directs DOI and DOJ to establish a joint commission on violent crime within and against AI/AN communities. The Task Force is preparing to integrate the directives in both pieces of legislation into its current work streams.

Since February 2020, OLJ has conducted more than 20 in-person listening sessions, virtual listening sessions, and formal tribal consultations. Current information about the Task Force’s work, including readouts from all listening sessions and consultations, is available at <https://operationladyjustice.usdoj.gov/>. Themes from comments received to date include the need for a better way of handling missing person cases that is both more standardized and more transparent to families. The Task Force has also heard that response efforts need to include men and boys, that tribal communities need more funding, personnel, training, and volunteer programs to help in their response efforts, and that tribes want to be part of the solutions for these issues.

Also in November 2019, the Attorney General launched a national strategy to address missing and murdered AI/AN people known as the Initiative on Missing and Murdered Indigenous People (MMIP). As part of the initiative, DOJ has hired 11 MMIP coordinators who have been placed in U.S. Attorneys' Offices (USAOs) in 11 states (Alaska, Arizona, Montana, Oklahoma, Michigan, Utah, Nevada, Minnesota, Oregon, New Mexico, and Washington) to develop protocols for a more coordinated law enforcement response to missing cases and deploy the FBI's most advanced response capabilities when needed, improve data collection and analysis, and provide training to support local response efforts. More information on this initiative is available at: <https://www.justice.gov/opa/pr/attorney-general-william-p-barr-launches-national-strategy-address-missing-and-murdered>. These coordinators are not part of OLJ, and their responsibilities and work are supervised by their individual USAOs. However, OLJ is working closely with the Attorney General's initiative and the coordinators, particularly with respect to the development of protocols and community response plans.

The Attorney General and the Secretary of the Interior are the co-chairs of the OLJ Task Force. Task Force members are:

- Katharine (Katie) Sullivan, Principal Deputy Assistant Attorney General, Office of Justice Programs (OJP), designee for the Attorney General.
- Tara Sweeney, Assistant Secretary for Indian Affairs, DOI, designee for the Secretary of the Interior.
- Terry Wade, Executive Assistant Director, Criminal, Cyber, Response and Services Branch, Federal Bureau of Investigation (FBI), DOJ.
- Laura Rogers, Principal Deputy Director, OVW, DOJ.
- Charles (Charlie) Addington, Deputy Bureau Director, Bureau of Indian Affairs (BIA), Office of Justice Services, DOI.
- Trent Shores, U.S. Attorney for the Northern District of Oklahoma and Chair of the Native American Issues Subcommittee of the Attorney General's Advisory Committee, DOJ.
- Jean (Jeannie) Hovland, Deputy Assistant Secretary for Native American Affairs and Commissioner, Administration of Native Americans, HHS.

Since beginning its work in January 2020, the Task Force has formed working groups that are developing:

- Model protocols and procedures for missing persons or murder cases in AI/AN communities.
- Multidisciplinary Cold Case Teams to review cold cases of both missing persons and murder cases.
- Education and outreach campaign for affected AI/AN communities.
- Training for law enforcement, victim services, communities, and families.
- Comprehensive guides to available resources.
- Relationships with existing tribal and state task forces.
- Best practices guide for missing persons and murder cases, including family communication.

Ongoing specific projects of the Task Force include:

- Drafting fact sheets and FAQs around the issues of missing persons cases and murder cases.
- Restarting the “Volunteers in Police Service” program to help utilize community volunteers in missing persons cases.
- Establishing a “Justice Connect” section within the Law Enforcement Enterprise Portal (LEEP) in the FBI CJIS databases.
- Compiling ideas for legislation to solve some of the identified gaps or legal issues.
- Meeting with law enforcement, victim services programs, domestic violence coalitions and others to hear about field experiences in AI/AN communities.
- Coordinating efforts with other Federal Commissions and Task Forces including:
 - The President’s Commission on Law Enforcement.
 - The Alyce Spotted Bear and Walter Soboleff Commission on Native Children.
 - The Federal Enforcement Working Group on Combating Human Trafficking and Online Child Exploitation in the United States.
 - The Attorney General’s Initiative on Missing and Murdered Indigenous People (MMIP).

As part of OLJ, the BIA-Office of Justice Services has started seven cold case teams in Minneapolis, MN; Rapid City, SD; Billings, MT; Nashville, TN; Albuquerque, NM; Phoenix, AZ; and Anchorage, AK. These teams will review cold cases involving AI/AN people who have gone missing or were murdered nationwide. Details can be found at: <https://www.doi.gov/pressreleases/trump-administration-establishes-first-cold-case-task-force-office-missing-and>. The BIA Cold Case Teams can be contacted at ojs_coldcase@bia.gov.

By November 26, 2020, the Task Force is to develop and submit a written report to the President regarding its activities and accomplishments, the status of projects not yet completed, and specific recommendations for future Task Force action. By November 26, 2021, the Task Force is to develop and submit a final written report to the President regarding its activities and accomplishments.

Tribal Access to Federal Crime Information Databases

Recommendation: Tribal leaders recommended the expansion of the Department’s Tribal Access Program for National Crime Information (TAP) to all interested tribes, including those that do not currently have courts or law enforcement departments.

Background: TAP, offered in two versions, TAP-FULL and TAP-LIGHT, provides selected federally recognized tribes improved ability to access and exchange data with national crime information databases for both criminal justice and non-criminal justice purposes, and it allows tribes to more effectively serve and protect their communities by ensuring the exchange of critical data. TAP enhances tribal efforts to enter sex offender registrations into the National Sex Offender Registry, have domestic violence orders of protection enforced off-reservation, protect children, keep firearms away from persons who are disqualified from receiving them, improve the safety of public housing, and enter tribal arrests and convictions into national databases.

TAP-FULL consists of a kiosk workstation that provides access to national systems and is capable of processing finger and palm prints, as well as taking mugshots and submitting records to national databases. TAP-LIGHT is software for criminal agencies, including police departments, prosecutors, criminal courts, jails, and probation departments, that also submits information to national databases. TAP is currently available to 101 tribes nationwide with over 330 tribal criminal justice and non-criminal justice agencies participating.

Response: In response to tribal leaders' recommendations, DOJ has continued to expand TAP and in 2020 added an additional 30 tribes for participation. In addition, the Department has jointly announced with DOI that BIA will be participating in the program. DOI will fund the installation of TAP kiosks at three locations where the BIA Office of Indian Services (BIA OIS) delivers direct social services, and DOI aims to expand TAP access to 29 BIA [Office of Justice Services](#) operated law enforcement agencies. These BIA locations will provide some degree of access to TAP for services delivered to more than 65 tribal communities. When these latest expansions are complete, TAP will serve over 400 tribal and BIA government agencies.

TAP continues to be available to tribes that have an agency for which there is a federal law authorizing access, including those in PL-280 states and Alaska. Authorized criminal justice agencies include law enforcement with arrest powers, corrections, criminal courts, probation, parole, pretrial services, and prosecution; authorized non-criminal justice agencies include sex offender registries, civil courts, Head Start, human resources (limited), social services, child support enforcement, and social services. The key is for an interested tribe to review the worksheet available on the TAP website setting forth the federal legal authorities for which TAP may be utilized and decide if the program would benefit the tribe. TAP continues to receive funding from the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office), the Office of Community Oriented Policing Services (COPS Office), and the Office for Victims of Crime (OVC), but lacks a permanent line item budget from Congress. The Department continues to advocate for permanent funding and the authority to transfer unobligated tribal registries funding to TAP, as well as working closely with partners to expand the program and increase the services offered.

The next TAP application period for FY 2021 will be announced in the near future. For more information on TAP, including how to apply, visit www.justice.gov/tribal/tribal-access-program-tap.

Tribal Victim Services Set-Aside Formula Program

Recommendations: Administer the tribal set aside under the Victims of Crime Act (VOCA) as a formula grant program, ensuring that the program respects tribal self-determination.

Response: In response to tribal consultations and listening sessions, in which tribal leaders expressed a strong preference that the VOCA tribal set-aside funding be distributed via a formula rather than a competitive program, the Department implemented an interim formula grant program for disbursing tribal set-aside funds in FY 2020. Under the FY 2020 Tribal Victim Services Set-Aside (TVSSA) Formula Program, the Department made 133 awards, totaling over

\$112.9 million, to over 200 tribes and tribal consortia. The purpose of the program is to improve services for victims of crime in tribal communities. OVC established a dedicated Tribal Division to ensure appropriate staffing to implement the TVSSA Formula Program and serve OVC's tribal grantees.

Under the FY 2020 TVSSA Formula Program, federally recognized Indian tribes, tribal designees, and tribal consortia, consisting of two or more federally recognized Indian tribes, were eligible to apply for tribal set-aside funding. Eligible applicants were invited to submit a Phase One pre-application in April 2020, consisting of a certification of tribal population, in order to allow OVC to run the formula to determine allocations for each eligible applicant. Applicants were then invited to submit a full Phase Two application, including a project narrative and budget, in June 2020.

Applications from 136 tribes, tribal designees, and consortia (representing a total of over 200 tribes) were received in April 2020 under Phase One. The population-based formula was run for these 136 anticipated awards. Three of the tribes that participated in Phase One elected not to participate in Phase Two in June. Additionally, 39 tribes submitted Phase Two applications for less than their full formula allocations. OVC originally anticipated allocating \$118 million based on the interim formula; and, in the end, OVC made \$112.9 million in formula grant awards under the tribal set aside.

All eligible applicants who submitted Phase Two applications received grants under the tribal set-aside program. Remaining tribal set-aside funds not awarded under the formula program were awarded to tribes that submitted applications under other OVC discretionary programs.

Enforcement of Tribal Protection Orders

Recommendation: At the 2019 consultation, tribal leaders continued to express concerns about the lack of enforcement of tribal protection orders by state and local law enforcement and recommended training for law enforcement and court personnel on properly carrying out VAWA's full faith and credit provision and freezing funds for states that do not comply with it.

Response: The authorizing statutes for OVW's state formula programs include a number of requirements that states must meet to qualify for funding, but compliance with VAWA's full faith and credit provision is not expressly listed as one of these requirements. However, OVW has supported a number of initiatives over the years to improve enforcement of tribal protection orders.

In 2020, OVW launched a new project focused on full faith and credit enforcement of tribal protection orders in Alaska. This project has two parts. The first is an award to the state of Alaska to train state actors, including law enforcement, prosecution, and courts, to enforce tribal protection orders. The second part is funding, through a partnership with the Bureau of Justice Assistance (BJA), for a community-based tribal organization in Alaska (Rural CAP) to provide training for tribes on issuing orders of protection that are entitled to full faith and credit enforcement by the state. This project is still in the planning stages, and OVW and BJA intend

not only that it will make a difference for protection order enforcement in Alaska, but that it also can be a model for addressing the issue of state enforcement of tribal protection orders in other parts of the country.

In addition, DOJ has continued to support targeted training and technical assistance through the National Center on Protection Orders and Full Faith and Credit (NCPOFFC). This includes site-specific support for county/tribal collaboration to identify and resolve barriers to enforcement of tribal orders, as well as a guide and checklist on drafting an enforceable tribal protection order involving a non-member, available at <https://www.bwjp.org/9-25-19-checklist-po-non-member-formatted.pdf>. The NCPOFFC also continues to provide training on issuance, service, and enforcement of tribal orders at its National Institute on Protection Order Practice for Attorneys and Advocates and other tribal and non-tribal conferences.

State Consultation and Coordination with Tribes

Recommendations: Tribal leaders recommended that OVW clarify the process for state consultation and coordination with tribes pursuant to the program statute for OVW’s STOP (Services*Training*Officers*Prosecutors) Violence Against Women Formula Grant Program (STOP Program), and require states to certify participation from all tribes and provide information about how funds support local tribal government responses to violence against women.

Response: The requirement for states to consult² with all state and federally recognized tribes is part of the state implementation planning process under the STOP Program. Implementation plans are due from states every four years. The next implementation plan due date will be in FY 2022. Implementation plans must include an explanation of the state’s efforts to reach tribes, including the outcome of such efforts. The STOP Program statute, however, does not require states to certify that all tribes in the state have participated in the planning process, nor does it require tribes to participate. If OVW finds a state’s efforts to reach tribes to be insufficient, OVW will delay approval of the plan and access to funds until the state addresses these concerns.

OVW has taken a number of steps to improve state consultation with tribes as part of the planning process for implementing the STOP Program and distributing STOP funds:

- In October 2018, OVW issued “[Frequently Asked Questions: State Consultation and Coordination with Tribes as Required for STOP Violence Against Women Grant Program Implementation Planning under 34 U.S.C. § 10446\(c\)\(2\)\(F\)](#).” This document provides plain-language restatements of the statutory and regulatory requirements related to state consultation and coordination with tribes, including required documentation of compliance. It also explains why consultation and coordination with tribes are important and provides non-binding advice, examples, and resources on effective consultation and

² Although the STOP statute uses the word “consult” it does not mean the same thing as federal government-to-government consultation under E.O. 13175. For further explanation, please see “Frequently Asked Questions: State Consultation and Coordination with Tribes as Required for STOP Violence Against Women Grant Program Implementation Planning under 34 U.S.C. 10446(c)(2)(F)” available at <https://www.justice.gov/ovw/page/file/1101881/download>.

coordination. It emphasizes that ongoing communication with tribes, not just every four years when the STOP implementation plan is due, will help build collaborative relationships and meet victim needs.

- On April 30-May 1, 2019, OVW held an inaugural joint meeting of the STOP State Administrators, State Domestic Violence and Sexual Assault Coalitions, and Tribal Domestic Violence and Sexual Assault Coalitions. The participants discussed ways to improve consultation and coordination with tribes in the development of state implementation plans to ensure that STOP funds are addressing the needs of AI/AN people residing within the state. The State Administrators committed to working with tribes and tribal coalitions to ensure inclusiveness of AI/AN people in their states.
- With in-person meetings being postponed during the pandemic, states are receiving one-on-one and virtual assistance with the development of implementation plans for FY 2022. OVW's staff who manage the STOP Program are continually reminding states about their obligations for consultation with a full range of entities, including tribes. The technical assistance provider for the STOP Program, the Alliance of Local Service Organizations (ALSO), has developed tools to assist states with reaching out to tribes and is developing e-learning modules for state administrators, which include information on the collaborative process for implementation plan development and working with tribes. Several states are working on their plans now and have been requesting technical assistance from ALSO with the process.

Part Two: Implementation of the Tribal Provisions in VAWA

The reauthorizations of VAWA in 2005 and 2013 included a number of provisions specifically aimed at ending violence against AI/AN women. This part provides a summary of DOJ efforts to implement these provisions and respond to related recommendations from tribal leaders.

Administering VAWA grant programs

VAWA authorizes four programs that are specifically designed for tribal communities:

- 1) Grants to Indian Tribal Governments Program (“Tribal Governments Program”);
- 2) Grants to Tribal Governments to Exercise Special Domestic Violence Criminal Jurisdiction (“Tribal Jurisdiction Program”);
- 3) Tribal Sexual Assault Services Program (“TSASP”); and
- 4) Grants to Tribal Domestic Violence and Sexual Assault Coalitions Program (“Tribal Coalitions Program”).

More information about each of these programs appears below, and an analysis of the funding levels for each of the four programs in FY 2020 is provided in Appendix C.

Tribal Governments Program

The Tribal Governments Program (TGP), which was created by Section 906 of VAWA 2005 and amended by section 901 of VAWA 2013, provides funding to tribal governments or their designees to:

- 1) develop and enhance effective governmental strategies to curtail violent crimes against women;
- 2) increase tribal capacity to respond to domestic violence, dating violence, stalking, sexual assault, and sex trafficking crimes against Native women;
- 3) strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, and correctional facilities;
- 4) enhance services to Indian women who are victims;
- 5) develop prevention and education strategies;
- 6) provide supervised visitation services;
- 7) provide transitional housing and related support services to victims;
- 8) provide legal assistance to victims;
- 9) provide services to youth victims and children and youth exposed to these crimes; and
- 10) develop and promote legislation and policies to respond to violent crimes against Indian women.

In FY 2019, OVW received 63 applications for the TGP requesting a total of \$44,104,969. Nineteen of these were new applicants, and 44 were submitted by current grantees who were seeking funding to enhance or continue their existing OVW-funded projects (continuation applicants).

Twelve applications did not meet the eligibility criteria in the solicitation, mainly because they had 50 percent or more in funds remaining on their existing TGP awards. The 51 remaining applications were sent to a panel of external peer reviewers and were also reviewed internally by OVW Program Specialists. During the internal review, OVW staff determined whether the applications contained activities that might compromise victim safety and how well continuation applicants had complied with the requirements of their current OVW grant awards. Each application sent to external peer review was evaluated and scored by a three-person panel composed of individuals with expertise in violence against women and the unique needs of tribal communities.

Based on the internal and external review of the applications, OVW made 51 awards through the TGP for FY 2019 for a total of \$33,155,994. Nineteen of these awards went to new applicants, and 32 went to continuation applicants. A list of FY 2019 TGP awards is provided in Appendix D to this report.

For FY 2020, new and continuation applicants to the TGP were able to request up to \$900,000 under DOJ's Coordinated Tribal Assistance Solicitation, in which the TGP was Purpose Area Five and for which applications were due February 25, 2020. In response to recommendations from tribal leaders to extend the length of TGP awards, OVW offered three-year awards with the possibility of two-year, noncompetitive supplemental awards for grantees that are meeting project goals and spending their funds on schedule. This includes working with grantees to assess progress and address challenges in project implementation at the 18-month mark. FY 2020 awards were going out as this report was prepared; details on these awards will be provided in the 2021 Update Report.

After the COVID-19 pandemic hit, and after consulting with tribes on their needs in responding to violence against women during the pandemic, OVW solicited additional applications for TGP funding to meet these needs in a separate solicitation. The FY 2020 COVID-19/Violence Against Women Assistance to Tribes Solicitation opened on July 31, 2020, closed on September 16, 2020, and covered both the TGP and the Tribal Sexual Assault Services Program. Applicants were instructed to request award amounts in the range of \$50,000-\$100,000 but were allowed to request a greater amount with sufficient justification. OVW received over 75 applications under this solicitation and selected seven recipients from those that were submitted by August 20, 2020; the remaining awards will be made early in FY 2021, subject to timing constraints related to the transition from DOJ's Grants Management System (GMS) to the new Justice Grants System (JustGrants).

Alaska TGP Project Implementation Workshop

Since 2017, OVW has held this workshop for all active Alaska TGP grantees to help them successfully implement their projects and strengthen responses to domestic and sexual violence in their villages or service areas. This effort was developed specifically to respond to recommendations at prior consultations to address the unique challenges faced by Alaska Native villages in responding to violence against women. The workshop includes hands-on grant administration and management training and provides an opportunity for tribal leaders to discuss their role in supporting the project, sustaining its

success, and maximizing community strengths. Since implementing this effort, OVW has seen increases in successful applications from Alaska and made seven new TGP awards in Alaska in FY 2019. Twenty-eight Alaska tribal governments participated in the workshop in 2019. OVW is using this model to work on project implementation with TGP grantees in the lower forty-eight in FY 2021-2022, particularly as current grantees prepare to apply for the additional two years of funding discussed above.

Tribal Jurisdiction Program

VAWA 2013 recognized the inherent power of “participating tribes” to exercise “special domestic violence criminal jurisdiction” (SDVCJ) over certain defendants, regardless of their Indian or non-Indian status, who commit acts of domestic violence or dating violence or violate certain protection orders in Indian country. This provision also created a grant program for tribal governments or their designees to, in SDVCJ cases:

- 1) strengthen tribal criminal justice systems;
- 2) provide counsel for indigent defendants;
- 3) ensure that jurors are summoned, selected, and instructed in a manner consistent with all applicable requirements; and
- 4) accord victims rights that are similar to the rights of a crime victim described in section 3771(a) of Title 18, consistent with tribal law and custom.

Funds may be used for law enforcement, prosecution, trial and appellate courts, probation systems, detention and correction facilities (including medical care up to a maximum of 20 percent of the total project budget), alternative rehabilitation centers, culturally appropriate services and assistance for victims and their families, and criminal codes and rules of criminal procedure, appellate procedure, and evidence.

For both FY 2019 and FY 2020, new applicants for the Tribal Jurisdiction Program were able to request up to \$450,000 for three years, and continuation applicants could request up to \$300,000 for two years. Eligibility for the program includes both tribes that are already exercising or immediately prepared to exercise SDVCJ and those that intend to use funding for planning and preparation activities related to implementing SDVCJ.

In FY 2019, OVW received 13 unduplicated applications for the Tribal Jurisdiction Program. All eligible applications were forwarded for external peer review and were reviewed internally by an OVW Program Specialist. Based on the internal and external review of the applications, OVW made nine awards for a total of \$3,389,906. Eight of these awards went to new applicants, and one went to a continuation applicant. Three of the awards went to tribes currently exercising SDVCJ. Reasons that applications did not receive funding included ineligibility for the program, low peer review score, or problems related to the pre-award risk assessment. A list of FY 2019 Tribal Jurisdiction Program awards is provided in Appendix D.

For FY 2020, OVW kept the solicitation open for three months and selected recipients for all but \$119,329 of the funds available for Tribal Jurisdiction Program grants. More details on these applications and awards will be provided in the 2021 Update Report.

OVW also has issued a framing paper this year to consult with tribes on options for awarding all available funds for this program in future fiscal years.

TSASP

Section 202 of VAWA 2005 created the Sexual Assault Services Program (SASP), which encompasses five different funding streams, including a program specifically for tribal communities. By statute, 10 percent of the amount appropriated for SASP is directed towards TSASP funding. Overall, the purpose of SASP is to provide intervention, advocacy, accompaniment (e.g., accompanying victims to court, medical facilities, police departments, etc.), support services, and related assistance for adult, youth, and child victims of sexual assault, family and household members of victims, and those collaterally affected by the sexual assault. The goal of TSASP is to create, maintain, and expand sustainable sexual assault services provided by tribal governments and tribal organizations, which are uniquely situated to respond to the needs of AI/AN sexual assault victims. By statute, tribal governments, tribal organizations, and tribal non-profits with programs and activities within Indian country and Alaska Native villages are the only eligible entities for TSASP funding. All applications must include documentation demonstrating authority to apply as described in the solicitation.

In response to the FY 2019 TSASP solicitation, OVW received 11 applications requesting a total of \$3,539,779. Each application was reviewed for eligibility, completeness, proposed project activities within the scope of the TSASP statutory purpose area, and any proposed activities that might compromise victim safety. Upon completion of the internal review, OVW determined that one application was ineligible for funding and forwarded the remaining 10 applications to peer review for evaluation by an external review panel. The panel was made up of three individuals with expertise in the areas of sexual assault, victim advocacy, and serving tribal communities. Based on the internal and external reviews of the applications, OVW made 10 awards through TSASP for FY 2019 for a total of \$3,018,758. A list of FY 2019 TSASP awards is provided in Appendix D to this report.

For FY 2020, OVW posted a TSASP solicitation on December 4, 2019, with a deadline of February 12, 2020. As award issuance coincided with the preparation of this report, details on FY 2020 applications and awards will be provided in the 2021 Update Report. As discussed above, OVW also solicited applications for TSASP funding under the FY 2020 COVID-19/Violence Against Women Assistance to Tribes Solicitation. Recipients under the main TSASP solicitation were selected by September 30, 2020, but OVW expects to make additional, COVID-19 related TSASP awards under the COVID-19 solicitation later this fall.

Tribal Coalitions Program

OVW's Tribal Coalitions Program provides funding to 19 nonprofit tribal organizations in 16 states to support tribal communities in ending violence against AI/AN women. Grant funds can be used to increase awareness of domestic violence and sexual assault; enhance the federal, state, and tribal response to violence against Indian women; provide technical assistance to coalition membership and tribal communities to enhance access to

essential services for victims of domestic and sexual violence, including sex trafficking; and assist tribes in developing and promoting legislation and policies that enhance best practices for responding to violent crimes against AI/AN women. VAWA authorizes three funding sources for tribal coalitions. The first is a distribution of 1/56 of the STOP Violence Against Women Formula Program appropriation. The second is five percent of the appropriation for the Improving the Criminal Justice System Response to Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program. The third is not less than one percent of the total appropriation for SASP and is available only to those coalitions that are involved in sexual assault work. At least 90 percent of Tribal Coalitions Program funding is to be equally divided among the recognized tribal coalitions that apply each fiscal year, and up to 10 percent may be awarded to new coalitions.

For FY 2019, OVW issued awards to 19 recognized tribal coalitions and no awards to new tribal coalitions for a total of \$6,064,126. A list of FY 2019 Tribal Coalitions awards is provided in Appendix D to this report.

For FY 2020, OVW issued an invitation to apply to 19 recognized coalitions; no new coalitions began the multi-step planning process necessary to be eligible to apply for Tribal Coalitions funding in FY 2020. Additional details on FY 2020 awards will be provided in the 2021 Update Report.

In addition to these four tribal programs, tribal governments are eligible to apply directly to a number of the other grant programs authorized by VAWA, and OVW continues to receive applications from tribes for those programs. FY 2019 OVW grant awards to tribes and tribal organizations from all OVW programs are included in Appendix D to this report.

Analysis and Research on Violence Against Indian Women (VAWA 2005 § 904, VAWA 2013 § 907)

NIJ Program of Research

Section 904(a) of VAWA 2005, as amended by VAWA 2013, calls for NIJ, in consultation with OVW, to examine violence against Indian women in Indian country and Alaska Native villages.³ In conducting its analyses and research, NIJ is asked to focus on domestic violence, dating violence, sexual assault, stalking, murder, and sex trafficking, and to evaluate the effectiveness of federal, state, tribal, and local responses to violence against Indian women.

NIJ addresses this directive as a “program of research” to meet the varied study needs through multiple research projects occurring over time. The program of research supports extramural and intramural research and evaluation studies that are designed to produce a deeper understanding of the issues faced by AI and AN women, expand the body of criminal justice policy-relevant research, and help formulate public policies and prevention strategies to decrease the incidence of violent crimes committed against indigenous women. Results from studies funded under this program are anticipated to help establish and enhance justice systems that will successfully restore victim safety and promote healing.

³ Pub. L. No. 109-162, § 904(a), 119 Stat. 2960, 3078-79 (2006); Pub. L. No. 113-4, § 907, 127 Stat. 54, 125.

Because of the broad scope of work outlined in the statute, different types of scientific studies, using different research methods to answer specific research questions, and using appropriate data analysis techniques, are needed to accomplish the program's goals. The research can best be described as falling into three categories—secondary data analysis, evaluation research, and primary data collection.

Secondary data analysis projects provide an opportunity to expand our understanding of the nature, consequences, and responses to violence against indigenous women by using existing data sources. Under the evaluation category, NIJ seeks to evaluate programs or interventions to enhance law enforcement, prosecutorial, and judicial responses to violence against indigenous women and programs or interventions aimed at improving victim engagement with the criminal justice system.

Primary data collection is important because many of the data required to address the topics outlined in the statute and the goals of the research program are not available from data systems or sources, have not been collected, or have been collected but are incomplete. An example of this type of research is the National Baseline Study (NBS), a study of health, wellness, and safety of AI and AN women living in tribal communities. NBS, which began in 2014, is the capstone of NIJ's program of research regarding violence against AI/AN women. In preparation for the 2020 consultation, NIJ issued a [framing paper](#) describing the history of the NBS and seeking recommendations on adjustments to NIJ's outreach and engagement protocols for the NBS during and post the COVID-19 pandemic.

Federal Advisory Task Force

VAWA 2005 also required the establishment of a Task Force on Research on Violence Against American Indian and Alaska Native Women (hereafter referred to as the Task Force), which is subject to the requirements of the Federal Advisory Committee Act. Under the statute, Task Force members must include representatives from tribal governments (or officially approved delegates), national tribal domestic and sexual violence non-profit organizations, or national tribal organizations. The OVW Director serves as the Task Force's Designated Federal Official. The Task Force's primary function is to provide advice and recommendations on the development and implementation of NIJ's program of research and, eventually, on improvements to federal, state, tribal, and local responses to violence against Indian women in light of the research findings.

The Attorney General originally established the Task Force on March 31, 2008, and has re-chartered the Task Force on a regular basis to ensure that NIJ continues to receive timely advice during the execution of the program of research. During summer 2020, Attorney General Barr approved the most recent re-charter of the Task Force and approved the selection of eight new [members](#) with criminal justice and research expertise, as well as an understanding of the unique challenges faced by geographically diverse tribal communities. These Task Force members have the knowledge and experience to provide helpful and realistic advice during the continued development and implementation of NIJ's research program. The Department notified Congress of the new charter on June 26, 2020. A Task Force meeting is scheduled for October 22, 2020.

OVW Deputy Director for Tribal Affairs (VAWA 2005 § 907)

Sherriann Moore, Rosebud Sicangu' Lakota, serves as Deputy Director, Tribal Affairs Division (TAD) in OVW. Established by section 907 of VAWA 2005, the Deputy Director for Tribal Affairs carries out statutory responsibilities relating to violence against AI/AN women, including administering tribal grants, developing federal policy, and strengthening the federal response to violent crime in tribal communities. Ms. Moore currently oversees a staff of grant program specialists, coordinates implementation of the tribal provisions of VAWA, and consults with tribal leaders to gain a better understanding of the needs and challenges that tribes face related to public safety and justice in their communities. She is also responsible for ensuring that the Attorney General's mandate to conduct annual government-to-government consultation with tribal leaders on violence against AI/AN women is fulfilled.

In addition to administering tribal grant funds, OVW's TAD works to build tribes' capacity to reduce violence against AI/AN women and collaborates with other DOJ components and federal agencies to increase the focus on sex trafficking and murdered or missing women in tribal communities. This includes new initiatives, such as improving responses for AI/AN populations residing in urban locations, strengthening sovereign responses to sex trafficking in Indian country and Alaska, and developing partnerships with tribal colleges and universities to address domestic violence, dating violence, sexual assault, and stalking on campus.

OVW's TAD has established the Tribal Affairs Coordination Circle, an internal OVW working group that enables all OVW staff to learn about targeted tribal topics, including presentations by the Deputy Director for Tribal Affairs or guest speakers, and opportunities to attend tribal technical assistance events. The TACC is designed to influence how OVW works with its tribal grantees to ensure the highest quality of service, including maximizing resources, coordinating efforts, learning and sharing, and strategizing about technical assistance needs. The TACC has resulted in the creation of specialized teams focused on improving grant-related outcomes in different regions, starting with an Alaska-focused team and expanding to Oklahoma, California, and the Great Plains in FY 2021-2022.

Implementation of VAWA 2005 and 2013 provisions on federal prosecutions in Indian country and tribal jurisdiction

Enhanced Criminal Law Resources

DOJ recognizes the United States' unique legal relationship with federally recognized Indian tribes. Improving public safety and the fair administration of justice in Indian country is a top priority for the Department. DOJ's overarching goal is to create substantial, lasting improvements in public safety for AI/AN people. This effort includes training for federal, state, and tribal criminal justice and social service professionals working in Indian country.

In July 2010, DOJ's Executive Office for United States Attorneys (EOUSA) launched the National Indian Country Training Initiative (NICTI) to ensure that federal prosecutors, as well as state and tribal criminal justice personnel, receive the training and support needed to address the particular challenges relevant to Indian country prosecutions. This training effort is led by the Department's National Indian Country Training Coordinator and is based at the National

Advocacy Center (NAC) in Columbia, SC. Since its inception, the NICTI has delivered over 100 residential training opportunities at the NAC or other locations around the country. In addition, the NICTI Coordinator lectures regularly around the country for other federal agencies, tribes, and tribal organizations.

NICTI training is designed to support DOJ priorities and initiatives in Indian country. In FY 2019, the NICTI hosted 12 residential courses at the NAC for 464 students. The majority of classes addressed pressing public safety needs in tribal communities: Sexual Assault Nurse Examiners' Expert Witness Training, Criminal Jurisdiction in Indian Country, Indian Country Strangulation and Suffocation Seminar, Federal Criminal Practice for Tribal Prosecutors, and Drug Endangered Children: Building a Successful Collaborative Response Seminar, and the National Institute on the Prosecution of Domestic Violence in Indian Country.

In calendar year (CY) 2019, hundreds of criminal justice and social service professionals received NICTI residential training at the NAC. These students represented federally recognized tribes, United State Attorneys' Office (USAO) employees, and federal, state, and tribal organizations serving Indian country. Students' professions ranged from law enforcement, prosecutors, and judges to victim advocates, medical and social services professionals, and forensic interviewers. Each class offering is fully subscribed, and there is typically a long waiting list of applicants hoping to be admitted. The majority of students attending classes are from tribes or tribal organizations. Of particular note, DOJ's Office of Legal Education covers the costs of travel and lodging for tribal attendees at classes sponsored by the NICTI. This allows many tribal criminal justice and social service professionals to receive cutting-edge training from national experts at no cost to the student or tribe. The NICTI Coordinator also participates every year in dozens of trainings hosted by USAOs, tribes, and tribal technical assistance providers. Her travel costs are covered by DOJ.

In FY 2019, in addition to the 464 students who attended the 12 residential courses described above, another 499 students attended one of 20 Criminal Jurisdiction in Indian Country Classes held at the NAC and around the country, and the NICTI coordinator taught 3220 students at training in the field. Altogether, the NICTI reached 4,647 criminal justice and social service professionals working in or with tribal communities.

Domestic Assault by an Habitual Offender (VAWA 2005 § 909)

Section 909 of VAWA 2005 created a new federal crime, "Domestic Assault by an Habitual Offender," 18 U.S.C. § 117, which enables federal prosecutors to charge any person who commits a domestic assault within Indian country and who has a final conviction on at least two separate prior occasions in federal, state, or Indian tribal court for a previous assault, sexual abuse, or serious violent felony against a spouse or intimate partner. Several defendants challenged the constitutionality of this provision arguing that tribal court convictions cannot be used as predicate offenses in cases where the defendant was not provided with appointed counsel. In June of 2016, the U.S. Supreme Court held that tribal convictions that are valid when rendered "retain that status when invoked in a subsequent proceeding." *United States v. Bryant*, 136 S.Ct. 1954, 1965 (2016). In *Bryant*, the Court saw no reason to distinguish between an uncounseled conviction that results in a fine and an uncounseled tribal-court conviction that results in less than a year in prison: in both, the Court reasoned, the Sixth Amendment was

inapplicable, and in both, the defendant was punished only for the last, counseled offense, not the prior, uncounseled ones. *Id.* at 1965-66. The Court also found that the various protections in the Indian Civil Rights Act, including the provision for *habeas* review in federal court, “sufficiently ensure the reliability of tribal-court convictions.” *Id.* at 1966.

A review of DOJ’s case management data shows that the number of defendants indicted under this provision has steadily increased from 12 in FY 2010 to a high of 49 in FY 2018, followed by another 39 in FY 2019. As of June 30, 2020, 19 defendants had been indicted under 18 U.S.C. § 117 for the first three quarters of FY 2020; however, FY 2020 federal prosecution numbers across the board have been affected by pandemic-related restrictions. The general increase in numbers of habitual offender cases indicted since 2016 is likely due to the Supreme Court’s favorable decision in *Bryant*.

Tribal Criminal Jurisdiction over Crimes of Domestic Violence (VAWA 2013 § 904)

VAWA 2013 (codified at 25 U.S.C. § 1304) recognized the inherent power of “participating tribes” to exercise “special domestic violence criminal jurisdiction” (SDVCJ) over certain defendants, regardless of their Indian or non-Indian status, who commit acts of domestic violence or dating violence or violate certain protection orders in Indian country. The Act also specified the rights that a participating tribe must provide to defendants in SDVCJ cases.

In June of 2013, the Department established an Intertribal Technical-Assistance Working Group on Special Domestic Violence Criminal Jurisdiction (ITWG) to exchange views, information, and advice about how tribes can best exercise SDVCJ, combat domestic violence, recognize victims’ rights and safety needs, and fully protect defendants’ rights. To date, over 50 tribes have joined the ITWG, and almost all of them have remained actively engaged in ITWG meetings, webinars, and exchanges of information. The Department is supporting the ITWG with training and technical assistance, including an award by OVW to the National Congress of American Indians (NCAI) to support the ITWG’s ongoing work. During the COVID-19 national emergency, ITWG members have used the group to share best practices and challenges as tribes navigated the impact of the pandemic on their court systems. The ITWG will hold its 14th meeting virtually on October 13-15, 2020.

As of September 2020, 26 tribes have reported to NCAI that they have implemented SDVCJ. These tribal nations collectively report 257 arrests of non-Indian abusers leading to 99 convictions. This July, the United States District Court for the Western District of Washington dismissed the first *habeas* petition challenging an SDVCJ tribal conviction.

Amendments to the Federal Assault Statute (VAWA 2013 § 906)

VAWA 2013 recognized the gravity of strangulation and suffocation crimes, including their lethality in domestic violence cases, by amending the federal assault statute, 18 U.S.C. § 113, to include a specific charge of assault or attempted assault by strangulation or suffocation. This change in the law, which was effective March 7, 2013, makes it possible to prosecute in Indian country a perpetrator who commits or attempts to commit an act of strangulation against a spouse, intimate partner, or dating partner. The statute defines strangulation as the intentional, knowing, or reckless impeding of the normal breathing or circulation of the blood of a person by applying pressure to the throat or neck – and importantly – regardless of whether that conduct

results in any visible injury or whether there is any intent to kill or protractedly injure the victim. This statute has been used with increasing frequency by federal prosecutors. In FY 2013, three strangulation cases were charged. In FY 2014, the number of strangulation cases indicted rose dramatically to 42 and reached 107 in FY 2019. As of June 30, 2020, 46 cases had been indicted for the first three quarters of FY 2020, but prosecution numbers generally have been lower as a result of the COVID-19 pandemic.

To raise awareness about the issue and to educate professionals dealing with the legal or medical consequences of strangulation, the NICTI has continue to provide training and technical assistance to federal and tribal investigators, prosecutors, advocates, and medical professionals around the country. These educational opportunities have been in the form of live training, webinars, and written publications.

Part Three: Strengthening the Federal Response to Violence Against American Indian and Alaska Native Women

In addition to the work described above responding to the concerns that tribal leaders raised at the 14th VAWA consultation (Part One) and implementing VAWA and its subsequent reauthorizations (Part Two), DOJ has provided training and resources to enhance investigations and prosecutions of crimes against AI/AN women and support comprehensive services for victims of these crimes. As a part of these efforts, DOJ, in collaboration with DOI and HHS, has taken a number of actions that respond to concerns and recommendations from past consultation sessions. These activities are discussed below.

- **BJA/OVW Rural Alaska Prosecution Initiative** – In 2019, as part of the Attorney General’s Alaska public safety initiative, BJA, in partnership with OVW, funded the Alaska Department of Law to support two new prosecutors in rural Alaska, to be cross-designated as Special Assistant United States Attorneys (SAUSAs) and focus on prosecuting violent crime in Alaska Native villages. These two SAUSAs are state prosecutors who can pursue these cases in state or federal court, and one position is dedicated to prosecuting cases of domestic violence, dating violence, sexual assault, and stalking. State officials responsible for overseeing this project attended OVW’s annual meeting of tribal grantees in Alaska in December 2019 to connect with tribal leaders and enhance coordination with villages in building this effort. Both positions have been filled, and the focus is now on comprehensive training in both effective prosecution strategies and understanding village cultures.
- **OVW/OVC Initiative to Address Sexual Assault in Tribal Communities** – OVC provided \$7 million to OVW to fund the new Sexual Assault Forensic-Medical and Advocacy Services for Tribes (FAST) Initiative, designed to increase the availability of medical forensic exams and victim advocacy in tribal communities. OVW awarded six grants in April 2020 to the Confederated Tribes of Siletz Indians, the San Carlos Apache Healthcare Corporation, the Sitka Tribe of Alaska, the Norton Sound Health Corporation, the South Dakota Network Against Family Violence and Sexual Assault, and the University of Wisconsin-Milwaukee. Two of these six projects are in Alaska, so they will help address the high rates of victimization and the limited reach of the justice system the Attorney General recognized when he visited the state and subsequently declared a public safety emergency there in 2019.
- **Federal Victim Assistance in Indian Country** – The FBI’s Office for Victim Assistance (OVA) has 53 Indian country-designated victim assistance positions, including 44 Victim Specialists (VSs) and nine child/adolescent forensic interviewers (CAFIs). In addition to these 53 designated positions, numerous additional VSs and CAFIs respond to victims of crime and conduct forensic interviews in Indian country.
- **OVW Violence Against Women Tribal SAUSA Initiative** – In FY 2020, OVW partnered with BJA to support tribes and USAOs in their investigation and prosecution of Indian country criminal cases, with an emphasis on cases involving domestic violence,

sexual assault, dating violence, and stalking. Tribes received funds to work with their USAO partner (and other tribes in their federal judicial district, as appropriate) to hire or retain a mutually agreed upon tribal prosecutor to be designated as a SAUSA. The cross-designated prosecutors maintain an active caseload in tribal court, federal court, or both, while also helping to promote higher quality investigations and better inter-governmental communication. The SAUSAs must focus at least 50 percent of their full-time positions on prosecuting cases involving domestic violence, dating violence, sexual assault, and stalking. The remaining 50 percent of the SAUSA positions can be dedicated to the same or any other types of criminal cases the tribes and USAOs agree are a priority to combat, address, or otherwise respond to precipitous or extraordinary increases in crime, or in a type or types of crime. Thus the recipients can also address other kinds of serious and violent crime related to these overall patterns of offending. The five tribes selected for this funding in FY 2020 are Chickasaw Nation, Mississippi Band of Choctaw Indians, Oglala Sioux Tribe, Pueblo of Laguna, and Southern Ute Tribe.

- **Indian Country Criminal Investigator Training Program** – DOJ’s National Indian Country Training Initiative (NICTI) works closely and partners frequently with the FBI and BIA. The NICTI Coordinator serves as faculty at the Indian Country Criminal Investigator Training Program (ICCITP), held twice each year at the Indian Police Academy in Artesia, NM; this multi-week training course is for FBI and BIA agents as well as tribal law enforcement officers new to working in Indian country. ICCITP also includes a victim assistance training module led by either BIA’s or FBI’s victim assistance program. Unfortunately, this program was canceled in March and August 2020 because of the COVID-19 pandemic and was last held in August 2019.
- **Federal Criminal Practice for Tribal Prosecutors** – The NICTI, with the support of DOJ’s BJA, developed a new course for tribal SAUSAs and other tribal prosecutors. The training seminar covered the fundamentals of criminal federal practice, including the rules of federal criminal procedure, complaint drafting, indictments, search warrants, magistrate court practice, the elements of commonly charged offenses, and the principles of federal prosecution. This training also presented an in-depth look at grand jury procedure, including mechanics, secrecy, strategy, acquisition of evidence, privileges, immunity, dealing with hostile/recalcitrant witnesses, multiple representation, conflicts of interest, and ethical issues. The seminar also covered e-discovery and the calculation and use of sentencing guidelines. The inaugural session was held July 30-August 2, 2019 with 27 tribes represented. Additional training is tentatively planned for FY 2021.
- **Forensic Sciences Seminar** – The NICTI, in partnership with the Office of the Deputy Attorney General and the FBI, created a new course focused on forensic sciences. This high-level crime scene seminar was designed for experienced prosecutors and law enforcement personnel who investigate and prosecute violent crime cases, including sexual assault and domestic violence. Priority was given to individuals working violent crime cases in tribal communities, including tribal law enforcement, tribal prosecutors, and tribal SAUSAs. Topics covered included: evidence identification, collection, documentation, and elimination samples; the science behind DNA, including an overview of probabilistic genotyping; the use of likelihood ratios for assessing the weight of DNA

evidence; an overview of pattern comparison evidence and current admissibility issues; DOJ forensic science policy initiatives; discovery and ethical issues concerning forensic science; and models for interagency communication among prosecutors, law enforcement, and crime laboratories.

- **Criminal Jurisdiction in Indian Country/Special Law Enforcement Commission Training Project** – This training project represents a collaborative effort between DOJ’s NICTI, the USAOs, and BIA. The training curriculum was developed by the NICTI Coordinator and four experienced Assistant United States Attorneys (AUSAs). The class is available to sworn law enforcement officers seeking to get a Special Law Enforcement Commission (SLEC). An SLEC enables these officers to enforce federal criminal statutes and federal hunting and fishing regulations in Indian country. Attending a Criminal Jurisdiction in Indian Country (CJIC) class and passing the test at the end of the course are two of the BIA requirements to get an SLEC. All USAOs teaching the course use the same standardized set of training materials, which allows a tribe to send an officer anywhere in the country where a class is being offered. The curriculum includes a training block on sexual assault, domestic violence, and child abuse, as well as a section on the Crime Victim Rights Act. In 2019, there were 551 law enforcement officers who attended one of 22 CJIC trainings held at the NAC or hosted by a USAO or tribal police department. All applicants for the course have their applications and eligibility vetted by BIA before being admitted to a class.

In August 2020, a special CJIC class was held for tribal, state and local law enforcement officials in Oklahoma. This class was a direct response to the U.S. Supreme Court decision in *McGirt v. Oklahoma*. In *McGirt*, the Court held that the land within the boundaries of the Creek Nation’s historic territory remains an Indian reservation for purposes of federal criminal law. The decision means that the federal government will be required to assume jurisdiction over all crimes committed by or against Indians in the historic Creek territory, with the exception of minor crimes between Indians, which would be prosecuted by the Tribe. Therefore, it was critical that hundreds of officers in Oklahoma quickly receive the training that would allow them to pursue getting a SLEC and the ability to enforce federal criminal statutes.

- **Sexual Assault Nurse Examiner Expert (SANE) Witness Video Training Project** – The NICTI partnered with the International Association of Forensic Nurses to develop and produce a video training product on using SANEs as expert witnesses at trial. The purpose of the training video is to provide examples of testimony for nurses and prosecutors who are involved in sexual assault criminal cases. It is important to understand that procedures such as how to qualify a witness as an expert may vary between jurisdictions. There may be different expectations for testimony depending on the type of legal proceeding or legal system. Rules can be different in state, federal, tribal, or military courts. The role of the SANE may vary depending on whether the nurse is providing opinions as an expert or only testifying as a fact witness. The finished product has 18 separate training segments and is available from DOJ’s National Indian Country Training Coordinator, Leslie Hagen at Leslie.Hagen3@usdoj.gov.

- **Understanding and Using NamUs: The National Missing and Unidentified Persons System** – In the fall of 2019, the NICTI, together with NIJ and the University of North Texas (UNT) Health Science Center recorded a DOJ studio production on NamUS. NamUs is a national information clearinghouse and resource center for missing, unidentified, and unclaimed person cases across the United States. Funded and administered by NIJ, and managed through a cooperative agreement with the UNT Health Science Center in Fort Worth, Texas, all NamUs resources are provided at no cost to law enforcement, medical examiners, coroners, allied forensic professionals, and family members of missing persons. This production is in the final editing phase and should be publicly released in 2020.
- **National Indian Country Clearinghouse on Sexual Assault (NICCSA)** – OVW provides funding to the Southwest Center for Law and Policy (SWCLAP) and to the International Association of Forensic Nurses to support this clearinghouse, which includes a website, www.NICCSA.org, and a toll-free helpline to assist Indian country justice and service professionals. A special focus on Alaska is bringing training on sexual assault response to remote Alaska Native villages, including training for community health aides to perform sexual assault forensic exams in the villages and victim advocates to accompany victims throughout the process.
- **Tribal Track at April 2019 Conference on Crimes Against Women** – OVW worked with conference organizers to host a virtual chat-board guided discussion for the topic, Making the Invisible Visible. The chat focused on issues related to AI/AN women navigating programs and services that do not recognize their identity nor understand their culture and traditions. Conference participants were able to obtain information and resources and actively engage in virtual conversations with the OVW technical assistance provider, Red Wind Consulting. Discussions covered a wide range of issues, such as understanding state, federal, and tribal jurisdiction and the government-to-government relationships between the United States government and Tribal Nations.
- **Tribal Resource Tool: Resources for Survivors of Crime and Abuse** – This web-based resource mapping tool has been available at <https://www.tribalresourcetool.org/> since December 2018 and helps crime victims and victim service providers identify the continuum of services and support available wherever a Native victim is seeking services – on or off reservation and in remote, rural, suburban, and urban locations. The tool was developed by the National Center for Victims of Crime, NCAI, TLPI, and Stronghearts Native Helpline with two awards from OVC in FYs 2015 and 2018. The team continues to identify gaps in services for AI/AN victims and to work with stakeholders to gather and analyze information about services on and off reservation, in remote areas such as Alaska, and in rural, urban, and suburban settings.
- **Project Beacon: Increasing Services for Urban AI/AN Victims of Sex Trafficking** – In FY 2019, OVC expanded this program by adding new grantees, including: All Nations Health Center in Missoula, MT; Friendship House in San Francisco, CA; the Gerald L. Ignace Indian Health Center in Milwaukee, WI; and the Nebraska Urban Indian Health Coalition in Omaha, NE. These new grantees are currently engaged in

community outreach and education activities, and have started providing training to other professionals as they work on building collaborative partnerships with key federal, state, local, and tribal stakeholders in anticipation of providing services to victims. First Nations Community HealthSource in Albuquerque continues to expand its efforts to meet the needs of AI/AN victims of trafficking, and the Minnesota Indian Women's Sexual Assault Coalition is providing training and technical assistance to all Project Beacon grantees.

- **Sovereign Responses to Sex Trafficking** – OVW made a competitive FY 2018 award to the Minnesota Indian Women's Sexual Assault Coalition (MIWSAC) to provide comprehensive training and technical assistance on sex trafficking in Indian country and Alaska Native villages. In FY 2020, MIWSAC, in cooperation with OVW and their project partners, Mending the Sacred Hoop, the Tribal Law and Policy Institute, and Men as Peacemakers, continued to host roundtables related to their biennial Strengthening Sovereign Responses to Sex Trafficking in Indian Country and Alaska national conference, including summary reports and recommendations. They also provided training and technical assistance for victim advocates and justice system personnel and enhanced the project's website to include downloadable resources for developing tribal codes and raising awareness. They are planning the next national sex trafficking conference for January of 2022.
- **Responses for Urban Native Programs Training and Technical Assistance (RUN-TTA)** – In FY 2019, OVW made an award to Red Wind Consulting to provide training and technical assistance on improving victim services and justice responses for American Indian and Alaska Native populations residing within urban areas. The project focuses on addressing the unique challenges experienced by Native victims in accessing services and justice and on improving coordination and service provision between both non-tribal and tribal organizations. The target audiences for this training and technical assistance are OVW current and potential grantees, including urban Native and non-Native programs.
- **Tribal College Campus Technical Assistance – Sexual Assault on the Campuses of Tribal Colleges and Universities (TCUs)** – This technical assistance project addresses sexual assault at TCUs, including how to respond in a culturally holistic way and ensure that victims and survivors of childhood sexual abuse receive supportive services. The project also addresses responding in a trauma-informed manner with cultural supports, including responding to male victims/survivors and LGBTQ2S. This project also offers a “how to” on creating a TCU campus-based Coordinated Response Team by developing a working relationship with local community resources such as law enforcement, community-based advocates and sexual assault nurse examiners; having such a team is an important component of providing a holistic sexual assault response on a TCU campus.

Appendix A – Updates from the Department of Health and Human Services



FYSB Family & Youth
Services Bureau

Family Violence Prevention & Services Program

FVPSA FY 2020 Funding and Program Highlights

FVPSA Funding for Tribes and Tribal Organizations

- By the end of FY 2020 (September 30, 2020) the Family Violence Prevention and Services Act (FVPSA) Program will have awarded a total of \$22,850,000 to Tribes (including Alaska Natives) and tribal organizations in formula grants; \$2,290,000 to tribal-specific resource centers; and \$603,076.92 in support of specialized services for abused parents and their children, totaling \$25,743,076.90.

FVPSA CARES Act Supplemental Funding Summary

- The Administration for Children and Families (ACF), Administration for Children Youth and Families (ACYF), and Family and Youth Services Bureau (FYSB) are committed to providing resources and flexibility to communities in response to the COVID-19 public health emergency and are pleased to announce the release of the FVPSA Program's Coronavirus Aid Relief and Economic Security (CARES) Act supplemental funding for FVPSA formula grantees. On May 11, 2020, ACF's Office of Grants Management released the CARES Act supplemental funding for FVPSA funded States, Tribes, and Coalitions. Each State, Tribe, and Coalition will receive an electronic notice of award via email.
- This supplemental funding comes through provisions of the CARES Act, which was signed into law on March 27, 2020. Through the CARES Act, the FVPSA Program received \$45 million in supplemental funding for formula grantees and \$2 million in supplemental funding for the National Domestic Violence Hotline. This funding provided flexibility in how agencies can prevent, prepare for, and respond to the COVID-19 public health emergency while addressing the evolving needs of domestic violence survivors and local domestic violence programs within their communities.
- The FVPSA Program implemented a streamlined application process for all FVPSA formula grantees to receive CARES Act funding. The documents linked below provide all of the additional details needed to complete this streamlined application process. All application documents needed to be submitted through Grant Solutions within 30 days of the supplemental award release date, which was June 11, 2020. The project period for this supplemental funding for the States, Tribes, and Coalitions is March 27, 2020 through September 30, 2021. Please direct any questions to the FVPSA Project Officer and OGM Grants Management Specialist assigned to your grant.

- [CARES Act Supplemental Funding Overview Memo](#) – provides an overview of how FVPSA’s CARES Act supplemental funding will be disseminated and key supplemental funding deadlines;
 - [CARES Act Reporting Instructions for States and Tribes](#) – provides the required documents that need to be submitted to the FVPSA Program via Grant Solutions for the supplemental funding;
 - [CARES Act Reporting Instructions for Coalitions](#) – provides the required documents that need to be submitted to the FVPSA Program via Grant Solutions for the supplemental funding; and
 - [CARES Act Use of Funding document](#) – lists allowable activities to support your COVID-19 efforts in preventing, preparing and responding to COVID-19 to support victims of family violence, domestic violence, and dating violence.
- The table below shows the number of grants made categorized by award amount.

	FY 2020
CARES Act Total Funding for Tribal Formula Grants	\$4,500,000
Range of Awards	\$6,089 to \$548,047
Number of Tribes Funded	253
Number of Grants	138
Number of Grants at \$6,089	59
Number of Grants between \$8,525 and \$80,380	71
Number of Grants between \$114,474 and \$304,470	5
Number of Grants over \$500,000k	3

FVPSA Formula Grants for Tribes

- The Family Violence Prevention and Services Act is statutorily mandated to support Native American Tribes (including Alaska Native Villages) and tribal organizations through an allocation of not less than 10 percent of the total appropriation (less amounts reserved under Section 312). The purpose of these grants is to: 1) assist Tribes in efforts to increase public awareness about, and primary and secondary prevention of, family violence, domestic violence, and dating violence; and 2) assist Tribes in efforts to provide immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence, and their dependents (42 U.S.C. § 10401(b)(1)(2)). The allocation for Tribes in FY 2020 is \$15,850,000.
- The FY 2020 Further Consolidated Appropriations Act included \$175 million for appropriations to the FVPSA Program, which included a \$7 million increase over the FY 2020 enacted appropriation level. Congressional Appropriations Committee Report language directed the \$7 million increase be for the purposes of supporting Native American Tribes

and tribal organizations. With the \$7 million increase, the total amount allocated to Tribes in FY 2020 was \$22,850,000.

- In 2020, the Family Violence Prevention and Services Act (FVPSA) program awarded \$22,850,000 in FVPSA formula grants to over 253 tribal domestic violence programs through Tribes (including Alaska Natives), tribal organizations and tribal consortia. FVPSA is the primary federal funding source dedicated to providing immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence and their dependents. Annually, 10 percent of the amount appropriated to FVPSA is allocated to Tribes. The table below shows the number of grants made categorized by award amount.

	FY 2020
Total Funding for Tribal Formula Grants	\$22,850,000
Range of Awards	\$55,826 to \$1,940,306
Number of Tribes Funded	253
Number of Grants	138
Number of Grants at \$55,826	86
Number of Grants between \$62,148 and \$94,381	22
Number of Grants between \$111,652 and \$390,782	22
Number of Grants over \$1,000,000	8

** FY 2020 funding was awarded to tribal programs before September 30, 2020.*

FVPSA Formula Funding Opportunity Announcement

- The Family Violence Prevention and Services/Domestic Violence Shelter and Supportive Services/Grants to Native American Tribes (including Alaska Native Villages) and Tribal Organizations, [HHS-2018-ACF-ACYF-FVPS-1349](#) had an FY 2020 due date of February 28, 2020; funds have been awarded as described above.
- **The FY 2021 FVPSA application is being generated and reviewed for release in the first quarter of calendar year 2021. Once the application is published, it can be found at https://ami.grantsolutions.gov/index.cfm?switch=searchresult&type=office¶m=ACYF_FYSB&page=ACYF_FYSB.**
- Mandatory (formula) grant recipients are required to use the Online Data Collection System (OLDC) to submit the Application for Federal Assistance SF-424 Mandatory Form (SF-424M) and upload all required documents. The form is available to applicants and grantees at <http://www.grants.gov/web/grants/forms/sf-424-mandatory-family.html>.
- This funding opportunity is designed to assist Tribes in their efforts to support the establishment, maintenance, and expansion of programs and projects to: 1) prevent incidents of family violence, domestic violence, and dating violence; 2) provide immediate shelter,

supportive services, and access to community-based programs for victims of family violence, domestic violence, or dating violence, and their dependents; and 3) provide specialized services for children exposed to family violence, domestic violence, or dating violence, underserved populations, and victims who are members of underserved populations (45 CFR §1370.10(a)).

- The FVPSA tribal formula grant funds shall be used to identify and provide grants to eligible entities for programs and projects that are designed to prevent incidents of family violence, domestic violence, and dating violence by providing immediate shelter and supportive services, which may include paying for the operating and administrative expenses of the facilities for a shelter for adult and youth victims of family violence, domestic violence, or dating violence, and their dependents; funds also may be used to provide prevention services to prevent future incidents of family violence, domestic violence, and dating violence (42 U.S.C. § 10408(a)) and 42 U.S.C. § 10408(b)(1)(A)).
- Although Tribes (federally recognized), tribal organizations, and nonprofit private organizations authorized by a federally recognized Tribe may apply for funding under this funding opportunity (e.g., apply as part of a consortium or apply on behalf of a tribe that does not have the infrastructure or capacity to apply on their own), allocated funds will be awarded to federally recognized Tribes only. When ACF makes the awards, each federally recognized Tribe will receive an allocation of the total funds available based on a formula incorporating its population.

New FVPSA Funding Opportunity Announcement (FOA)

FVPSA will award one grant to a Capacity Building Center for Safe and Supportive Housing for Domestic Violence Survivors in Tribal Communities (Tribal Safe Housing Center) focused on developing and delivering comprehensive training and technical assistance to enhance safe and supportive housing for survivors of domestic violence living in tribal communities. Anticipated publication of this FOA is March 2021.

- The primary purpose of the Tribal Safe Housing Center is to provide training and technical assistance, in a culturally sensitive and relevant manner, on meeting the housing needs of AI/AN survivors living in tribal communities.
- The Tribal Safe Housing Center will conduct research and needs assessments on the safe housing needs for survivors of domestic violence in tribal communities, including homeless youth survivors, and support the development of collaboration between service organizations, technical assistance providers, and tribal, federal, state and local governmental organizations to address these identified needs.
- The Tribal Safe Housing Center will be part of a network of National, Special Issue, Culturally Specific, and Capacity Building Resource Centers providing leadership, training, technical assistance, resources, and support to programs and systems serving victims of domestic violence and their children.

Read the Tribal Safe Housing FOA HHS-2021-ACF-ACYF-EV-1945 Forecast at <https://www.grants.gov/web/grants/view-opportunity.html?oppId=329060>.

FVPSA Discretionary Grants

- **National Indian Resource Center Addressing Violence Against Indian Women (NIRC) (\$1,290,000)** – In their fifth year of a 5-year cooperative agreement award, the National Indigenous Women’s Resource Center (NIWRC) continues to serve as the NIRC. In this role, NIWRC ensures that American Indian, Alaska Native, and Hawaiian Native victims of domestic violence, advocates, community-based programs, educators, legal assistance providers, justice personnel, health care providers, policy makers, and government leaders at the local, state, Tribal, and federal levels have access to up-to-date information and technical assistance and training on promising practices, policies, research, and victim resources.
- **Alaska Native Tribal Resource Center on Domestic Violence (ANTRCDV) (\$1 million)** – On April 26, 2020, the Family and Youth Services Bureau posted a funding opportunity announcement for the ANTRCDV, https://ami.grantsolutions.gov/files/HHS-2020-ACF-ACYF-EV-1802_0.pdf. All eligible application(s) went through a competitive award making process and the award will be made to the approved applicant no later than September 30, 2020. The ANTRCDV will serve as a state resource center to reduce tribal disparities and enhance the capacity of Alaska Native Tribes and tribal organizations to respond to family violence, domestic violence, and dating violence in a culturally sensitive and effective manner. The ANTRCDV will address an array of issues including lack of village-based shelter and comprehensive victim advocacy services, and will support development of village-based responses to domestic violence, which helps reduce and prevent murders of Native women.
- **Specialized Services for Abused Parents and their Children (SSAPC)** – The FVPSA Program’s SSAPC demonstration grants were created to provide specialized services (behavioral interventions, therapy, support groups, mentorship, etc.) for children and youth, with their parent who has experienced abuse, as well as build or enhance systems’ and programs’ capacity to better respond to children and youth exposed to domestic violence.
 - **Cohort I** – These demonstration grants were funded in 2016 for 2 years and renewed in 2018 for another 2 years, totaling 4 years to demonstrate their initiatives. There were 12 grant recipients; two of the SSAPC grants were awarded to Native-specific programs.
 - ***SouthEast Alaska Regional Health Consortium (SEARHC) (\$538,646)*** – The SEARCHC project works in partnership with their local domestic violence and sexual assault shelter program, Aiding Women in Abuse and Rape Emergencies (AWARE), Inc. to increase capacity for its behavioral health division staff located in Juneau and in the rural health clinics, and to provide core and comprehensive domestic violence services to parents, children, and youth. This SSAPC demonstration project will end on September 29, 2020.

- ***Cook Inlet Tribal Council, Inc. (CITCI) (\$538,646)*** – Through a critical alignment of community partners, CITCI’s Flourishing Families Tribal TANF Project, including the tribal social services provider administering Tribal Temporary Assistance for Needy Families (TANF) benefits in the Anchorage area; Anchorage Community Mental Health Services (ACMHS); and Abused Women’s Aid in Crisis (AWAIC), CITCI co-locates and streamlines screenings, referrals, case management, and prevention advocacy services, and culturally appropriate, trauma-informed mental health treatment for abused parents and children and youth exposed to family violence at CITCI’s Nat’uh Social Services Center. This enhancement project expands the reach of CITCI’s Flourishing Child Program, which has been in operation since 2011 and will continue to serve families after the end of the SSAPC demonstration grant project on September 29, 2020.

- **Cohort II** – In FY 2020, twenty-six (26) new SSAPC grants will be awarded for a 2-year performance period. Additional information about this grant program can be found in the funding opportunity announcement: https://ami.grantsolutions.gov/files/HHS-2020-ACF-ACYF-EV-1812_1.pdf. Two of those grants will be awarded to Native-specific programs beginning September 30, 2020:
 - ***Choctaw Nation of Oklahoma (\$301,538)***
 - ***Red Cliff Band of Lake Superior Chippewa Indians (\$301,538)***

FVPSA Helpline

StrongHearts Native Helpline, a project of the National Domestic Violence Hotline and NIWRC, celebrates its third year as the first national helpline for native victims of domestic violence. In March 2019, StrongHearts opened their first stand-alone call center in Eagan, Minnesota and it has grown into an essential resource to all American Indians and Alaska Natives (AI/AN) by filling a gap in critically needed support services that are specialized to address the unique barriers often faced by Native survivors of intimate partner abuse.

- Due to the impact of the COVID-19 public health emergency all StrongHearts staff and helpline advocates transitioned to work-from-home status in March 2020, and will continue to do so at least through January 2021 unless there are significant changes or improvement in current conditions in Minnesota related to the pandemic.

- CARES Act funding expanded StrongHeart’s capacity to meet the needs of victims/survivors through enhancements in technology to support remote advocacy and new advocates; program funds are being used to:
 - Redesign the website, strongheartshelpline.org, to enhance performance, streamline the user experience and expand website content to focus on resources for those who do not call the helpline.

- Develop an outreach campaign via social media for AI/AN victims/survivors on the availability of services and the impact of COVID-19.
- Expand StrongHearts remote advocacy by text enabling their helpline number.
- StrongHearts now has a database in place to identify culturally-specific and tribally-based resources for AI/AN nationally, and they recently launched chat advocacy in May 2020.
- By dialing 1-844-7NATIVE (1-844-762-8483) Monday through Friday from 9:00 a.m. to 10:00 p.m. CST, callers can connect, at no cost and one-on-one, with knowledgeable StrongHearts advocates who can provide lifesaving tools and immediate support to enable survivors to find safety and live lives free of abuse. The National Domestic Violence Hotline answers after-hour calls.
- Learn more about the StrongHearts Native Helpline at www.strongheartshelpline.org.

FVPSA 2020 Tribal Peer to Peer Meeting

The FVPSA 2020 Tribal Grantee Meeting that was to be held March 10-12, 2020 in San Diego, California was postponed due to the COVID-19 public health emergency.

- The purpose of the FVPSA Program’s Tribal Peer-to-Peer Mentoring Meeting is to provide training, technical assistance, and mentoring for FVPSA-funded tribes and tribal organizations. This meeting allows for in-depth technical assistance focused on administrative, programmatic and regulatory grant issues.
- Attendees also benefit from being able to share and hear from each other about promising practices and barriers to providing domestic violence prevention and intervention services that are unique to tribal communities and programs.

FVPSA 2021 Tribal Consultation

The FVPSA Program has identified the importance of having meaningful dialogue about the allocation of FVPSA grant awards to Tribes. By December 18, 2020, Tribal leaders will receive an invite to provide testimony on the allocation of FVPSA grant awards for Tribes. In addition, testimony will be invited on establishing a minimum grant award for each Tribe that applies for FVPSA funding.

- By December 18, 2020, the FVPSA Program will release a statement paper providing information on the current population based calculations of grant awards for Tribes. This statement paper will also provide information about why the establishment of a higher minimum base award for each Tribe that applies for FVPSA funding is needed to help smaller Tribes meet the needs of 40,000 women, men, and children, at minimum, seeking their services each year.

- The NIWRC and the ANWRC will be working in partnership with the FVPSA Program to hold pre-consultation webinars for all 252 Tribes that receive FVPSA funding as well as providing technical assistance for all Tribes to prepare to participate in consultation with the Administration for Children, Youth, and Families.

Background Information:

- The Family Violence Prevention and Services Act ensures provision of emergency shelter and other non-shelter support services, such as victim advocacy, crisis counseling, safety planning, support groups, information and referrals, legal aid, and housing assistance to address domestic violence and dating violence ([42 U.S.C. § 10401-10414](#)).
- Appropriated funds are allocated through three types of formula grants to states and territories for distribution to local programs (70%), to Tribes (10%), and to state domestic violence coalitions (10%).
- All Federally recognized tribes are eligible to apply for FVPSA Tribal Formula grants as individual sovereign nations or as consortia of tribes joined together. Typically, the largest number of tribes funded are in Alaska and California (between 45-70 tribes), followed by Nevada, Oklahoma, and Washington (13-23 tribes). All other states have fewer than ten tribes funded through FVPSA.
- In calculating grant award allocations for Tribes, ACF uses the following sequence:
 1. ACF uses the latest available population figures from the Census Bureau, American Indian and Alaska Native Tribes in the US (column 5) at [https://www.census.gov/population/www/cen2010/cph-t/t-6tables/TABLE%20\(1\).pdf](https://www.census.gov/population/www/cen2010/cph-t/t-6tables/TABLE%20(1).pdf).
 2. Where Census Bureau data are unavailable, ACF uses figures from BIA's Indian Population and Labor Force Report, available at <https://www.bia.gov/WhatWeDo/Knowledge/Reports/index.htm>.
 3. If neither of these sources has a population figure for the Tribe, then the Tribe submits a certified population number.
- The formula has two parts: the tribal population base allocation and a population category allocation.
 1. A tribe's population and a fund allocation schedule determine base allocations. Tribes with populations between 1 and 50,000 people receive a \$2,500 base allocation for the first 1,500 people. For each additional 1,000 people above the 1,500 person minimum, a tribe's base allocation is increased \$1,000. Tribes with populations between 50,001 and 100,000 people receive base allocations of \$125,000, and tribes with populations of 100,001 to 150,000 receive a base allocation of \$175,000.
 2. Once the base allocations have been distributed to the tribes that have applied for FVPSA funding, the ratio of the tribal population category allocation to the total of all base allocations is then considered in allocating the remainder of the funds. By establishing base amounts with distribution of proportional amounts for larger tribes, ACF is balancing the need for basic services for all tribes while recognizing greater

demand for services among tribes with larger populations. In FY 2018, actual grant awards ranged from \$46,380-\$1,874,879.

- FVPSA currently funds over 63 Tribes serving 15,000 people or fewer that receive a base grant of \$21,475, which is not enough to meet the needs of one family, let alone 15,000 people each year. For the last three fiscal years, Congress has provided additional funding specifically for Tribes and AI/AN communities. These additional appropriations have allowed ACF/FYSB/FVPSA to increase annual awards for smaller Tribes serving 15,000 people or fewer to have a minimum award ranging from \$38,000 in 2018 to \$45,830 for 2020.

Call for Volunteers: The FVPSA Program is seeking volunteers to serve on the planning workgroup for this Consultation. An email notification will be sent out to all 252 Tribes that receive FVPSA funding to participate in this workgroup. NIWRC and ANWRC will coordinate this planning committee in partnership with the FVPSA Program.

FVPSA Leadership and Staffing Update

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Kimberly Feeney – Senior Program Specialist 202-358-3245 Kimberly.Feeney@acf.hhs.gov <ul style="list-style-type: none"> • States and Coalitions in Regions 6, 7 & 8 • Tribes in Regions 7 & 8 	Shena Williams – Senior Program Specialist 202-205-5932 Shena.Williams@acf.hhs.gov <ul style="list-style-type: none"> • States and Coalitions in Regions 9 & 10 • Alaska Tribes Only
Brian Pinero – Program Specialist 202-401-5524 Brian.Pinero@acf.hhs.gov <ul style="list-style-type: none"> • States & Coalitions in Regions 1, 2, 3, 4, & 5 	Betty Johnson – Program Specialist 202-205-4866 Betty.Johnson@acf.hhs.gov <ul style="list-style-type: none"> • Tribes in Region 1, 2, 3, 4, 5, 6, 9 & 10

Please visit <https://www.acf.hhs.gov/fysb> for additional information about FVPSA- funded programs.



Indian Health Service Forensic Healthcare Services

What is Forensic Healthcare?

Victims of violence and abuse require care from health professionals who are trained to treat trauma and provide forensic medical care. Forensic healthcare providers are typically registered nurses, but are also advanced practice nurses, physicians, and physician assistants. They provide medical treatment and evaluation, have specialized knowledge in injury identification, collect evidence, and provide testimony in a court of law to assist with prosecution of individuals who commit acts of abuse.

Training

The Indian Health Service (IHS) Forensic Healthcare Program was established in 2011 to address sexual assault, intimate partner violence, child sexual abuse, and elder maltreatment within American Indian and Alaskan Native (AI/AN) communities. The program, through a contract with the International Association of Forensic Nurses, trains providers in forensic medical examinations, evidence collection techniques, and in developing a coordinated community response to address violence. Since inception of this vital program, over 3,000 health care professionals serving AI/AN communities have been trained as forensic examiners. Between 2019 and 2020, IHS trained 617 forensic examiners (22% increase over previous year), through a combination of web-based and live courses including:

- 245 adult/adolescent sexual assault examiners;
- 210 pediatric sexual abuse examiners; and,
- 162 intimate partner violence examiners.

To further support adult/adolescent forensic examiners after initial training is completed, a total of 5 hands-on clinical skills labs for adult/adolescent examiners were scheduled in Colorado Springs, CO, Anchorage AK, and Polacca, AZ. Due to COVID-19, one clinical skills lab in Colorado Springs was cancelled. Pediatric forensic examiners were offered pediatric forensic exam mentoring experiences at three high-volume pediatric forensic exam centers located in Nashville TN, Corpus Christi TX, and Anchorage, AK. A total of 8 pediatric examiners completed the mentoring experiences with 2 student experiences being cancelled due to COVID-19 precautions. The clinical lab experiences are available to both novice examiners requesting additional practice experience and seasoned professionals looking for a review.

On-going professional support and continuing education is provided to forensic examiners through quarterly webinars. The IHS has hosted 64 webinars related to intimate partner violence, sexual assault, and child sexual abuse with almost 8,000 viewings. Subjects for the quarterly webinars are tailored to address new guidelines or hot topics that forensic examiners have requested additional training on. For example, in November of 2019, a special presentation regarding an intimate partner violence screening tool was made available to subscribers through the Tribal Forensic Healthcare Program.

Clinical guidance to pediatric forensic examiners is maintained through virtual monthly pediatric case review sessions with participating IHS and tribal pediatric sexual assault programs. Peer review is an opportunity for staff to discuss treatment provided and review specific clinical issues with an overall goal of learning from each other in a quality improvement environment.

Medical forensic examination training can be located at www.tribalforensichealthcare.org. Training is provided at no cost to IHS, Tribal, Urban Indian, and referral health care providers serving American Indians and Alaska Natives.

Forensic examination educational trainings are specifically designed to be culturally-relevant in order to increase health care provider knowledge and sensitivity when serving American Indian and Alaska Native communities.

Policies

IHS hospitals and health clinics follow national policies in the Indian Health Manual (IHM) for forensic health care services. There are currently five policies pertinent to the care of domestic and sexual violence survivors within the IHM available at www.ihs.gov/ihm.

- IHM, Part 3, Chapter 20 “Protecting Children from Sexual Abuse by Health Care Providers” – released February of 2019. Provides additional guidance related to professional standard expectations, process for reporting of child abuse by all staff, required annual training, and role responsibility related to oversight of policy implementation.

- IHM, Part 3, Chapter 29 “Sexual Assault” – released March 2011, and updated in February of 2018. Directs IHS-operated facilities to provide access to a medical forensic exams on-site, by referral, or a combination of both, to patients age 18 and older who present for sexual assault. Patients who are referred elsewhere must be transported within a two hour drive time of the victim’s originating medical facility.

- IHM, Part 5, Chapter 27 “Responding to Requests for IHS Employee’s Testimony or IHS Documents in Proceedings where the United States is not a Party” – released October 2015. Establishes policy for responding to subpoenas or requests for testimony following the Tribal Law and Order Act (TLOA) of 2010.

- IHM, Part 3, Chapter 31 “Intimate Partner Violence” – released October 2016. Directs IHS-operated facilities to provide access to medical forensic exams in cases of intimate partner violence without a sexual assault component. In recognition of the frequency of intimate partner

violence co-occurring with sexual violence, certain segments are directly linked to the sexual assault policy.

· IHM, Part 3 Chapter 36 “Child Maltreatment” – released September of 2019, establishes clinical care guidelines for identifying and responding to all forms of suspected child maltreatment, including child sexual abuse.

Domestic Violence Prevention Program

The Domestic Violence Prevention Program (DVPP), formerly called the Domestic Violence Prevention Initiative, or DVPI, is a congressionally mandated, nationally coordinated grant and Federal award program for Tribes, Tribal organizations, federally facilities, and Urban Indian organizations. The purpose of the national program is to provide domestic violence prevention and treatment services. The DVPP promotes the development of evidence-based and practice-based models that represent culturally appropriate prevention and treatment approaches to domestic and sexual violence from a community-driven context. The DVPP expands outreach and increases awareness by funding projects that provide victim advocacy, crisis intervention, case coordination, policy development, community response teams, sexual assault examiner programs, and community and school education programs.

In 2017, IHS expanded the funding for this program and funded an additional 26 DVPP projects to the existing 57 previously approved sites. DVPP currently funds 83 projects totaling \$11.2 million to tribes, tribal organizations, and Urban Indian organizations, and IHS federal facilities program awards.

To allow grantees additional time due to delays caused by COVID-19, IHS extended the project period for currently funded DVPP grantees and federal awardees for an additional year, through September 2021. IHS anticipates funding announcements for the next competitive grant cycle funding domestic violence prevention and forensic health services will be published by the end of 2020, with funding for a new cohort expected to begin in mid-2021. More information is available at www.ihs.gov/dvpi.

Contact Information

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Appendix B – Brief Responses to 2019 Recommendations

The tables below provide brief responses and cross-references to relevant information in response to many of the recommendations received at the 2019 tribal consultation.

<u>General Grant-Related Recommendations</u>	
<i>Recommendation</i>	<i>Response</i>
Streamline/simplify the grant application process. (Use Department of Education EZ funding as a guide to creating a simpler application.)	OVW addressed this recommendation in the report on the special consultations and listening sessions on this subject held in June and July 2020, available at https://www.justice.gov/ovw/page/file/1319991/download .
Be clear on who can apply. (For example, some tribes were confused about whether they could apply to both OVW TGP and OVC set-aside.)	Both solicitations will make it clear that tribes may apply to both programs, as well as other federal funding opportunities; however, recipients are obligated to track how funds are used to prevent duplication.
Clear grant budgets more quickly.	OVW is always working to do this but faces staffing challenges in this area; OVW is clearing COVID-19/Violence Against Women Assistance to Tribes budgets more quickly because of the unusual timing and smaller budgets for these awards.
Increase grant period to four or five years.	OVW has already implemented this recommendation for a number of its programs.
Provide technical assistance on applying for and administering funds.	OVW addressed this recommendation in the report on the special consultations and listening sessions on this subject held in June and July 2020, available at https://www.justice.gov/ovw/page/file/1319991/download .
Grant reviewers for tribal applications should be familiar with the cultural practice/services specific to tribal entities.	OVW always requires this expertise for peer reviewers for its tribal-specific programs and also relies on peer reviewers with this expertise for other programs. OVC recommends that interested peer reviewers submit their information at: https://ovc.ojp.gov/funding/apply-to-be-peer-reviewer .
Provide ample time for tribes to apply for funds.	DOJ tribal solicitations are typically open for 60-90 days. OVW offers pre-application information sessions to assist applicants with getting started early on their applications and getting answers to questions that arise as they work on their applications.

<p>Ensure that the “decision makers” of DOJ grants (those who determine the grant requirements) have knowledge of tribes and tribal practices.</p>	<p>DOJ leadership have made it a priority to visit tribal communities. OVW has a statutorily mandated Deputy Director of Tribal Affairs who oversees administration of OVW’s tribal-specific grant program. OVC established its own Tribal Division in summer 2020.</p>
<p>Respond to questions from applicants on grant eligibility and requirements more quickly.</p>	<p>OVW plans to expand the number of pre-application sessions available for its Grants to Tribal Government Program in FY 2021.</p>
<p>All funding for tribes should be non-competitive and instead formula-based.</p>	<p>OVC implemented an interim formula process for disbursing its TVSSA Formula Program funds. OVW has consulted extensively about formula-based funding; see the following report for more information: https://www.justice.gov/ovw/page/file/1319991/download.</p>
<p>Formula funding, if adopted, should not be based solely on population.</p>	<p>OVC is interested in feedback on variables tribes believe are relevant to the formula used for the OVC TVSSA Formula program. OVC will be holding its tribal consultations the week of November 16, 2020 and very much hopes participants will speak about this issue.</p>
<p>Provide tribes the opportunity to certify their tribal population figures outside of U.S. census numbers when basing funding off population size.</p>	<p>OVC does not rely on U.S. Census numbers for its TVSSA Formula program but relies instead on the population certifications submitted by tribal applicants. See Appendix A for more information on HHS’s use of population data in the FVPSA Program and upcoming tribal consultation on FVPSA Tribal Formula grants.</p>
<p>Make grant funding more flexible.</p> <ul style="list-style-type: none"> • Allow tribes to spend money on expenses like food and construction. • Allow tribes to spend grant funds on grant writers. 	<p>Limitations on food and beverage costs stem from recommendations made by the Office of Inspector General. Authorizing statutes must explicitly allow construction for grant funds to address it. Limitations on renovation costs are necessary for programs in which the cost of complying with environmental and historical preservation laws would overwhelm the funds available for the program. OVW does not have the statutory authority to allow grants funds to be used for grant writers; however, OVW is taking a number of steps to simplify the application process, as discussed in the following report: https://www.justice.gov/ovw/page/file/1319991/download.</p>
<p>Improve all training, technical assistance, and grant opportunities to include more culturally responsive programs.</p>	<p>Both OVW and OVC fund culturally relevant practices to support AI/AN survivors and use eligibility and scoring criteria for tribal technical assistance applications that are designed to measure cultural responsiveness. Technical assistance quality and responsiveness are assessed regularly, and feedback on existing training and technical assistance also is welcome.</p>

Require victim service programs to gather data on AI/AN people to receive federal funding.	Both OVW and OVC collect data on AI/AN victims served with grant funds.
Provide cultural competence training for front-line staff who deal directly with tribes, including federal grants management specialists.	OVW's Tribal Affairs Division has established an internal working group to ensure that all OVW staff have ongoing training on working with tribes and opportunities to learn about emerging issues and attend tribal technical assistance events. OVC created a new Tribal Division in summer 2020 and is embarking on a series of training sessions to ensure all staff have exposure to concepts of cultural competence.

<u>Recommendations for OVW</u>	
<i>Recommendation</i>	<i>Response</i>
Decrease the number of special conditions on awards.	OVW has already reduced the number of conditions on tribal awards and continues to identify ways to reduce the burden of conditions; however, many conditions cannot be removed – either because they reflect statutory or regulatory requirements or have been added as a result of audits by the DOJ Office of the Inspector General.
Revise the tribal reporting requirements to be less cumbersome. <ul style="list-style-type: none"> Do not automatically freeze grant funds when a progress report is late. 	OVW is looking at using the new progress reporting capabilities in JustGrants to decrease the burden on tribes. However, OVW does not have the flexibility to extend the deadline for progress reports under federal regulations governing the monitoring of grant awards (2 C.F.R. § 200.328).
Do not limit continuation funding/additional applications by grantees with an open award.	OVW instituted this limitation in part in response to recommendations from tribal leaders and stakeholders on how best to expand the reach of OVW funding to more tribes, particularly in light of tribal leaders' recommendations not to award these funds on a formula basis.
Expand legal services funding to include custody, divorce, etc.	OVW funds under the Grants to Tribal Governments Program and the Legal Assistance for Victims Program may be used for these purposes, as may funds under any OVW program that includes legal assistance in its statutory purpose areas.
Encourage tribes to submit unsolicited applications for any remaining OVW funds at the end of the year.	OVW cannot accept unsolicited applications; however, OVW did issue a solicitation in July 2020 to solicit applications for FY 2020 remaining funds in the Grants to Tribal Governments Program and Tribal Sexual Assault Services Program.

Implement training for law enforcement and court personnel on how to enforce tribal protection orders under VAWA’s full faith and credit provision.	This recommendation is addressed in Part One of this Update Report.
Enforce/train states how to enforce FFC. <ul style="list-style-type: none"> Freeze funding for states that do not comply. 	This recommendation is addressed in Part One of this Update Report.
Implement tribal training on VAWA’s immigration protections to assist tribes in serving all victims of domestic violence.	OVW funds training and technical assistance in this area; more information is available at www.ta2ta.org and https://www.wcl.american.edu/impact/initiatives-programs/niwap/ .
Encourage tribal grantees to form consortiums by adding new tribes to their applications; some tribes that have funding can help others get started.	As discussed in the report on OVW’s summer 2020 tribal consultation, OVW is exploring ideas like these to ensure that OVW’s grant funding reaches more tribes. More information is available in the report at: https://www.justice.gov/ovw/page/file/1319991/download .
Put together the Task Force on Research and Violence Against AI/AN Women with existing nominees.	As discussed in Part Two of this Update Report, the Task Force has been re-chartered with eight new members, and its next meeting is scheduled for October 22, 2020.

<u>Recommendations for the Consultation Process</u>	
<i>Recommendation</i>	<i>Response</i>
Improve efforts to reach out to tribes that are not present at the consultation because they do not receive funding from OVW and actively solicit written testimony from tribes that are absent.	OVW has taken several steps to implement this recommendation, including ensuring that such tribes receive information on submitting written testimony and the deadline for doing so.
Provide funding for tribes that are not OVW grantees to travel to the OVW tribal consultations.	OVW does not receive an appropriation for this purpose but will continue to look for ways to implement this recommendation.
Hold 15 th annual consultation in Anchorage or have a separate one in Alaska	OVW seriously considered implementing one or both of these recommendations but had to put any options on hold during the pandemic.

<p>Improve consultation process:</p> <ul style="list-style-type: none"> • Respond to individual tribal comments within 60 days. <ul style="list-style-type: none"> ◦ Make answers available for all tribes to review in a national matrix – update every April. • Provide a clear statement on how OVW has implemented the recommendations from the previous tribal consultations. • Compile all comments/ testimony for the last three years and release to the public by March 2020. 	<p>OVW releases a report every February or March compiling the comments and testimony received at each year’s consultation, and these reports are available on OVW’s website at: https://www.justice.gov/ovw/tribal-consultation. OVW also releases this Update Report every year with responses to tribal comments and recommendations, and these reports are available on the same page on OVW’s website. This appendix was added to the 2020 Update Report in response to the request for a matrix of responses; however, the 60-day timeframe would not allow thoughtful consideration and possible implementation of the recommendations received at consultation.</p>
<p>Hold tribal consultation on the jurisdictional issues that Alaska tribes face in not being included in the federal definition of Indian country.</p>	<p>Testimony on this subject is welcome at the annual violence against women consultation.</p>
<p>Have representation from the Department of Housing and Urban Development (HUD) at OVW tribal consultations.</p>	<p>OVW reached out to HUD to participate in the 2020 violence against women tribal consultation.</p>

<u>Alaska-Specific Recommendations</u>	
<i>Recommendation</i>	<i>Response</i>
<p>Create an Alaska-specific working group that aims to create village-defined responses to lack of law enforcement and judicial services. Fund Alaska villages directly for tribal law enforcement.</p>	<p>Following his May 2019 visit, the Attorney General declared a law enforcement emergency in rural Alaska, resulting in significant funding and long-term measures to support village public safety and victim services. More information is available in Part One of the 2019 Update Report and in the following DOJ press release from July 2020: https://www.justice.gov/usao-ak/pr/us-attorney-announces-update-efforts-made-promote-public-safety-rural-alaska. The press release identifies funding provided specifically for village law enforcement and notes that the Rural Alaska Anti-Violence Enforcement Working Group, led by the U.S. Attorney’s Office for the District of Alaska, is working to build the capacity of federal, state, and tribal law enforcement in rural Alaska and enhance coordination</p>

	with Alaska Native groups and victim service providers.
Clarify consultation requirement and steps that Alaska must take before accessing funds under the STOP Violence Against Women Formula Program. Require certification from State of Alaska as to appropriate participation of all Alaska Native villages and proof of how funds directly support village-based responses.	These recommendations are addressed in Part One of this Update Report.
More funding for Alaska domestic violence shelters – currently only have two in the state.	OVC provided \$7 million to the Denali Commission to implement a micro-grant program to support Alaska Native communities or organizations in developing victim services, including building renovations. For more information, see https://www.denali.gov/programs/tribal-victims-of-crime-program/ .
Deliver webinars that are specific to Alaska on how to complete the grant application submission process.	Pre-application webinars are already scheduled at times that correspond to business hours in Alaska; OVW also will look into holding a separate webinar for Alaska tribes.
Provide Alaska-specific technical assistance.	Federal agencies fund extensive Alaska-specific technical assistance. For more information on specific Alaska initiatives, including those focused on full faith and credit, access to sexual assault services, domestic violence resources and support, and law enforcement and prosecution efforts, see all three parts of this Update Report and Appendix A, as well as the following DOJ press release: https://www.justice.gov/usao-ak/pr/us-attorney-announces-update-efforts-made-promote-public-safety-rural-alaska .

<u>Recommendations Related to Missing or Murdered AI/AN Women</u>	
<i>Recommendation</i>	<i>Response</i>
Declare May 5 th an annual day of mourning for missing or murdered indigenous people in the United States.	President Trump issued a proclamation designating May 5, 2020 as Missing and Murdered American Indians and Alaska Natives Awareness Day.

<p>Establish a high-level, interagency working group on MMIW, similar to the President’s Interagency Task Force on Trafficking in Persons, to develop training, protocols, national alerts, and support for forensic DNA testing to address cases of missing or murdered AI/AN people. Work with BIA and in collaboration with tribal entities to establish effective protocols for MMIW.</p>	<p>On November 26, 2019, President Trump signed Executive Order 13898 to form the Task Force on Missing and Murdered American Indians and Alaska Natives, also known as Operation Lady Justice. For more information see Part One of this Update Report and the Operation Lady Justice website, at: https://operationladyjustice.usdoj.gov/.</p>
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Appendix C – Analysis of OVW Tribal Grant Programs Funding for FY 2020

At past consultation sessions, tribal leaders have requested that DOJ provide a table showing how funds appropriated for tribal programs are spent by OVW. The table on the next page, along with the list of grant recipients in Appendix D, responds to this request. Please note, however, that because this report is being prepared before the end of the fiscal year, the table on the next page provides estimated amounts to be awarded in FY 2020, and OVW will be continuing to make awards with FY 2020 remaining balances early in FY 2021 under its COVID-19/Violence Against Women Assistance to Tribes Solicitation. In addition, the list of recipients in Appendix D is for FY 2019; the final list of recipients for FY 2020 will be provided at the 2021 consultation.

	Tribal Governments (TGP)¹	Tribal Jurisdiction	Tribal Coalitions²	Tribal Sexual Assault Services (TSASP)³
FY 2020 Appropriation	\$40,920,000	\$4,000,000	\$6,869,286	\$3,800,000
Prior Year Carry Forward & Recoveries⁴	\$6,728,804	\$11,074	\$449,740	\$1,050,000
<i>Technical Assistance, Peer Review & Evaluation Reduction & Special Projects⁵</i>	-\$3,045,278 ⁶	-\$408,887	-\$250,000	-\$137,374
<i>FY 2020 Rescission⁷</i>	\$0	\$0	\$0	\$0
<i>Salaries & Expenses Reduction⁸</i>	-\$2,213,772	-\$216,400	-\$350,334	\$0
Amount available for FY 2020 grants	\$42,389,754	\$3,385,787	\$6,718,692	\$4,712,626
Estimated amount to be awarded in FY 2020	\$39,070,734	\$3,266,458	\$6,718,685	\$2,662,939
Remaining balance (TGP & TSASP balances may be used early in FY 2021)	\$3,319,020	\$119,329	\$7	\$2,049,687

¹ In FY 2020, the Tribal Governments Program was funded through the appropriations for seven other OVW grant programs and did not receive its own appropriation line.

² In FY 2020, the Tribal Coalitions Program was funded through the appropriations for the STOP, Improving Criminal Justice System Responses (formerly known as Arrest), and Sexual Assault Services Programs and did not receive its own appropriation line.

³ This column includes funding made available specifically for tribal sexual assault activities under the Sexual Assault Services Program appropriation.

⁴ The Prior Year Carry Forward amount includes both funds that were not obligated in the prior year and funds that were deobligated. Recoveries/deobligated funds are funds that are returned after the end of a grant award for any number of reasons. Recoveries are as of February 29, 2020, except that TGP recoveries are as of June 30, 2020.

⁵ For TGP and TSASP, this line includes a total of seven awards totaling \$579,304 made under the COVID-19/Violence Against Women Assistance to Tribes Solicitation. OVW anticipates using some or all of the remaining balances for these two programs to make additional awards under this same solicitation early in FY 2021.

⁶ This includes \$154,000 for comprehensive tribal justice system strategic planning under CTAS purpose area two.

⁷ OVW had no rescission for FY 2020.

⁸ In FY 2020, OVW did not receive an appropriation for management and administration expenses. As a result, OVW assessed the majority of its grant programs to cover management and administration expenses.

Appendix C – FY 2019 OVW Tribal Grant Awards

Grantee	Award Amount	Solicitation
Alaska Native Justice Center	\$ 285,500.00	OVW SASP CSS FY 2019
Alliance of Tribal Coalitions to End Violence	\$ 500,000.00	OVW TA FY 2019
American Indians Against Abuse, Incorporated	\$ 323,007.00	OVW Tribal Coal FY19
Anishinabe Legal Services	\$ 600,000.00	OVW LAV FY 2019
Bad River Band of Lake Superior Tribe of Chippewa Indians	\$ 435,205.00	OVW FY 19 CTAS 5 TGP
Bay Mills Indian Community	\$ 411,608.00	OVW FY 19 CTAS 5 TGP
Burns Paiute Tribe	\$ 459,392.00	OVW FY 19 CTAS 5 TGP
Cherokee Nation	\$ 270,000.00	OVW Housing FY 2019
Cheyenne and Arapaho Tribes	\$ 900,000.00	OVW FY 19 CTAS 5 TGP
Cheyenne River Sioux Tribe	\$ 450,000.00	OVW FY 19 CTAS 5 TGP
Chickasaw Nation	\$ 900,000.00	OVW FY 19 CTAS 5 TGP
Chugachmiut, Incorporated	\$ 885,770.00	OVW FY 19 CTAS 5 TGP
Coalition to Stop Violence Against Native Women	\$ 323,007.00	OVW Tribal Coal FY19
Coeur D' Alene Tribe	\$ 849,213.00	OVW FY 19 CTAS 5 TGP
Confederated Salish and Kootenai Tribes	\$ 239,150.00	OVW Tribal Jur FY 19
Confederated Tribes and Bands of the Yakama Nation	\$ 899,999.00	OVW FY 19 CTAS 5 TGP
Confederated Tribes of Siletz Indians	\$ 305,000.00	OVW TSASP FY 2019
Confederated Tribes of the Chehalis Reservation	\$ 526,017.00	OVW FY 19 CTAS 5 TGP
Confederated Tribes of the Chehalis Reservation	\$ 300,000.00	OVW Tribal Jur FY 19
Confederated Tribes of the Colville Reservation	\$ 437,500.00	OVW TribalSAUSA FY18
Confederated Tribes of the Umatilla Indian Reservation	\$ 598,186.00	OVW LAV FY 2019
Confederated Tribes of the Umatilla Indian Reservation	\$ 437,500.00	OVW TribalSAUSA FY18
Cowlitz Indian Tribe	\$ 900,000.00	OVW FY 19 CTAS 5 TGP
Dine College	\$ 299,912.00	OVW Campus FY 2019
Eastern Band of Cherokee Indians	\$ 899,586.00	OVW FY 19 CTAS 5 TGP
Eight Northern Indian Pueblos Council, Incorporated	\$ 898,459.00	OVW FY 19 CTAS 5 TGP
Fairbanks Native Association	\$ 900,000.00	OVW FY 19 CTAS 5 TGP
Fallon Paiute-Shoshone Tribe	\$ 488,857.00	OVW FY 19 CTAS 5 TGP
First Nations Women's Alliance	\$ 323,007.00	OVW Tribal Coal FY19
Fort Peck Assiniboine & Sioux Tribes	\$ 410,862.00	OVW Tribal Jur FY 19
Fort Peck Assiniboine & Sioux Tribes	\$ 437,500.00	OVW TribalSAUSA FY18
Hannahville Indian Community	\$ 676,080.00	OVW FY 19 CTAS 5 TGP
Healing Native Hearts Coalition	\$ 323,007.00	OVW Tribal Coal FY19
Hopi Tribe	\$ 449,670.00	OVW Tribal Jur FY 19
Hopi-Tewa Women's Coalition to End Abuse	\$ 323,007.00	OVW Tribal Coal FY19
Hopland Band of Pomo Indians	\$ 855,000.00	OVW FY 19 CTAS 5 TGP
Houlton Band of Maliseet Indians	\$ 899,863.00	OVW FY 19 CTAS 5 TGP
Iipay Nation of Santa Ysabel	\$ 751,110.00	OVW FY 19 CTAS 5 TGP

Grantee	Award Amount	Solicitation
Inter-Tribal Council of California, Incorporated	\$ 450,000.00	OVW FY 19 CTAS 5 TGP
Iowa Tribe of Kansas and Nebraska	\$ 447,322.00	OVW FY 19 CTAS 5 TGP
Kaw Nation	\$ 899,955.00	OVW FY 19 CTAS 5 TGP
Kewa Pueblo	\$ 466,391.00	OVW FY 19 CTAS 5 TGP
Kodiak Area Native Association	\$ 750,000.00	OVW Rural FY 2019
Kotlik Traditional Council	\$ 443,378.00	OVW FY 19 CTAS 5 TGP
La Jolla Band of Luiseno Indians	\$ 300,000.00	OVW TSASP FY 2019
Lac du Flambeau Band of Lake Superior Chippewa Indians	\$ 900,000.00	OVW FY 19 CTAS 5 TGP
Leech Lake Band of Ojibwe	\$ 810,821.00	OVW FY 19 CTAS 5 TGP
Lummi Indian Nation	\$ 450,000.00	OVW Tribal Jur FY 19
Mending the Sacred Hoop	\$ 302,174.00	OVW Tribal Coal FY19
Midwest Native Coalition for Justice and Peace	\$ 250,000.00	OVW Tribal Coal FY19
Minnesota Indian Women's Resource Center	\$ 285,500.00	OVW SASP CSS FY 2019
Minnesota Indian Women's Sexual Assault Coalition	\$ 400,000.00	OVW TA FY 2019
Minnesota Indian Women's Sexual Assault Coalition	\$ 323,007.00	OVW Tribal Coal FY19
Montana Native Women's Coalition	\$ 373,037.00	OVW Tribal Coal FY18
Montana Native Women's Coalition	\$ 323,007.00	OVW Tribal Coal FY19
Morongo Band of Mission Indians	\$ 575,294.00	OVW FY 19 CTAS 5 TGP
National Congress of American Indians Fund	\$ 600,000.00	OVW TA FY 2019
Native Alliance Against Violence	\$ 323,007.00	OVW Tribal Coal FY19
Native American Community Board	\$ 427,142.00	OVW Housing FY 2019
Native Village of Atmautluak	\$ 403,806.00	OVW FY 19 CTAS 5 TGP
Native Village of Chuathbaluk	\$ 448,418.00	OVW FY 19 CTAS 5 TGP
Native Village of Kipnuk	\$ 445,020.00	OVW FY 19 CTAS 5 TGP
Native Women's Society of the Great Plains	\$ 323,007.00	OVW Tribal Coal FY19
Navajo United Methodist Center	\$ 270,000.00	OVW Housing FY 2019
Nooksack Indian Tribe	\$ 450,000.00	OVW FY 19 CTAS 5 TGP
Northern Cheyenne Tribe	\$ 450,000.00	OVW FY 19 CTAS 5 TGP
Oglala Sioux Tribe	\$ 449,318.00	OVW FY 19 CTAS 5 TGP
Oneida Nation	\$ 900,000.00	OVW FY 19 CTAS 5 TGP
Oneida Nation	\$ 329,757.00	OVW TSASP FY 2019
Otoe-Missouria Tribe of Indians	\$ 562,122.00	OVW FY 19 CTAS 5 TGP
Pascua Yaqui Tribe	\$ 800,000.00	OVW FY 19 CTAS 5 TGP
Pascua Yaqui Tribe	\$ 255,000.00	OVW TSASP FY 2019
Pokagon Band of Potawatomi Indians	\$ 337,850.00	OVW Tribal Jur FY 19
Pueblo of Jemez	\$ 900,000.00	OVW FY 19 CTAS 5 TGP
Pueblo of Pojoaque	\$ 449,395.00	OVW Tribal Jur FY 19
Pyramid Lake Paiute Tribe	\$ 349,501.00	OVW TSASP FY 2019
Qizhkeh Heritage Institute	\$ 349,572.00	OVW TA FY 2019
Quechan Indian Tribe	\$ 870,725.00	OVW FY 19 CTAS 5 TGP
Red Lake Band of Chippewa Indians	\$ 840,913.00	OVW FY 19 CTAS 5 TGP
Red Wind Consulting, Incorporated	\$ 450,000.00	OVW TA FY 2019

Grantee	Award Amount	Solicitation
Red Wind Consulting, Incorporated	\$ 500,000.00	OVW TA FY 2019
Red Wind Consulting, Incorporated	\$ 350,000.00	OVW TA FY 2019
Reno-Sparks Indian Colony	\$ 449,903.00	OVW FY 19 CTAS 5 TGP
Restoring Ancestral Winds, Incorporated	\$ 323,007.00	OVW Tribal Coal FY19
Rosebud Sioux Tribe	\$ 437,500.00	OVW TribalSAUSA FY18
Rural Alaska Community Action Program, Incorporated	\$ 449,555.00	OVW FY 19 CTAS 5 TGP
Sacred Heart Center	\$ 326,455.00	OVW TSASP FY 2019
Salt River Pima-Maricopa Indian Community	\$ 437,500.00	OVW TribalSAUSA FY18
San Carlos Apache Tribe	\$ 554,629.00	OVW FY 19 CTAS 5 TGP
Sault Ste. Marie Tribe of Chippewa Indians	\$ 349,500.00	OVW TSASP FY 2019
Seattle Indian Health Board	\$ 285,500.00	OVW SASP CSS FY 2019
Seminole Nation of Oklahoma	\$ 225,000.00	OVW TSASP FY 2019
Seven Dancers Coalition, Incorporated	\$ 323,007.00	OVW Tribal Coal FY19
Shoshone-Paiute Tribes of the Duck Valley Indian Reservation	\$ 499,642.00	OVW Rural FY 2019
Southern Ute Indian Tribe	\$ 297,631.00	OVW Families FY 2019
Southwest Indigenous Women's Coalition	\$ 323,007.00	OVW Tribal Coal FY19
Spirit Lake Tribe	\$ 398,429.00	OVW Elder FY 2019
Spokane Tribe of Indians	\$ 450,000.00	OVW FY 19 CTAS 5 TGP
Squaxin Island Tribe	\$ 899,403.00	OVW FY 19 CTAS 5 TGP
St. Regis Mohawk Tribe	\$ 899,940.00	OVW FY 19 CTAS 5 TGP
Stockbridge-Munsee Community	\$ 372,700.00	OVW FY 19 CTAS 5 TGP
Strong Hearted Native Women's Coalition, Incorporated	\$ 323,007.00	OVW Tribal Coal FY19
Sun'aq Tribe of Kodiak	\$ 448,395.00	OVW FY 19 CTAS 5 TGP
Suquamish Indian Tribe of the Port Madison Reservation	\$ 302,979.00	OVW Tribal Jur FY 19
Three Affiliated Tribes	\$ 450,000.00	OVW Tribal Jur FY 19
Tonkawa Tribe of Oklahoma	\$ 323,546.00	OVW TSASP FY 2019
Uniting Three Fires Against Violence	\$ 323,007.00	OVW Tribal Coal FY19
Village of Dot Lake	\$ 450,000.00	OVW FY 19 CTAS 5 TGP
Wabanaki Women's Coalition, Incorporated	\$ 323,007.00	OVW Tribal Coal FY19
Washington State Native American Coalition Against Domestic	\$ 323,007.00	OVW Tribal Coal FY19
White Earth Band of Chippewa Indians	\$ 550,000.00	OVW Rural FY 2019
White Earth Band of Chippewa Indians	\$ 254,999.00	OVW TSASP FY 2019
Wica Agli	\$ 350,000.00	OVW ConsYth Eng FY19
Wise Women Gathering Place	\$ 300,000.00	OVW CSSP FY 2019
Yakutat Tlingit Tribe	\$ 450,000.00	OVW FY 19 CTAS 5 TGP
Ysleta del Sur Pueblo	\$ 331,827.00	OVW FY 19 CTAS 5 TGP
Yup'ik Women's Coalition	\$ 323,007.00	OVW Tribal Coal FY19
Zuni Tribe	\$ 900,000.00	OVW FY 19 CTAS 5 TGP
	\$ 57,785,502.00	