

**U.S. DEPARTMENT OF JUSTICE
TRIBAL CONSULTATION ON IMPLEMENTATION AND EVALUATION OF ALASKA
PILOT PROGRAM UNDER VAWA 2022**

FRAMING PAPER

This paper guides the U.S. Department of Justice (Department) government-to-government consultation on the results of the Alaska Pilot Program established in the Violence Against Women Reauthorization Act of 2022 (VAWA 2022), including any modifications to law necessary to facilitate improved law enforcement in Alaska Native Villages. The Alaska Pilot Program, as authorized by VAWA 2022, allows for Attorney General designation of participating Alaska Tribes to exercise special Tribal criminal jurisdiction (STCJ) in their Villages. *See* 25 U.S.C. § 1305(d). The Tribal views received during this consultation will be included in a report to Congress, as mandated by VAWA 2022. *See id.* § 1305(h). Information on how to participate in these discussions is described in the invitation letter, which is available on the Department’s Tribal Justice and Safety Website at www.justice.gov/tribal.

BACKGROUND

I. VAWA 2022 and Special Tribal Criminal Jurisdiction

The enactment of VAWA 2022 represents a turning point in empowering Alaska Native communities to effectively respond to domestic and sexual violence, as well as the disappearance and murder of Alaska Natives.¹ In VAWA 2022, Congress expressly recognized the need for Alaska Tribes to address violence against women in their own communities, acknowledging that “the unique legal relationship of the United States to Indian Tribes creates a [f]ederal trust responsibility to assist Tribal governments in safeguarding the lives of Indian women.”² It also restated findings from the 2010 Indian Law and Order Commission that Alaska Native women are overrepresented in the population experiencing domestic violence by 250% and that Alaska Native women make up 19% of the population in Alaska, but 47% of reported rape victims in the state.

Nationwide, it expanded the recognition of Tribal criminal authority over non-Indians through the exercise of STCJ, including in the areas of sexual assault, child violence, the assault of Tribal justice personnel, and related offenses. Perhaps most significantly, Congress included a historic provision for Alaska that recognized and affirmed “the inherent authority of any Indian [T]ribe occupying a Village in the State to exercise criminal and civil jurisdiction over all Indians present in the Village.”³ It likewise recognized Alaska Native Tribes’ full civil jurisdiction over the issuance and enforcement of protection orders involving both Indians and non-Indians within

¹ *See* VAWA 2022, Pub. L. No. 117-103, div. W, tit. 8, § 811, 136 Stat. 49, 905.

² *See id.*

³ 25 U.S.C. § 1305(a).

a Village or otherwise under the authority of a Tribe.⁴ And recognizing the unique legal and geographic landscape in Alaska, VAWA 2022 authorized a pilot program to assess how STCJ could be implemented effectively in Alaska Native Villages, where jurisdictional complexity, limited infrastructure, and resource constraints present distinct challenges.⁵

Like those in the lower 48, Alaska Native Tribes exercising STCJ must provide certain procedural safeguards protecting the rights of criminal defendants under the Indian Civil Rights Act of 1968.⁶ These rights include: the right to trial by an impartial jury drawn from sources that reflect a fair cross section of the community; the right to effective assistance of counsel; the right to the assistance of a licensed defense attorney; the right to a criminal proceeding presided over by a law trained judge; the right to publicly available laws and rules; the right to records of the criminal proceeding; and all applicable rights under the Indian Civil Rights Act of 1968, as amended.⁷ In addition, for any person detained by order of the Tribe, these rights include timely written notice of the person's rights and privileges to file in a court of the United States a petition for a writ of habeas corpus under 25 U.S.C. § 1303 and a petition to stay further detention under 25 U.S.C. § 1304(e).

VAWA 2022 permits the Attorney General to designate up to five Alaska Tribes a year (for a total of no more than 30 Tribes) as participating Tribes to prosecute non-Indian defendants for certain offenses.⁸ It directed the Department to establish a process, after consulting with Tribes in Alaska, to participate in the program and prioritize Villages that are predominantly Native and lacking a state law enforcement presence. Further, through this process, the Attorney General must determine that a Tribe in Alaska requesting to exercise STCJ has adequate safeguards in place to protect defendants' rights and include any other criteria identified by the Department.⁹ In light of the remote nature of many Alaska Native communities, which often have serious fiscal and operational constraints, VAWA 2022 allows for Tribal collaboration by permitting two or more Alaska Tribes to share resources and form an intertribal partnership.¹⁰

II. The Alaska Pilot Program

The first step in implementing VAWA 2022's Alaska Pilot Program was formal Tribal consultation. In 2022 and 2023, the Department convened numerous virtual and in-person meetings on how to best designate Tribes for participation in the Pilot Program. During these consultations and subsequent engagements, Alaska Tribes and advocates clearly expressed that Tribes that are interested in exercising criminal jurisdiction will need significant technical assistance and funding to ready their criminal justice systems to exercise STCJ.

⁴ See *id.* § 1305(b).

⁵ See *id.* § 1305(d), (h); see also Pub. L. No. 117-103, § 811(a), 136 Stat. at 905.

⁶ *Id.* § 1304(d)(7).

⁷ See *id.* § 1304(d).

⁸ *Id.* § 1305(d)(1)-(3).

⁹ *Id.* § 1305(d)(3)(A)(ii), (iii).

¹⁰ *Id.* § 1305(d)(4).

In October 2023, the Department announced the launch of the Alaska Pilot Program and its [three tiers of participation](#) for interested Alaska Native Tribes. In developing this graduated process, the Department sought to reflect the views and feedback from Alaska Native communities about the varying needs of Alaska Tribes. It thus fulfills the requirements set forth in VAWA 2022 and balances the general need for incremental support:

Track 1: All Alaska Tribes are invited to join an Alaska-specific Inter-Tribal Technical Assistance Working Group (Alaska ITWG) on STCJ to receive technical assistance and peer-to-peer support. This Alaska-specific ITWG is supported by an OVW technical assistance grantee in Alaska (Alaska Technical Assistance Provider).

Track 2: Any Alaska Tribe may become a Preliminary Pilot Program Tribe by completing a [questionnaire](#) to identify gaps in its readiness to exercise STCJ. The questionnaire tracks the statutory requirements for exercising STCJ under VAWA 2022. Each Tribe that completes a questionnaire is assigned a federal liaison who, along with the Alaska Technical Assistance Provider, assists the Tribe in addressing unmet public safety needs and strengthening their criminal justice systems.

Track 3: An Alaska Tribe can seek Attorney General designation by completing the same questionnaire used for Track Two (but describing how the Tribe meets the statutory requirements rather than identifying gaps), which will enable the Department to assess whether the Tribe has met the statutory criteria for designation to exercise STCJ. Department staff who review the questionnaire will either recommend Attorney General designation or invite the Tribe to participate (or continue to participate) in readiness activities under Track Two.

This framework is designed to be flexible and permits any Tribe in Alaska to avail itself of the benefits of the Alaska Pilot Program, even if it does not wish to seek Attorney General designation. Importantly, it provides a mechanism, through Track Two, for Alaska Tribes to receive technical assistance and support to develop their criminal justice capacity to potentially exercise STCJ.

III. Recent Department Efforts

The Department is committed to honoring the goals and implementing the requirements of VAWA 2022 in Alaska. As discussed above, the new provisions included the important affirmation that Alaska Native Tribes retain inherent authority to exercise both civil and criminal jurisdiction over “all Indians present in the Village.” In response to calls from Tribal leaders and organizations in Alaska, OTJ in October 2023 issued a [memorandum](#) reaffirming that Alaska Native Tribes have inherent and concurrent criminal jurisdiction over Indians in their Villages,

even following the enactment of Public Law 280. This memorandum outlined the overwhelming legal support for Alaska Tribes' exercise of this inherent authority.

Furthermore, since 2023, OVW has made grant awards to five Alaska Native Tribes totaling \$5.5 million to support their efforts in implementing STCJ. The Department convened the first Alaska ITWG in May 2024 in Fairbanks and then in October 2024 in Anchorage. More recently, the third Alaska ITWG met from September 22-23, 2025, in Anchorage. There has been robust attendance from Alaska Native Tribes, Tribal advocates, and other interested entities at the Alaska ITWG meetings. Moreover, the current Tribal participants in Tracks 1 and 2 of the Alaska Pilot Program have received technical assistance and peer-to-peer support through an award from OVW to an Alaska-based technical assistance provider.

QUESTIONS FOR DISCUSSION

The Department is conducting government-to-government consultations with federally recognized Tribes in Alaska regarding the implementation and outcomes of the Alaska Pilot Program authorized under VAWA 2022. The legislation requires the Department, in consultation with the U.S. Department of the Interior and affected Indian Tribes, to "submit to Congress a report describing the results of the pilot program, including an explanation of any modifications to law necessary to facilitate improved law enforcement in Villages." 25 U.S.C. § 1305(h). The Department therefore seeks input from Tribal leaders and their designees to inform the forthcoming report to Congress. This consultation is also part of the Department's ongoing commitment to meaningful Tribal consultation consistent with the Department's Tribal Consultation Policy and longstanding federal obligations to Tribal nations, including those reflected in Executive Order 13175.

The following questions are not intended to limit discussion; the Department welcomes any question or topic of interest to participants.

1. What aspects of the Alaska Pilot Program have been most useful? What challenges have Tribes encountered in participating?
2. Has your Tribe attended any of the three meetings of the Alaska Inter-Tribal Technical Assistance Working Group (Alaska ITWG)? What components of, or topics addressed at the Alaska ITWG meetings have been the most valuable? Are there any areas of improvement for the Alaska ITWG to better support Tribal readiness and participation in the Alaska Pilot Program?
3. What additional resources are necessary for Tribes to join Track 2 of the Alaska Pilot Program? Once in Track 2, are the most significant hurdles in completing Track 2 related to developing Tribal codes, courts, law enforcement, detention, or something else? And how can the Department best assist in addressing these hurdles?

4. If your Tribe has considered forming or joining an intertribal partnership, what barriers exist that have prevented the sharing of resources to carry out the purposes of the Alaska Pilot Program? Outside of the context of the Pilot Program, are there any lessons learned from other partnership efforts that are working well?
5. How can coordination between Tribal and state authorities be improved? Are there best practices that should be replicated or expanded? Are there ways the Department of Justice or the Department of the Interior can help with this coordination?
6. How can the Department ensure that its communications and outreach about the Pilot Program are effective?
7. Are there statutory modifications that Congress should consider to make the Pilot Program more effective? Does the way the legislation is written result in barriers or challenges to participation? If so, what modifications do you recommend?