



United States Department of Justice

Office on Violence Against Women

Working Together to End the Violence

**2022 Update on the Status of
Tribal Consultation Recommendations**

prepared for

Department of Justice Annual Government-to-Government

Violence Against Women Tribal Consultation

Anchorage, Alaska

September 21-23, 2021

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Introduction

On August 17-20, 2021, the Department of Justice (DOJ) hosted its 16th 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 four statutorily-mandated consultation topics:

- Administering Tribal funds and programs;
- Enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, homicide, stalking, and sex trafficking;
- Strengthening the federal response to such violent crimes; and
- Improving access to local, regional, state, and federal crime information databases and criminal justice information systems.²

In addition, DOJ's Office on Violence Against Women (OVW) asked Tribal leaders for input on the administration of grant funding designed to support Tribes' exercise of criminal jurisdiction over certain non-Indian offenders. OVW also requested testimony on whether and how to create a pilot program that would allow Tribal grantees to provide flexible financial assistance directly to survivors of domestic and sexual violence to assist them in achieving safety, stability, and healing.

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 2021 consultation session, including DOJ's coordination and collaboration with Tribes, HHS, and DOI to address these recommendations. This report includes three parts: 1) information on actions taken in response to certain specific recommendations made at the 2021 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 with information about HHS's Tribal programming (Appendix A), an appendix with a table of recommendations from the 2021 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 2021 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; Violence Against Women Act Reauthorization Act of 2022, Pub. L. No. 117-103, div. W, 136 Stat. 49, 840-962.

² This fourth topic, along with the crime of homicide, was added to the statutory list of consultation topics on October 10, 2020, by Savanna's Act, Pub. L. No. 116-165, 134 Stat. 760.

Part One: Detailed Responses to Selected 2021 Recommendations

This part addresses recommendations made by Tribal leaders (or their designees)³ at the 2021 consultation in six specific areas: 1) expanded recognition of Tribal jurisdiction over non-Indian offenders; 2) improved responses to the disappearance or murder of AI/AN people, including women, girls, and LGBTQ+ or Two Spirit individuals; 3) administration of OVW's Tribal-specific grant programs; 4) Tribal access to crime information databases and enforcement of Tribal protection orders; 5) Tribal set-aside funding under the Victims of Crime Act (VOCA); and 6) feedback on OVW's framing paper on flexible financial assistance for survivors. Information on responses to other recommendations related to the implementation of VAWA's Tribal provisions, 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 2021 consultation with brief responses or cross-references to relevant information.

Expansion of Tribal Jurisdiction Over Non-Indian Offenders

Recommendations: Tribal leaders recommended that federal agencies support legislation restoring Tribal criminal jurisdiction over non-Indian perpetrators of domestic violence, sexual assault, dating violence, stalking, and sex trafficking; they also recommended extending protections to children and public safety personnel on Tribal lands and ensuring inclusion of Tribal nations in Alaska and Maine. Tribal leaders also recommended reauthorization of a Bureau of Prisons (BOP) program to incarcerate Tribal prisoners and establishment of a reimbursement program to cover costs incurred by Tribes exercising the criminal jurisdiction over non-Indian offenders recognized by VAWA, as amended.

Response: The Violence Against Women Act Reauthorization Act of 2022 (VAWA 2022), passed by Congress on March 10, 2022, and signed into law by President Biden five days later, contains the provisions recommended by Tribal leaders. Title VIII of VAWA 2022, like Title IX of both VAWA 2005 and 2013 before it, is called "Safety for Indian Women." It amends section 204 of the Indian Civil Rights Act of 1968 (25 U.S.C. § 1304), originally added by VAWA 2013, to recognize the inherent power of participating Tribes to exercise "special Tribal criminal jurisdiction" (STCJ) over all persons, regardless of their Indian or non-Indian status, for a "covered crime" that occurs in the Indian country of the participating Tribe. It also specifically refers to participating Tribes as including those in the state of Maine. In addition to the VAWA 2013 crimes of domestic violence, dating violence, and violation of a protection order, covered crimes include assault of Tribal justice personnel, child violence, obstruction of justice, sexual violence, sex trafficking, and stalking.

Title VIII of VAWA 2022 also establishes a pilot program under which the Attorney General is to designate up to five Alaska Tribes per calendar year as participating Tribes to exercise STCJ over all persons present in the Tribe's Village. The process for designating Tribes to participate

³ When describing Tribal testimony and recommendations, this report uses "Tribal leaders" to refer to testimony and recommendations submitted by Tribal leaders or their authorized designees.

in the pilot program is to be established in consultation with DOI and affected Indian Tribes. To complement the VAWA 2013 grant program supporting Tribes in planning for and exercising criminal jurisdiction over non-Indians, VAWA 2022 establishes a new reimbursement program for expenses incurred in, relating to, or associated with exercising STCJ. Finally, it amends the Tribal Law and Order Act to make permanent an expired pilot program to house certain offenders convicted in Tribal court in BOP facilities and lowers the threshold for the program to offenders sentenced to one or more years of imprisonment for a violent crime.

The Department has moved quickly to implement these provisions, where appropriate. DOJ held government-to-government consultations on July 19-20 and August 3, 2022 to discuss implementation of the Alaska Pilot Program and issued a detailed [framing paper](#) with questions for Tribal leaders' consideration, including questions about challenges and needed resources and support for Alaska Tribes interested in participating in the pilot, effective communication and outreach with such Tribes, and the required preferences and criteria laid out in the statute. OVV held consultations on July 27 and 28, 2022 on the new STCJ reimbursement program, specifically [requesting input](#) on all aspects of the required regulations to be promulgated by the statutory deadline of March 15, 2023. These regulations are to establish rules for reimbursements of Tribal governments (or authorized designees), including setting a maximum reimbursement amount for any Tribe and establishing a process and criteria for waiver of this maximum amount. In addition to these consultations, outreach for implementation of both programs continues and includes a listening session on the reimbursement program with Tribal officials participating in the August 2022 meeting of the Inter-Tribal Technical Assistance Working Group, a group originally established by DOJ to support implementation of the VAWA 2013 Tribal criminal jurisdiction provisions.

Improved Responses to Missing or Murdered AI/AN People, Including Women and Girls

Recommendations: Tribal leaders recommended that federal agencies implement Savanna's Act and the Not Invisible Act, carry out recommendations made by the Government Accountability Office (GAO) on responses to reports of missing or murdered Indigenous people (MMIP), and coordinate efforts, in consultation with Tribal nations, to increase the response of state governments to MMIP, where appropriate. They also recommended increased support for Tribally based victim advocacy services, including counseling for children and family members, burial assistance, and community healing, as well as support for adherence to traditional practices in handling the remains of murdered AI/AN people.

Response: On November 15, 2021, President Biden signed [Executive Order 14053](#), which is aimed at improving public safety and criminal justice for Native Americans and addressing MMIP issues, directing federal agencies to work together and with Tribes to prioritize these issues and address their underlying causes. On that same day, DOJ launched a [Steering Committee to Address the Crisis of Missing or Murdered Indigenous Persons](#). The Steering Committee was charged with reviewing—in close consultation with Tribal leaders and stakeholders—the Department's relevant guidance, policies, and practices to improve the law enforcement response in Indian country and recommending any changes necessary to better facilitate this work, including in response to GAO recommendations. Following that review, on

July 13, 2022, Deputy Attorney General Lisa O. Monaco announced a [directive](#), which declared that it is a priority of the Department of Justice to address the disproportionately high rates of violence experienced by American Indians and Alaska Natives, and relatedly, the high rates of Indigenous persons reported missing. The directive required each U.S. Attorney with Indian country jurisdiction – along with federal law enforcement partners – to update and develop new plans for addressing public safety in Indian country, including violence directed against Indigenous women, youth, and children. In coordination with the Department of the Interior, the Steering Committee also submitted to the President for review a comprehensive plan to strengthen the federal government’s law enforcement response in Tribal communities, as required by Executive Order 14053.

In April 2022, DOJ launched a new page on the Tribal Justice and Safety website dedicated to elevating MMIP issues: <https://www.justice.gov/Tribal/mmip>. In addition to serving as a central hub of resources and providing updates on the efforts described in the previous paragraph, this website specifically includes a page on Savanna’s Act implementation. The Savanna’s Act page provides section-by-section information on the Department’s progress in carrying out the Act’s mandates, including consultations and listening sessions; outreach, training, and guidelines for federal, Tribal, State, and local law enforcement; and data collection, access, and reporting. On MMIP Awareness Day, May 5, 2022, the Department announced a new position of National Native American Outreach Services Liaison in DOJ’s Executive Office for U.S. Attorneys to help ensure that victims and their families have a voice within the Department as they navigate all stages of the criminal justice system. Finally, with respect to implementation of the Not Invisible Act, the Departments of Justice and the Interior are co-chairing a Joint Commission on reducing violent crime against AI/AN people, which held its first meeting on June 14-15, 2022. More information on the Commission is available at <https://www.doi.gov/priorities/strengthening-indian-country/not-invisible-act-commission>.

In FY 2022, the Department’s Office for Victims of Crime (OVC) is expanding flexibilities under its Tribal Victim Services Set Aside (TVSSA) Formula Program to support grantees who wish to use TVSSA funds to address MMIP in their communities. Through consultation, Tribal leaders have conveyed that it is imperative that AI/AN communities have flexibility in designing and implementing victim services programs to support the families of missing and murdered Indigenous persons. While the TVSSA funding has always been available to provide services to families of homicide victims, in response to the recommendations of Tribal leaders, OVC has broadened the scope of the TVSSA Program for FY 2022 to allow grantees to use their funds to address the needs of families of missing persons as well. This change creates an opportunity for Tribal communities to direct much needed funding toward meeting the needs of the loved ones of MMIP, generating awareness of MMIP, and creating systemic change that can help remove barriers to helping victims and their loved ones find justice and healing.

Improving Administration of OVW Tribal Grant Funding

Recommendations: At the 2021 consultation, Tribal leaders recommended that OVW streamline the application processes for its Tribal-specific grant programs to make them more responsive to the internal capabilities of each Tribe, including reducing application requirements

and attachments, creating easy to follow templates, and doing more to help Tribes navigate the grant eligibility, application, award, and administration processes.

In addition, OVW issued a framing paper on the Tribal Jurisdiction Program established by VAWA 2013 with specific questions for Tribes exercising criminal jurisdiction over non-Indians under VAWA 2013 and those not yet exercising the jurisdiction; these questions were designed to elicit feedback on how to make the program more responsive to the needs of both groups of Tribes. Tribal leaders recommended making the program as flexible as possible and covering a wide range of costs associated with the jurisdiction for both exercising Tribes and those preparing to exercise the jurisdiction, including development of court and criminal justice systems, renovation or construction of facilities, detention contracts, and culturally based victim services.

Response: In response to this feedback, OVW significantly shortened the Tribal program solicitations for FY 2022 and cut back the required documents to only those necessary to determine eligibility. OVW also continued to include an option for new applicants to OVW's Tribal Governments Program to apply for a capacity-building project, which includes specialized technical assistance to assess strengths and gaps in the Tribal community's response to violence against women and funding to implement strategies tailored to these strengths and gaps. To assist Tribes in navigating the application process, OVW's Tribal Affairs Division launched an outreach initiative, including a series of videos on leveraging OVW funding opportunities, developing a project, and submitting an application.

In response to recommendations at prior consultations, OVW created a workshop in 2017 for all active Alaska Tribal Governments Program grantees to help them successfully implement their projects and strengthen responses to domestic and sexual violence in their villages or service areas. 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. After not holding the workshop in 2020 or 2021 because of the pandemic and connectivity issues in remote villages, OVW decided to hold a virtual workshop in Spring 2022, including virtual one-on-one meetings with 11 Alaska grantees to provide intensive programmatic support for their projects.

Building from this success in Alaska, OVW's Tribal Affairs Division is planning a new initiative for FY 2023 focused on enhancing outreach and promotion of OVW Tribal funding and resources on a regional basis throughout Indian country. This initiative not only will include technical assistance for current Tribal grantees but also will focus on ways to encourage more Tribes and Tribal organizations to seek OVW resources and funding.

Finally, in response to the feedback on OVW's Tribal Jurisdiction Program, OVW issued an invitation to apply to exercising Tribes early in FY 2022 to defray costs resulting from a Tribe's exercise of the jurisdiction, including law enforcement, prosecution, courts, probation, detention, victim services, and renovations. In December 2022, OVW made awards to 11 exercising Tribes under this invitation to apply. In addition, OVW's outreach on leveraging Tribal funding includes information on how broad and flexible the Tribal Jurisdiction Program is and how funds

can be used to develop and strengthen all aspects of a Tribe's criminal justice system in preparation for exercising the jurisdiction. Except for construction, the costs identified by Tribal leaders at the 2021 consultation are fundable under the grant program. OVW anticipates increased interest and applications for Tribal Jurisdiction Program funding in FY 2023 as a result of these outreach efforts and VAWA 2022's expansion of the jurisdictional provisions underlying the program.

Tribal Access to National Databases and Enforcement of Tribal Protection Orders

Recommendations: Tribal leaders recommended continued funding for the Department's Tribal Access Program for National Crime Information (TAP) and continued efforts to ensure that protection orders issued by Tribal courts are properly afforded full faith and credit by other jurisdictions.

Response: DOJ launched TAP in August 2015 and has expanded the program yearly to provide Tribes access to national crime information systems for federally authorized criminal justice and non-criminal justice purposes. TAP allows selected federally recognized Tribes to serve and protect their nations' citizens by ensuring the exchange of critical data across FBI Criminal Justice Information Services (CJIS) systems and other national crime information systems more effectively. This includes entering orders of protection, making them accessible for enforcement both on and off Tribal land, registering convicted sex offenders, and entering information to prevent illegal gun purchases.

TAP-LIGHT provides agencies with the ability to conduct name-based record checks and enter person and property information, while TAP-FULL provides additional hardware necessary to conduct fingerprint-based criminal and non-criminal justice transactions. TAP provides online and on-site training and assists Tribes in analyzing needs and identifying appropriate solutions to maximize the value of national crime information. There are 108 Tribes participating in TAP, providing access to over 450 Tribal government agencies.

Collaboration with DOI's Bureau of Indian Affairs (BIA) is also critical to filling criminal justice information sharing gaps. TAP deployment at BIA Office of Justice Services (OJS) sites is ongoing. Once fully deployed, BIA OJS will have 37 TAP kiosks deployed at various locations across Indian country, which will serve 71 Tribes. More information, including lists of participating Tribes and agencies, is available at <https://www.justice.gov/Tribal/Tribal-access-program-tap>.

In response to Tribal leaders' recommendations, the Department advocated for dedicated funding for TAP. VAWA 2022 statutorily established the program and authorized \$6 million to be appropriated for fiscal years 2023 through 2027. DOJ's FY 2022 enacted budget included not less than \$3 million for TAP, and the President's FY 2023 Budget requests \$6 million.

The Department also continues to work with partners to expand the program and increase the services offered. The FY 2022 TAP application period is July 1 – August 31, 2022, and the

announcement is available at <https://www.justice.gov/opa/pr/justice-department-opens-application-period-program-enhance-Tribal-access-national-crime-0>.

To encourage Tribes to enter protection orders entitled to full faith and credit into NCIC, DOJ has been systematically communicating with each Tribe participating in TAP to assess whether and how frequently they are using TAP to enter their protection orders into CJIS systems. These assessments include identifying and addressing barriers to entering orders, including making sure that the correct staff have been trained to enter orders and reviewing Tribal codes and protection order forms, if requested by the participating Tribe. Tribes are offered webinar training and one-on-one technical assistance to help them address the identified barriers and more effectively use TAP to enter their protection orders into NCIC.

These efforts have had measurable results. From July 1, 2021 through June 30, 2022, 41 Tribal agencies entered 835 protection orders (an increase of 61.5% over the previous 12 months) protecting 1,259 individuals (a 56.2% increase over the previous 12 months), and 210 of the 835 protection orders included an indicator to restrict gun access (a 218% increase over the previous 12 months).

In addition, OVW and the Department's Bureau of Justice Assistance (BJA) continue to support targeted training and technical assistance related to the enforcement of Tribal protection orders through the National Center on Protection Orders and Full Faith and Credit (NCPOFFC) and www.TribalProtectionOrder.org, an online resource with tips for drafting orders, a library of resources, and webinars on the topic. BJA also collaborates closely with DOI's BIA OJS on support for Tribal justice systems, including peer-to-peer training and technical assistance on protection order issuance and enforcement. Finally, an ongoing OVW-BJA project focused on the full faith and credit enforcement of Tribal protection orders in Alaska combines training for state law enforcement, prosecutors, and courts on enforcing Tribal orders and training for Tribes on issuing orders of protection that are entitled to full faith and credit enforcement by the state. The project has already improved collaboration between the state and Tribal organizations that are developing the training and is intended ultimately to be a model for addressing the issue of state enforcement of Tribal protection orders in other parts of the country.

Tribal Victim Services Set-Aside Formula Program

Recommendations: Tribal leaders stated that OVC's administration of the TVSSA Formula Program reflected the concerns and recommendations raised by Tribal leaders in recent years. They recommended that OVC continue to consult with Tribal nations to improve distribution of set-aside funds, tailor the program to unique Tribal needs, and use a Tribally based view of what constitutes activities that will improve services for victims of crime, as set forth in the annual appropriations act language creating the set aside.

Response: In response to Tribal leaders' strong preference that the VOCA Tribal set-aside funding be distributed via a formula rather than a competitive program, the Department first implemented an interim formula grant program for disbursing Tribal set-aside funds in FY 2020. Under the FY 2021 TVSSA Formula Program, the Department made 140 awards, totaling over

\$90 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 also established a dedicated Tribal Division in 2020 to ensure appropriate staffing to implement the TVSSA Formula Program and serve OVC's Tribal grantees.

After consultation with Tribal leaders in January 2021, OVC retained many of the features of the set-aside formula program for FY 2022, including noncompetitive base funding for each eligible Tribal applicant with remaining funds distributed based on population; a two-phase process that allows OVC to calculate grant awards based on the number of Tribes that intend to apply; a self-determined project period of 12-60 months; and self-certification of Tribal population numbers based on the population the Tribe intends to serve under the set-aside grant program. All federally recognized Tribes were eligible to apply for FY 2022 set-aside formula funding regardless of when they last received set-aside awards, and regardless of the project periods of those awards. As of July 2022, OVC is in the process of collecting and reviewing applications from Tribes that submitted their intent to participate in the FY 2022 TVSSA Formula Program. Awards will be made in September 2022.

In response to feedback from Tribal leaders, OVC simplified the TVSSA Formula Program application process, eliminating the requirement for project abstracts and offering applicants the choice between developing a project design narrative, completing a checklist, or simply having an interview with OVC staff to document their project design plans. This interview option is unique among the Department's grant programs.

OVC continues to revise and expand allowable activities and expenses under the Tribal Victim Services Set-Aside Program in response to feedback from Consultations and listening sessions. For example, OVC has rewritten guidance on many MMIP-related activities to allow Tribes to use set-aside funding for these purposes. OVC has clarified guidance to support Tribes in using set-aside funding for culturally based activities, including those using the cultural preparation or sharing of foods, in victim services. Finally, OVC is working towards expanding the use of set-aside funds by Tribes for construction and renovation, as they see fit, by initiating a pilot in FY 2022 to support this type of project.

Feedback on OVW Framing Paper on Flexible Financial Assistance for Survivors

Recommendations: At the 2021 consultation, OVW requested Tribal leaders' input on potential pilot grant awards to Tribes and Tribal organizations for the provision of flexible financial assistance directly to survivors of domestic and sexual violence, citing existing evidence of the efficacy of such assistance. OVW provided a framing paper with specific questions about whether Tribes would support such a program, including which funding sources to use for it, what kinds of needs the program could meet, and how to provide needed flexibility while also ensuring fiscal responsibility.

Tribal leaders generally supported a flexible financial assistance grant program and provided helpful and detailed testimony in response to the framing paper. Unmet needs that they identified included housing-related expenses, transportation, food, clothing, personal care and

household supplies, technology, childcare, health and education-related expenses for themselves and their children, debt repayment, and legal assistance. Tribes recommended making the program as flexible as possible, allowing grantees to develop guidelines that work for their communities, including size of payments, distribution of funds, and documentation of expenses, with technical assistance from OVW on crafting financial controls, including examples and templates. Tribes generally supported using existing funding sources for the program, but several also encouraged moving quickly from the pilot phase to longer term, sustainable funding.

Response: OVW has decided to use approximately \$1.5 million in existing funding for a pilot program in Tribal communities to address the needs of survivors identified in Tribal leader testimony. In addition, the President's Budget request for OVW for FY 2023 includes \$8 million for an initiative to make grants to victim service providers to support financial assistance for survivors of domestic violence, sexual assault, dating violence, and stalking to offset costs victims incur as a result of their victimization and assist them in pursuing safety and stability as they recover. This initiative would enable victim service providers to provide this type of assistance alongside other victim services and would be for both Tribal and non-Tribal communities. OVW will use the detailed and thoughtful recommendations from the 2021 consultation in developing both of these programs or any other similar effort, as funds become available for them.

Part Two: Implementation of the Tribal Provisions in VAWA

The reauthorizations of VAWA in 2005 and 2013 included several 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. VAWA 2022 further strengthened these provisions, as discussed in Part One; although it was enacted after the 2021 consultation, this part discusses implementation of VAWA 2022 where relevant to recommendations received in 2021.

Administering VAWA grant programs

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

- 1) Tribal Governments Program;
- 2) Tribal Jurisdiction Program;
- 3) Tribal Sexual Assault Services Program or TSASP; and
- 4) Tribal Domestic Violence and Sexual Assault Coalitions Program or 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 2022 is provided in Appendix C.

Tribal Governments Program

The Tribal Governments Program (TGP) (Section 906 of VAWA 2005, amended in 2013 and 2020 but not in 2022) 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;
- 10) develop and promote legislation and policies to respond to violent crimes against Indian women;
- 11) develop, strengthen, and implement policies, protocols, and training for law enforcement regarding cases of missing or murdered Indians, as described in section 5 of Savanna's Act (25 U.S.C. § 5704); and

12) compile and annually report data to the Attorney General related to missing or murdered Indians, as described in section 6 of Savanna's Act (25 U.S.C. § 5705).⁴

In FY 2021, OVW received 65 unduplicated applications for the TGP requesting a total of \$53,501,266. Seventeen of these were new applicants, and 48 were submitted by current grantees who were seeking funding to enhance or continue their existing OVW-funded projects (continuation applicants).

Fifteen applications did not meet the eligibility criteria in the solicitation because they were substantially incomplete or failed to meet solicitation requirements. The 50 remaining applications were sent to a panel of external peer reviewers and were also reviewed internally by OVW Program Specialists. Internal review consisted of assessing each application for out of scope activities, unallowable activities, or activities that might compromise victim safety and reviewing applicants' current TGP grant awards and past performance. 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 issues and the unique needs of Tribal communities. After peer review, one applicant withdrew its application.

Based on the internal and external review of the applications, OVW made 40 awards through the TGP for FY 2021 for a total of \$32,432,119. Ten of these awards went to new applicants, and 30 went to continuation applicants. A list of FY 2021 TGP awards is provided in Appendix D to this report.

FY 2022 TGP applicants were not given minimum or maximum award amounts, although the solicitation stated that awards were unlikely to exceed \$1 million. FY 2022 TGP applications were due May 24, 2022. In response to recommendations from Tribal leaders to extend the length of TGP awards, OVW continues to offer 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. FY 2022 awards were in process as this report was prepared; details on these awards will be provided in the 2023 Update Report.

Oklahoma Tribes Special Initiative

In November 2021, OVW issued an invitation to six Tribes in Oklahoma, all existing recipients of OVW grants, to apply for funding to support additional project activities as they work to exercise criminal jurisdiction following *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020), in cases involving sexual assault, domestic violence, dating violence, stalking, and sex trafficking. Funds to support this initiative came from the TGP and TSASP and can be used for staffing, infrastructure, victim services, and other Tribal justice system needs. OVW made awards under this initiative totaling \$3,731,749 in March 2022 to the Cherokee Nation, Chickasaw Nation, Choctaw Tribe of Oklahoma, the Muscogee (Creek) Nation, the Seminole Nation of Oklahoma, and Quapaw Nation. A list of these awards is provided in Appendix D to this report.

⁴ Purpose areas 11 and 12 were added in October 2020 by Savanna's Act and are applicable to awards made under the FY 2021 TGP solicitation or later.

Tribal Jurisdiction Program

VAWA 2013 created a grant program to support Tribal governments in planning for and implementing their inherent power, also recognized in VAWA 2013, to exercise “special domestic violence criminal jurisdiction” (SDVCJ) over certain defendants, regardless of their Indian or non-Indian status. The grant program makes funds available to:

- 1) strengthen Tribal criminal justice systems to assist Tribes in exercising the jurisdiction,
- 2) provide counsel for indigent defendants in cases prosecuted under the jurisdiction,
- 3) ensure that jurors are summoned, selected, and instructed in a manner consistent with all applicable requirements in such cases, 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 in such cases.

As discussed in Part One, VAWA 2022 amended the jurisdictional provisions underlying the Tribal Jurisdiction Program, effective October 1, 2022, to cover additional types of crime and renamed the jurisdiction “Special Tribal Criminal Jurisdiction.”

Tribal Jurisdiction Program grant funds may be used for law enforcement, prosecution, trial and appellate courts, probation systems, detention and correctional 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. Eligibility for the program includes both Tribes that are already exercising or immediately prepared to exercise the jurisdiction and those that intend to use funding for planning and preparation activities related to implementing the jurisdiction.

In FY 2021, OVW received only two applications for the Tribal Jurisdiction Program, despite having implemented recommendations from Tribes for making the program more responsive to their needs. As discussed in Part One of this report, OVW consulted on the administration of this program at the 2021 consultation and subsequently issued an invitation to apply to exercising Tribes early in FY 2022 to defray costs resulting from a Tribe’s exercise of SDVCJ. Awards under this invitation to apply were made in December 2021, bringing the total awards made with FY 2021 funds to 13, for a total amount of \$2,876,342. A list of these FY 2021 Tribal Jurisdiction Program awards is provided in Appendix D.

As also described in Part One, OVW engaged in extensive outreach for FY 2022, in addition to simplifying the application process and keeping the solicitation open for 60 days, all with the goal of increasing applications. Details on FY 2022 applications and awards will be provided in the 2023 Update Report.

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 2021 TSASP solicitation, OVW received 14 applications requesting a total of \$4,572,287. 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 these reviews, OVW determined that four applications were ineligible for funding and made ten awards through TSASP for FY 2021 for a total of \$3,784,638. A list of FY 2021 TSASP awards is provided in Appendix D to this report.

For FY 2022, OVW posted a TSASP solicitation on February 25, 2022, with a deadline of April 21, 2022. As award processing coincided with the preparation of this report, details on FY 2022 applications and awards will be provided in the 2023 Update Report.

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.

In FY 2021, OVW issued awards to 18 recognized Tribal coalitions for a total of \$6,144,246. A list of FY 2021 Tribal Coalitions awards is provided in Appendix D to this report.

For FY 2022, OVW issued an invitation to apply to 19 recognized coalitions, including a new coalition that completed the multi-step planning process necessary to be eligible to apply as a recognized coalition in FY 2022. Additional details on FY 2022 awards will be provided in the 2023 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 2021 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 (VAIW) (VAWA 2005 § 904, VAWA 2013 § 907)

NIJ's VAIW Program of Research

Section 904(a) of VAWA 2005, as amended by VAWA 2013, calls for the National Institute of Justice (NIJ), in consultation with OVW, to examine violence against Indian women in Indian country and Alaska Native villages.⁵ 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 that is supported by extramural and intramural research and evaluation studies designed to produce a deeper understanding of the issues faced by AI/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 AI/AN women and girls. In addition, 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.

Some studies under NIJ's VAIW program are completed with findings presented at annual Tribal consultations and other Tribal venues, such as the National Congress of American Indians (NCAI) Mid-Year Meeting and Task Force on Violence Against Women gatherings and the Office for Victims of Crime's National Indian Nations Conference meetings. In addition, NIJ continually assesses what studies have been funded and determines what areas are needed to fill knowledge gaps.

NIJ made three new research awards in FY 2021. First, the University of Nebraska at Omaha was awarded a planning grant under NIJ's Tribal-Researcher Capacity Building Grants (TRCBG) Program, where research staff is working with the staff and students at Tohono O'odham Community College (TOCC) to complete an organizational assessment of TOCC's strengths and needs for the prevention of and response to gender-based violence or GBV (i.e.,

⁵ Pub. L. No. 109-162, § 904(a), 119 Stat. 2960, 3078-79 (2006); Pub. L. No. 113-4, § 907, 127 Stat. 54, 125.

domestic violence, dating violence, sexual assault, and stalking) on campus and among TOCC stakeholders. They will also collaborate with TOCC stakeholders to develop a culturally centered campus climate survey instrument to assess TOCC stakeholders' experiences with, knowledge of, and access to resources regarding GBV. One of the goals of this effort is to develop a replicable model for other Tribal colleges and universities interested in enhancing prevention and intervention efforts for GBV among their stakeholders.

Also funded under NIJ's TRCBG Program in FY 2021, research staff from the University of South Dakota or USD, in partnership with colleagues from the University of Colorado Colorado Springs (UCCS) and the Native Women's Society of the Great Plains, are working to develop a research study on Native youth and violence. As proposed, the research will be designed to examine the different types of victimization experienced by AI/AN youth and young adults living in the Great Plains region, identify risk and protective factors, and capture how resilience is fostered among this age group.

The third award in FY2021 went to the University of Nebraska–Lincoln or UNL in response to NIJ's call for research on sex trafficking. In partnership with staff from USD and UCCS, the UNL team will identify how Native Americans are recruited, groomed, and coerced into situations of sex trafficking; explain how professionals (e.g., law enforcement, doctors, advocates) identify Native American survivors of sex trafficking; and document the role that community members play in preventing and responding to sex trafficking among Native Americans.

In FY 2022, NIJ released competitive research investigator-initiated solicitations seeking proposals covering topics outlined or highlighted in VAWA 2005 and 2013. While most NIJ solicitations are open for submissions addressing crime and violence impacting Tribal communities, three funding opportunities specifically requested applications in this area. Those funding opportunities included the *FY 2022 Research and Evaluation on Violence Against Women*, *Research and Evaluation on the Administration of Justice: Diversion and Restorative Justice*, and *Evaluation of OJP Community Based Violence Intervention and Prevention Initiative Projects*. NIJ anticipates making research awards before the end of the calendar year that will address topics covered under VAWA, Savanna's Act, and the Not Invisible Act.

As studies come to a close and findings are available, NIJ will publish the information using many dissemination modes and media outlets. For example, the research team from the University of Nebraska at Omaha presented their preliminary findings on missing Native women and girls in Nebraska at the 17th Annual Government-to-Government Violence Against Women Tribal Consultation. For a copy of the final report, go to <https://www.ojp.gov/pdffiles1/nij/grants/304046.pdf>.

Other notable publications released in 2022 include an NIJ web article titled "[How Prevalent is Violence in Missing and Unidentified Persons Cases?](#)" which highlights findings from an NIJ-OVW-funded study that details new research that presents the importance of the National Missing and Unidentified Persons System (NamUs) database when dealing with cases where violence is a contributing factor. The University of North Texas Health Science Center's Center

for Human Identification disclosed some noteworthy results in their report titled “[Cases Associated with Violence in the National Missing and Unidentified Persons System \(NamUs\)](#).”

Pursuant to Savanna’s Act, the NamUs Program, which is administered and funded by NIJ, has implemented a robust communication and outreach plan that is linked to key objectives designed to support AI/AN communities and help bridge the communication gap among stakeholder communities to foster enhanced information sharing and case support. Moreover, NIJ is working with its federal partners to identify opportunities to educate and disseminate information to federal, state, local, and Tribal staff (e.g., law enforcement, prosecutors, allied forensic professionals, victim service providers) and provide training and technical assistance on missing person (MP), unidentified person (UP), and unclaimed person (UCP) cases. NIJ staff is also working with other stakeholders such as committees, commissions, and task forces to help resolve MP, UP, and UCP cases in their districts and states to improve information sharing and data collection efforts. Although efforts in 2021 were limited due to COVID travel restrictions, programmatic modifications, and limited available staffing, outreach efforts have been restarted as COVID restrictions have been lifted. To see a complete list of NamUs Tribal events, go to <https://namus.nij.ojp.gov/events/Tribal-events>.

Finally, NIJ has augmented programmatic resources with support from the Bureau of Justice Assistance to resolve AI/AN cases entered into NamUs databases (either unidentified remains or missing persons). These resources are being applied to ensure that case data are as robust as possible to increase the chances of identifying and resolving cases. As part of this process, all NamUs AI/AN records are currently being reviewed to determine if additional forensic testing is needed and, if appropriate, initiate the required testing. This focused undertaking includes contacting investigating agencies, medical examiner’s/coroner’s offices, and family members to collect additional data (i.e., unique information and identifiers such as tattoos, scars, and surgeries). In addition, NamUs Regional Program Specialists (RPSs) are conducting outreach to family members to collect DNA to compare unidentified person cases. RPSs facilitate the collection of family reference samples by law enforcement for submission to a National DNA Index System (NDIS) participating laboratory for upload into the missing persons’ index of CODIS. Finally, additional data such as dental records and fingerprints of missing persons (where available) are being collected, coded, and uploaded to the NamUs databases. These endeavors should result in highly detailed descriptive case characteristics that support successful case resolution. In addition, the supplementary data may improve our understanding of circumstances, characteristics, and outcomes of missing and unidentified AI/AN person cases and the impact of forensic and analytical services in case resolution.

Federal Advisory Task Force

VAWA 2005 also required the Attorney General to establish 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 VAWA, Task Force members must include representatives from Tribal governments, national Tribal domestic and sexual violence non-profit organizations, or national Tribal organizations. The OVW Director serves as the Task Force’s Designated Federal Officer. The Task Force’s primary function is to provide advice and recommendations on developing and implementing

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. Pursuant to federal statute, federal advisory committees expire two years from establishment unless they are renewed. Accordingly, after the 2020 re-charter of the Task Force and selection of eight new [members](#), OVW and NIJ conferred again in 2022 and recommended that these members continue the important role of providing advice and recommendations to the Department. The Task Force met virtually on October 22, 2020, with members engaging in helpful discussions regarding adjustments to NIJ's research methods in light of the COVID-19 pandemic, as well as potential studies outside the scope of VAWA 2005 and 2013, such as studies of urban AI/AN populations, should additional funds become available. OVW and NIJ are planning to hold the next virtual Task Force meeting on Tuesday, December 13, 2022.

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

Established by section 907 of VAWA 2005, the Deputy Director for Tribal Affairs is one of only two statutorily created positions within OVW, which illustrates the importance of this position to Tribal leaders who fought for its inclusion in VAWA. The Deputy Director for Tribal Affairs is responsible for the ongoing and successful implementation of VAWA's Tribal provisions, including:

1. coordinating intergovernmental activities related to violence against AI/AN women;
2. serving as a point of contact with federal and Tribal officials on VAWA implementation; and
3. overseeing administration of OVW Tribal funding and programs.

As advisor to the OVW Director on all matters related to Tribal affairs, including how best to ensure the incorporation of traditional cultural practices into projects funded by OVW, the Tribal Deputy Director position has many varied responsibilities that are of great concern to Tribal communities.

Sherriann Moore, Rosebud Sicangu' Lakota, has served as Deputy Director for the Tribal Affairs Division (TAD) in OVW since 2017. Sherriann currently oversees a staff of grant program specialists and is 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. Through consultation, OVW works with Tribes to streamline processes and reduce burdens and challenges that prevent Tribes from gaining access to much needed resources to strengthen their system responses and achieve success in project implementation.

VAWA's Tribal provisions authorize Tribal grant program funding streams that provide critical resources for Tribes and Tribal organizations to address violent crime and increase victim services in Tribal communities. Since FY 2010, OVW has awarded over half a billion dollars under its Tribal-specific grant programs, and Tribes and Tribal organizations also have received

funding under other, non-Tribal specific, OVW grant programs. 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 Indigenous people in Tribal communities. This includes special 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.

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, as most recently reinforced by the Deputy Attorney General's July 2022 [memorandum](#) updating existing directives to U.S. Attorneys' Offices (USAOs). 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 and social service 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.

Due to the ongoing pandemic, the majority of NICTI training the past two years has been virtual. However, July 2022 saw the NAC reopen for residential training, albeit with reduced capacity to accommodate social distancing needs, for the first time in over two years.

The NICTI consistently provides training on trauma-informed and victim-centered interview and investigation techniques. Examples of this type of training offered in the past eighteen months includes the following: MMIP: Necessity of the Medical Forensic Examination for Survivors; Forensic Interviewing of Child and Adolescent Victims and Witnesses in Indian Country Seminar; Building a Trauma-Informed Response to Violent Crime in Indian Country; Tribal Justice: Using Custom and Tradition to Promote Healing in Tribal Communities; and Mitigating Trauma in the Courthouse by Understanding Changes to the Brain.

Since 2020, much of the training provided by the NICTI has focused on issues related to MMIP. For example, in June 2021, the NICTI hosted a Death Investigation training for federal, state, and Tribal law enforcement. This four-hour presentation introduced attendees to the basic concepts and elements contained within and surrounding the sudden, unexpected, or violent death of an individual. This session was followed up with two four-hour training blocks on Unresolved (Cold) Case Investigations. This training introduced attendees to the basic concepts, design, and structure of a cold case unit. The training detailed the specific actions that are

needed to properly prepare a case file for investigation. The presentations covered issues seen in unresolved (cold) case investigations to include the following: cold case rules, victimology, behavioral issues, suspect development, family interactions, utilization of data bases and coordination with other agencies. Many of the processes covered in this training are applicable to both missing person and unresolved homicide cases.

The NICTI also hosted two multiday virtual trainings on MMIP related topics. The first training was in February 2021 and the second training was in September 2021. Both trainings were for a multidisciplinary audience and over 1100 registered to attend the September training. Training topics included the following: Developing Tribal Community Response Plans for Missing Person Cases; Youth Vulnerabilities; Victim and Family Services; State-Based Resources; Alert Systems; and an Investigator's Panel featuring panelists from the FBI, BIA's Missing and Murdered Unit, and the U.S. Marshals Service.

The NICTI has also been very involved in the implementation of Savanna's Act. Signed into law in October 2020, Savanna's Act was a bipartisan effort to improve the federal response to MMIP, including by increasing coordination among federal, state, Tribal, and local law enforcement agencies. Consistent with Sections 5(a)-(c) of Savanna's Act, the Department has directed each of its U.S. Attorney's Offices with Tribal land to develop regionally appropriate guidelines for responding to MMIP cases. The NICTI Coordinator was one of two DOJ employees tasked with writing model guidance on Section 5(a) for the USAOs. In addition, the NICTI Coordinator hosted and co-presented at two webinars for USAO personnel on how to write the guidelines required by Section 5(a) of Savanna's Act.

Thousands of criminal justice and social service professionals have received NICTI residential training at the NAC or virtually via webinar. These students represent federally recognized Tribes, USAO employees, and federal, state, and Tribal organizations serving Indian country. Students' professions range from law enforcement, prosecutors, and judges to victim advocates, medical and social services professionals, and forensic interviewers. 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 residential classes sponsored by the NICTI, and all online NICTI training is offered free of charge. 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.

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 steadily increased from 12 in FY 2010 to 49 in FY 2018, likely because of the Supreme Court’s decision in *Bryant*. The number of cases fell during the pandemic to 25 in FY 2020 and 29 in FY 2021; as of June 30, 2022, 12 defendants had been indicted under 18 U.S.C. § 117 for the first three quarters of FY 2022.

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. As discussed in Part One, VAWA 2022 amended these provisions to recognize Tribes’ inherent jurisdiction over additional crimes, renamed the jurisdiction special Tribal criminal jurisdiction or STCJ, clarified the inclusion of Tribes located in the state of Maine, and established a pilot program for the designation of Alaska Tribes to exercise the jurisdiction, among other changes.

In June 2013, the Department established an InterTribal Technical-Assistance Working Group (ITWG) on the jurisdiction to exchange views, information, and advice about how Tribes can best exercise the jurisdiction. Since then, over 50 Tribes have joined the ITWG, attending in-person and virtual meetings and participating in numerous webinars on subjects such as jury pools and juror selection, defendants’ rights, victims’ rights, and prosecution skills. Through the ITWG, implementing Tribes have discussed challenges, successes, and best practices with each other and with Tribes preparing to implement, including sharing their revised Tribal codes, court rules, court forms, jury instructions, and other tools they have developed to implement the jurisdiction. As of March 2022, 31 Tribes have reported to the ITWG that they have implemented SDVCJ, and in July 2020, the United States District Court for the Western District of Washington dismissed the only *habeas* petition filed to date challenging an SDVCJ Tribal conviction.

The Department continues to support the ITWG with training and technical assistance funded by OVW. Since the last Update Report, this has included two virtual ITWG meetings, one in September 2021 and the other in March 2022. Over 100 Tribal representatives attended each meeting. The 18th meeting of the ITWG is scheduled as an in-person meeting hosted by the National Indian Country Training Initiative at the DOJ National Advocacy Center in Columbia, South Carolina on August 30-31, 2022.

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 filed rose dramatically to 42 and reached 107 in FY 2019. The total for FY 2020 dropped to 70 during the pandemic but went back up to 108 for FY 2021; as of June 30, 2022, 76 cases had been filed for the first three quarters of FY 2022.

To raise awareness about the issue and to educate professionals dealing with the legal or medical consequences of strangulation, the NICTI has continued 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 16th 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 several actions that respond to concerns and recommendations from past consultation sessions. These activities are discussed below.

- **MMIP Training and Related Resources** – In 2020-2022, the NICTI focused considerable resources on the issue of missing or murdered American Indians and Alaska Natives. The investigation and prosecution of crimes in Indian country can be complex and frequently requires a multijurisdictional and multidisciplinary response. In part, this is because more than one jurisdiction (federal, state, or Tribe) may have the legal authority to investigate and prosecute a case. Training is key to the development of comprehensive trauma-informed investigations and prosecutions for many of the crimes that can be associated with a missing or murdered Indigenous person. For example, if the missing person case involves the sexual exploitation of an adolescent, many issues may potentially be involved in the case that require specialized training, including forensic interviewing, mandatory reporting obligations, forensic medical examinations, crime scene processing and evidence collection, searches of electronic communications and social media, defendant interviewing and interrogation techniques, victim advocacy, and courtroom presentation and trial skills. During the pandemic, NICTI’s MMIP training has been offered using an online platform that does not require a software download to enhance access to these programs.
- **BJA/OVW Rural Alaska Prosecution Initiative** – In 2019, BJA, in partnership with OVW, funded the Alaska Department of Law to create a Rural Prosecution Unit within its Office of Special Prosecutions with two new state prosecutor positions. The Rural Prosecution Unit is designed to assist the Department of Law’s rural district attorneys’ offices with staffing shortages and experience gaps. The prosecutors in the unit are cross-designated as Special Assistant United States Attorneys (SAUSAs) to achieve the best results for cases prosecuted and focus on felony offenses occurring in rural Alaska, particularly in Alaska Native villages. One position is dedicated to prosecuting cases of domestic violence, dating violence, sexual assault, and stalking. This project has significantly reduced the case screening backlogs in two rural district attorneys’ offices. The NICTI has provided virtual training for these state prosecutors, law enforcement, and social service providers on responding to crimes related to missing or murdered Indigenous persons. The NICTI, in partnership with BJA, is also planning to provide in 2023 an in-person Criminal Trial Advocacy Training for state prosecutors in Alaska with a focus on responding to crimes of domestic violence and sexual assault in Alaska Native Villages.

- **OVW/OVC Sexual Assault Forensic-Medical and Advocacy Services for Tribes (FAST) Initiative** – In April 2020, OVW made six awards using funds provided by OVC to support the FAST Initiative, designed to increase the availability of medical forensic exams and victim advocacy in Tribal communities. Two of the six projects are in Alaska – the Sitka Tribe of Alaska and the Norton Sound Health Corporation – with the goal of addressing help the high rates of victimization and the limited reach of the justice system reported by Tribal leaders from Alaska at past consultations. The other four are in the lower 48 – the Confederated Tribes of Siletz Indians in Oregon, the San Carlos Apache Healthcare Corporation in Arizona, the South Dakota Network Against Family Violence and Sexual Assault, and the University of Wisconsin-Milwaukee. Despite difficulties in staffing and ongoing disruptions caused by the pandemic, FAST grantees continue to make progress, providing improved support and access to justice to survivors in these six communities.
- **Federal Victim Assistance in Indian Country** – The FBI’s Victim Services Division (VSD) has nearly 50 Indian Country-designated victim specialists (VSs), as well as 14 child/adolescent forensic interviewers (CAFIs) who cover Indian Country territories within their assigned areas of responsibility. The VSs inform, support, and assist victims in navigating the aftermath of crime and the criminal justice process with dignity and resilience. The CAFIs conduct investigative interviews of child/adolescent victims or witnesses, and adults in special circumstances, to obtain statements in a developmentally sensitive, unbiased, truth-seeking manner that is legally defensible in the federal, state, and Tribal judicial and child welfare systems.
- **OVW Violence Against Women Tribal SAUSA Initiative** – Under this initiative, Tribes receive 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. OVW has made some Tribal SAUSA awards exclusively for the prosecution of domestic violence dating violence, sexual assault, and stalking, as well as other, joint awards with BJA to prosecute these and other precipitous increases in violent crime. Tribes and USAOs report these efforts create opportunities for them to actively engage with each other regarding prosecutions arising from their respective Tribes, identify areas of concern that require additional attention, and hold offenders accountable while enhancing the safety of victims in Indian country. The FY 2022 Consolidated Appropriations Act, enacted on March 15, 2022, provides \$3 million for new awards under OVW’s Violence Against Women Tribal SAUSA Initiative; OVW expects to award these funds early in FY 2023.
- **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 Devils Lake, ND; 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. In 2022, classes were held in April and August.

- **Forensic Sciences Seminar** – The NICTI, in partnership with 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 is given to individuals working violent crime cases in Tribal communities, including Tribal law enforcement, Tribal prosecutors, and Tribal SAUSAs. Topics include: 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. A virtual offering of this class is tentatively scheduled for the week of October 10, 2022.
- **Criminal Jurisdiction in Indian Country/Special Law Enforcement Commission Training Project** – Following the U.S. Supreme Court's decision in *McGirt v. Oklahoma*, the NICTI was called upon to quickly develop an online version of the Criminal Jurisdiction in Indian Country (CJIC) class, as there were hundreds of police officers in Oklahoma urgently needing to attend the class so that they could apply for a Special Law Enforcement Commission (SLEC). 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. 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. Attendance at the training and passage of a test at the end of the class are two of the BIA requirements for Tribal and local officers to receive a SLEC.

Since the start of the pandemic, the class has been offered virtually. From August 2020 to June 2022, approximately 4000 law enforcement officers have successfully completed the CJIC training and may now be eligible to receive a SLEC. The SLEC program is an important force multiplier and an effective strategy for increasing the number of officers able to respond to crimes in Tribal communities.

- **Joint DOJ/DOI Tribal Justice, Safety, and Wellness Summit** – At the White House's November 2021 Tribal Nations Summit, Tribal leaders were promised that in 2022 there would be a joint DOJ/DOI law enforcement summit. The Summit was hosted by the NICTI the afternoons of June 6-9, 2022. Over 1000 federal, state, and Tribal law enforcement, prosecutors, advocates, medical providers, and leaders registered to attend the virtual event. A total of 737 attended either part or all of the training. Of that number, 663 participants were non-DOJ with many working for Tribes or Tribal organizations. Featured presenters were FBI Director Christopher Wray and Assistant Secretary of Indian Affairs Bryan Newland. The Summit was divided into four separate training tracks: Criminal Justice, Law Enforcement, and Prosecution; Criminal Justice

Data Sharing; Tribal Courts and Corrections; and Victim Advocacy and MMIP. The NICTI expects to host a second DOJ/DOI Tribal Justice, Safety and Wellness Summit in the first half of 2023.

- **Tribal Track at May 2022 Conference on Crimes Against Women** – Once again, OVW worked with conference organizers to identify presenters and content for several Tribal-specific sessions, including topics such as the intersection of sex trafficking and murdered or missing Indigenous persons; how Tribal colleges and universities can partner with local advocacy programs to support survivors of domestic violence and sexual assault on campus; centering Indigenous people when building advocacy responses; and federal efforts on responses to missing or murdered Indigenous persons.
- **Sovereign Responses to Sex Trafficking** – With OVW funding, the Minnesota Indian Women’s Sexual Assault Coalition (MIWSAC) continues to provide comprehensive training and technical assistance on sex trafficking in Indian country and Alaska Native villages. In cooperation with project partners – Mending the Sacred Hoop, the Tribal Law and Policy Institute, and Men as Peacemakers – MIWSAC has continued to provide training and technical assistance for victim advocates and justice system personnel through virtual platforms, webinars, and eLearning sessions during the pandemic. The project team is also planning the next national conference, titled “Sovereign Responses to Sex Trafficking in Indian Country & Alaska,” for January 25-27, 2023, which will include workshop tracks on law, policy, and practice, advocacy and services, and the use of cultural healing in response to sex trafficking.
- **Responses for Urban Native Programs Training and Technical Assistance (RUN-TTA)** – This FY 2021 project, supported with funds set aside from OVW’s STOP Formula Grant Program, provides training and technical assistance on improving victim services and justice responses for American Indian and Alaska Native populations residing outside of Tribal communities. 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. It offers quarterly virtual training programs on providing culturally responsive services to AI/AN survivors in non-Tribal communities, as well as tools for building understanding and capacity to work with AI/AN survivors on topics such as Tribal sovereignty, historical context, unique legal issues, and the importance of culture. The goal of these efforts is to ensure that urban Native victims have options to enhance their safety, escape violence, and survive in the aftermath of violence.
- **National Tribal Trial College (NTTC)** – With funding from OVW, the NTTC offers a course on legal advocacy in Tribal court that combines 20 weeks of online learning with five days of in-person training. It also offers an advanced class in Tribal court legal advocacy that includes five weeks of online learning and three days of in-person training. Ten advocates graduated from the advanced class on July 27, 2022. Graduates report that the courses enhance their ability to fight for victims’ rights, represent their communities, and better serve Tribal members living in and around Tribal communities.

- **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 provides comprehensive support to TCUs to develop and implement their sexual assault responses, as well as Tribal-specific education and prevention materials for TCU student populations. This project also focuses on helping TCUs create sustainable coordinated community response teams and build long-term working relationships with local community responders who previously overlooked this population.

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

**The Family Violence Prevention and Services Act (FVPSA) Program
Office on Violence Against Women Tribal Consultation Appendix**

Family Violence Prevention and Services Act (FVPSA) Program

The purpose of Family Violence Prevention and Services Act (FVPSA) grants to Tribes/Tribal organizations including Alaska Natives is to assist Tribes in efforts to increase public awareness about, and primary and secondary prevention of family violence, domestic violence, and dating violence, and to provide immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence, and their dependents.

FY 2022, FVPSA issued a total of \$24.575 million in annual grant awards supporting 254 Tribes to assist Tribes with: 1) increasing public awareness about primary and secondary prevention of family violence, domestic violence, and dating violence; and 2) 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 standing notice of funding opportunity for Tribes was published May 7, 2021 and includes application deadlines through 2023, [Tribal FY 2021 FVPSA award amounts](#) may be found on the Family and Youth Services website.

Additionally, in FY 2021 FVPSA funded a total of \$225,850,000 in American Rescue Plan (ARP) supplemental grants supporting 254 Tribes to assist Tribes with implementing services for survivors of domestic violence and sexual violence that have been impacted by the COVID-19 public health emergency. In 2021 Tribes and Tribal organizations receive supplemental grant awards from four different type of ARP Supplemental grants to ensure the continuity of domestic violence and sexual violence services for American Indian and Alaska Natives surviving trauma and abuse.

ARP Supplemental Awards to Tribes and Tribal Organizations through the FVPSA Formula Grant Program

ARP Grant	Purpose of Award	Total Allocated	Number of Awards	Award Amounts
ARP Supplemental Funding to FVPSA-funded Formula Tribes and Tribal Organizations Grantees	The ARP supplemental grant awards provide grantees including Tribes and Tribal organizations, with flexibility in how they use the funding to provide shelter, temporary housing, and supportive services including counseling, mobile advocacy, telehealth, teletherapy,	\$34,750,000	254	See pages 6 - 12

	peer support, rental assistance and nominal relocation expenses, supplies, equipment, and software to assist in carrying out remote services for domestic violence survivors and their children.			
ARP COVID-19 Testing, Vaccines, and Mobile Health Units Supplemental	The purpose of this funding is to prevent, prepare for, and respond to COVID-19 with an intentional focus on increasing access to COVID-19 testing, vaccines, and mobile health units to mitigate the spread of this virus, and increase supports for domestic violence survivors.	\$142,500,000	254	Allocations to Tribes
ARP Grants to Support Survivors of Sexual Assault	The purpose of this funding is to 1) assist with the transition to virtual/remote services for rape crisis centers, sexual assault programs, Tribal programs, and culturally specific programs that provide crisis services, support services, and assistance to survivors of sexual assault, and 2) support the increased emergency needs of sexual assault survivors as a result of the COVID-19 public health emergency	\$39,600,000	254	Allocation to Tribes

ARP Supplemental Awards to Tribes and Tribal Organizations through the FVPSA Discretionary Grant Program

ARP Grant	Purpose of Award	Total Allocated	Number of Tribal Awards	Award Amounts
ARP DV Services Supplemental Funding	Supplemental grant awards were provided to the National Indigenous Women’s Resource Center, the Alaska Native Women’s Resource Center, and the StrongHearts Native Helpline. The purpose of these supplemental funds is to provide training and technical assistance to Tribes and Tribal organizations to assist with preventing,	\$4,584,616	6	See pages 4-6

	preparing for, and responding to the spread of the COVID-19 virus.			
ARP COVID-19 Testing, Vaccines, and Mobile Health Units Supplemental for National, Special Issue, and Culturally Specific Resource Centers	This funding is to provide training, technical assistance, and resource development to support states, territories, Tribes, domestic violence programs, and culturally with programs with providing access to COVID-19 testing, vaccines, and mobile health units to mitigate the spread of COVID-19 for domestic violence survivors and their dependents.	\$8,000,000	6	Allocations for Resource Centers, Specialized Services for Abused Parents and Children, and Hotlines
ARP Grants to Support Survivors of Sexual Assault from Culturally Specific Populations Supplemental	This supplemental funding will support services developed by culturally specific and community based domestic violence and sexual assault programs implementing culturally relevant and linguistically appropriate programs, services, and supports for individuals and families who identify as a member of a racial or ethnic specific minority group and underserved population.	\$9,900,000	2	See page 13

All ARP supplemental funding will be available to formula and discretionary grantees until September 30, 2025. Performance progress reports are due annually, December 30th from 2022 through 2025.

Expanded Training and Technical Assistance for Tribes

In October 2021, the FVPSA Program launched the **Tribal Safe Housing Capacity Building Center**, which is a new Tribal grant funded center that will provide holistic culturally specific housing resources, training and technical assistance, in a culturally sensitive and relevant manner, on meeting the housing needs of Indian (including Alaska Native) and Native Hawaiian 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 Capacity Building Center was awarded \$450,000.

FVPSA Tribal Consultation

On September 8-9, 2021, the FVPSA Program hosted its first Tribal consultation. The purpose of the consultation was to share how ACF calculates grant awards for Tribes and to hear Tribal leader's testimonies about establishing a minimum grant award for all Tribes that submit applications for FVPSA's non-competitive funding each year. Three hundred people participated, and fourteen (14) Tribal leaders submitted verbal and written testimony. Written testimonies were due December 8, 2021. Many Tribes have been significantly impacted by COVID-19 and requested an extension on the submission of written testimony; therefore, in support of Tribes the FVPSA Program has been extended the written testimony to August 30, 2022.

Missing and Murdered Indigenous People

The epidemic of Missing and Murdered Indigenous Women, Children, and People encompasses a wide scope of crimes such as domestic violence, child abuse, rape, sexual assault, trafficking, murder, suicide, stalking, and gun violence. The FVPSA Program's role when it comes to addressing domestic violence is to support the provision of emergency shelter and supportive services for survivors and families experiencing domestic violence. The FVPSA Program provides funding to 254 Tribes that served over 40,000 men, women, and children who experienced domestic violence annually.

To address the epidemic of MMIW/MMIP/MMNA, the FVPSA Program is committed to doing the following:

1. Increasing training and technical assistance on violence prevention for American Indian and Alaska Natives, which also includes funding for a new Tribal housing center and lifting up best practices, and helping to enhance prevention programming for Tribes.
2. Increasing resources for Tribes and Tribal organizations to meet the need of American Indians and Alaska Natives surviving domestic violence, dating violence, and family violence.
3. Increasing training and technical assistance for Tribes and Tribal organizations to address the temporary shelter and housing needs of survivors and partnerships with homeless service providers funded by other federal agencies.
4. Increasing resources for Tribes and Tribal organizations to provide expanded supportive services to survivors which can include health, behavioral health supports, mobile health services, sexual assault services, and increased resources for temporary shelter, and hotel/motel options for survivors.
5. Increasing resources for Tribes and Tribal organizations to expand the workforce of advocates and partners in order to meet the needs of AI/AN survivors.

In October 2021, the FVPSA Program funded a total of \$225,850,000 in American Rescue Plan (ARP) supplemental grants supporting 254 Tribes to assist Tribes with implementing services for survivors of domestic violence and sexual violence that have been impacted by the COVID-19 public health emergency. In 2021 Tribes and Tribal organizations receive supplemental grant awards from four different type of ARP Supplemental grants to ensure the continuity of domestic violence and sexual violence services for American Indian and Alaska Natives surviving trauma and abuse. The FVPSA ARP supplemental funding can be used to expand the shelter and

temporary refuge options for AI/AN survivors which includes hotel motel vouchers and temporary rental assistance. Tribe and Tribal organizations may also use ARP supplemental funding to expand the workforce of their domestic violence and sexual violence programs to meet the needs of survivors and their children impacted by the spread of COVID-19. The total amount of FVPSA funding awarded to Tribes and Tribal organizations by way of formula, discretionary, and supplemental awards in fiscal year 2021 totals \$254,560,576.

In October 2021, the FVPSA Program issued \$39.5 million in ARP Grants to Support Survivors of Sexual Assault to 254 Tribes and Tribal organizations to meet the needs of sexual assault survivors impacted by COVID-19 public health emergency. This FVPSA ARP supplemental funding will support rape crisis centers and sexual assault programs to transition to virtual services or continue virtual services. This supplemental funding may be used to develop, implement, and assess innovative virtual services that: Increase access to rape crisis and sexual assault services for survivors, as well as for underserved communities; and can be adapted and scaled across the state, territory, Tribe, or local community. This funding helps Tribes implement sexual assault services for AI/AN survivors and provide technical assistance through Tribal coalitions to support the implementation of prevention and intervention services for survivors and their families.

In October 2021, the FVPSA Program issued \$9 million in ARP Grants to Support Culturally Specific Populations specifically for Tribes and Tribal organizations to meet the needs of sexual assault and domestic violence survivors. The National Indian Resource Center (NIRC), and the Alaska Native Tribal Resource Center on Domestic Violence (ANTRCDV) are expected issue subawards urban Indian organizations, LGBTQ Two-Spirit organizations, and Tribal organizations to implement supportive services and shelter for adults, youth, and children; LGBTQ two-spirited survivors; and survivors from underserved communities who have been impacted by the COVID-19 public health emergency.

In October 2021, the FVPSA Program issued \$142,500,000 in ARP COVID-19 testing, vaccines, and mobile health units supplemental funding to Tribes and Tribal organizations. The purpose of the FVPSA APR COVID-19 Testing, Vaccines and Mobile Health Units supplemental funding is to help Tribes and Tribal organizations prevent, prepare for, and respond to the spread of COVID-19 with an intentional focus on increasing access to COVID-19 testing, vaccines, and mobile health units to mitigate the spread of this virus, and increase supports for domestic violence survivors. Tribes and Tribal organizations have the flexibility to determine which services best support the needs of survivors, children, and families experiencing family violence, domestic violence, and dating violence. Tribes and Tribal organizations may use these funds to expand partnerships with health clinics and health care providers to increase access to health and behavioral health services for AI/AN survivors through mobile advocacy, onsite services, teletherapy/telehealth services and mobile health units.

In addition to expanding ARP supplemental funding for Tribes and launching a new Tribal safe housing capacity building center, the FVPSA Program continues support a broad network of resource centers that provide training and technical assistance for Tribes and Tribal organizations with the implementation of intervention and prevention services.

- **National Indian Resource Center – The National Indigenous Women’s Resource Center** serves as the Family Violence Prevention and Services Act National Indian Resource Center Addressing Violence Against Women. The National Indigenous Women’s Resource Center 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. The National Indigenous Women’s Resource Center was awarded \$1,300,000.
- **The Alaska Native Women’s Resource Center** - serves 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 AKNWRC works to address an array of issues including lack of village-based shelter and comprehensive victim advocacy services, while also supporting the development of village-based responses to domestic violence. The Alaska Native Women’s Resource Center was awarded \$1,000,000.
- **The Specialized Services for Abused Parents and their Children Demonstration Grants** - 25 percent of Family Violence Prevention and Services Act appropriations exceeding \$130 million are allocated to fund the Specialized Services to Abused Parents and their Children Demonstration Sites Grant Program. In accordance with 42 U.S.C. § 10412 of the Family Violence Prevention and Services Act, the Specialized Services for Abused Parents and their Children grant program services to expand the capacity of family violence, domestic violence, and dating violence service programs and community-based programs to prevent future domestic violence by addressing, in an appropriate manner, the needs of children exposed to family violence, domestic violence, or dating violence.

Of the 26 Specialized Services for Abused Parents and their Children Cohort II grantees, each demonstration site received a supplemental award for \$442,308 which included two Tribal organizations Red Cliff Band of Chippewa Indians and Choctaw Nation.

- **StrongHearts Native Helpline** is in operation 24-hours a day. This national, toll-free telephone hotline provides information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, family and household members of such victims, and persons affected by the victimization, including provision of same to support Indian communities; and to provide a expanded services and support via a \$1.8 million sub-award to the StrongHearts Native Helpline.



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. This chapter is currently being updated.

- 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 (DVP) program is a nationally-coordinated grant program that provides services to Tribes, Tribal organizations, and Urban Indian organizations (UIOs) to prevent domestic and sexual violence that are culturally appropriate, evidence-based, practice-based models of violence prevention and treatment among American Indians and Alaska Natives (AI/ANs). In 2015, 57 grant and federal program awards were made to Tribes, Tribal organizations, UIOs for a total of \$7.5 million. In September 30, 2017, IHS funded an additional 26 DVP program awards for \$3.5 million, totaling \$11.1 million for a total of 83 projects for a 5-year funding cycle. Eight (8) projects focused on sexual assault nurse examiner development and training and/or sexual assault response team development. Due to COVID-19, all projects were extended 1 additional project year for a 6-year funding cycle through September 2021. In April and May 2022, the IHS funded 40 Tribes, Tribal organizations, and UIOs for a total of \$8.4 million annually for a 5-year funding cycle. Grants were awarded in two focus areas: domestic violence prevention, for a total of \$7.4 million, and forensic healthcare services (FHC) for a total of \$1 million. Current status as of April 1, 2022, as part of the overall DVP program, four (4) FHC grants were awarded to three Tribes and one UIO for a total of \$1 million annually for a 5-year funding cycle:

Contact Information

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Appendix B – Brief Responses to 2021 Recommendations

The tables below provide brief responses and cross-references to relevant information in response to many of the recommendations received at the 2021 Tribal consultation.

Grant-related Recommendations	
Recommendation	Response
<p>DOJ and OVW should keep solicitations, funding, allowable costs, and program implementation as flexible as possible.</p> <ul style="list-style-type: none"> Collaborate with Tribes to develop new processes using a Tribally-driven agenda that includes maximum flexibility and minimal bureaucratic oversight. 	<p>OVW and OVC have taken several steps to implement this recommendation; details are provided in Part One of this report.</p>
<p>Limit the number of special conditions and grant requirements on federal solicitations and awards to Tribes to be respectful of the nation-to-nation relationship</p> <ul style="list-style-type: none"> Ensure Tribes do not have more special conditions than states. Examine the necessity of special conditions for all grants and consider removing and/or relaxing the requirements based on the expertise of the grantee. 	<p>OVW has worked to implement this recommendation over the past few fiscal years and continues to look for additional ways to cut back on award conditions and solicitation requirements for Tribes, consistent with applicable laws, regulations, and OMB guidance. Responses to this recommendation have been provided in prior Update Reports, and additional information is also provided in Part One of this report.</p>
<p>Consider the inter-Tribal processes that grantees must also follow to use grant funds.</p>	<p>OVW solicitations for Tribal governments include a mechanism for Tribal consortia to apply for and receive funding.</p>
<p>Respect the time it takes Tribes to fully expend funds they receive, which is affected by many factors, including challenges with staff hiring and turnover.</p>	<p>DOJ grant management staff and technical assistance providers are available to assist with these challenges, and grantees also may receive no-cost extensions to address the time needed to expend grant funds.</p>
<p>Ensure grant funding to Tribes is as flexible as possible to successfully support survivors' needs.</p> <ul style="list-style-type: none"> Flexible funding should allow for cultural sensitivity, increased services that go beyond advocacy, such as family counseling, holistic and cultural healing therapy, comprehensive legal assistance for the whole family, financial assistance, and utilizing a culture and Tribal based 	<p>Depending on the DOJ grant program involved, many of these activities are allowable. More information on flexible use of OVW and OVC grant funding is provided in Part One of this report.</p>

<p>approach to addressing violence in Tribal communities.</p> <ul style="list-style-type: none"> • Flexible funding should cover renovation and construction costs as allowable by statute. 	
Offer automatic no-cost extensions with spending flexibility for Tribes to use remaining funds as needed.	Under 2 C.F.R. Part 200, federal awarding agencies generally cannot provide automatic extensions, but DOJ grantmaking components can and do provide them on a case-by-case basis.
Allow Tribes to provide services to offenders who are often partners and/or parents of Tribal citizens and community members.	Depending on the statutory authorizing language, some DOJ grant programs can allow funds to be used for this purpose.
Allow the Tribes to utilize their elder mentors and spiritual guides to serve survivors in traditional ways.	This type of service for victims likely is allowable under OVW and OVC funding; program specialists for the applicable grant are available to answer questions about what is allowable under a specific award.
Ensure that TA providers are either from Indian country or have a minimum of five years working in Indian country.	DOJ grant-making components do require significant experience as part of the selection criteria for Tribal training and technical assistance applications, such as a documented history of more than three years successfully providing culturally specific training and technical assistance for Tribal governments, Tribal communities, or Tribal organizations on a national level.
Guarantee that a greater percentage of peer reviewers for grants in which Tribes are eligible recipients are themselves from Tribal communities.	DOJ grant-making components actively recruit peer reviewers with Tribal expertise and prioritize the use of these peer reviewers in reviewing applications from Tribes. New Coordinated Tribal Assistance Solicitation (CTAS) peer reviewers also are required to review a detailed primer on Tribal public safety and governance before participating in peer review.

Recommendations for New/Additional Funding or Other Resources	
Recommendation	Response
Provide formula-driven base funding (developed in consultation with Tribes and based on	OVC's TVSSA Program is administered as a formula program, and the remaining DOJ grant programs focused on public safety and justice generally are

<p>demonstrated need) directly to Tribes as opposed to competitive, short-term grant funding for public safety and justice programs. Formula allocation should be weighted equitably across Tribes, including population, land mass, and extenuating circumstances (e.g., cost of living), to account for the United States' obligation to all Tribes.</p> <ul style="list-style-type: none"> • Grants should supplement base funding. 	<p>designed to supplement base funding. OVW's Tribal Affairs Division uses its outreach initiative on leveraging OVW grant funding to make this approach clear and will work to identify other ways to make this clear to potential applicants.</p>
<p>Increase funding for cultural activities, including meals, foods, and snacks, which are essential for informing the community about available services, giving Tribal members a sense of belonging and self-respect, and raising awareness of actions and accountability.</p>	<p>Cultural activities generally are allowable, depending on a grant program's scope. Food costs as part of cultural/traditional activities reasonably incorporated into victim services also may be permissible, depending on scope. Limitations on the use of grant funds for food at trainings/meetings are required by policies that DOJ implemented in response to recommendations from the Office of the Inspector General.</p>
<p>Increase access to healthcare in Tribal communities, including mental healthcare, to address the immediate and long-term effects of domestic violence for individuals and families. Increase funding for mental health support services for victims and families.</p>	<p>HHS's SAMHSA funds the Tribal-only Circles of Care grant program to provide Tribal and urban Indian communities with tools and resources to plan and design a holistic, evidence and community-based, coordinated system of care to support mental health for children, youth, and families. These grants are intended to increase the capacity and effectiveness of mental health systems serving AI/AN communities. Recipients focus on the need to reduce the gap between the need for mental health services and the availability of such service. The program has a strong emphasis on cross-system collaboration, inclusion of family, youth and community resources, and cultural approaches. Since the inception of the program in 1998, 83 awards have been made to Tribes and Tribal organizations.</p>
<p>Increase funding for batterers intervention and prevention education programming focused on anger management, historical trauma, and healthy relationships.</p>	<p>BJA funds the Innovations in Reentry Initiative (IRI), which seeks to improve the capacity and effectiveness of state, local, and Tribal jurisdictions to identify innovative ways to increase the success rates of individuals returning to their communities and reduce reoffending and recidivism rates. More information is available at https://bja.ojp.gov/program/innovations-reentry-initiative/overview.</p>
<p>Create a program for Tribes to build new shelters for transitional</p>	<p>OVC is working towards expanding the use of TVSSA Formula Program funds by Tribes for construction and</p>

housing for victims.	renovation, as they see fit, by initiating a pilot in FY 2022 to support this type of project.
Fund a transitional housing facility for victims who need long term in-patient or out-patient treatment for substance abuse.	Under BJA’s Purpose Area 4 of CTAS, BJA will fund infrastructure projects that include housing and services, including access to substance abuse treatment, for victims. In addition, HHS/SAMHSA’s Tribal Opioid Response (TOR) grant aims to address the opioid crisis in Tribal communities by increasing access to culturally appropriate and evidence-based treatment, including medication-assisted treatment (MAT) using one of the three FDA-approved medications for the treatment of opioid use disorder (OUD). In addition to focusing on OUD, recipients may also address stimulant misuse and use disorders, including cocaine and methamphetamine. The intent is to reduce unmet treatment need and opioid overdose-related deaths through the provision of prevention, treatment, and recovery support services for OUD and, if so desired, stimulant misuse and use disorders. Recovery Housing is an allowed activity of this grant funding. While recovery residences vary widely in structure, all are centered on peer support and a connection to services that promote long-term recovery. Recovery houses are safe, healthy, family-like substance-free living environments that support individuals in recovery from addiction.
Provide federal COVID-19 relief funding, response, and recovery efforts that are focused on rapid and equitable deployment of funds/resources to Tribal Nations.	HHS’s SAMHSA received COVID related funding from the Coronavirus Aid, Relief, and Economic Security Act (CARES, FY 20), the Consolidated Appropriations Act (FY 21), and the American Rescue Plan (ARP, FY 21). SAMHSA awarded \$15 million to Tribes and Tribal organizations from the CARES funding. This included emergency assistance grants to address mental health and substance use, COVID-19 emergency response grants for suicide prevention, and supplements to existing Tribal Behavioral Health grants. SAMHSA set-aside \$125 Million from the Consolidated Appropriations Act funding for Tribes and Tribal Organizations. This included expansion of Certified Community Behavioral Health Centers, supplements to existing emergency grants, and expansion of the National Child Traumatic Stress Initiative. SAMHSA awarded over \$500,000 to Tribes and Tribal organizations from the ARP funding. This included supplements to the substance abuse block grant and responses for campus suicide prevention.
Create funding to assist Tribes in	HHS’s SAMHSA funds the Tribal-only Native

<p>providing lifelong trauma-informed support for survivors.</p>	<p>Connections grant. The purpose of this program is to prevent suicide and substance misuse, reduce the impact of trauma, and promote mental health among AI/AN youth through the age of 24 years. Native Connections is intended to reduce the impact of mental and substance use disorders, foster culturally responsive models that reduce and respond to the impact of trauma in AI/AN communities, and allow AI/AN communities to facilitate collaboration among agencies to support youth as they transition into adulthood. It is expected that recipients will develop and implement an array of integrated services and supports to prevent suicide. AI/AN community members should be involved in all grant activities, including planning, program implementation, and evaluation. Since the program’s inception in 2018, SAMHSA has awarded 296 grants totaling \$173 million.</p>
<p>Fund training for service providers to address generational and historical trauma.</p>	<p>HHS/SAMHSA’s Tribal Training and Technical Assistance Center and the National American Indian and Alaska Native Technology Transfer Centers for addiction, prevention and mental health provide training and technical assistance specific to Tribes and those working with Tribes and Tribal citizens in the behavioral health arena. They have several resources that address trauma. These resources are available to the public. You <u>do not</u> have to be a SAMHSA grantee to request assistance.</p>
<p>Increase funding for Tribes and Native communities to hire Native police officers. Increase funding to help support qualified, well-trained, and culturally competent Tribal police officers.</p>	<p>Under BJA’s Purpose Area 3 of CTAS, Tribes can seek funding to for Tribal law enforcement to address public safety. Under the COPS Office’s Purpose Area 1 of CTAS, Tribes can seek funding for Tribal law enforcement to address public safety. OVW’s TGP funds also may be used for law enforcement to address domestic violence, dating violence, sexual assault, stalking, and sex trafficking.</p>
<p>The federal government must create a crisis hotline for individuals in dire need during life-threatening or traumatic situations to supplement law enforcement responses.</p>	<p>SAMHSA funds the National Suicide Prevention Lifeline. This National Lifeline is a free, confidential, 24/7, 365-day-a-year treatment, referral, and information service (in English and Spanish) for individuals and families facing mental and/or substance use disorders. The National Lifeline is a network of more than 200 state and local call centers that can be reached through call, text 988, or chat 988lifeline.org. On July 16, 2022 this Lifeline transitioned to a three-digit dialing code, 988. Transition to 988 was an important step forward and offers an unprecedented</p>

	opportunity to strengthen and transform crisis care in our country. SAMHSA is continuing to solicit feedback from Tribes, Tribal Organizations, and Urban Indian Organizations about the transition to 988.
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Recommendations for OVW	
Recommendation	Response
Provide funding sources for the \$350,000 technical assistance project identified as an FY 2021 Targeted Technical Assistance Purpose Area #33 for Improving Responses for American Indian and Alaska Native populations residing within urban locations.	This award was funded using training and technical assistance funds set aside from the appropriation for OVW’s STOP Violence Against Women Formula Grant Program.
Provide information on common problems, mistakes, and concerns that Tribes have when submitting grant applications.	OVW’s Tribal Affairs Division has launched an outreach initiative on leveraging OVW grant funding in Tribal communities and will work to identify ways to incorporate this recommendation into the initiative.
Provide TA to grantees/applicants on ways to reduce problems throughout the application and award process to streamline grantees receiving their awards, their budgets approved, and their funds released.	OVW’s Tribal Affairs Division has launched an outreach initiative on leveraging OVW grant funding in Tribal communities and will work to identify ways to incorporate this recommendation into the initiative.
Streamline the application process so that it is more responsive to the internal capabilities of each Tribe. <ul style="list-style-type: none"> • Reduce application requirements and/or allow Tribes to submit some documents (e.g., MOUs, support letters, resolutions, etc.) after award issuance. • Create templates for application documents for Tribes to easily follow. • Do more to help Tribes navigate the complicated grant eligibility, application, award, and administration processes. 	OVW has taken several steps to implement these recommendations; additional information is provided in Part One of this report. In addition to the outreach initiative described above and in Part One, OVW’s website includes recorded pre-application webinars for OVW grant programs and videos on developing a budget and administering federal funds. OVW will work to identify additional ways to address these recommendations in FY 2023.

Tribal Jurisdiction-related Recommendations	
Recommendation	Response
Create technical assistance/resources to	Both DOJ and DOI offer funding that can be

provide training to BIA law enforcement, the Tribal court staff, and judges, prosecutors, and public defenders to assist Tribes exercising SDVCJ.	used for this purpose. More information is provided in Parts One and Two of this report.
Cover costs incurred by Tribes to exercise SDVCJ.	VAWA 2022 authorized funding for both grants and reimbursement of these costs; more information is provided in Parts One and Two of this report.
Allow Tribes access to federal prisons to assist with incarceration costs associated with exercising SDVCJ.	VAWA permanently established a BOP program for this purpose.
Allow maximum flexibility for reimbursement of costs associated with a Tribe's SDVCJ program.	OVW is exploring how best to ensure maximum flexibility under the reimbursement program established for VAWA 2022 and is continuing to consult with Tribes on this subject.
For Tribes that need it before even considering the exercise of SDVCJ, provide funding for Tribal courts to develop ordinances/codes, regulation, policies, and procedures, and for Tribal law enforcement, social services, etc. This is particularly needed for Tribes in PL 280 states.	Tribes are eligible to use funding under OVW's Tribal Jurisdiction Program for these purposes in preparing to exercise the jurisdiction over non-Indians recognized by both VAWA 2013 and VAWA 2022. More information is provided in Part Two of this report.

MMIP-related Recommendations	
Recommendation	Response
Support efforts of the Government Accountability Office (GAO) to prepare and submit a report on the response of law enforcement agencies and implement their recommendations on missing or murdered Indians.	Ongoing efforts to implement GAO recommendations are discussed in Part One of this Update Report; additional information also is available at https://www.justice.gov/Tribal/mmip/about .
DOJ and DOI should review, revise, and create law enforcement and justice protocols, appropriate to the disappearance of AI/AN women and girls, including interjurisdictional issues, as provided by Savanna's Act. Coordinate efforts across all federal departments to increase support for Tribal responses to	Implementation of Savanna's Act is discussed in Part One of this Update Report and additional details and updates are available at https://www.justice.gov/Tribal/mmip/SavannasAct .

missing or murdered AI/AN women and girls as required by Savanna's Act.	
Coordinate efforts, in consultation with Tribal nations, to increase the response of state governments to cases of the disappearance or murder of AI/AN women and girls.	Ongoing efforts to address law enforcement cooperation and underreporting are discussed in Part One of this Update Report, as well as on DOJ's Tribal Justice and Safety website at https://www.justice.gov/Tribal/mmip/about .
Initiate the Not Invisible Act's mandatory commission to address MMIP.	This recommendation is being implemented, with more information provided in Part One of this Update Report and at https://www.doi.gov/priorities/strengthening-indian-country/not-invisible-act-commission .
Improve the relationship between federal and state law enforcement and Native communities so that missing persons are no longer underreported by the Native community.	Ongoing efforts to address law enforcement cooperation and underreporting are discussed in Part One of this Update Report, as well as on DOJ's Tribal Justice and Safety website at https://www.justice.gov/Tribal/mmip/about .
OVW, FVPSA, and IHS need to increase Tribally-based victim advocacy services for the families and community members of abducted, missing, and/or murdered AI/AN women, recognizing the intersection between these incidents and domestic violence, dating violence, sexual assault, stalking, and sex trafficking.	Information on DOJ and HHS funding in these and other areas related to MMIP issues is available at https://www.justice.gov/Tribal/mmip/resources/funding-grants . In addition, OVW funds grantee projects and technical assistance that address the intersection between MMIP issues and domestic violence, dating violence, sexual assault, and sex trafficking.
Provide the necessary law enforcement resources to address the MMIP crisis and work together with Tribal law enforcement on MMIP cases when possible.	Information on going efforts in this area is provided in Part One of this Update Report and at https://www.justice.gov/Tribal/mmip/about and https://www.bia.gov/service/mmu .
Increase staffing for criminal investigators, civilian MMIP coordinators, and community focused outreach staff.	Information on going efforts in this area is provided in Part One of this Update Report and at https://www.justice.gov/Tribal/mmip/about and https://www.bia.gov/service/mmu . In addition, information on grant funding available for these types of positions is available at https://www.justice.gov/Tribal/mmip/resources/funding-grants .

Data/Research-related Recommendations	
Recommendation	Response
<p>Establish enhancing the safety of and strengthening the federal response to violence against AI/AN women as a research focus area.</p>	<p>DOJ/NIJ’s program of research, established pursuant to VAWA 2005 and 2013, supports research and evaluation studies designed to produce a deeper understanding of the issues faced by AI/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 AI/AN women.</p>
<p>Implement TLOA provision that requires the collection and reporting of crime data in Indian country.</p> <ul style="list-style-type: none"> • Mandate the collection of MMIP Tribal-specific data as part of the federal trust responsibility. 	<p>As required under the Tribal Law and Order Act (2010), DOJ publishes annual reports (CY11-14, CY15, CY16, CY17, CY18, CY19) on Indian country crimes and prosecutions. As required by the Savanna’s Act, beginning with its CY2022 Indian Country Investigations and Prosecutions report to Congress, DOJ will start to include available statistics related to missing AI/AN persons and murdered AI/AN persons.</p>
<p>Allow timely access to NCIC to assist Tribes with locating MMIP, identifying dangerous fugitives on Tribal lands, preventing domestic abusers from accessing firearms, and protecting vulnerable AI/AN children and elders.</p>	<p>DOJ’s Tribal Access Program (TAP) is designed for this purpose; more information on TAP is provided in Part One of this report.</p>
<p>Address the lack of data and data gathering across federal agencies through interagency coordination and collaboration to improve data collection, research, reporting, and analysis. All of these efforts should support Tribal policy goals, implementation of programs and services, measuring the impact of the federal investment, and community planning for program success.</p> <ul style="list-style-type: none"> • Standardize demographic data collection to enable Tribes and interest groups to better aggregate data about domestic violence against and within the Native community. 	<p>The Chief Statistician of the United States announced June 15, 2022, that a formal review is underway to revise OMB’s <i>Statistical Policy Directive No. 15</i> (Directive No. 15): <i>Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity</i>. Directive No. 15 provides minimum standards that ensure the ability to compare information and data across federal agencies and to understand how well federal programs serve a diverse population. In addition, the current standards encourage further disaggregation in the collection, tabulation, and reporting of data when useful.</p>

Recommendations for OJP/OVC	
Recommendation	Response
Implement NCAI recommendations regarding Tribal set-aside from the crime victims fund to assure that resources reach victims, survivors, and their families. ⁶	OVC has implemented all of these recommendations, with the exception of the standing advisory board; the details are provided in Part One of this Update Report.
Continue to engage in the Government-to-Government Consultations with Tribal nations to improve the distribution and administration of the CVF Tribal set-aside funds.	OVC takes seriously its responsibility to hold both formal consultations and listening sessions with Tribes. OVC's last consultation (on the FY 2022 TVSSA Program) was held in January 2021. A consultation on the FY 2023 TVSSA Program is planned for November 2022, and listening sessions are planned for the December 2022 Indian Nations Conference.
Extend the CVF grant project period to up to four years.	OVC has extended the project period of TVSSA Program grant to up to five years.
Automatically approve no-cost extension requests from Tribal nations impacted by COVID-19 since the pandemic has severely impacted Tribal nations' ability to spend down CVF funds.	During FY 2021-2022 OVC processed Project Period Extensions (PPEs) for Tribes that requested extensions to their 2018 or 2019 set-aside award due to the constraints on program implementation resulting from the pandemic. OVC published a guide sheet for Tribes to use in submitting their PPE's in JustGrants and offered technical assistance to Tribes who requested such help.
OVC should use VOCA funds for domestic abuse and homeless shelters to house survivors.	Set-aside funds have always been available for emergency, short-term, and transitional housing needs of crime survivors.

⁶ National Congress of American Indians, *Resolutions ABQ-19-034*, 2019, <http://www.ncai.org/ABQ-19-034.pdf> (last visited November 30, 2020).

Appendix C – Analysis of OVW Tribal Grant Programs Funding for FY 2021

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 2022. In addition, the list of recipients in Appendix D is for FY 2021; the final list of recipients for FY 2022 will be provided at the 2022 consultation.

	Tribal Governments (TGP)¹	Tribal Jurisdiction	Tribal Coalitions²	Tribal Sexual Assault Services (TSASP)³
FY 2022 Appropriation	\$43,300,000	\$5,500,000	\$7,165,000	\$5,400,000
Prior Year Carry Forward & Recoveries⁴	\$4,962,607	\$2,854,815	\$243,458	\$1,946,784
<i>Technical Assistance, Peer Review, Evaluation & Special Projects⁵</i>	-\$7,558,202	-\$3,101,083	-\$616,681	-\$763,967
<i>FY 2022 Rescission⁶</i>	-\$578,065	-\$309,364	\$0	-\$946,784
<i>Salaries & Expenses Reduction⁷</i>	-\$2,695,518	-\$342,387	-\$412,420	\$0
Amount available for FY 2022 grants	\$36,422,822	\$4,601,980	\$6,379,357	\$5,636,032
Estimated amount to be awarded in FY 2022	\$28,042,963	\$1,533,596	\$6,379,345	\$3,675,000
Remaining balance⁸	\$8,379,859	\$3,068,384	\$12	\$1,961,032

¹ In FY 2022, 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 2022, 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 April 30, 2022.

⁵ Special projects include \$2,142,651 in awards made in December 2021 under a special Tribal Jurisdiction Program Invitation to Apply issued to exercising Tribes and \$3,731,749 in awards made under TGP and TSASP in March 2022 for the Oklahoma Tribes Special Initiative. For TGP, it also includes \$1,498,000 set aside for pilot grant awards to Tribes and Tribal organizations for the provision of flexible financial assistance to survivors.

⁶ OVW had a total rescission of \$15 million for FY 2022.

⁷ In FY 2022, 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.

⁸ Program planning for allocation of remaining balances is underway, but decisions will take into account recommendations made by Tribal leaders at the 2022 Tribal Consultation.

Appendix D – FY 2021 OVW Tribal Grant Awards

Grantee	Award Amount	Solicitation
ABSENTEE SHAWNEE TRIBE OF OKLAHOMA	\$ 900,000.00	Tribal Governments
ALASKA NATIVE JUSTICE CENTER INC	\$ 900,000.00	Tribal Governments
ALASKA NATIVE JUSTICE CENTER INC	\$ 600,000.00	LAV Grant Program
ALASKA NATIVE JUSTICE CENTER INC	\$ 300,000.00	OVW CSSP FY 2021
AMERICAN INDIANS AGAINST ABUSE INC	\$ 341,347.00	Tribal Coalition
ASA'CARSARMIUT TRIBE	\$ 900,000.00	Tribal Governments
CALIFORNIA INDIAN LEGAL SVCS INC	\$ 900,000.00	Tribal Governments
CALIFORNIA INDIAN LEGAL SVCS INC	\$ 545,540.00	LAV Grant Program
CALIFORNIA RURAL INDIAN HEALTH BOARD, INC.	\$ 900,000.00	Tribal Governments
CATAWBA INDIAN NATION	\$ 552,690.00	Tribal Governments
COALITION TO STOP VIOLENCE AGAINST NATIVE WOMEN	\$ 341,347.00	Tribal Coalition
COMANCHE NATION	\$ 299,960.00	Tribal Jurisdiction
COMANCHE NATION	\$ 900,000.00	Tribal Governments
DELAWARE TRIBE OF INDIANS	\$ 450,000.00	OVW Housing Program
DELAWARE TRIBE OF INDIANS	\$ 500,000.00	Rural Solicitation
EASTERN SHAWNEE TRIBE OF OKLAHOMA	\$ 828,519.00	Tribal Governments
EMMONAK WOMEN SHELTER	\$ 500,000.00	Tribal Governments
FIRST NATIONS WOMEN'S ALLIANCE	\$ 341,347.00	Tribal Coalition
GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS	\$ 395,000.00	OVW TSASP
HEALING NATIVE HEARTS COALITION	\$ 341,347.00	Tribal Coalition
HEALY LAKE VILLAGE	\$ 900,000.00	Tribal Governments
HOONAH INDIAN ASSOCIATION	\$ 894,556.00	Tribal Governments
HOPI-TEWA WOMEN'S COALITION TO END ABUSE	\$ 341,347.00	Tribal Coalition
IGIUGIG VILLAGE	\$ 900,000.00	Tribal Governments
IOWA TRIBE OF OKLAHOMA, INC	\$ 374,019.00	OVW TSASP
KALISPEL INDIAN COMMUNITY OF THE KALISPEL RESERVATION	\$ 355,619.00	OVW TSASP
KALISPEL INDIAN COMMUNITY OF THE KALISPEL RESERVATION	\$ 591,749.00	Tribal Governments
KENAITZE INDIAN TRIBE	\$ 599,926.00	LAV Grant Program
KLAMATH TRIBES, THE	\$ 900,000.00	Tribal Governments
LUMMI INDIAN BUSINESS COUNCIL	\$ 900,000.00	Tribal Governments
MENDING SACRED HOOP	\$ 341,347.00	Tribal Coalition
MENOMINEE INDIAN TRIBE OF WISCONSIN	\$ 900,000.00	Tribal Governments
MIDWEST NATIVE COALITION FOR JUSTICE AND PEACE INC.	\$ 341,347.00	Tribal Coalition
MN INDIAN WOMEN'S SEXUAL ASSAULT COALITION	\$ 341,347.00	Tribal Coalition

Grantee	Award Amount	Solicitation
MINNESOTA INDIAN WOMEN'S SEXUAL ASSAULT COALITION	\$ 300,000.00	TA Initiative FY 21
MINNESOTA INDIAN WOMEN'S SEXUAL ASSAULT COALITION	\$ 1,000,000.00	FY21 NTCSA
MUSCOGEE CREEK NATION	\$ 900,000.00	Tribal Governments
MUSCOGEE CREEK NATION	\$ 386,792.00	Rural Solicitation
MUSCOGEE CREEK NATION	\$ 450,000.00	OVW TSASP
NATIVE ALLIANCE AGAINST VIOLENCE, INC.	\$ 341,347.00	Tribal Coalition
NATIVE VILLAGE OF TETLIN	\$ 541,702.00	Tribal Governments
NATIVE WOMEN'S SOCIETY OF THE GREAT PLAINS RECLAIMING OUR SACREDNESS	\$ 524,189.00	Tribal Governments
NATIVE WOMEN'S SOCIETY OF THE GREAT PLAINS RECLAIMING OUR SACREDNESS	\$ 341,347.00	Tribal Coalition
NCAI	\$ 520,000.00	TA Initiative FY 21
NISQUALLY INDIAN TRIBE	\$ 900,000.00	Tribal Governments
ORGANIZED VILLAGE OF KAKE	\$ 713,913.00	Tribal Governments
PENOBSCOT INDIAN NATION	\$ 433,731.00	Tribal Jurisdiction
PENOBSCOT INDIAN NATION	\$ 899,967.00	Tribal Governments
PONCA TRIBE OF NEBRASKA	\$ 750,000.00	Rural Solicitation
PONCA TRIBE OF OKLAHOMA	\$ 845,486.00	Tribal Governments
PUEBLO OF POJOAQUE	\$ 729,472.00	Tribal Governments
PUEBLO OF SAN FELIPE	\$ 598,546.00	Tribal Governments
PYRAMID LAKE PAIUTE TRIBE	\$ 900,000.00	Tribal Governments
QIZHJEH HERITAGE INSTITUTE	\$ 349,284.00	TA Initiative FY 21
QUAPAW NATION	\$ 675,000.00	Tribal Governments
QUINAULT INDIAN NATION	\$ 899,062.00	Tribal Governments
RED WIND CONSULTING INC	\$ 2,000,000.00	TA Initiative FY 21
RED WIND CONSULTING INC	\$ 450,000.00	TA Initiative FY 21
RED WIND CONSULTING INC	\$ 350,000.00	TA Initiative FY 21
RESTORING ANCESTRAL WINDS, INC.	\$ 341,347.00	Tribal Coalition
ROSEBUD SIOUX TRIBE	\$ 899,827.00	Tribal Governments
SAINT REGIS MOHAWK TRIBE	\$ 375,000.00	OVW TSASP
SEMINOLE NATION OF OKLAHOMA, THE	\$ 900,000.00	Tribal Governments
SENECA CAYUGA TRIBE OF OKLAHOMA	\$ 900,000.00	Tribal Governments
SEVEN DANCERS COALITION, INC.	\$ 341,347.00	Tribal Coalition
SEXUAL ASSAULT SERVICES OF NORTHWEST NEW MEXICO, INC.	\$ 375,000.00	OVW TSASP
SKOKOMISH INDIAN TRIBE	\$ 748,518.00	Tribal Governments
SOUTHWEST CENTER FOR LAW & POLICY	\$ 400,000.00	TA Initiative FY 21
SOUTHWEST INDIGENOUS WOMENS COALITION	\$ 341,347.00	Tribal Coalition
SPIRIT LAKE TRIBE	\$ 375,000.00	OVW TSASP
STRONG HEARTED NATIVE WOMEN'S COALITION, INC	\$ 650,000.00	OVW Housing Program

Grantee	Award Amount	Solicitation
STRONG HEARTED NATIVE WOMEN'S COALITION, INC	\$ 900,000.00	Tribal Governments
STRONG HEARTED NATIVE WOMEN'S COALITION, INC	\$ 341,347.00	Tribal Coalition
THE CHEROKEE NATION	\$ 899,983.00	Tribal Governments
THE COEUR D'ALENE TRIBE	\$ 335,000.00	OVW TSASP
TONKAWA TRIBE	\$ 891,325.00	Tribal Governments
TUBA CITY REGIONAL HEALTHCARE CORPORATION	\$ 375,007.00	OVW TSASP
TUOLUMNE ME-WUK TRIBAL COUNCIL.	\$ 900,000.00	Tribal Governments
UNITING THREE FIRES AGAINST VIOLENCE	\$ 341,347.00	Tribal Coalition
UPPER MATTAPONI INDIAN TRIBE	\$ 600,000.00	Tribal Governments
WABANAKI WOMEN'S COALITION, INC.	\$ 341,347.00	Tribal Coalition
WASHINGTON STATE NATIVE AMERICAN COALITION AGAINST DOMESTIC VIOLENCE AND SEXUAL ASSAULT	\$ 341,347.00	Tribal Coalition
WASHOE TRIBE OF NEVADA & CALIFORNIA	\$ 600,000.00	Tribal Governments
WINNEBAGO TRIBE OF NEBRASKA	\$ 900,000.00	Tribal Governments
WISE WOMEN GATHERING PLACE	\$ 300,000.00	OVW CSSP FY 2021
WISE WOMEN GATHERING PLACE	\$ 375,000.00	OVW TSASP
WYANDOTTE NATION	\$ 897,615.00	Tribal Governments
YUP'IK WOMEN'S COALITION, THE	\$ 341,347.00	Tribal Coalition
	\$ 53,546,243.00	

Tribal Jurisdiction and Oklahoma Tribes Special Initiatives - Awards Made in FY 2022

Legal_Name	Award_Amount	Solicitation_Short_Title
CHICKASAW NATION	\$ 250,000.00	OVW Tribal Jur FY 22
CHICKASAW NATION	\$ 682,000.00	OVW OK Tribes FY2022
CHOCTAW NATION OF OKLAHOMA	\$ 681,760.00	OVW OK Tribes FY2022
EASTERN BAND OF CHEROKEE INDIANS	\$ 251,000.00	OVW Tribal Jur FY 22
FORT PECK ASSINIBOINE & SIOUX TRIBES	\$ 30,964.00	OVW Tribal Jur FY 22
MUSCOGEE (CREEK) NATION, THE	\$ 250,000.00	OVW Tribal Jur FY 22
MUSCOGEE (CREEK) NATION, THE	\$ 502,000.00	OVW OK Tribes FY2022
NOTTAWASEPPI HURON BAND OF THE POTAWATOMI	\$ 204,366.00	OVW Tribal Jur FY 22
PASCUA YAQUI TRIBE	\$ 115,025.00	OVW Tribal Jur FY 22
PORT GAMBLE S'KLALLAM TRIBE	\$ 106,672.00	OVW Tribal Jur FY 22
QUAPAW NATION	\$ 681,989.00	OVW OK Tribes FY2022
SANTA CLARA, PUEBLO OF	\$ 185,272.00	OVW Tribal Jur FY 22
SEMINOLE NATION OF OKLAHOMA, THE	\$ 249,352.00	OVW Tribal Jur FY 22
SEMINOLE NATION OF OKLAHOMA, THE	\$ 502,000.00	OVW OK Tribes FY2022
THE CHEROKEE NATION	\$ 682,000.00	OVW OK Tribes FY2022
THE CHEROKEE NATION	\$ 250,000.00	OVW Tribal Jur FY 22

Legal_Name	Award_Amount	Solicitation_Short_Title
THE TULALIP TRIBES OF WASHINGTON	\$ 250,000.00	OVW Tribal Jur FY 22
	\$ 5,874,400.00	