



18TH ANNUAL GOVERNMENT-TO-GOVERNMENT
TRIBAL CONSULTATION

August 8-10, 2023 | Tulsa, Oklahoma

ANNUAL REPORT OF PROCEEDINGS

Disclaimers

This document is a summary of testimony provided at the 2023 18th Annual Government-to-Government Violence Against Women Tribal Consultation, held pursuant to Section 903 of the Violence Against Women Reauthorization Act of 2005, as amended. The document itself has no force or effect of law and does not create any legally binding rights or obligations binding on persons or entities.

This document does not reflect the opinion or position of the Department of Justice; rather, it provides a comprehensive overview of four days of testimony and dialogue at the 2023 18th Annual Government-to-Government Violence Against Women Tribal Consultation. The complete transcript for the 2023 Tribal Consultation is available upon request. Please note hard copy requests may incur a charge for printing and shipping.



U.S. Department of Justice

Office on Violence Against Women

Office of the Director

Washington, DC 20530

April 16, 2024

Dear Tribal Leader:

On behalf of the Office on Violence Against Women (OVW) and the United States Department of Justice, I would like to thank each of you who was able to join us for our 18th Annual Government-to-Government Tribal Consultation conducted August 8-10, 2023, held on the Tribal lands of the Muscogee (Creek) Nation.

We are truly grateful to the many Tribal leaders and authorized designees who were able to share their concerns and recommendations about how to prevent and address domestic violence, dating violence, sexual assault, stalking, and sex trafficking and improve support for victims/survivors from American Indian and Alaska Native communities. We are also grateful to those of you who took the time to submit written recommendations to OVW about how the U.S. Department of Justice, and other federal agencies can help improve the federal response.

Please find enclosed a copy of the 2023 Government-to-Government Violence Against Women Tribal Consultation Annual Report of Proceedings, which summarizes the recommendations that OVW received from Tribal leaders at last year's consultation. OVW remains committed to supporting the efforts of Tribal governments to prevent and respond to violence against women and depends on the recommendations received from Tribal leaders to guide our work in Tribal communities.

OVW is currently planning the 19th Annual Government-to-Government Violence Against Women Tribal Consultation to be held November 19-21, 2024, in Santa Fe, NM. If you have any questions or comments regarding the 2023 report, please contact OVW's Deputy Director for Tribal Affairs, Sherriann Moore, at Sherriann.Moore@usdoj.gov or 202-307-6026.

Sincerely

Rosemarie Hidalgo
Director

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Tribal Consultation Event

OVW held its “18th Annual Government-to-Government Violence Against Women Tribal Consultation” on August 8-10, 2023 at the River Spirit Casino Resort in Tulsa, Oklahoma. Participants included 44 tribal leaders, 16 authorized designees, 121 federal representatives; and 310 other attendees from the tribal community, including tribal organizations and coalitions, for a total of 491 in-person and virtual registered attendees.

Traditional Opening Ceremony

Sherriann C. Moore, Deputy Director, DOJ, Office on Violence Against Women, Tribal Affairs Division, welcomed tribal leaders and those providing testimony to come forward and sit at the head table, before calling the tribal consultation to order.

The opening ceremony began with the posting of the colors conducted by the Muscogee (Creek) Nation Honor Guard. Steven Powell of Muscogee (Creek) Nation accompanied them by singing an Otoe flag song. He followed with a victory song and an old Muscogee hymn and finished with an opening prayer.

A traditional shawl ceremony was performed as part of the opening ceremony. Shelley Miller, Executive Director, and Terri Stone, President, of the Native Alliance Against Violence coalition narrated the ceremony, asking us to remember victims and survivors of domestic and dating violence, sexual violence, child abuse, elder abuse, hate crimes, and missing and murdered relatives as their team placed a shawl for each on a chair displayed for all to see throughout the consultation; purple for domestic violence, teal for sexual assault, orange for children and youth, rainbow for the LGBTQ community, red for missing and murdered.

Muscogee (Creek) Nation’s Chief David Hill welcomed everyone to the Muscogee reservation and their hotel as host of the consultation. He shared the history of his tribe’s relocation from ancestral lands to the land now known as Tulsa, Oklahoma, and urged federal partners and state neighbors to work with Muscogees to guarantee the reservation is one where public safety, prosperity and progress are normal, and to promote public safety for Muscogee Creek citizens, citizens from other tribal nations, and visitors. He said the tribe is prepared to tackle all challenges that come with self-governance and that to diminish tribal jurisdiction would adversely impact public safety. Chief Hill emphasized the importance for tribal leaders to attend these consultations.

Rosie Hidalgo, Director, DOJ, Office on Violence Against Women, acknowledged Chief Hill, Second Chief Del Beaver, Chief of Staff Jeff Fife, and Attorney General Geri Wisner for their tremendous leadership, and leading with the brilliance of intellect as well as heart and compassion, and thanked them for hosting this year’s consultation.

Welcoming Remarks

Sherriann C. Moore, Deputy Director, Department of Justice, Office on Violence Against Women, Tribal Affairs Division

Sherriann Moore opened consultation by introducing Rosie Hidalgo, recently named Director for OVW, to provide opening remarks.

Rosie Hidalgo, Director, Department of Justice, Office on Violence Against Women

Rosie Hidalgo welcomed everyone to the 18th Annual Government-to-Government Tribal Consultation, including virtual attendees. She thanked Steven Powell and the Muscogee Nation Honor Guard and acknowledged the value of the beautiful shawl ceremony to remind everyone why they gathered for this consultation. She thanked the Native Alliance Against Violence, the Oklahoma Tribal Coalition. She expressed appreciation to Muscogee (Creek) Nation and Chief David Hill for hosting everyone in their beautiful venue. Ms. Hidalgo then introduced the recorded remarks from Merrick Garland, Attorney General of the United States.

**Merrick B. Garland, Attorney General, Department of Justice, Office of the Attorney General
(Prerecorded)**

Attorney General Merrick B. Garland welcomed attendees to the 18th Annual Government-to-Government Tribal Consultation. Attorney General Garland reaffirmed the nation-to-nation partnership between the Department and tribes in addressing gender-based violence, and recognized that consultation is central to the Justice Department's commitment to upholding tribal sovereignty. Attorney General Garland emphasized the importance of tribal leaders' testimony and recommendations in guiding the Department and broader federal government in addressing the challenges of domestic violence, sexual assault, dating violence, stalking and sex trafficking in tribal communities.

The Attorney General discussed DOJ's work litigating alongside tribes in *Haaland v. Brackeen*, in which the Supreme Court upheld the Indian Child Welfare Act, protecting tribal sovereignty and recognizing tribes' inherent authority to determine what is best for their communities. He also highlighted the Department's work implementing the Violence Against Women Act of 2022, which recognizes the authority of tribal governments to hold offenders accountable for an expanded number of covered crimes and creates pathways for tribes in the states of Alaska and Maine to exercise special tribal criminal jurisdiction. The Attorney General explained that, building on feedback from prior consultations, the Office on Violence Against Women issued nearly \$40 million in FY22 grants to support tribes' ability to respond to violent crime against American Indian and Alaska Native women and girls, to support Tribal Coalitions to address domestic violence and sexual assault, and to support tribes choosing to exercise special tribal criminal jurisdiction. He pointed to recently-issued Attorney General Victim and Witness Assistance Guidelines that, for the first time, specifically address cultural and linguistic considerations for agents, prosecutors, and other Department employees in engaging with American Indian and Alaska Native victims and their families.

Attorney General Garland emphasized that the department remains committed to addressing the ongoing crisis of missing or murdered Indigenous persons. This summer, the Department launched a missing or murdered Indigenous persons regional outreach program to address the crisis. The program places attorneys and coordinators in five designated regions across the country to help solve crimes and locate missing persons. He noted that additionally, the Department has published a resource guide tailored to tribal communities to assist tribes interested in developing a plan to respond to missing person cases, expanded tribal law enforcement agency and tribal court access to national crime databases through DOJ's Tribal Access Program, and entered into a memorandum of understanding between the FBI and the Department of the Interior's Bureau of Indian Affairs to establish guidelines and best practices for criminal investigations in Indian Country.

The Attorney General closed by reiterating the importance of tribal leaders' testimony and said that DOJ is committed to working closely alongside them in a shared effort to advance safety and justice for American Indian and Native Alaskan women, girls, and all others who face gender-based violence.

Betsy Henthorne, Chief of Staff and Deputy Associate Attorney General, Department of Justice, Office of the Associate Attorney General

Ms. Hidalgo introduced Deputy Associate Attorney General Betsy Henthorne to speak on behalf of Associate Attorney General Vanita Gupta who was unable to travel due to weather. Ms. Henthorne began by thanking Ms. Moore, Ms. Hidalgo, and OVW for incredible dedication to this work and making this 18th Annual Government-to-Government Tribal Consultation a success and thanked Chief Hill for hosting.

Ms. Henthorne shared that earlier this year, the Associate Attorney General began convening regular tribal issues meetings to make sure that different parts of the department talk to one another and coordinate their external engagement and collaboration with tribal leaders, members, and advocates. The Associate Attorney General and others from the office will be traveling to Alaska Native villages this fall, because it is important to her that those making decisions affecting Native people meet, visit with, and try to learn from them. Ms. Henthorne said she herself had joined Ms. Hidalgo the previous evening to meet with Tribal Coalitions leaders and was inspired by their dedication to the sheer volume of work they and everyone are doing to help protect Native women and girls, to keep tribal communities resilient and strong, and take good care of each other. She said the meeting also underscored the importance of intervention and prevention efforts that are rooted in tribal traditions and honor and reflect the cultural strengths of the community. She closed by saying she looked forward to hearing the day's testimony and thanked tribal leaders for giving the federal government a chance to learn from them.

Rosie Hidalgo, Director, Department of Justice, Office on Violence Against Women

Ms. Hidalgo began her remarks by noting that the timing of her confirmation as Director of OVW was fortuitous as it allowed this tribal consultation to be her first official engagement in her new role and stated that she was humbled and grateful to be part of it. She explained that it has been an important learning experience in her trajectory, as an advocate and in government service, to learn so much from tribal advocates and survivors and from tribal leaders.

Ms. Hidalgo shared her experience of being part of the National Task Force to End Sexual and Domestic Violence, which gathered input from advocates, survivors, and service providers around the country in preparation for the reauthorization of VAWA in order to identify key priorities. One of the key priorities that emerged was making sure that VAWA reauthorization in 2013 would include the recognition of inherent tribal authority and inherent tribal sovereignty and jurisdiction over non-Indian offenders who perpetrate domestic violence in Indian country. She said she had talked to Paula Julian from the National Indigenous Women's Resource Center the previous evening as people gathered for the start of this Tribal Consultation and recalled Ms. Julian being one of the tribal advocates in that gathering more than ten years ago, sharing why those key priorities were so important. Others shared statistics, talking points, proposed legislation that had been drafted, but all of that was not enough for everyone to understand what was at stake until Ms. Julian shared the story of a Native American survivor, Diane Millich, and what it meant for her as a survivor, to be experiencing horrific harm at the hands of a non-Indian abuser spouse who felt emboldened because he knew tribal law enforcement and tribal courts did not have jurisdiction over him. Ms. Hidalgo described the impact of the stories of survivors that Ms. Julian and others shared that demonstrated how critical it was to stand in solidarity with tribal sisters and leaders, and make sure these provisions were a critical part of VAWA 2013. Anytime VAWA comes up for reauthorization, the lived experiences of survivors, and the recommendations of advocates and tribal leaders are very important to inform the decisions of policy-makers so that they can continue to strengthen VAWA to prevent and address domestic violence, dating violence, sexual assault, stalking, and other interconnected forms of violence. Ms. Hidalgo stated that while we know important progress has been made, we also know that there is more to do.

Ms. Hidalgo continued by stating that one of the key priorities of the administration and this Department of Justice was to support implementation of the expanded recognition in the reauthorization of VAWA in 2022 of the inherent tribal authority over non-Indian offenders beyond domestic violence and dating violence to also include sexual assault, sex trafficking, child abuse, obstruction of justice and violence against law enforcement in tribal lands. These were important and would not have come about without first and foremost the courageous leadership of survivors and advocates and tribal leaders who brought this forth as a high priority. She renewed the commitment on behalf of DOJ and OVW to learn about what is working well that can be scaled up, and where there is still room for improvement. She also stated that it is critical to work with other federal agencies, such as HHS and DOI, and strengthen inter-agency collaboration.

Ms. Hidalgo spoke of the recent opportunity to relaunch the Trilateral Working Group on Violence Against Indigenous Women and Girls, which originally launched at the end of the Obama-Biden administration in collaboration with the governments of Canada and Mexico, and with the participation of Indigenous women leaders from all three countries. This demonstrates that this is a priority nationally, as well as regionally in North America. The first Trilateral Working Group convening was hosted by the U.S. and occurred in 2016, then Canada hosted in 2017, and Mexico in 2018. There was a lull, but under this administration the U.S. relaunched that commitment. Last summer, the fourth Trilateral Working Group convening was held with the head of delegation being the Secretary of the Interior, Deb Haaland, the first ever Native American person to serve in the U.S. government cabinet. Additionally, the Deputy Attorney General, Lisa Monaco, was part of the leadership of the U.S. delegation and announced additional guidance issued by DOJ to all U.S. attorneys to address these critical issues and work in collaboration with tribal governments. The fifth convening of the Trilateral Working Group will take place in Ottawa in a few weeks and Secretary Haaland will be the lead representative of the U.S. delegation. Ms. Hidalgo stated that she will have an opportunity to participate in the convening in representation of OVW and DOJ. The delegation will also include Indigenous women leaders from the U.S. who have also been a central part of identifying key priorities and participated in the planning meeting held on the margins of the United Nations Permanent Forum on Indigenous issues in April.

Ms. Hidalgo noted that “those closest to the problem are also those closest to the solution.” During a visit to Chief David Hill and other leaders from Muscogee (Creek) Nation, as well as the Muscogee Victim Services Center, she was able to observe the commitment and strength-based approach they have brought to their work, and the significant accomplishments, but also discuss how much more there is to do. She noted that Second Chief Del Beaver said that while it is good to raise awareness of the issues, more action is required to meet the needs of victim services and provide access to justice.

Before closing her remarks, Ms. Hidalgo thanked the tremendous contributions, leadership, and visionary spirit of Ms. Sherriann Moore, Deputy Director of OVW’s Tribal Affairs Division, and her team. Upon her return to OVW as the Director, Ms. Hidalgo noted the growth of the Tribal Affairs Division from 4 to 12 members, and planned expansion to 14. Many staff members come from Indian Country, and a lot of critical expertise comes from tribal advocates joining the OVW team. She proceeded to recognize the presence of the U.S. attorneys from Oklahoma working with DOJ and tribal governments, as well as Allison Randall, Principal Deputy Director of OVW, who has been Acting Director for the past few years, and has done remarkable work, as well as the rest of the OVW staff.

Ms. Hidalgo concluded with her gratitude to all giving testimony for sharing recommendations, challenges and hardships, and the resilience and vision to keep creating change for a world where everyone can thrive free from violence.

Introductions of Federal Representatives from DOJ, DOI, and HHS

Ms. Moore facilitated the introduction of federal participants attending in person. In addition to Ms. Moore, the following DOJ representatives engaged in the tribal consultation:

- **Michelle M. Garcia**, Acting Principal Deputy Director, Office of Justice Programs, Bureau of Justice Assistance
- **Janine Zweig**, Executive Science Advisor, Office of Justice Programs, National Institute of Justice
- **Katherine Darke Schmitt**, Principal Deputy Director, Office of Justice Programs, Office for Victims of Crime
- **Robert Troester**, U.S. Attorney, Western District of Oklahoma
- **Tracy Toulou**, Director, Office of Tribal Justice
- **Clinton J. Johnson**, U.S. Attorney, Northern District of Oklahoma
- **Christopher J. Wilson**, U.S. Attorney, Eastern District of Oklahoma
- **Allison L. Randall**, Principal Deputy Director, Office on Violence Against Women
- **Cory Randolph**, Deputy Director, Office of Community Oriented Policing Services
- **Eileen M. Garry**, Director, Special Projects, Office of Justice Programs, Office of the Assistant Attorney General
- **Helena Heath**, Director, Office of Justice Programs, SMART Office
- **Chuck Heurich M.F.S.**, Senior Physical Scientist, Office of Justice Programs, National Institute of Justice, NamUS

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

- **Dr. Loretta Christenson**, Chief Medical Officer, Indian Health Service
- **January Contreras**, Assistant Secretary, Administration for Children and Families
- **Patrice H. Kunesh**, Commissioner, Administration of Native Americans
- **Miranda Carman**, Supervisory Tribal Program Manager, Office of Family Violence Prevention and Services (OFVPS), Administration for Children and Families

The representatives from DOI were:

- **Monty Gibson**, Associate Director of Field Operations, Bureau of Indian Affairs, Office of Justice Services

Ms. Moore concluded the opening remarks by encouraging an interactive consultation and interactive dialogue. She mentioned the lunch presentations the federal staff had planned for each day, and then formally introduced herself. She then covered housekeeping remarks and shared resources available both during and following the consultation, and reminded tribal leaders that written testimony was due by September 11, 2023.

Day 2 Opening Remarks

Sherriann C. Moore, Deputy Director, Department of Justice, Office on Violence Against Women, Tribal Affairs Division

Ms. Moore welcomed everyone back for day two and reviewed housekeeping items. She then introduced Rosie Hidalgo for remarks.

Rosie Hidalgo, Director, Department of Justice, Office on Violence Against Women

Ms. Hidalgo began by thanking Muscogee (Creek) Nation for hosting and commented on the beautiful surroundings that provide rejuvenation with nature and a chance to find friendship and solidarity, as well as the opportunity to have important and difficult dialogue together. She thanked those who testified on day one, and acknowledged the following concerns that were mentioned, and assured that each is of great importance to OVW, and she is committed to addressing each of them.

1. Lack of coordination between federal agencies adding layers of difficulty to the grant process;
2. Challenges presented by grant budget, documentation requirements, and the Just Grants platform;
3. Requests for enhanced training of law enforcement, prosecutors, and courts, in addition to critical resources;
4. Timing of consultation conflicting with tribal commitments, and release of framing papers to allow ample time to prepare testimony;
5. Creation of a working group to investigate the use of applying a funding formula to grants;
6. Importance of reauthorizing Family Violence Prevention and Services Act (FVPSA);
7. Need for healing of generational and other trauma as part of the purpose of grant funding.

Ms. Hidalgo introduced the prerecorded video remarks of Associate Attorney General, Vanita Gupta. After the Associate Attorney General's remarks, she acknowledged Alex Cleghorn and his team from Alaska Native Justice Center for their award of the Alaska Pilot Program Technical Assistance grant.

Vanita Gupta, Associate Attorney General, Department of Justice, Office of the Associate Attorney General (Prerecorded)

Associate Attorney General Vanita Gupta expressed her disappointment to not be in person, thanked Rosie for the introduction, and thanked all present for providing testimony. She said this consultation is one of the Department's most important convenings, as hearing directly from tribal leaders and those working to address the issues at hand is vital to evaluating and refining policies and programs to address the crimes of domestic violence, dating violence, sexual assault, homicide, stalking, and sex trafficking. Instances of domestic violence and sexual assault should not be viewed in isolation, but as a direct reflection of the systemic injustices, institutional failures, and historical trauma faced by Native and Indigenous communities. The stories and lived experiences heard at this consultation hold the power to bring about change.

As AAG, she has prioritized listening to tribal leaders and activists including through visits to tribal homelands because it is important to see firsthand how Native communities are using Justice Department resources, hear what can be improved, make funding more accessible, and work with our tribal partners to tackle the unique public safety challenges in their communities. In June, she visited the Mille Lacs Band of Ojibwe the day the Supreme Court rejected a challenge to the Indian Child Welfare Act, a day of relief for those at the Justice Department who defended it in court, and much more so for the Mille Lacs Band and other nations across the country. In October, she will travel to Alaska to join the Alaska Federation of Natives Convention and visit Native villages.

The Justice Department is committed to implementing violence protections and is unwavering in its support for the sovereign right of federally recognized tribes to criminally prosecute non-Indians under special tribal criminal jurisdiction. As part of this commitment, OVW has offered funding solicitations to expand assistance for tribes implementing and exercising this jurisdiction, as well as targeted support for Alaska tribes. In response to the

request for an Alaska-specific intertribal technical assistance working group and improved access to grant support, Associate AG Gupta announced the award of an Alaska special tribal and criminal jurisdiction technical assistance grant to the Alaska Native Justice Center to provide necessary training and technical assistance to Alaska tribes that wish to exercise special tribal terminal jurisdiction and support the establishment of the Alaska intertribal technical assistance working group, to include peer-to-peer learning opportunities, training and technical assistance for tribal leaders, judges, court personnel, prosecutors, law enforcement, victim advocates, child welfare staff, and others within the Alaska tribal system and community.

Last year, the department's grantmaking offices, OVW, OJP, and the COPS Office, awarded over \$246 million to tribal entities. OVW has been ramping up outreach, providing support to tribes on how to apply for funds and making the application process easier, including capacity building with a planning phase for tribes who have never had OVW funding; an opportunity for 24 months of noncompetitive funding; a video series on how to leverage OVW tribal funding opportunities; and pre-application webinars to review solicitations and answer questions. OVC has increased the flexibility of the Tribal Victim Services Set-Aside Grant Program to support private search efforts and improved coordination of MMIW/MMIP. The COPS office continues to invest in the Tribal Access Program to enhance the ability of tribal governments and their authorized agencies to access, enter information into, and obtain information from national criminal information databases, as well as to provide funding for hiring, training, and purchasing equipment for law enforcement personnel.

Associate AG Gupta closed by saying that funding cannot compensate for devastating losses or justice denied, but it is a vital step to ensuring the safety of Native women and girls. She said the Justice Department is listening and learning in order to drive change where there is injustice, and thanked attendees for their time, commitment, and willingness to share during this year's consultation.

Day 3 Opening Remarks

Sherriann C. Moore, Deputy Director, Department of Justice, Office on Violence Against Women, Tribal Affairs Division

Ms. Moore welcomed everyone back for day three. She then introduced Rosie Hidalgo for opening remarks.

Rosie Hidalgo, Director, Department of Justice, Office on Violence Against Women

Ms. Hidalgo introduced Deputy Attorney General Lisa Monaco for prerecorded video remarks.

Lisa Monaco, Deputy Attorney General, Department of Justice, Office of the Deputy Attorney General (Prerecorded)

Deputy Attorney General (DAG) Monaco thanked Chief David Hill of the Muscogee (Creek) Nation for hosting the consultation and for his steadfast leadership on the myriad issues impacting tribes across the country. She then summarized the steps taken to tackle the high rates of violence faced by American Indian and Alaska Native women and girls. These actions have included the launch of a steering committee to address MMIP issues, the creation of the new National Native American Outreach Services Liaison within the Executive Office for the United States Attorneys, the launch of a regional MMIP outreach program through the Department's U.S. Attorneys' Offices, and a 2022 directive to Department prosecutors and agents to prioritize violence in Indian Country.

DAG Monaco noted that this annual consultation demonstrates the Department's ongoing commitment to work collaboratively with tribal nations to uphold tribal sovereignty, including by implementing the tribal provisions of the Violence Against Women Act and its reauthorizations. She described her July 2022 directive to U.S. Attorneys' Offices to work closely with their tribal partners to support implementation of the Special Tribal Criminal Jurisdiction (STCJ) recognized in the 2022 reauthorization of VAWA. This directive encouraged U.S. Attorneys to integrate Tribal Special Assistant U.S. Attorneys into their operations, noting that these cross-designated tribal prosecutors can bring cases in federal or tribal court and ensure every viable case is prosecuted in the appropriate forum. The directive also called on U.S. Attorneys and law enforcement officers to take specific actions to help ensure their work is victim-centered, trauma-informed, and culturally and linguistically appropriate. DAG Monaco highlighted the FY 2023 expansion of DOJ's Tribal Access Program for National Crime Information;⁷ the Department's careful implementation, with feedback and guidance from tribes, of VAWA 2022's Alaska Pilot Program; and OVW's grants and reimbursement funding in support of STCJ across the country. Finally, she emphasized DOJ's steadfast pledge to work with its tribal partners to prevent and respond to the MMIP crisis, including the permanent placement of 10 attorneys and coordinators in U.S. Attorneys' Offices to provide regional support for these efforts and DOJ's ongoing participation in the work of the Not Invisible Act Commission.

In closing, DAG Monaco expressed appreciation to the tribes for their partnership in addressing public safety, including crimes against women, in areas of concurrent tribal and federal jurisdiction, noting that their testimony at this consultation would shape the future work of the Department in addressing violence against indigenous women.

Tribal Testimony

In total, 53 tribal leaders and designees representing 57 tribes shared testimony at the tribal consultation. The following sections summarize this testimony, with the NCAI VAWA Task Force kicking off the testimony, followed alphabetically by tribe and accompanied by the name and title of the speaker(s).

Some tribal representatives who spoke at the tribal consultation also provided written comments to underscore or elaborate on their oral testimony. In those cases, the written comments are integrated into the summarized testimony below. Testimony from tribes choosing to only provide written remarks has also been summarized and included in this report.

Sovereign Tribal Leaders of the National Congress of American Indians (NCAI) Task Force on Violence Against Women

Juana Majel-Dixon, NCAI Task Force on Violence Against Women (Oral & Written)

Shannon Holsey, NCAI Task Force on Violence Against Women (Oral & Written)

Ms. Moore kicked-off the tribal testimony session of consultation with testimony from tribal leaders and co-chairs of the NCAI Task Force on Violence Against Women.

Introduction By Juana Majel-Dixon

I am proud of Rosie's work to relaunch the trilateral working group on violence against Indigenous women and girls in North America, partnering with the U.S., Canada, and Mexico. Since the first meeting in 2016, they have had four working group meetings. The trilateral work was amazing and powerful. I also want to recognize federal and tribal leaders for their work on the Not Invisible Act Commission. Your testimony and support has become immeasurable. The group has developed a trusting relationship between sovereigns. "We became a we." "We are all impacted and the compassion of us as human beings built a bridge to help break down the barriers we are so accustomed to". An outcome of the commission that was a surprise is the realization of how much power a word carries in the federal government. Instead of identifying male or female, we changed the wording to victim or perpetrator. The idea was to build on the bridge of disparities between men and women services to create a place where we could have services for our menfolk and our elderly. We looked at how substance abuse and mental health affect all people.

Listening and watching I know that when I finish my work as co-chair of the NCAI Task Force, I have a co-chair who is younger than me to continue this work. It's hard to get sovereign leaders to our table, to where we are. One of the things missing is we don't have a Tribal Advisory Council team. The work we are doing is not just at consultations, it has to be ongoing. We have the Tribal Nations Leadership Council (TNLC) of the Attorney General, how do we access that to effect change? When you look at the tribal office with OVW, it's logical in terms of continuing to work with the tribal sovereigns and leadership. The mountain of challenges is now starting to dissipate, in large part thanks to our tribal coalitions, but we have a ways to go. "I ask each of you to raise your hands up to your sisters and brothers doing that work here and now. We praise and we bless you for the work that you do."

There is so much we still need to do. Take an elder for example who has dementia. What we learned when they got put into nursing homes was that more of those elders are going back to thinking they are in boarding school. They are scared they are going to get into trouble and they will get hurt. This shows the impact generationally on what Indian boarding schools did to those that survived, and how they are still experiencing the horror. We need to address this together. We must address the historic trauma that's there. This needs to be reviewed by the TNLC. When the Attorney General advises the President it becomes pretty important.

Where is Homeland Security? We need DHS and the FBI at the table. When human trafficking of Native people touches other countries we need the support of DHS and the FBI. You can imagine all the other nations that are going through that as well. What is IHS doing? We have to work with all federal agencies to share data. There is a portal for the offender that includes their handprints, but if you're not allowed to enter that data into the record you are not going to find them. Where do we go to update information on a registered perpetrator? One of the most critical issues we are dealing with is the intersection of housing and gender-based violence. Why is HUD not at the table? We need a consultation with HUD.

NCAI is a champion of our tribal leadership and our coalitions. Our co-chair Shannon Holsey is a leader and champion in her nation. She is going to carry all of this until someone learns from her. There is a trust responsibility for the tribes to receive money. But, we need to include all the subject matter experts.

I want you to understand something clearly. I can no longer teach at the University because of the threats and danger I have experienced because of my work. I was inside the classroom when a SWAT team came inside and said there might be a bomb inside my car. I got on a sat phone and at the time Attorney General Eric Holder tells me it is legitimate. "From that day forward I could no longer teach. I cannot go places, I live on my rez, I come in different cars at night because I have three credible murder threats for the work I do here. It's not about me, but I get to speak on your behalf." I listen to all of you and I hear your words. Shannon has that gift.

Remarks By Shannon Holsey

Women like Juana pave the way for women like me and I'm so grateful. Now that we are on the other side of the pandemic, we have seen the rise in domestic violence and violence specifically in our tribal nations. During the pandemic we had to continue to protect our citizens and navigate those things. We all found ways to interconnect, and it transcends the issue of not just respecting sovereignty, but asserting it and then addressing how we apply that in self-governance to meet the needs and demands around mental health issues and intergenerational trauma, as well as the lateral trauma that exists in tribal nations that we don't often talk about. How do we build knowledge and resources around that?

When we walk through this today we are also here to do the work on behalf of our tribal citizens and those in need. I will say that, but I will also say perseverance is in our DNA. We have survived insurrections, pandemics, genocide and attempts to assimilate us through boarding schools, yet against all odds we are still here, and we still have capabilities and generations of young people coming up through the ranks who serve as our brain trust. We also have people like Juana who yield a lot of wisdom and stories of which I'm very much looking forward to hearing today because I think it helps us all build around those things. We always strive for better things and better ways to serve our people and that's really what today and this week represents. It is recognizing those strengths and acknowledging some of the challenges and systematic barriers that exist especially in the realm of tribal nations and the assertion of self-governance. It is complicated. There are both legal and policy barriers that exist. We are a community of Indigenous people who want the very best for our tribal citizens.

Written and Oral Testimony

The following issues, concerns, and recommendations were identified by tribal nations and advocates during past annual consultations (2006 – 2022), through National Congress of American Indians (NCAI) resolutions (2000 – 2022), through regional tribal organization resolutions, and at numerous national meetings. Tribal leaders and advocates continue to raise concerns about barriers preventing the protection of American Indian and Alaska Native (AI/AN) women at national meetings with the administration, federal departments and agencies, and with their respective Congressional delegations. A review of statements made by tribal leaders during consultations over the years clearly demonstrates that many of the issues raised are not new, but instead illustrate the complicated legal and policy barriers embedded in the layers of federal Indian law.

To achieve the purposes of Title IX of the Violence Against Women Act (VAWA), the National Congress of American Indians (NCAI) recommends that the executive and legislative branches of the federal government address the following issues and coordinate with tribal nations regarding implementation of the proposed recommendations.

Topic 1: Limited Tribal Jurisdiction Over Non-Indian Offenders and Special Tribal Criminal Jurisdiction (STCJ)

Limited jurisdiction over non-Indian offenders on tribal lands continues to be a key reason for the perpetuation of disproportionate violence against AI/AN women. VAWA 2022 restored jurisdiction to all tribal nations who choose to exercise Special Tribal Criminal Jurisdiction under VAWA by including tribal nations in Maine and establishing an Alaska Pilot Program. While a pivotal step forward, the most recent reauthorization did not address protections for elders or serious crimes that co-occur with domestic and sexual violence, such as financial crimes and homicide. Perpetrators will continue to slip through the cracks until Congress fully restores every tribal nation's complete jurisdiction over all crimes committed by non-Indians on Indian land.

Recommendations for the Department of Justice (DOJ) and the Department of Interior (DOI):

1. We urge Congress to legislatively pass a full *Oliphant* fix, as outlined in NCAI Resolution SPO-16-037.
2. DOJ and DOI should coordinate and collaborate to implement the provisions of VAWA 2022 and support tribal nations in implementing their restored jurisdiction over non-Indian perpetrators.
3. DOJ and DOI should offer joint training opportunities for tribal and federal law enforcement on the implementation of VAWA 2022 in Indian Country.
4. DOJ and DOI should provide training to tribal and federal staff related to the Alaska Pilot Program.
5. DOJ and DOI should implement the June 28, 2019, DOJ law enforcement emergency declaration for rural Alaska under the Emergency Federal Law Enforcement Assistance Program, which led to additional justice resources for the area.
6. The Bureau of Prisons (BOP) should overhaul its tribal prisoner program to make it easier for tribal nations to submit inmate placement requests and ensure that they have adequate numbers of BOP staff on hand to respond to tribal nations' inquiries.
7. DOJ and DOI should support legislation that would fully restore tribal nations' jurisdiction over non-Indians for any offense on tribal lands.
8. DOJ and DOI should support legislation that would remove the limit on the number of tribal nations eligible to exercise restored jurisdiction under the VAWA 2022 Alaska Pilot Program.

Topic 2: Inadequate Funding for Restored Tribal Jurisdiction

The federal government has a trust responsibility to fund tribal public safety in Indian Country. While we celebrate the historic wins in VAWA 2022, tribal nations are unable to meaningfully exercise restored jurisdiction and make Indian Country safer if the federal government does not live up to its trust responsibility to provide public safety funding and resources to implement the restored jurisdiction. Tribal nations spend significant time and resources to prepare their justice systems and victim services programs to meet the needs of their communities; however, many tribal nations are limited by a lack of flexible, consistent, and sustainable funding for their justice systems, leaving many without the ability to implement the VAWA 2022 restored criminal jurisdiction. For example, costly healthcare expenses for non-Indian inmates sentenced by tribal courts often strain tribal nations' already limited budgets. It is our hope that the 2022 VAWA tribal reimbursement program will help with many of these costs. Still, the federal government must live up to its trust responsibility by providing consistent and sustainable upfront funding for tribal public safety and justice systems. Restoring tribal criminal jurisdiction will not help to make tribal communities safer without the necessary resources and funding to properly exercise that jurisdiction.

"Where you are now it's kind of like you are on the curb." The tribes are very clear on the fact we have been talking about needing adequate funding to all tribes regardless of size for over nine years. It is disrespectful how the Department of Justice still treats OVW as a stepchild. You do an extraordinary amount of work and there are times where we have met with all departments inside of DOJ, DOI and DHS. We don't know if we taught you that or what. Every now and then we have a gathering where we have a conversation. Realizing the entire federal system has that same trust responsibility.

Recommendations for DOJ, DOI, and BOP:

1. DOJ, DOI, and all other federal agencies should live up to their trust and treaty responsibilities to tribal nations by including annual, consistent, and sustainable noncompetitive funding for tribal nations for all public safety and victim services needs in their annual budget requests.
2. In the President's budget, DOJ should request the full amount of funding authorized for tribal programs in VAWA 2022, especially the \$25 million for the Special Tribal Criminal Jurisdiction (STCJ) grant program and reimbursement for FY 2024 and FY 2025.
3. DOJ and DOI should fund the VAWA 2022 Alaska Pilot Program sufficiently and make building infrastructure allowable for all Alaska Native Villages interested in exercising STCJ going forward.
4. DOJ should work with DOI to provide comprehensive justice and public safety funding directly to Alaska Native Villages, rather than to the state of Alaska. NCAI recommends a multi-agency, multi-year, mini-consolidation grant programs approach to provide funding directly to Alaska tribal nations to fully implement VAWA 2022 and the Alaska Pilot Program.
5. BOP should cover transportation costs for tribal nations to transport inmates to designated facilities and coordinate with tribal nations to provide federal transportation to the facility.
6. DOJ and DOI should increase funding for tribal nation implementation of STCJ for DOJ, HHS, and the BIA.

Topic 3: The Department of Justice and Department of the Interior Must Not Pull Vital Resources out of Indian Country After the *Castro-Huerta* Supreme Court Decision

Since the 2022 *Castro-Huerta* U.S. Supreme Court decision, tribal nations have been concerned about the federal government reducing much-needed justice-related resources from Indian Country. Tribal nations have already reported seeing this trend on the ground in Oklahoma. Tribal nations have shared that Federal Bureau of Investigation (FBI) agents and staff are being removed from the state since the 2022 decision and have also

shared that some U.S. Attorneys in the state are declining to take on cases against non-Indians in favor of sole state or local government prosecution. These decisions are being made with no coordination and no government-to-government consultation with tribal nations in Oklahoma or throughout the country. This is especially concerning after Congress and the administration sought to invest more justice resources in Indian Country located in Oklahoma following the 2020 *McGirt v. Oklahoma* U.S. Supreme decision.

Recommendation for DOJ, DOI, and BOP:

1. We urge DOJ and DOI to reverse the course and instead pour more staff, resources, and education/training into Indian Country to ensure that safety is increased, rather than decreased.

Topic 4: Implementing the Director of the Executive Office for United States Attorneys' Memorandum from September 2, 2022

On September 2, 2022, Monty Wilkinson, Director of the Executive Office for United States attorneys, issued a memorandum to all U.S. Attorneys, Criminal Chiefs, Tribal Liaisons, and Victim Witness Coordinators. In the memo, Director Wilkinson states that the ruling in *Castro-Huerta* "does not alter federal jurisdiction to prosecute crimes in Indian Country pursuant to 18 U.S.C. §§ 1152 and 1153. Nor does the decision diminish the federal government's trust responsibility to tribes." The Director went on to advise U.S. Attorneys to "not alter referral practices without formal consultation with tribal nations in their districts, bearing in mind the important principles of tribal sovereignty, [DOJ's] government-to-government relationship, and the importance of partnership and open communication." He stated that, "the Department [of Justice] considers it a priority to address the disproportionately high rates of violence experienced by American Indians and Alaska Natives by promoting public safety in Indian Country. The *Castro-Huerta* decision does not alter this mission, and communication, collaboration, and coordination among federal, tribal, and state partners will help meet that goal."

Recommendations for DOJ, DOI, BIA, and FBI:

1. DOJ must ensure that the U.S. Attorneys follow the direction of Director Wilkinson, and that a similar statement and direction is issued by FBI Director Christopher Wray to stop the FBI retreat from Indian Country.
2. DOJ must ensure that the September 2, 2022, directives are implemented in Indian Country.
3. DOI should issue a similar memorandum to relevant DOI and BIA staff located in Indian Country and provide training to those individuals.
4. DOJ should provide training and education for U.S. attorneys, FBI personnel, criminal chiefs, victim witness coordinators, and any relevant DOJ staff on the directives from Director Wilkinson.

Topic 5: Application of *Castro-Huerta* in the Courts Threatens to Erode Tribal Jurisdiction and Sovereignty

The Supreme Court's decision in *Castro-Huerta* circumvents Congress's exclusive authority over Indian affairs and threatens to upset the balance of powers established in the U.S. Constitution. This threat is already manifesting. In a recent Oklahoma Supreme Court decision, *IN RE S.J.W.*, the Court applied the Supreme Court's decision in *Castro-Huerta* to conclude that tribal nations no longer have exclusive jurisdiction over adoption cases concerning their own citizens within the borders of their reservations under the Indian Child Welfare Act ("ICWA"). The Oklahoma Supreme Court reached this decision despite the fact that the Supreme Court's decision in *Castro-Huerta* concerned criminal law, not child welfare cases, and despite the fact Congress was clear in ICWA that tribal nations exercise this jurisdiction to the exclusion of states. The fact that

courts are applying *Castro-Huerta* to override the plain language of statutes passed by Congress requires immediate Congressional correction.

Recommendation for DOJ and Congress:

1. DOJ must communicate to Congress that it supports the proposed legislation encapsulated in NCAI Resolution SAC-22-043. Without Congressional action, the Court will be emboldened to continue to rewrite and override federal statutes that Congress has passed to affirm tribal sovereignty and protect Native women and children.

Topic 6: Outstanding Injustice of Missing and Murdered Indigenous Women (MMIW)

When I look at the statistics of the MMIW and the response, it is a breach of trust and a human rights violation. All local tribes must be able to prevent abductions and murders - it is critical and important to Indian Country. Had it not been for the Navy Seals we would not have six of our nieces back. We have had over 32 cases of missing and murdered and trafficking into the Mexican border.

The federal response to the MMIW crisis is a breach of the federal trust responsibility and a human rights violation as reflected in the statistical disparities documented by the National Institute of Justice, *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings From the National Intimate Partner and Sexual Violence Survey*, May 2016, <https://www.ncjrs.gov/pdffiles1/nij/249736.pdf> (last visited September 19, 2022). An adequately resourced local tribal response to prevent abductions and murders is critically important in Indian Country. In 2018, DOJ noted in their report to Congress that “[i]t is the Department’s position that prioritization of initiatives in Indian Country, including the effort to build capacity in tribal courts, will lead to enhanced public safety for Native Americans.” The federal government’s failure to adequately fund tribal services and tribal law enforcement and the lack of response from federal law enforcement is a continuation of genocide committed against Indigenous peoples of this country.

Recommendations for DOJ, DOI, the Department of Homeland Security (DHS) and the Department of Health and Human Services (HHS):

1. Every day, DHS agencies and DHS staff work within Indian Country and interact with tribal citizens, yet DHS does not have protocols to respond to MMIW cases. DHS should require each department within the agency to develop and implement MMIW protocols in consultation with tribal nations. This would further the mission established by President Biden in Executive Order 14053: *Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People*.
2. DHS should establish permanent MMIW staff positions within the department.
3. DHS must fully staff its Office of Tribal Affairs in the Office of Intergovernmental Affairs with at least six staff members to coordinate tribal issues within DHS.
4. The 2005 reauthorization of VAWA NIJ research program should be fully implemented, and specifically provide tribal nations information regarding missing and murdered AI/AN women, including unique barriers facing tribal nations and Native women in P.L. 280 states.
5. 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 the Savanna’s Act and the Not Invisible Act (P.L. 116-165 and P.L. 116-166).
6. All federal departments should coordinate efforts to increase support for tribal responses to missing or murdered AI/AN people as required by Savanna’s Act and by Executive Order 14053.4 (P.L. 116-165).
7. All federal departments should coordinate efforts in consultation with tribal nations to increase the response of state governments to cases of the disappearance or murder of AI/AN people.

8. DOJ should investigate state and local agencies, like Montana state and local justice officials, with a pattern or practice of inadequately responding to cases of missing and murdered Indigenous women and girls (Rose Quilt et al., *The Failed Response of State Justice Agencies to Investigate and Prosecute Missing and Murdered Indigenous Women and Girls (MMIWG) Cases: A Pattern and Practice in Violation of the U.S. Civil Rights Act*, *Restoration Magazine*, 2022, 34-38).
9. DOJ and DOI should support the Bridging Agency Data Gaps and Ensuring Safety for Native Communities (BADGES) Act.
10. DOJ should ensure that data on Indian Country, tribal nations, and tribal citizens is included in the various reports required by Executive Order 14074: *Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety*. In particular, the public reports that contain anonymized data from the Accountability Database, should include a breakdown of what cases occurred in Indian Country and in what BIA region.

Topic 7: Support the Family Members of Abducted, Missing, or Murdered AI/AN Women

While preventing the occurrence of MMIW should be the primary goal, further steps must be taken to ensure that when crimes occur, both families and the victim are supported in a culturally appropriate way. In many reported incidents, the pain of losing a loved one was exacerbated by improper or culturally insensitive treatment of the case or remains.

Recommendations for DOJ, DOI, DHS, and HHS:

1. DOJ, DOI, DHS, and HHS should implement recommendations from the National Congress of American Indians (NCAI) regarding the tribal set-aside from the Crime Victims Fund (CVF) to assure the resources reach victims, survivors, and their families.
2. Crimes that result in MMIW often occurs in the intersection of domestic violence, dating violence, sexual assault, stalking, and sex trafficking. It is essential that OVW, FVPSP, DHS, and IHS increase tribally-based victim advocacy services to prevent MMIW and to support the families and community members of abducted, missing, or murdered AI/AN women. These increases should include, but not be limited to, the following services: increased accountability of law enforcement agencies – state and federal –where these crimes occur; prevention and education initiatives and campaigns; counseling for the children of the victim; burial assistance; community healing such as walks for justice and to honor the missing or murdered; community meals and gatherings; and other tribal-specific activities.
3. Develop protocols, in consultation with tribal nations, which recognize the inherent right of American Indians and Alaska Natives to exercise their traditional practices to prevent and intervene in response to MMIW. These protocols must address the current violations of tribal beliefs, religious, and cultural practices of the handling of human remains. The protocols must address the following:
 - a. The cremation of AI/AN peoples' remains without notice or consent of a family member.
 - b. The denial of requests by immediate family members to see the bodies of their loved ones.
 - c. Mailing and shipping human remains without notice to the family, often without proper clothing and modesty covers.
 - d. In adjudicated cases, return of the victim's personal effects and belongings to the family, if desired, for proper disposal and/or burial consistent with cultural practices.
4. Provide direct funding to tribal nations to help the families of MMIW transport their loved one home and lay them to rest in a culturally-appropriate manner.

Topic 8: Tribal Funding and Disbursement of Crime Victim Fund (CVF)

AI/ANs experience some of the highest crime victimization rates in the country. The Commerce, Justice, Science and Related Agencies (CJS) appropriations bill included a 5 percent set-aside for tribal nations to address the needs of crime victims to help address this problem. However, DOJ's efforts to administer Tribal Victim Services Set-Aside Program funding in the first two years raised significant concerns about their capacity and commitment to ensure the funds reached tribal nations.

Recommendations for OVC:

1. Support a permanent tribal set-aside fix to the Victims of Crime Act ("VOCA") tribal funding stream that reflects actual tribal needs and allows for flexible use of funding.
2. OVC should commit to regular government-to-government tribal consultations on the program moving forward to improve the distribution, management, and administration of Tribal Set-Aside Program and determine how regulations should be tailored to address unique tribal needs.
3. OVC should appoint a standing working group of tribal experts to improve the Tribal Set-Aside Program and provide input on programmatic decisions on an ongoing basis. Ongoing consultation and consistent input from tribal nations are imperative to ensure the ongoing success of the program.
4. Utilize a tribally based view of what constitutes activities that will "improve services to victims of crime" as set forth in the CJS appropriations bill. Tribal nations have different needs and CVF funding must be flexible to meet those needs. Congress enacted the tribal set-aside to rectify a longstanding inequity between tribal nations, state, and territorial governments. OVC must respect the sovereign right of tribal nations to self-determination as they respect the sovereign right of state governments to self-determination.
5. OVC should allow historical trauma and intergenerational trauma to become named victim services.
6. Extend the CVF grant project period for up to four years. A project period of up to four years to spend any funds would allow tribal nations to use the time necessary at the start of the award period for project planning and needs assessments.

Topic 9: Bureau of Indian Affairs (BIA) Disparities in Funding

Sixty-five percent of all federally recognized Indian tribes are in P.L. 280 states. Certain P.L. 280 states fail to investigate and prosecute crimes involving violence against AI/AN women. Yet, tribal nations located in P.L. 280 states receive substantially lower amounts of support from the BIA for tribal law enforcement and tribal courts than tribal nations that are not located in P.L. 280 states. Consequently, the tribal nations in P.L. 280 states have fewer resources to develop their tribal police departments and tribal court systems. The DOJ has financially supported and provided technical assistance to tribal nations for the development and enhancement of their tribal police departments and tribal court systems since the 1990s. Only in the past few years has the DOI requested and received funding toward this end due to tribal nations' outcry on this issue. The federal funding disparities for tribal nations located in P.L. 280 states and similarly situated jurisdictions must be addressed in a more robust manner by the federal government.

Recently, the BIA submitted a report to Congress estimating that to provide a reasonable base level of funding to all federally recognized tribes: \$1 billion is needed for tribal law enforcement, \$1 billion is needed for tribal courts, and \$222.8 million is needed for detention. Based on recent appropriation levels, the BIA is generally funding tribal law enforcement at about 20 percent of estimated need, tribal detention at about 40 percent of estimated need, and tribal courts at a dismal 3 percent of estimated need. In P.L. 280 states, tribal nations have virtually no BIA law enforcement presence or funding for courts and law enforcement other than what is

appropriated from year to year, essentially providing no sustainability or safety. It is imperative not only to fully restore tribal nations' jurisdiction over non-Indian perpetrators but to also provide funding for their justice systems so that they can make Indian Country safer for everyone that lives there.

California is a PL 280 state and the tribes have no real robust relationship with the state to address these issues.

Recommendations for BIA:

1. BIA should continue to request appropriate additional federal funding to provide public safety and justice resources to tribal nations located in P.L. 280 states.
2. BIA should provide funding to tribal nations located in the P.L. 280 states for their tribal court systems and law enforcement agencies and administer that funding in a sustainable and equitable manner while ensuring accountability.
3. BIA should seek to end the disparity in funding between tribal nations based on their location within or outside of a P.L. 280 state.

Topic 10: Accountability of Extractive Industries for Violence Against AI/AN Women

Extractive industries bring in a large workforce to a nearby reservation and set-up "man camps" that are going to be there for a while. The escalation of sexual and domestic violence, including sex trafficking, due to the presence of extractive industries on or near tribal lands must be addressed by DOJ, DOI, HHS, DoD and HHS. Extractive industries as well as subcontractors must be held accountable for the resulting violence of itinerant workforces that are used within tribal communities by these industries. AI/AN women and their children should not be exposed to violence by felons or serial predators employed by these industries.

Recommendations for DOJ, DOI, HHS, DHS, and DoD:

1. DOJ, DOI, DoD Army Corps of Engineers, and HHS should create standards of protection for tribal communities for extractive industries compliance before, during, and post construction to protect AI/AN women and children. The protections must also be included throughout the federal permitting processes.
2. The DOJ should also assist tribal nations in safeguarding the lives of AI/AN women from extractive industries that employ a militarized police force to ensure no militarized tactics and usage of excessive force and/or violations of civil rights are committed against tribal citizens.
3. HHS should enhance support for services and training for shelter and related advocacy and medical services by developing materials addressing the needs of domestic and sexual violence victims who are victimized by itinerant workers who cannot be held accountable by local tribal authorities.
4. The DOJ, DOI, and DHS should establish screening guidelines to prevent convicted rapists, domestic violence offenders, stalkers, child predators, sex traffickers and murderers from assignments with extractive industries on tribal lands to prevent predators from accessing vulnerable and often unprotected populations of AI/AN women and children.

Topic 11: Federal Accountability and Compliance with Section 212 of the Tribal Law Order Act of 2010 (TLOA)

TLOA Section 212 requires the U.S. Attorneys to coordinate with tribal justice officials on the use of evidence when declining to prosecute a crime on the reservation. Sharing this type of information is critical to keeping AI/AN women safe. Tribal officials need to be notified when a U.S. Attorney declines to prosecute sexual assault and/or domestic violence cases. When the perpetrator is an Indian defendant, a tribal prosecutor may

then proceed with the tribal prosecution of the crime. In cases with non-Indian defendants, it is still important that the U.S. Attorneys notify tribal officials. Tribal nations can then notify the victim about the status of the case, which allows the victim to take the necessary steps for their protection.

Recommendations for the U.S. Attorney General:

1. The U.S. Attorney General should direct U.S. Attorneys to implement the law and be accountable for the necessary coordination and reporting duties with tribal justice officials pursuant to 25 U.S.C. § 2809 (b). The failure to implement the law should be tied to employee performance and merit-based reviews.
2. The U.S. Attorney General should work with DOJ Tribal Nation Leadership Council to address public safety, criminal justice, and other critical issues facing Indian Country.

Topic 12: TLOA, Section 261, Prisoner Release and Re-entry

Section 261 requires the U.S. Bureau of Prisons (BOP) to notify tribal justice officials when a sex offender is released from federal custody into Indian Country.

Recommendation:

1. Ensure that tribal justice officials are notified of prisoner release and re-entry on tribal lands, regardless of the process by which this occurs. Proper implementation of this provision is critical to the safety of AI/AN women.

Topic 13: HHS, Administration for Children and Families, Family Violence Prevention and Services Program

During the 2021 consultation, tribal leaders raised concerns about the lack of shelter and supportive services for tribal nations. The Family Violence Prevention and Services Act (FVPSA) is the only dedicated federal funding source for domestic violence shelters across the country. However, FVPSA authorization expired in 2015 leaving tribal nations without funding for domestic violence shelters.

Recommendations for HHS:

1. HHS should support FVPSA reauthorization.
2. HHS should amend FVPSA to increase the tribal set-aside for tribal nations, funding for tribal coalitions.
3. HHS should authorize permanent funding for the Alaska Native Tribal Resource Center on Domestic Violence, the Native Hawaiian Resource Center on Domestic Violence, and the National Indian Domestic Violence Hotline.

Topic 14: The U.S. Attorney General Must Continue to Submit the Statutorily Mandated Annual Tribal Consultation Reports and Indian Country Investigations and Prosecutions Reports to Congress

Tribal nations' concerns and recommendations regarding violence against AI/AN women are extensive as documented in past VAWA Annual Tribal Consultation Reports. The legislative and executive branches must coordinate and collaborate on violence against AI/AN women issues to enact changes that will address the disproportionate rates of violence against AI/AN women. The VAWA Annual Tribal Consultation Reports and Indian Country Investigations and Prosecutions Reports to Congress are important mechanisms for ensuring that the legislative and executive branches continue to coordinate and collaborate to this end. It tells our story, provides the data aggregates and information needed to solicit more resources. It helps everybody understand, and most importantly it builds allies and relationships. It is critically important to coordinate and collaborate because it's the only way that we can systematically break these cycles.

Recommendation for DOJ:

1. The U.S. Attorney General and DOJ must consistently and timely submit the VAWA Annual Tribal Consultation Report to Congress on DOJ website.

Topic 15: The DOJ Should Prioritize Distributing Consultation Framing Papers to Tribal Leaders More Than 30 days in Advance Whenever Possible

The DOJ should prioritize distributing consultation framing papers to tribal leaders more than 30 days in advance whenever possible.

Recommendation for DOJ:

1. We recommend that the federal government's consultation requirements found in 34 USC § 20126 subsection (d) be updated to include specific timelines for consultation framing paper questions, notice, and distribution. NCAI recommends that DOJ adopt a 60-day notice period for all consultation sessions that are not urgent in nature and can't reasonably be given 60-day notice. NCAI further recommends that regular consultation sessions (e.g. annual consultation sessions) be announced as early as possible and under no circumstance with less than 60 days of notice. Similarly, NCAI recommends that in all cases not dealing with urgent, time-sensitive issues, framing questions be provided at least 60 days before any consultation sessions at which they will be discussed.

Topic 16: Improve stability among tribal law enforcement

While it is widely recognized that funding for tribal law enforcement is insufficient, the needs of communities and tribal nations extend beyond funding. Many nations experience barriers to building and retaining experienced and qualified law enforcement staff. Tribal nations report losing candidates to state and local agencies who offer competitive salaries, benefits, and pension plans. To effectively protect their peoples, tribal nations need stability in law enforcement, which can only be built if job benefits and support are equal to or greater than their non-tribal counterparts.

Recommendations:

1. We encourage Congress to pass the H.R.8387 Parity for Tribal Law Enforcement Act, which will provide advancements in public safety services to Indian communities, including deeming a tribal law enforcement officer who is acting under an authorized contract or compact as a federal law enforcement officer for the purposes of certain federal laws, including for injury and death, retirement, and pension benefits.
2. NCAI recommends the use of flexible funding opportunities to support efforts to build tribal law enforcement programs that offer competitive careers.

Topic 17: NCAI's Responses to OVW's Tribal Governments Program Formula Framing Paper (August 2023)

Should OVW Revisit its Efforts to Identify a Method for Distributing Tribal Government Program Funds on a Formula Basis?

As a general rule, the National Congress of American Indians (NCAI) advocated for the use of formula funding when possible. As noted in NCAI Resolution #PDX-20-054, "Approval of the NCAI Transition Plan for the Presidential Transition Effort Following the November 2020 Elections":

“Tribal governments view competitive grant opportunities as resource intensive and often illusory. Federal grant awards routinely favor state or local governments or incumbent providers of services over tribal nations. Programs that are apparently available to tribal nations often completely exclude tribal awardees or include tribal awardees in a nominal way. Additionally, grant applications can be labor intensive, and reporting requirements can be unnecessarily strict or duplicative, in light of an existing agreement with the federal government on similar program operations. The result is a dampening effect on federal government execution because the funding model is cost-prohibitive for tribal applicants and often unobtainable.”

While NCAI acknowledges that certain funds are not able to be disbursed to all tribal nations on a formulaic basis, in those instances there must be steps taken to “guarantee tribal set-asides of competitive grant funding and have grant application parameters developed in collaboration with tribal nations that allow for the funding to best fit the broad needs of tribal communities within the scope and contemplation of the grant funds.”

Although NCAI has not adopted a resolution specific to the Tribal Sexual Assault Services Program, NCAI has called for the use of formula funding in the public safety and justice context in the past. While NCAI recognizes the benefits that often come with formula funding and has advocated for formula funding in the past, as noted, NCAI does not currently have a resolution specific to this funding mechanism in this context. Thus, whether or not formula funding is utilized in this instance and, if used, what the exact formulation should include, absolutely must be developed with input from tribal nations obtained via government-to-government consultation.

Finally, if formula funding is utilized, proper consideration must be given to its effectiveness for tribal nations of all sizes—formula funding only functions to improve safety in Indian Country if it does not result in the closure of existing tribal nation programs due to significantly lower funding levels than they normally would receive from a competitive grant.

Additional Comments from Juana Majel-Dixon on Grant Funding

Where are we on JustGrants? It is currently not adequate. When you look at the formula-based funding for the OVC Tribal Victims Service Set-Aside, OVC has committed to regular consultations and listening sessions on this to make sure they are getting tribal feedback on how to make it better and equitable. When OVC announced adding MMIW response to their funding it was unheard of. That is the impact we are having.

If so, Would You be Willing to Participate in a Working Group to Explore Different Formula Funding Models?

If different formula funding models are explored, NCAI is open to participating, but notes that tribal nation governments are the critical sovereign entities that must be involved in any reformulation process. Tribal nations are best situated to provide meaningful feedback on how different variations of formula funding will impact their own nations and regions.

Topic 18: NCAI’s Responses to OVW’s Urban Indian Organizations’ (UIOs) Eligibility for Tribal Sexual Assault Services Program Framing Paper (August 2023)

Do Tribal Leaders Support a Legislative Change Expanding Eligibility for Tribal Sexual Assaults Services Program (TSASP) to include UIOs?

“We have yet to meet capacity as sovereigns, to ask us to share is not an honorable ask. I think it is a conflict to use that when you consider the desire and willingness is in the heart to do so, but the money we get now is not enough” stated Juana Majel-Dixon.

The National Congress of American Indians has not adopted a resolution specific to the question of expanding eligibility for TSASP to include UIOs. However, as a general rule, NCAI advocates for funding allocated to tribal nation governments be reserved solely for those same governments absent clear consent to do otherwise by tribal nations themselves.

In this case, it is imperative that funding supports the original intent of the program, which is to provide funding for direct sexual assault services to victims, crisis intervention, accompaniment, and other support services in Indian tribal lands and Alaska Native villages. The framing paper notes, “Since FY 2019, OVW has not received sufficient applications from eligible entities proposing to serve sexual assault victims in statutorily eligible areas, particularly in Alaska, where there are few ‘tribal organizations’ or ‘tribal nonprofit organizations.’” Given this reality, NCAI calls on OVW to make every effort to understand why tribal nations and tribal organizations have not been submitting applications when there clearly is an overwhelming need for victim services in Indian Country. OVW should seek to understand what barriers prevent tribal nations and tribal organizations from pursuing the funding expressly reserved to meet that need, before adding additional potential applicants to the pool. More specifically, OVW should review the scope of its grant to ensure that it is not too limited, that its reporting requirements aren’t too onerous, and that it has taken every step possible to ensure its funding is relevant and responsive to the needs of tribal nations. Once these barriers have been explored, solutions can be crafted to address them, and it may be appropriate to add funding for UIOs if the data supports such an action.

If not, would Tribal Leaders Support a Legislative Change Expanding TSASP Eligibility to Include UIOs, if They Received Only Funds Remaining After Tribes, Tribal Organizations, and Tribal Non-profit Organizations that Submitted Applications Have Been Funded?

The need for victim services in Indian tribal lands and Alaska Native villages is still staggering. Until that need is met, or until OVW has identified the reason for the low application rates from tribal nations and tribal entities and has demonstrated that it has taken every step within its authority to get funding out to tribal nations that need it, it is premature to discuss whether leftover funding should be distributed to UIOs or not. Having said that, NCAI recognizes the need for UIO funding to carry out their own directives. At this time, however, that funding should not come at the expense of funding earmarked for tribal nations that have a demonstrable need for their own funding in this area.

Would Tribal Leaders Instead Support a One-time Reprogramming to Pilot Funding for UIOs?

NCAI does not have a resolution adopted on this topic and has no official stance at this time. However, NCAI discourages against “either/or” thinking that suggests the needs of UIOs can only be met at the expense of the funding currently made available to tribal nations. Any program meeting the needs of UIOs should rely on a funding mechanism that does not pull funds from tribal nations. Both tribal nations and UIOs need adequate funding.

Do Tribal Leaders Have Additional Recommendations for Ensuring TSASP-funded Services Reach Tribal Members Living Outside of Indian Country and Alaska Native Villages?

NCAI acknowledges that TSASP-funded services must reach tribal members living outside of Indian Country and Alaska Native villages. Regardless of where tribal nation citizens are living, it is imperative that they have access to adequate health services, culturally competent care, public safety and justice services, and victim services. A better understanding why members living outside Indian Country and Alaska Native villages don't have access to these systems or aren't accessing them is critical in order to deploy resources meaningfully. As in all contexts, NCAI supports continued government-to-government consultation on these issues with the goal of reaching consensus about how best to address these needs.

Juana Majel-Dixon stated that "Indigenous is intended to recognize Indigenous populations of the world. What we are asking in this case is to be thoughtful in the manner of how that is used. Because we are American and Alaska Natives, we are in a sovereign-to-sovereign relationship with you. Our Alaskan relatives are finally getting their just due to be equal partners, which we have always seen them as tribal people but now, you do too. We have to continue to make that a robust discussion because they have not gone away."

Topic 19: National Baseline Study I and II Shutdown Concerns

The critical questions to consider asking the National Institute of Justice:

Question 1: Congress authorized the National Baseline Study (NBS) 18 years ago under the 2005 VAWA Reauthorization Act at the urging of grassroots Native activists throughout Indian Country and Alaska Native tribes. While we understand study delays occur, it will soon be two decades without the urgent NBS data Native American tribal governments and programs need.

- A. Please explain why the National Institute of Justice (NIJ) has yet to collect any data findings or results from this study, starting with NBS I.
- B. What were the delays for NBS II?
- C. The NBS is a large national study that requires Office of Management and Budget (OMB) approval. When did NIJ obtain OMB approval?
 - a. If not, what are the reasons for not receiving OMB approval?

Question 2: NIJ has told the selected NBS tribes twice that the study is happening, yet to have it discontinued after tribal approvals have been negotiated and passed. Reviewing research requests takes time and effort by tribal executive and legislative bodies. They only pass requests of utmost significance or urgency, as the NBS is to tribes and their citizens nationwide.

- A. What has NIJ told the tribes about the reasons for the delays in cycle one? And cycle two? How are they the same or different?
- B. What has been the response from tribal leaders and programs about the discontinuation?

Question 3: The NBS is a Congressionally authorized study; who oversees the study's timely execution?

- A. Does the OVW have an oversight role?
- B. What about the Federal Task Force, does it have an oversight role?
- C. Who in Congress has an oversight role?
- D. If oversight does not exist, what can tribes do to ensure the study is funded, implemented, and completed during a third cycle?

Question 4: What did NIJ determine to be the cost of implementing the NBS?

- A. Were those funds secured and available for the NBS I and II cycles?
- B. Are funds allocated to complete NBS III?

Question 5: What is the plan to implement the NBS III?

- A. What changes are anticipated in selecting the tribes and recruiting them?
- B. What data collection methods and approaches are planned?
- C. What is the target date for starting data collection with the tribes?

Question 6: Since the study is undergoing changes and emergent issues have changed since the 2005 VAWA listed victimization types, the NBS must include human trafficking and missing and murdered Indigenous women-related questions in the survey. How will NIJ incorporate these urgent victimization concerns tribes have now?

Question 7: The NIJ hired contractors to administer the study; how can tribes access the final reports for NBS I and II?



Absentee Shawnee Tribe of Oklahoma

Shelley Miller, Executive Director, Native Alliance Against Violence, Inc. - Authorized Designee (Oral)

We represent 4638 citizens in a four-county jurisdictional area. We have served all victims of domestic violence in all four counties regardless of ethnicity. We have seven programs, one from OVW, five from OVC, and one from VOCA. They provide services for domestic violence, dating violence, sexual assault, homicide, stalking, sex trafficking, and elder abuse. These crimes compound the impact that intergenerational trauma has on our Native families.

Topic 1: Grant Funding Process

We are thankful for the funding we have secured. The administration of these funds becomes complicated when the funding is not available. Due to all of the requirements that must be met before the funding is released, the late release of funding is troublesome because it leaves programs without the ability to provide services or pay employees.

The stability of funding to maintain those services is also a concern. It takes time to establish a program in the community. It takes time for the victims to come forward to receive services and it takes time to develop their trust. When our programs are not consistent because of funding gaps, any effort at continuity is gone, and people lose the belief that help is truly available and then they don't return for services again.

Recommendations:

1. Allow tribes to access award money on time while working through the requirements needed to fully receive the money awarded.
2. It would be beneficial to have a five-year funding cycle so continuity can be established.

Topic 2: Framing Papers - Tribal Governments Program Formula

We do not wish for OVW to revisit its efforts to identify a method for distributing tribal government program funds on a formula basis, especially a formula based on tribal enrollment. This would hurt our program because it would take funding away from our survivors. Our tribe is not as big as others within the state, and we serve just as many survivors as our larger neighboring tribes do, if not more. Reformulating would create an unfair disadvantage between smaller and bigger tribes. We are not certain that a formula method could be created to be fair for all tribal governments. If OVW was to revisit the formula method, we would be interested in participating in a working group to explore the funding models to ensure there was a voice for smaller tribal governments.

Topic 3: Framing Papers - Urban Indian Organizations' Eligibility for Tribal Sexual Assault Services Program

We do not support a legislative change to include UIOs, even if it was for the funds remaining. The money is earmarked for tribal governments. Based on previous reports, tribes need more resources and guidance on how to apply for grants, less special conditions, more flexibility to provide cultural services, and longer grant terms.

We would not support a one-time reprogramming to pilot the funding for UIOs with funds that have been earmarked for tribal governments. Tribal leaders have a vested interest in making sure all tribal members receive needed services, especially for sexual assault victims. Sexual assault victims should never go without services.

Recommendations:

1. If tribes, tribal organizations, and tribal nonprofit organizations are not applying for the funding, and there's money left, we must look at the reasons why, and see what obstacles are preventing tribes from applying before we reallocate funding to anyone that is not a tribal government.
2. UIOs should collaborate with tribal governments to apply for TSASP funding services or partner with tribal governments for a one-time reprogramming to pilot funding for TSASP.



Akiak Native Community

Michael “Mike” Williams, Tribal Judge - Authorized Designee (Oral & Written)

The Akiak Native Community supports NCAI’s written consultation testimony. We stand shoulder to shoulder with all tribes, advocates, survivors, and others who work tirelessly to identify systemic barriers and solutions. Like many tribes and Indigenous peoples across Alaska, the nation, and around the world, we are a people of great strength and resilience, rich in our culture, and surviving and thriving in the face of:

- Ongoing challenges to our self-determination and authority;
- The stealing of our lands and natural resources; and,
- Breach of federal trust responsibility that we see reflected in the preventable, unacceptable rates of violence against our women, including MMIW.

The long- term solutions to violence against women and other crimes lie in our local cultures. We thank Congress, Senator Murkowski, and President Biden for recognizing this fact and enacting VAWA with the Alaska Tribal Safety Empowerment Subsection.

Topic 1: OVW Annual Consultation Framing Papers Notice and Distribution to Tribal Leaders

Tribal leaders across Indian Country are tasked daily with carrying out responsibilities and priorities with their tribes, their community, and their families. Tribal consultations are hugely important for tribal leaders to share their recommendations and priorities with the federal government.

Here in Alaska, our summer season is a critical subsistence time for many Alaska Native communities. From fishing to berry picking to moose hunting, our summer season is always a busy time. Last summer, it was filled with consultation after consultation during the summer season. Each summer, our Alaska tribal leaders are faced with balancing providing for their families and communities, with preparing and providing oral and written testimony at these numerous consultations. This year, DOJ released its framing paper on July 6 – 35 days prior to consultation.

Recommendations:

1. DOJ should prioritize distributing consultation framing papers to Tribal leaders.
2. The federal government’s consultation requirements found in law should be updated to include specific timelines for the release and distribution of consultation framing paper questions, no less than 60 days’ notice prior to any scheduled consultation.
3. If we can’t change federal law, DOJ’s policy regarding distribution of consultation framing papers for tribal consultations should be updated to require no less than 60 days’ notice prior to any scheduled consultation.

Topic 2: Underfunding of Tribal Justice Systems

The underfunding of tribal justice systems is a direct violation of the federal government’s trust responsibility towards Alaska Native and American Indian tribes that results in lost lives, high rates of criminal victimization, and unaddressed trauma for generations of victims.

Recently, the BIA submitted a report to Congress where it estimated a need of over \$1 billion dollars to adequately provide a reasonable base level of tribal court and justice funding to all federally recognized tribes.

In that report, the BIA estimated that it would need annual funding of \$330 million to support Tribal justice in Alaska. We need DOJ to fund Alaska tribes at these levels to support tribal justice systems.

Indian nations in PL 280 jurisdictions, such as Alaska, have been provided substantially lower amounts of support or none at all in the BIA compacting process for tribal law enforcement and tribal courts than Indian nations with concurrent federal jurisdiction. Consequently, the tribes in PL 280 jurisdictions have had far less opportunity to develop their own police departments and court systems.

Recommendations:

1. Continue to request appropriate additional federal funding to provide public safety and justice resources to tribal nations located in PL 280 states.
2. Provide funding to tribal nations located in the PL 280 states for their tribal court systems and law enforcement agencies and administer that funding in a sustainable and equitable manner while ensuring accountability.
3. Create a yearly allocation of base funding grant program for Alaska tribes to fully implement all aspects of Subtitle B of VAWA 2022, including the Alaska Pilot Program, by providing five-year grant funding to Alaska tribes that progressively increases. This proposed grant program is similar to the program currently established in VOCA. Justification for this proposed grant-funded program lies in the Tribal Law and Order Act Commission Chapter 2 findings. Alaska tribes should be given adequate resources, and time to develop internal infrastructure to support both civil and criminal jurisdiction over all AI/AN present in our villages, and to support criminal jurisdiction over non-Native offenders who commit covered crimes as defined by VAWA.
4. The federal government must honor their trust responsibility and fund tribal public safety in Indian Country through flexible, consistent, and sustainable funding for tribal justice systems, and fully restore tribal nations' jurisdiction over non-Indian offenders.

Topic 3: Implementation of the Alaska Pilot and Special Tribal Criminal Jurisdiction

We demand that DOJ and OVW address existing inequities in the planning and implementation of VAWA 2022 in comparison to VAWA 2013. Alaska tribes should not be treated as an afterthought. In 2013, DOJ released the process and criteria for aspiring pilot program tribes immediately after the passage of VAWA 2013. In addition, OVW funded an intertribal working group training and technical assistance provider within 9 months of passage.

We urge Attorney General Merrick Garland to release the process and criteria for Alaska Pilot Program tribes and aspiring Alaska tribes under Subtitle B of VAWA 2022. We are more than 3 months past the deadline established in VAWA 2022, and over 15 months since VAWA was passed, and Alaska tribes are still left in the dark regarding process and criteria. Additionally, the current, single agency funding stream doesn't take into consideration the many robust needs that Alaska tribes need to fully implement VAWA 2022 and the Alaska Pilot Program.

We urge OVW to allow Alaska dedicated funding to be utilized for infrastructure capital expenses. Of the 229 federally recognized tribes in Alaska, less than 3% have public safety holding facilities that will support long-term residents. Requests to our state government to contract with tribes that have state correctional facilities have fallen on deaf ears. To fully implement VAWA 2022, including the Alaska Pilot Program, Alaska tribes need dedicated infrastructure facilities and capital expense funding.

Fund technical assistance providers for the Alaska Pilot Program immediately, as NCAI was funded almost immediately to support VAWA 2013. Alaska tribes need an Alaskan-based TTA provider to aid with readiness and implementation of VAWA 2022.

Recommendations:

1. We recommend that DOJ and DOI build on the June 28, 2019, DOJ law enforcement emergency declaration for rural Alaska under the Emergency Federal Law Enforcement Assistance Program, which led to additional justice resources for the area; however, the majority of the funding never reached Alaska Native Villages. DOJ should work with the DOI to provide comprehensive justice and public safety funding directly to Alaska Native Villages, rather than to the state of Alaska.
2. We also recommend that DOJ and DOI fund the VAWA 2022 Alaska Pilot Program sufficiently and make building infrastructure allowable for all Alaska Native Villages interested in implementing VAWA 2022 and the Alaska Pilot Program going forward.
3. Alaska tribes should be given adequate resources, and time, to develop internal infrastructure to support both civil and criminal jurisdiction over all AI/AN in our villages, but also to support criminal jurisdiction over non-Native offenders who commit covered crimes as defined by VAWA.
4. Offer a multi-agency, multi-year, mini-consolidation grant programs approach through different agencies to provide funding to Alaska tribes to fully implement VAWA 2022 and the Alaska Pilot Program. This proposed grant program is similar to the program currently established in VOCA and the justification lies in the Tribal Law and Order Act Commission Chapter 2 findings.
 - a. COPS funding support would provide 2-3 tribal police per tribe, training, and other needed resources. (\$200-250,000 per year)
 - b. BIA/BJA/OVW funding would support code development, review and revisions, prosecutors, public defenders, jail and electronic home monitoring equipment and services, and survivor and legal advocates and liaisons. In addition, each agency takes one or two of these resource needs and provides targeted TA. (\$150-250,000 per year)
 - c. OVC funding would support victim services (\$100,000 per year and can still participate in tribal set-aside but cannot duplicate services), as well as victim and legal advocates.
 - d. **The focus of Year 1** funding would support the hiring of a project coordinator, creation of a strategic plan, plan for Police, Prosecution, and Public defense, and would support code review and needed revisions.
 - e. **The focus of Year 2** funding would allow tribes to hire police and begin policing, with an emphasis on intergovernmental agreements and service contracts for staff.
 - f. **The focus of Year 3** funding would develop a plan for professional staff hires within the tribes' justice systems and allow Alaska tribes to start hearing cases. Alaska tribes need a minimum of two full-time police and incarceration options, including home electronic monitoring plans. Hiring and training of a probation or community safety officer to help defendants where they are at would also be a priority for Year 3.
 - g. **The focus of Years 4 and 5** funding would allow the tribes to continue to build infrastructure needs and adjust the tribes' implementation and design as needed. It would allow tribes to make necessary changes to existing justice programs, with funding provided, which will allow tribes to provide a more meaningful and sustainable program to serve the entire community. An option for intertribal court and justice systems should be part of the process, with tribes receiving funding allocations, similar to VOCA.
 - h. DOJ, HHS, and BIA increase funding for Alaska tribes' implementation of VAWA 2022.

Topic 4: Victim Services Programs

To address victimization within our tribal communities, adequate funding to tribes that respect and recognize our self-determination and authority in creating culturally appropriate and holistic services is needed. Cultural programs help heal victims' trauma and reduce continued violent behavior within our families and communities.

Recommendations:

1. Historical trauma should be named as a victim need that can be served under the Tribal Victim Services Set-Aside Program.
2. OVC and DOJ work towards amendments in the law that serve tribal needs including infrastructure, court services, and law enforcement.
3. Establishment of a standing tribal Victims of Crime Act advisory committee to guide its decision-making about implementation of the tribal set-aside, and funding of regional and experienced technical assistance providers who can work with tribal governments to develop a multi-year strategic plan.
4. OVC must commit to regular government-to-government tribal consultations moving forward to improve the Tribal Victim Services Set-Aside program and address unique needs.

Topic 5: Better Coordination Among Federal Agencies

Each year, we call upon the U.S. DOJ OVW, OVC, BIA, HHS, DHS, and other agencies for better coordination among federal agencies to meet President Biden's top priority of safety and well-being of all Native Americans. Differing electronic grant platforms for administration, finance, special conditions, etc., make it the burden of tribes to keep up with requirements and complete the grant-related tasks. It takes up valuable time that limited tribal staff could put toward providing services. Too often, grant program managers change during the award period. Inconsistencies between grant program managers means tribes bear the burden of relearning how each new grant manager prefers that grant-related tasks be completed. Additionally, grant managers may take months to respond to tribes who are then left in the position of not being able to spend down awarded funds to fully implement programs in a timely manner.

Recommendations:

1. Federal agencies need an overall administrator who can coordinate and streamline all programs so that there is consistency and ease of use as required in the Paperwork Reduction Act.
2. Each federal agency should maintain consistency and accountability between agencies and individual grant program managers. In addition to differences in preferences, oftentimes, guidance from one grant program manager to another seems based on individual preference, and not on any legitimate grant requirement.
3. Grant program managers must be accountable to the tribes they manage, responding in a timely manner, with consistent requirements for grant-related tasks.
4. The federal government must ensure programs are accessible to tribes of all sizes. Consistency among electronic grant platforms and grant documentation makes funding more accessible.

Topic 6: Framing Paper - Tribal Governments Program Formula

Yes. Annual, non-competitive, and formula-based funding will support the development and sustainability of tribal programs across all Indian Country. However, we support formula-based funding that is not population-based, allowing equitable funding for all Alaska Native tribes. We urge OVW to revisit its efforts to identify an

equitable method for distributing funds on a formula basis and would be willing to participate in a working group.

I'd like to thank our Indian brothers and sisters from the lower 48 who stand in solidarity with us to elevate the injustices Alaska tribes have faced as national issues for immediate resolution. Thank you to our federal officials with us today for listening. By working together, we stand stronger in our advocacy efforts for equal access to justice, local village-based solutions to local village problems, and access to services and advocacy designed by and for Native women.



Asa'carsarmiut Tribe

Carol Redfox, Tribal Council Member - Authorized Designee (Oral & Written)

Lorraine Mike, OVC Program Coordinator - Authorized Designee (Oral)

Asa'carsarmiut, Alaska is a small village located on the Yukon River, approximately 200 miles from the Bering Sea with a population of about 950 people, most of which are Alaska Native. We have many challenges — repeat domestic violence offenders; illegal trafficking of alcohol and drugs; and high rates of suicide, especially among our youth. We have a strong, traditional tribal leadership committed to addressing these issues.

Travel to and from villages is mainly by plane, river during the summer months, or snow machine when the river is frozen. We are fortunate to have one tribal police officer employed by the tribe and two tribal police officers employed by our city government. Alaska state troopers are stationed 20 miles from our village. Nearly 85% of Alaska Native women have reported experiencing violence in their lifetimes. Historically, the federal government and state of Alaska have not allocated resources to Alaska tribes. Both governments, especially Alaska, have supported laws, policies, and practices that have limited the authority and capacity of Alaska tribal governments to protect and ensure the health and well-being of our members and citizens, creating a dangerous environment for Alaska Native women.

Realizing that our tribal women and children needed a resource to escape violence within our village and community, Asa'carsarmiut recently opened the fourth native shelter in Alaska. The program was established in 2020, and the shelter was completed in November 2022.

Data shows 21 cases reported to law enforcement in 2021, most of them domestic violence related, and matters involving our homeless populations. Data for 2022 shows a decrease in overall cases, a total of 17. However, there was an increase in domestic violence-related cases and our homelessness continues to be an issue. The number of incidents is too many for a small community and the number of police we have. We have high turnover due to lack of training and counseling for our officers who deal with violence, sexual assault, and violent deaths.

(Personal Account for Carol Redfox): I am the youngest of five brothers and five sisters. We all lived in a two-bedroom house with a loft. Two of my brothers fought in Vietnam, and after the war, one of them returned home to live with us. He had PTSD and drank to blackout. Sometimes my dad and uncles would join him, and it would become very loud and frightening. I am thankful that my mom never drank, and she took very good care of us.

During my brother's drunkenness he would get very violent, and my parents and us younger siblings often had to leave our home to spend the night with other family members. Once as we were leaving, my brother shot a pistol toward us. Eventually, my parents got him arrested. When he returned from jail, he had gotten better but my parents and us younger siblings had moved to a new home that my dad built. It was a relief not having to sleep under one roof. That unfortunate childhood experience made me stronger.

(Personal Account for Lorraine Mike): I was in a domestic violence relationship for over 20 years, affected by substance abuse. My ex-husband was very violent and mentally abusive. His father was an alcoholic, as were all his children. I made some poor choices, especially after the separation of our marriage, which resulted in the worst suffering of abuse at his hands. My two sons are in their 30s. One battles alcoholism, the other battles drug addiction. Both are repeat offenders and have been to jail many times. I have been clean for a number of years now and it is much more peaceful living a life free of substances, but the challenge is cleaning up the effects on my family.

Topic 1: Underfunding of Tribal Justice Systems

The underfunding of tribal justice systems is a direct violation of the federal government's trust responsibility towards AI/AN tribes that results in lost lives, high rates of criminal victimization, and unaddressed trauma for generations of victims.

Recently, the BIA submitted a report to Congress where it estimated a need of \$330 million to support tribal justice in Alaska. We need DOJ to fund Alaska tribes at these levels to support tribal justice systems. Indian nations in PL 280 jurisdictions, such as Alaska, have been provided substantially lower amounts of support or none at all in the BIA compacting process for tribal law enforcement and tribal courts than Indian nations with concurrent federal jurisdiction. Consequently, the tribes in PL 280 jurisdictions have had far less opportunity to develop their own police departments and court systems.

Recommendations:

1. Continue to request appropriate additional federal funding to provide public safety and justice resources to tribal nations located in PL 280 states.
2. Provide funding to tribal nations located in the PL 280 states for their tribal court systems and law enforcement agencies and administer that funding in a sustainable and equitable manner while ensuring accountability.
3. Create a yearly allocation of base funding grant program for Alaska tribes to fully implement all aspects of Subtitle B of VAWA 2022, including the Alaska Pilot Program, by providing five-year grant funding to Alaska tribes that progressively increases. This proposed grant program is similar to the program currently established in VOCA. Justification for this proposed grant-funded program lies in the Tribal Law and Order Act Commission Chapter 2 findings. Alaska tribes should be given adequate resources, and time to develop internal infrastructure to support both civil and criminal jurisdiction over all AI/AN present in our villages, and also to support criminal jurisdiction over non-Native offenders who commit covered crimes as defined by VAWA.
4. The federal government must honor their trust responsibility and fund tribal public safety in Indian Country through flexible, consistent and sustainable funding for tribal justice systems, and fully restore tribal nations' jurisdiction over non-Indian offenders.

Topic 2: OVW Annual Consultation Framing Papers Notice and Distribution to Tribal Leaders

Tribal leaders across Indian Country are tasked daily with carrying out responsibilities and priorities with their tribes, their community, and their families. Tribal consultations are hugely important for tribal leaders to share their recommendations and priorities with the federal government.

Here in Alaska, our summer season is a critical subsistence time for many Alaska Natives and communities. Each summer, our Alaska tribal leaders are faced with balancing providing for their families and communities, with preparing and providing oral and written testimony at these numerous consultations. This year, DOJ released its framing paper on July 6 – 35 days prior to consultation.

Recommendations:

1. DOJ should prioritize distributing consultation framing papers to tribal leaders.
2. The federal government's consultation requirements found in law should be updated to include specific timelines for the release and distribution of consultation framing paper questions, no less than 60 days' notice prior to any scheduled consultation.
3. If we can't change federal law, DOJ's policy regarding distribution of consultation framing papers for tribal consultations should be updated to require no less than 60 days' notice prior to any scheduled consultation.

Topic 3: Implementation of the Alaska Pilot and Special Tribal Criminal Jurisdiction

These are the challenges we see:

1. We are more than 3 months past the deadline established in VAWA 2022, and over 15 months since VAWA was passed, and Alaska tribes are still left in the dark regarding process and criteria.
2. The current, single agency funding stream doesn't take into consideration the many robust needs that Alaska tribes need to fully implement VAWA 2022 and the Alaska Pilot Program.
3. Of the 229 federally recognized tribes in Alaska, less than 3% have public safety holding facilities that will support long-term residents.

Recommendations:

1. On June 28, 2019, DOJ released a law enforcement emergency declaration for rural Alaska under the Emergency Federal Law Enforcement Assistance Program, which led to additional justice resources for the area; however, the majority of the funding never reached Alaska Native Villages. DOJ should build on that declaration, and work with the DOI to provide comprehensive justice and public safety funding directly to Alaska Native Village.
2. Fund the VAWA 2022 Alaska Pilot Program sufficiently and make building infrastructure allowable for all Alaska Native Villages interested in implementing VAWA 2022 and the Alaska Pilot Program going forward.
3. Alaska tribes should be given adequate resources and time to develop internal infrastructure to support both civil and criminal jurisdiction over all Alaska Natives and American Indians present in our villages, but also to support criminal jurisdiction over non-Native offenders who commit covered crimes as defined by VAWA.
4. Offer a multi-agency, multi-year, mini-consolidation grant programs approach through different agencies to provide funding to Alaska tribes to fully implement VAWA 2022 and the Alaska Pilot Program. This proposed grant program is similar to the program currently established in VOCA and the justification lies in the Tribal Law and Order Act Commission Chapter 2 findings.
 - a. COPS funding would support by providing 2-3 tribal police per tribe, training, and other needed resources. (\$200-250,000 per year)

- b. BIA/BJA/OVW funding would support code development, review, and revisions, prosecutors, public defenders, jail and electronic home monitoring equipment and services, and survivor and legal advocates and liaisons. In addition, each agency takes one or two of these resource needs and provides targeted TA. (\$150-250,000 per year)
- c. OVC funding would support victim services (\$100,000 per year and can still participate in tribal set-aside but cannot duplicate services), as well as victim and legal advocates.
- d. DOJ, HHS, and BIA increase funding for Alaska tribes' implementation of VAWA 2022.

Topic 4: Victim Services Programs

Culturally appropriate and holistic services help to both heal victims' trauma and reduce continued violent behavior within our families and communities. These types of tribal programming need to be funded.

Recommendations:

1. Historical trauma should be named as a victim need that can be served under the Tribal Victim Services Set-Aside Program.
2. OVC and DOJ work towards amendments in the law that serve tribal needs including infrastructure, court services, and law enforcement.
3. Establishment of a standing tribal Victims of Crime Act advisory committee to guide its decision-making about implementation of the tribal set-aside, and funding of regional and experienced technical assistance providers who can work with tribal governments to develop a multi-year strategic plan.
4. We urge OVC to commit to regular government-to-government tribal consultations on the program moving forward to improve the Tribal Victim Services Set-Aside program and determine how regulations should be tailored to address unique needs.

Topic 5: Better Coordination Among Federal Agencies

Each year, we call upon the U.S. DOJ OVW, OVC, BIA, HHS, DHS, and other agencies for better coordination among federal agencies to meet President Biden's top priority of safety and well-being of all Native Americans. Differing electronic grant platforms for administration, finance, special conditions, etc., make it the burden of tribes to keep up with requirements and completing the grant-related tasks, taking up valuable time that limited tribal staff could put toward providing services. Too often, grant program managers change during the award period. Inconsistencies between grant program managers means tribes bear the burden of relearning how each new grant manager prefers that grant-related tasks be completed. Additionally, grant managers may take months to respond to tribes who are then left in the position of not being able to spend down awarded funds to fully implement programs in a timely manner.

Recommendations:

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2. Each federal agency should maintain consistency and accountability between agencies and individual grant program managers. In addition to differences in preferences, oftentimes, guidance from one grant program manager to another seems based on individual preference, and not on any legitimate grant requirement.
3. Grant program managers must be accountable to the tribes they manage, responding in a timely manner, with consistent requirements for grant-related tasks.
5. The federal government must ensure programs are accessible to tribes of all sizes. Consistency among electronic grant platforms and grant documentation makes funding more accessible.

Topic 6: Framing Paper - Tribal Governments Program Formula

Yes. Annual, non-competitive, and formula-based funding will support the development and sustainability of tribal programs across all Indian Country. However, we support formula-based funding that is not population-based, allowing equitable funding for all Alaska Native tribes. We urge the OVW to revisit its efforts to identify an equitable method for distributing funds on a formula basis and would be willing to participate in a working group to explore different funding models.

We'd like to thank our Indian brothers and sisters from the lower 48 who stand in solidarity with us to elevate the injustices Alaska tribes have faced as national issues for immediate resolution. Thank you to our federal officials with us today for listening. By working together, we stand stronger in our advocacy efforts for equal access to justice, local village-based solutions to local village problems, and access to services and advocacy designed by and for Native women.



Bois Forte Band of Chippewa

Cathy Chavers, Chairwoman - Tribal Leader (Written)

Nicole Matthews, Executive Director, Minnesota Indian Women's Sexual Assault Coalition - Authorized Designee (Oral)

The Bois Forte Band of Chippewa is a small tribe located in northeastern rural Minnesota. Of the 3600 members, 500 living on each sector of the reservation in Nett Lake and Vermilion, and about 2000 members living throughout the state, mostly in urban settings. Our nearest access to hospitals, groceries, and other essentials is 65 miles one way from our reservation, including off-reservation services such as crisis services, shelters, county social services, and more. Transportation is a huge barrier for our members due to the remote location. We have one tribal casino, Fortune Bay Resort/Casino. There is a perception that most tribes are rich from Indian gaming, but this is not true. Gaming allows tribes to help meet gaps in funding, but for Bois Forte that doesn't nearly help our needs.

Topic 1: Competitive Grants and Reporting Requirements

Tribes have a need for funding when it comes to addressing disparities of healthcare, numbers of men and women in correctional facilities, out-of-home placements of Indian children, and more. When funding opportunities are available, they are often competing with other tribes. With the influx of funding since the pandemic, tribes have been overwhelmed with the state and federal reporting requirements and guidelines. Small tribes do not have the staffing capabilities to apply for competitive grants. We only have one grant writer and are struggling to maintain our previous grants and reporting requirements on top of the additional funding of the CARES Act, ARPA, and other allocations. We need funding to hire staff to manage the reporting requirements and for resources to enhance the safety of Indian women from domestic violence, dating violence, sexual assault, stalking, and sex trafficking.

Topic 2: Funding Limitations for Members Living Off the Reservation

I would like to strongly advocate for direct flexible funding to use funds to best meet the tribes' needs. All tribes are unique, and every tribe's needs are different. There is not one size that fits all when it comes to meeting each tribe's individual needs, especially when it comes to providing quality programs and services.

We know the best way to address the needs of our people. We have many tribal members that live off the reservation and at times, funding requirements only address the needs of the on-reservation tribal population. Our tribal members in urban areas also need the resources and services that are culturally appropriate and accessible. Many times, our off-reservation members will not seek assistance or help from off-reservation facilities due to lack of understanding of our culture or lack of trust and fear that their voice will not be heard. Tribes need flexibility to address our needs with direct funding and minimal restrictive guidelines and reporting requirements for all members, on and off the reservation.

Topic 3: Needs of Non-Public Law 280 Tribe

Bois Forte is a non-Public Law 280 tribe and with the new VAWA implementation and update in our tribal code, we have great needs in law enforcement, such as the need for an investigator to assist the BIA officers with domestic violence, criminal offenses, child abuse and neglect, sexual assault, and more. When approached, the BIA says they do not have the funding. Additionally, if a non-Indian offender is charged with domestic violence and sent to a jail that has an agreement with the BIA, there is no funding for the healthcare costs under the BIA for this prisoner and the tribe is responsible to pay that cost. We do not have the funding to cover this need.

Topic 4: Access to Crime Information Databases

All tribes need access to local, regional, state, and federal crime information databases and criminal justice information systems to ensure the safety of our communities and tribal members. Since the pandemic, technology is now being addressed for all tribal nations, but we still need equipment, training, and more.

Recommendations:

1. Give tribes direct funding with flexibility to incorporate traditional and cultural ways into programs and services. Incorporating our culture and language in all aspects of healing, such as mental health, physical health (traditional medicine), substance use disorders, and trauma, has been proven to be an effective way for our tribal members to begin their recovery.
2. It is difficult to make a fair and equitable distribution of funding for all tribes due to differences such as enrollment numbers, rural location versus urban, etc., but formula funding would be better than competitive grants. There are various formulas that can be used. One example would be 50% to all tribes equally, then by enrollment.
3. Provide funding to hire law enforcement, such as investigators, for non-Public Law 280 tribes to ensure that cases have thorough and appropriate information needed to prosecute, and to enable access to crime information databases and criminal justice information systems, including technology and training required.
4. Address funding of healthcare costs under BIA for non-Indian prisoners sent to a jail that has an agreement with BIA, so the costs are not expected to be covered by the tribes.

I would like to invite you all to come and visit Bois Forte. It would be beneficial to those making decisions that impact tribes to visit our reservations to get a better understanding of who we are and the challenges we face.



Central Council Tlingit and Haida Indian Tribes of Alaska

Catherine Edwards, 3rd Vice President - Tribal Leader (Oral Prerecorded)

Tlingit and Haida Tribes are located in the southeast region of Alaska and evolved out of a struggle of our people to retain our traditional ways of life based on subsistence. We are people of great strength and resilience, rich in culture, taking pride in our ability to cultivate and harvest resources from our lands and waters to the fullest.

For context, the southeast region of Alaska consists of 31,338 square miles of land and 32 communities from cities to villages which vary in size. Juneau, the state capital and third largest city in Alaska, has a population of 30,000. Saxman has around 400, and Kasaan has roughly 40. We are not connected by roads and must travel by air, boats, and ferries to reach our villages. The Alaska Marine Highway is how we travel. There are no roads in and out and no way to get law enforcement and public safety out there quickly to help women when they flee.

I have been here every year, for six years, saying the same thing: our communities are in crisis. A report released in 2020 shows that Alaska had the highest homicide rate for women killed by male offenders for the second year in a row. It has ranked first or second for 10 years in a row. We know that the solution lies in local culture, but we need stable partnerships in the state and federal governments to follow through on promises to provide resources and support. A one-time donation of \$6 million, which never made it to southeast Alaska, is not going to do it.

Topic 1: Underfunding of Tribal Justice Systems

The underfunding of tribal justice systems is a violation of the federal government's trust responsibility towards Alaska Native and American Indian tribes that results in lost lives, high rates of criminal victimization, and unaddressed trauma for generations of victims. Recently, the BIA submitted a report to Congress where it estimated a need of \$330 million to support tribal justice in Alaska. We need DOJ to fund Alaska tribes at these levels to support tribal justice systems.

Indian nations in PL 280 jurisdictions, such as Alaska, have been provided substantially lower amounts of support or none at all in the BIA compacting process for tribal law enforcement and tribal courts than Indian nations with concurrent federal jurisdiction. Consequently, the tribes in PL 280 jurisdictions have had far less opportunity to develop their own police departments and court systems.

Just one in six villages have any public safety. If 911 is called, the call is routed to a dispatch center hundreds of miles away where there is no location tracking, wasting precious time explaining to the dispatcher where to find them, and realizing that help will not arrive for many hours or days. Consequently, the life of a woman depends largely on the community's ability to provide immediate protection and assistance. In many cases it has been up to our tribal leaders to serve as law enforcement. Domestic violence situations are the most dangerous to approach. Tribal leaders are putting themselves at risk. Once law enforcement arrives, often the crime scenes are tainted, which means evidence collected for prosecution is compromised, leading to the case being dismissed. The perpetrator then gets away with it and continues to harm the same victim or moves on to the next. Abusers feel emboldened and above the law.

Recommendations:

1. Request appropriate funding and authority to provide public safety and justice resources to tribal nations located in PL 280 states.

2. Provide funding to tribal nations located in the PL 280 states for their tribal court systems and law enforcement agencies and administer that funding in a sustainable and equitable manner while ensuring accountability.
3. Create a yearly allocation of base funding grant program for Alaska tribes to fully implement all aspects of Subtitle B of VAWA 2022, including the Alaska Pilot Program, by providing five-year grant funding to Alaska tribes that progressively increases. This proposed grant program is similar to the program currently established in VOCA. Justification for this proposed grant-funded program lies in the Tribal Law and Order Act Commission Chapter 2 findings. Alaska tribes should be given adequate resources, and time to develop internal infrastructure to support both civil and criminal jurisdiction over all AI/AN present in our villages, and to support criminal jurisdiction over non-Native offenders who commit covered crimes as defined by VAWA.
4. The federal government must honor their trust responsibility and fund tribal public safety in Indian Country through flexible, consistent, and sustainable funding for tribal justice systems, and fully restore tribal nations' jurisdiction over non-Indian offenders.

Topic 2: Implementation of the Alaska Pilot and Special Tribal Criminal Jurisdiction

DOJ and OVW must address inconsistencies of implementation of violence against women laws. In 2013, DOJ released the process and criteria for aspiring pilot project tribes immediately after the passage of VAWA 2013. In addition, OVW funded an intertribal working group training and technical assistance provider within 9 months of passage.

We urge Attorney General Merrick Garland to release the process and criteria for Alaska Pilot Program tribes and aspiring Alaska tribes under Subtitle B of VAWA 2022. We are more than 3 months past the deadline established in VAWA 2022, and over 15 months since VAWA was passed, and Alaska tribes are still left in the dark regarding process and criteria. Additionally, the current, single agency funding stream doesn't take into consideration the many robust needs that Alaska tribes need to fully implement VAWA 2022 and the Alaska Pilot Program.

Recommendations:

1. Alaska tribes should be given adequate resources, and time, to develop internal infrastructure to support both civil and criminal jurisdiction over all Alaska Natives and American Indians present in our villages, but also to support criminal jurisdiction over non-Native offenders who commit covered crimes as defined by VAWA.
2. Offer a multi-agency, multi-year, mini-consolidation grant programs approach through different agencies to provide funding to Alaska tribes to fully implement VAWA 2022 and the Alaska Pilot Program. This proposed grant program is similar to the program currently established in VOCA and the justification lies in the Tribal Law and Order Act Commission Chapter 2 findings.
 - a. COPS funding support would provide 2-3 tribal police per tribe, training, and other needed resources. (\$200-250,000 per year)
 - b. BIA/BJA/OVW funding would support code development, review, and revisions, prosecutors, public defenders, jail and electronic home monitoring equipment and services, and survivor and legal advocates and liaisons. In addition, each agency takes one or two of these resource needs and provides targeted TA. (\$150-250,000 per year)
 - c. OVC funding would support victim services (\$100,000 per year and can still participate in tribal set-aside but cannot duplicate services), as well as victim and legal advocates.

- d. **The focus of Year 1** funding would support the hiring of a project coordinator, creation of a strategic plan, plan for police, prosecution, and public defense, and would support code review and needed revisions.
- e. **The focus of Year 2** funding would allow tribes to hire police and begin policing, with an emphasis on intergovernmental agreements and service contracts for staff.
- f. **The focus of Year 3** funding would develop a plan for professional staff hires within the tribes' justice systems and allow Alaska tribes to start hearing cases. Alaska tribes need a minimum of two full-time police and incarceration options, including home electronic monitoring plans. Hiring and training of a probation or community safety officer to help defendants where they are at would also be a priority for Year 3.
- g. **The focus of Years 4 and 5** funding would allow the tribes to continue to build infrastructure needs and adjust the tribes' implementation and design as needed. It would allow tribes to make necessary changes to existing justice programs, with funding provided, which will allow tribes to provide a more meaningful and sustainable program to serve the entire community. An option for intertribal court and justice systems should be part of the process, with tribes receiving funding allocations, similar to VOCA.
- h. DOJ, HHS, and BIA increase funding for Alaska tribes' implementation of VAWA 2022.

Topic 3: Victim Services Programs

To address victimization within our tribal communities, adequate funding to tribes that respects and recognizes our self-determination and authority in creating culturally appropriate and holistic services is needed. Cultural programs help to both heal victims' trauma and reduce continued violent behavior within our families and communities. These types of tribal programming need to be funded.

Recommendations:

1. Historical trauma should be named as a victim need that can be served under the Tribal Victim Services Set-Aside Program.
2. OVC and DOJ work towards amendments in the law that serve tribal needs including infrastructure, court services, and law enforcement.
3. Establishment of a standing tribal Victims of Crime Act advisory committee to guide its decision-making about implementation of the tribal set-aside, and funding of regional and experienced technical assistance providers who can work with tribal governments to develop a multi-year strategic plan.
4. Finally, we urge OVC to commit to regular government-to-government tribal consultations on the program moving forward to improve the Tribal Victim Services Set-Aside program and determine how regulations should be tailored to address unique needs.

Topic 4: Better Coordination Among Federal Agencies

Each year, we call upon the U.S. DOJ OVW, OVC, BIA, HHS, DHS, and other agencies for better coordination among federal agencies to meet President Biden's top priority of safety and well-being of all Native Americans. Differing electronic grant platforms for administration, finance, special conditions, etc., make it the burden of tribes to keep up with requirements and completing the grant-related tasks, taking up valuable time that limited tribal staff could put toward providing services.

Too often, grant program managers change during the award period. Inconsistencies between grant program managers means tribes bear the burden of relearning how each new grant manager prefers that grant-related tasks be completed. Additionally, grant managers may take months to respond to tribes who are then left in the position of not being able to spend down awarded funds to fully implement programs in a timely manner.

Recommendations:

1. Federal agencies need an overall administrator who can coordinate and streamline all programs so that there is consistency and ease of use as required in the Paperwork Reduction Act.
2. Each federal agency should maintain consistency and accountability between agencies and individual grant program managers. In addition to differences in preferences, oftentimes, guidance from one grant program manager to another seems based on individual preference, and not on any legitimate grant requirement.
3. Grant program managers must be accountable to the tribes they manage, responding in a timely manner, with consistent requirements for grant-related tasks.
4. The federal government must ensure programs are accessible to tribes of all sizes. Consistency among electronic grant platforms and grant documentation makes funding more accessible.

Thank you to our federal officials with us today. We must strengthen these partnerships between federal, state, and tribal governments. By working together, we stand stronger in our advocacy efforts for equal access to justice, local village-based solutions to local village programs, and access to services and advocacy designed by and for Native women.



Cheyenne River Sioux Tribe

Ryman LeBeau, Chairman - Tribal Leader (Oral)

The Cheyenne River Sioux Tribe is a large tribe, one of several in the Great Plains covering large bases of land and several communities within it. We as Lakota people hold women in high regard and that is our tradition. Because of colonization, broken treaties, broken promises, and the federal government, we have lost those ways, but we are bringing them back.

This is my first year as Chairman, but I have been on Council for 14 years. I am here to make a difference for our people. I will uphold the treaty signed by my great-great grandfather Chief Joseph Four Bear in 1868, and I will hold you, my federal partners, accountable for it because our people signed in good faith, and you have a responsibility to uphold your part of the bargain. Today our women suffer some of the highest rates of violence. Generational trauma from war, genocide, boarding schools, colonization, and theft of land and language all play a part in the violence women face. Restoring justice is not a simple step. It requires the basic resources of law enforcement, fully functioning courts, and the will of the federal government to make it happen.

We have only three officers per shift to cover the whole reservation. We need more officers, not because we don't have people willing to work, but due to lack of police funding. When there is a call to one of the communities 40-60 miles away, they must travel by gravel roads. The infrastructure is not good, and the gravel roads are dangerous. These are federal roads, BIA roads that lack funding for maintenance. The roads are dangerous for travel for every day needs and are even worse when our women are in danger.

Recommendations:

1. To enhance the safety of Indian women throughout our reservations, DOJ, DOI, and all agencies need to fully fund public safety and victim services each year in a noncompetitive manner that is sustainable and stable. All branches of those departments should review, revise, and create law. OVV, FVPSA, and IHS all need to increase tribally-based services for prevention and to support the families of these crimes.
2. HHS needs to support FVPSA reauthorization. It is the only dedicated source for shelter programs around Indian Country and has been expired since 2005. The act must be amended to increase the tribal set-aside for tribal nations and provide funding for tribal coalitions, so they are on par with state coalitions who have been given funding for decades.
3. Permanent funding should be authorized for the American Indian Resources Center and provide direct support to tribes so they can help the families of those murdered to be transported and buried in a respectful way in the homelands. The CVF has a 5% set-aside for tribes. An increase is more than justifiable due to the high rates of crime in Indian Country. We recommend a permanent set-aside to the Victims of Crime Act to overcome these shortfalls. Flexibility in the funding should allow tribes to regulate these funds in a way that would benefit them based on their data, ceremonies, and traditions of healing.
4. Tribal leaders support increased funding for Urban Indian Organizations that are granted to tribes in the area. Tribes in a government-to-government relationship will help allocate these funds to the areas where their tribal members reside.
5. The Director of the Executive Office for United States Attorneys issued a memorandum to all U.S. Attorneys that states the Supreme Court's decision does not alter federal jurisdiction to prosecute crimes or diminish the federal government's trust responsibility to tribes. This decision needs clarification, and DOJ needs to support the proposed legislation of NCAI resolution SAC 22043 so Congress can help protect federal statutes that affirm tribal sovereignty and ability to protect Native American women and Children.
6. DOJ, DOI, and HHS should implement recommendations made by NCAI for the CVF that will help resources get to victims, survivors, and their families, including a consultation from tribes involved in each area to establish basic needs and relevance of assistance from each tribal nation.
7. Housing is in great shortage in most Great Plains tribes. Having no housing leads to higher risk or further violence for these women and families. Policies to help ensure safe housing is available need further consultation and tribal input. HUD officials should have a seat at the table for this conversation so they can recognize the correlation between lack of housing and the violence against Native women and families.

We thank you for this opportunity and we look forward to further discussion, and not only discussions, but actions to protect the lives of our women.



Confederated Tribes of Grand Ronde

Denise Harvey, Tribal Council Member - Tribal Leader (Oral)

The Confederated Tribes of Grand Ronde is a community of 5400 enrolled members in rural Oregon.

Framing Papers: TGP Formula Funding

We support noncompetitive formula funding and flexible funding through OVW's Tribal Governments Program and across all grant resources. Our DVSA program is 100% grant funded, but our funding through OVW ends in 2023. Since the grant is competitive, we have no assurances we will receive continued funding each year, making budgeting and planning difficult, and the uncertainty around funding may mean closing the doors of our program.

The following are areas where we request flexibility in the use of grant funds.

1. In our rural communities, there are few options for safe, affordable childcare, preventing victims from leaving their abuser. Often victims do not have family support due to long-term isolation from friends and family caused by the abuser's control, and their only option may be to leave children alone with siblings not much older or with an unhealthy family member, friend, or neighbor. Access to a licensed childcare facility would remove an added burden from victims and allow them to focus on rebuilding a life for their family.
2. Grants currently support funding for gas, but only if a victim is fleeing or attending court. Rural areas have limited or nonexistent public transportation, and gas prices have risen significantly in recent years. There are few domestic violence shelters, and fewer in rural areas, so victims may be sent outside of their local area and then face a long commute to keep their children in the same school to maintain normalcy. Without assistance with gas, victims will choose to sleep in their cars with the children rather than go to an out-of-area shelter because they can't afford to drive back and forth to school and work. Grant funding should allow for help to pay traffic tickets or other fees to reinstate a driver's license, cover vehicle repairs and gas so victims can gain meaningful, full-time employment, engage in services, attend important appointments, and drive children to school to retain a sense of security from the abuser.
3. For 574 federally recognized tribes, there are less than 60 tribally created or Native domestic violence shelters in the U.S. Our understanding is that the first in Oregon was recently opened. DOJ provides tribes with grant funds for domestic violence shelters with guidelines that construction is not allowable. A traditionally constructed facility would be more versatile, better quality, and more durable than a manufactured facility, which creates a time-consuming process of coordinating numerous regulators and authorities and is out of scope for Tribal Social Services or DVSA program staff. We are seeking support for allowing construction with flexible funding.
4. Offering food at support groups and outreach events related to domestic and/or sexual violence is a natural way of honoring our community, building trust, and offering comfort. Offering food is part of our tradition going back to our ancestors and is a form of healing. DOJ entities state this is not allowable with grant funds. We are requesting support for the funding of food as culturally specific.



Eastern Shawnee Tribe of Oklahoma

Justin Barret, Treasurer, Tribal Leader (Oral and Written)

We need to have flexibility with grant funds because we know the needs of our tribal community. The federal government's OVW grants have provided tribes with funding for many years and that funding is critical for the continuation of vital tribal domestic violence programs. However, these funds are simply not enough to fund tribal domestic violence shelters in Indian Country. The ones that do exist are usually located in rural areas and when a victim needs shelter, they face barriers to employment and transportation. Indian Country needs these shelters in urban areas and a separate grant for construction and renovation for shelters would be ideal.

The same can be said for transitional housing services that help victims who don't particularly need shelter services but need more of a bridge when leaving a violent relationship. While OVW provides a grant for transitional housing services to states, tribes need a similar grant to be set aside for them.

There are simply not enough resources for tribes to adequately assist victims of sex trafficking. Tribal advocates do the best they can with the tools and resources they have, but they usually try to use the same direct services for victims of sex trafficking as they do for domestic violence and sexual assault. While these services will help those groups, victims of sex trafficking face a unique set of issues. Tribal advocates need more training so they can better determine which direct services are needed, what challenges they will face as advocates, and how to best overcome those challenges. For instance, there are unique safety concerns for trafficking victims and their advocates who assist them. There are also unique challenges in working with victims of sex trafficking because of the level of trauma and psychological abuse they have suffered.

Elected leadership in our tribal governments also need additional education regarding violence against Native women so that they can truly begin to be part of the solution. Too many tribal governments receive this grant funding and are simply satisfied with a tribal domestic violence program. They don't understand the enormity of the problems they face. Our legislators, judiciaries, and chief's offices need to be a part of the solution. I know that OVW cannot force these other entities to learn or take part, but their lack of participation is a large part of the problem and a definite barrier to progress in terms of keeping our people and our communities safe. Advocates simply do not have the authority to create laws, tribal government policies, or even prosecute these crimes. They often find themselves struggling to find solutions without much-needed support.

Enhancing safety concerns would also be less challenging if existing laws were better enforced and law enforcement, tribal and non-tribal, were better educated on these issues. In Oklahoma, we have a state law that requires a danger assessment to be performed by the responding officer to a domestic violence call, but those assessments are rarely given to victims. Some officers will report "no visible injuries" on strangulation cases but are not looking for anything other than bruises on the neck. Petechiae, facial drooping, and other telltale signs often go unnoticed. This means that a potential charge of domestic assault and battery by strangulation is only charged as a misdemeanor domestic assault and battery.

In terms of strengthening the federal response to such crimes, it is problematic because in Oklahoma domestic assault and battery is not considered a violent crime. It is only when strangulation is added to the charge does it become a violent crime. It is common for abusers to receive deferred sentences and then go back into the community to seek out new victims or to go after their previous victims.

Additionally, much of our state falls under the U.S. Supreme Court ruling *McGirt v. Oklahoma* and the subsequent *Castro v. Huerta* ruling. Together these rulings give concurrent jurisdiction to the state and federal government when non-Natives commit crimes against Natives in those areas of Oklahoma that fall under *McGirt*. This means that we need more federal investigators, prosecutors, and administrative staff working on crimes in Indian Country.

Since the *McGirt* ruling, tribal nations in Oklahoma have continued to have issues with the Governor of Oklahoma. The Supreme Court and other courts have ruled that the reservations of the Muscogee (Creek), Chickasaw, Choctaw, Seminole, Cherokee, Quapaw, Peoria, and Ottawa were never disestablished by Congress. The continued misinformation from the Governor and select law enforcement agencies places our citizens at risk. When calling 911 in certain areas in Eastern Oklahoma emergency services will ask an inappropriate but common question “Are you Indian”. If you answer “yes” then dispatch directs you to “call Lighthorse.” The police departments for the Muscogee (Creek), Chickasaw, and Seminole Nations are called Lighthorse.

Tribal police departments, including the Eastern Shawnee, have cross commission or deputization agreements with local municipalities and county law enforcement agencies. An example that highlights how tribal citizens are now treated by certain law enforcement agencies comes from Eastern Oklahoma. There, the county sheriff’s office responded to a domestic violence call where a visibly pregnant female was without a doubt abused by her partner. When the officers saw she was Native American they informed her that they could not help her and subsequently left her with the abuser. Any agency with a cross commission or deputization agreement should know the law of the other agency. When a county sheriff’s office has a cross commission or deputization agreement with a sovereign tribal government they have the ability and duty to enforce that tribe’s laws when it is applicable.

Congress has plenary authority over tribes. Currently tribes are limited to sentencing no longer than three (3) years in tribal court systems for any offense. Congress could expand the sentencing authority of tribes across the nation. Congress should also exercise its plenary authority and return prosecutorial authority of non-Natives to federal prosecutors instead of allowing the *Castro-Huerta* ruling to upend 150 years of federal Indian law. The federal government maintains true trust responsibility to tribes located in non-public law 280 states. Oklahoma is not a PL 280 state; therefore, the federal government, rather than the state, has a trust responsibility to ensure the protection of tribal and individual Indian lands, assets, resources, and treaty and similarly recognized rights, and until *Castro-Huerta* this also meant prosecuting non-Native offenders.

Tribal jurisdiction and the application of tribal law when entering a new jurisdiction is the only example of where the court is unable to enforce the law of the jurisdiction on all persons who enter. As a citizen of Oklahoma when I cross into Missouri, Kansas, or any other state I am subject to the laws of the jurisdiction I am entering. The Ninth Circuit Court of Appeals upheld tribal criminal jurisdiction over non-Indians on Indian land because the ability to keep law and order on tribal lands was and still is an important attribute to tribal sovereignty. In 1978, the U.S. Supreme Court overturned the Ninth Circuit decision and tribes were stripped of their criminal jurisdiction over non-Indians in *Oliphant v. Suquamish Indian Tribe*. An “*Oliphant* fix” by Congress is needed to resolve this abhorrent disregard for tribal sovereignty. Federally recognized tribes have not willingly surrendered their criminal jurisdiction over non-Indians by treaty nor was it removed by Congress with their plenary power over tribes.

Improving access to local, regional, state, and federal crime information databases and criminal justice information systems is important for the safety of victims. There are 38 federally recognized tribes in the State of Oklahoma and only a handful have their charges appear on the Oklahoma Court Docket Search (OSCN). Advocates need this information in order for them to better address the issue and to be able to adequately plan and provide the much

needed legal advocacy; officers need it to assess the danger and look for outstanding warrants or prior convictions; prosecutors need it to properly charge and make appropriate recommendations to the court; and courts need it so that violent offenders are not given early release back into tribal communities because judges don't have all the necessary information.

Furthermore, advocates need access to federal crime information systems along with tribal law enforcement, tribal prosecutors, and tribal courts. Reviewing a full criminal history of a perpetrator is critically important when safety planning with a victim. It is also vitally important to be able to obtain a good address so that the perpetrator can be served with things like protective orders and divorce papers.

In the last forty-four years we have had three Supreme court cases that have affected the criminal jurisdiction of Indian Country in Oklahoma. Tribes lost their jurisdiction over non-Natives. Many Eastern Oklahoma tribes have had their reservations confirmed only to have the Supreme Court grant jurisdiction to the State of Oklahoma. Congress needs to take explicit action to restore tribal jurisdictions and not allow the courts to circumvent Congress's exclusive authority over Indian affairs.

Notes from an Advocate OVW Consultation 2023

The OVW Violence Against Women grants have been foundational in our tribe's ability to meet the needs of victims of domestic violence and sexual assault in our tribal and local community. This grant has single handedly allowed our program to open our program office, staff advocates, and provide services for both emergency and long-term transitional housing.

While this grant has been beneficial, it is competitive, bases funding amounts on outdated census data, and cannot assist in our greatest need of having a local tribally-centered domestic violence shelter. The grant has continued to be competitive though we've shared at each consultation that it pits tribes against each other and only those who can hire a full-time grant writer can compete. OVW should use the model created by the Office for Victims of Crime Tribal Set-Aside grant, which is not competitive and formulated based on self-defined service area. The Office for Victims of Crime held a consultation asking tribes what they felt was the most effective way of handling grant applications. Tribes responded by saying, don't make the grants competitive and base them on the service area we tell you we are servicing. OVC listened and the 2020-2022 OVC Tribal set-aside grants have allowed tribes to submit their grant budget based on their established service area size. It is essential that the OVW Tribal Governments Program grant is made noncompetitive, and tribes are allowed to apply based on their population and service area size.

It's also imperative that the word "fleeing" be removed from the grant language. Requiring that a victim be currently fleeing from abuse forces our program to narrowly define the victims we can assist. When a victim comes into our office whose abuser has been forced from the home and the victim needs assistance to stay in their own home (assist with rent, utilities, food, etc. until they get on their feet), we are unable to use funds to assist since they are not fleeing from the abuse. If a victim can stay in their own home without their abuser instead of going to a shelter, it is beneficial for the victim to do so. The shelter model does not work for all victims and requiring that a victim be fleeing abuse punishes those who are able to stay in their own home.

It is our tribe's belief that this grant is essential for tribal communities to combat domestic violence and sexual assault for Native communities. However, it is also our belief, that it is ineffective to make tribal communities compete for essential services, not be able to claim their own population size or service area, and that the

granting language defining victims to be assisted reflect the needs expressed by Native communities. The time has come for the Office of Violence Against Women to stand for tribal sovereignty and truly work to help tribal communities combat violence on our tribal lands.

Recommendations:

1. Congress needs to take explicit action to restore tribal jurisdictions and not allow the courts to circumvent Congress's exclusive authority over Indian affairs.
2. OVW must remove the word "fleeing" in grant language.
3. It is essential that the OVW Tribal Governments Program grant is made noncompetitive, and tribes are allowed to apply based on their population and service area size. It is time that the Office for Violence Against women validates our tribal sovereignty by no longer asking us to fight and compete for essential funding and understand that we know best how to use funds designed to heal and protect victims of domestic violence and sexual assault in our tribal and local community.



Great Plains Tribal Chairmen's Association

Prairie Rose Chapin, Executive Director, White Buffalo Calf Women's Society, and Great Plains Tribal Chairman's Association, Authorized Designee (Oral)

The White Buffalo Calf Women's Society was founded in 1977 and was the first women's shelter on an Indian reservation in the U.S. The society is located on the Rosebud Indian Reservation in South Dakota. Our work is guided by tribal teachings that focus on restoration. We recognize the hard work, dedication, and commitment of the strong Lakota women. Violence is still impacting our communities especially for our women and children. We assist many tribal nations that send us their victims whom we call our relatives. One way or another, we are all related. They come to our shelter, and we provide those services to them. It doesn't matter where they came from. They need help.

The Great Plains Tribal Association is composed of 16 tribal nation leaders from North Dakota, South Dakota, and Nebraska. The Association members represent more than 220,000 enrolled members within the Great Plains region.

Consultation brings us together for strategic planning and for tribes to give our federal leaders our demographics and our testimony. It is important that the federal leaders listen and pay attention. We are not all the same. We all have unique demographics and geographical areas that impact our daily lives, and the violence that happens in our communities. This information allows our government partners to create strategic plans to address these issues and concerns of tribal nations related to violence in our communities. You have heard our needs and challenges we have across the country. We are in dire need of help regarding the atrocities the federal government employed upon our first people nations.

Intergenerational Trauma

The affliction of cultural genocide has impacted our tribal community on Indian reservations and continues to have intergenerational trauma. Our ancestors, like my grandparents, were taken from their families and sent to boarding schools on trains. They banned the speaking of our languages. All the crimes that happened to our grandparents while in the boarding schools is unimaginable. The United States government needs to atone and be accountable to tribal nations for these crimes. We know our inherent rights, our homelands, and what has been passed down from our sisters. Our people have incurred intergenerational trauma, which has directly impacted our social societies, creating many problems within our Indian reservations. All this past trauma has influenced the violence in our communities. Change can happen to encourage every person to become a productive member of society, but this comes with planning and hard work and dedication and commitment.

My mother was sent away to a Catholic boarding school. Her hair was cut, she had to stop speaking her primary Lakota language and she was disciplined harshly by the nuns. One day when her grandmother came to check on her, my mother escaped and went back to her homestead. She entered a federally funded boarding school and graduated with her high school diploma. She was sent to the school by train. She worked for a couple on campus and cleaned their house. The couple's man was a professor who taught her proper English and encouraged her to read books. The couple taught her how to ballroom dance and taught her table etiquette. She was cultivated into a whole different colonization. After graduating from high school, she was sent to Penn State. Meanwhile my grandmother was in Raleigh Durham, North Carolina as her husband was stationed there during WWII and stayed there until my grandfather came home with a Purple Heart. Once my mother finished Penn State she and my grandmother went back to South Dakota. Once they reunited my mother would not speak her language. Everyone would speak to her in Lakota, and she would acknowledge what they said, but would respond in English. My mother made us read, write, study hard and learn English. She would teach us how to ballroom dance, table etiquette, and a way of being. All of us were college educated and did not speak the language. Many of us understood it but were educated to serve our people regardless. I wanted to take the time to share with you what she had done and what had cultivated where we are today. We would not be where we are today if we did not have those parents or grandparents that cultivated us to be in these positions. Thank you for letting me share her short story in relation to the intergenerational trauma we share. This gives another perspective in understanding the challenges we faced.

Healthcare and Housing

Many tribal nations have a need for housing as many people are living in multi-family situations. There is a need for alcohol and drug addiction funding. There are also major health disparities related to the commercial food our bodies are still trying to absorb and many are diagnosed with diabetes, cancer, and heart diseases. We are told there are no funds available for preventative care because everything goes to emergency care. When we have victims of crimes there is no more money for secondary care. Our next generations are being born with drug addictions. Many of our children are testing positive for methamphetamine, development and learning disabilities. Many as a result of teen dating and sexual assault. These future generations being born with these disabilities will incur additional challenges and possibly face long-term foster home systems.

Our tribal nations are making efforts and addressing public safety issues within our respective jurisdictions. However, federal administrators have a lack of knowledge on the day-to-day operations faced by tribal nations. It is important that federal agencies provide local program managers within each tribe's geographical areas so they have a true understanding of our unique nations. Even our climates are unique to each tribe.

The Rosebud Sioux tribe received a contract from DOI, Office of Justice Services under PL 93-638. The base funding award was \$1 million in 1991. In 2020, the base funding was still at \$1 million after 30 years. Why? That is a mature contract that operates law enforcement and services criminal investigation divisions that includes drug enforcement services. I made efforts to re-contract this program with the tribal administration for additional funding in order to address the violence in our community that still has not happened to date. However, we were told this was a congressional matter as they only allocated a certain amount of funds to the Department of Interior and Office of Justice Services to be filtered down to tribes. The DOJ needs to help out. I wish the Department of Interior was here. We need the funding and need it to be recognized and looked at. That is our base funding for contracted services and we told the government we can provide as long as they give us money to provide those services, but they have not increased the amount in 30 years. How can that be? It needs to be addressed. Funding helps our tribal nations address public safety in our communities.

The hiring processes are challenging for our nations when it comes to required and mandatory background checks. When we contract law enforcement services, we have to follow the same regulations the government has and those background checks can take years - especially when you want to get people started immediately. To hire skilled personnel, we need to be able to have competitive employee benefits, such as, life insurance, health insurance and the possibility of a 401(k). Another challenge our tribal communities face is trying to secure housing for law enforcement personnel. We simply do not have enough housing for our community.

We also have weather challenges. Since 2022, we could not get emergency weather services. People were dying across the Great Plains and freezing to death. A young child lost his life, waiting for emergency services to get to him, due to an asthma attack and not being able to get there due to snow. They live eight miles from the hospital. When domestic violence and sexual assaults happen and we have severe weather, we are unable to reach our victims. Some make it to the hospital, but the hospital staff is understaffed due to inclement weather. Our nations need four-wheel-drive vehicles, snowmobiles, ATVs, and other road equipment to be better prepared for life threatening weather and emergency situations. This includes the need for shelter services. Tribal nations have received funding allocations that barely keep day-to-day operations functioning in these emergency programs. If our needs are not met, these crimes will continue to occur. Our lives matter.

To the Department of Justice, the Department of Interior has oversight of many tribally funded contracts through PL 93-638 which includes road maintenance, law enforcement, criminal investigations, victim services, adult and juvenile corrections, transportation, water programs, fire management, social services, and our Indigenous burial services. There are so many important programs on our reservations. We need to address gun violence in our communities, finding solutions to gun violence so our schools and environments are safe. We need additional law enforcement personnel with equipment, vehicles, and training in specialized fields of domestic violence, crimes against women and children, and sexual assault.

We need infrastructure for our roads as the lack of maintenance has caused the roads to be very dangerous and filled with potholes. A police officer in our area may have to drive 100 miles from headquarters to the furthest quarter of our community when responding to an emergency. You don't want to be speeding on these dangerous roads. Some of our tribal communities must drive more than 100 miles to get to a Walmart or McDonalds, or vital services.

Back to administering grants, we are required to provide updated reports and demographics because this helps our federal entities to make determinations. Tribes request technical assistance and support because we are challenged with the federal systems' reporting requirements. It gets frustrating having to call the help desks and drive our program managers nuts. It's time consuming. We need to make sure we are all on the same page.

It is hard to maintain our grants. In Indian Country all of our grants have different funding entities. We have to answer to all of them and that includes state funding and private foundations. There is not one demographic data collection program or entity gathering information, therefore the statistical information continues to have gaps that are missing or not collected. None of the systems we are uploading data to connect with each other. There is no one system you can put your demographics in that covers all of Indian Country. All tribal nations continue to provide written documentation to federal partners, it is repetitive. Also, when funding opportunities occur, we must face the challenge of having to compete with each other. This is challenging for tribes who do not have the resources to develop what they need based on what is available in their communities.

Enhancing the Safety of Indian Women

As for the White Buffalo Calf Women's Society, there are many needs our facility could use for improvement for safety purposes. We have submitted for an infrastructure grant for the domestic violence shelter. The facility needs to have space for mothers who are victims to bring their children with them. This includes allowing privacy and additional beds that could be used for other relatives. We had a mother come to our shelter with seven children. We had a challenge transporting the large family. We need resources that will help those relatives, as well as their children who may have special needs, whether it is mental, emotional, health assessments, and educational requirements.

Many of our shelters operate with one or two advocates because there is not enough funding available to hire staff that is needed. Many of our advocates are survivors themselves and understand the need and urgency of providing emergency services to those in crisis. The advocates need self-care and wellness services in order to continue to help others. Otherwise, they face burnout or PTSD, triggering the continuous feeling of always being in survival mode even when they are not being the victim. After all the trauma that advocates absorb, funding for self-care is not affordable, but necessary for stable and consistent staffing.

The Great Plains area needs to be able to pay advocates a higher pay scale because there are many barriers and lack of infrastructure, such as housing, that makes it where we have to pay more for staff. Many have to drive a long distance on poorly maintained roads to get to work and they spend a lot of money on fuel and maintenance. Advocates and staff need expertise beyond mainstream staff, not only of cultural ways, but also the complex jurisdiction that serves those specific crimes.

Our communities are not safe at night and need additional security to help law enforcement deter violent crimes. In addition, we have a dire need for law enforcement personnel. There are roughly 22 police officers that encompass over one million acres and 40,000 members. That is a terrible ratio. The police officers work hard, but there is not enough. There is one incident that stands out because it was my grandson who was raped. He passed out at a house party and was raped by another male. He was branded and labeled by the incident and took his own life because of the shame, embarrassment, and hardship. We tried so hard as a family to use every resource that was available to help him. But it was too unbearable for him, as he attempted suicide five times prior to his successful death. I think about the young men that are going through

these things, and they can't tell their stories because they feel embarrassed. How do we help them? How do we make it better?

Our court systems continuously need support to address crimes regarding domestic violence, family violence, sexual assaults, and related issues. White Buffalo Calf has only one legal advocate who is responsible for all of these issues. That's why funding is so important to address our legal systems and provide additional personnel to help with these issues. Other tribal nations have human trafficking that is prominent and can be described in detail by those tribal officials within that geographical area.

Strengthening the federal response is critical - we need our federal partners to help. They have a responsibility to be at the table. Many tribal nations use the BIA as their primary law enforcement services. However, tribal nations need to strengthen their relationships with federal partners through MOA and MOUs to help each other specifically with emergency management. The Department of Justice can provide funding for tribal nations to create their response manuals in addressing various incidents. Tribal nations and federal partners can strengthen their relations by sharing training, advocacy, knowledge, and creating response teams by providing what is available for usage by tribal nations related to these crimes by state. We have federal victim services available to ensure that relatives are prepared for court, but we need aftercare services that refer the victims to the appropriate health care agencies and include services to help them access those services. We also need services to support their family. Transportation is always a challenge.

The White Buffalo Calf Women's Society is working with MMIW and MMIP to provide information to families that have missing, murdered Indigenous relatives in the state of South Dakota. We are hoping to help streamline information and help provide appropriate training to provide technical assistance and support to each tribal nation within South Dakota. We are gathering information on transportation, shelter for families in the recovery processes, working collaboratively with law enforcement agencies, and providing training resources for those actively searching, including canine care and supplies. Funding would be exponentially helpful to work with these committed entities, mainly helping those that are seeking to find their family members. Accessibility to various agencies would maximize the search efforts in locating our relatives. The time has come where our databases must be shared amongst Indian Country to streamline our protection orders, restraining orders, and other court-related documents. We acknowledge that individuals can go from one tribal nation or to another to hide from apprehension or court services. We must work together with local, regional, state databases and criminal justice information systems to share information to find these perpetrators and protect our victims.

In closing, I am a daughter, sister, mother, as well as a former police officer that specialized in crimes against women and children, exploitation, rape, and molestation. I will always remember my first autopsy. The victim of domestic violence was an eight-month-old baby boy. The parents were fighting physically, and the mother was holding him. She fell on top of him, causing a subdural hematoma, and he passed away. Sometimes I close my eyes and replay it in my mind. I remember finding another baby in a highchair witnessing her mother being beaten and sexually assaulted. She had blood on her arms and there was no food on her tray. I found the mother laying in a bedroom bloodied from being sexually assaulted. I apprehended the male.

But I cried, knowing that I want our children to learn how to use pens, papers, crayons, and words to create a better world rather than sitting on the side watching and witnessing their parents getting beaten in front of them, creating fear and anxiety and anger in our children. We must teach our children that this is not a healthy way for them. The baby is now a grown woman, and she acknowledges me whenever I see her. I met

her husband and her children, and I am proud of the woman she has become, despite what had happened to her as a child. With this many victims, we also have to help the offenders change their ways. Change can happen.

Recommendations:

1. Intergenerational trauma should be included as a victim service.
2. Housing is in great shortage in most Great Plains tribes. Having no housing leads to higher risk or further violence for these women and families. Funding needs to be increased to cover housing needs.
3. Funding for PL 93-638 has not increased in 30 years while expenses have increased enormously. DOJ and DOI need to work together to increase funding for these services. Additional funding would help support our infrastructure, shelters, support services, law enforcement, etc.
4. Funding should be holistic in its approach.
5. Tribes need access to local, regional, state, and federal crime information databases and criminal justice information systems to ensure the safety of our communities and tribal members.
6. Additional funding is needed to support MMIW and MMIP.
7. Strengthening the federal response to law enforcement is critical - we need our federal partners to help.



Hannahville Indian Community

Anna Larson, Hannahville Indian Community - Tribal Leader (Oral)

I am a daughter, mother, grandmother, great-grandmother, aunt and survivor of domestic violence and alcohol abuse. Hannahville is a small and vibrant Indian community in the upper Peninsula of Michigan. We are a tribe of just over 1000 members, with approximately 600 living on tribal lands or in our tax agreement area. We have mostly the same challenges in enhancing the safety of Indian women from domestic violence, dating violence, sexual violence, homicide, stalking, sex trafficking that larger tribes have. Through the years, Hannahville has applied for and been awarded grants that have strengthened the victim services to our people. We have a volunteer women's group that advises and supports our victim services team to implement programs and to educate our citizens about domestic violence, dating violence, sexual assault, stalking and sex trafficking. We have a victim advocate, a community coordinated response leader, and an outreach coordinator, as well as two child trauma specialists. These valuable staff and essential programs are possible because of funding that is both competitive and formula based. If we did not have our tribal victim services funding from OVW we would not be able to assist our core population and our most vulnerable women. We appreciate the special consideration that OVW makes for smaller tribes.

Hannahville Indian community are thankful for our federal partners and improved responses to the MMIP, including women, girls LGBTQ, and two spirit individuals. We were the first tribal community in Michigan to include a legal code for the prosecution of sex trafficking on our reservation and trust lands. Our victim services currently work with over 100 domestic violence victims every year. We found that almost 90% of these crimes involve drug and substance abuse. Our tribal council recently declared a war on drugs in our community and are taking steps to develop an effective drug campaign. We look forward to the support of our local and federal partners in these initiatives to stop the drugs from coming into our lands and enhance the safety of as many victims as possible.

A recent report showed that 74% of domestic violence victims said the most important thing they need during a domestic violence crisis is support from their peers, friends, and family. Our women would like to have housing for women, where they can be safe and begin the healing process with their friends and family nearby. We would like to see federal funds that can be used for the construction of this house. Since we are enhancing the safety of our Indigenous women from domestic violence, we have to embrace the complexity of the trauma that they experience. Hannahville's Victim Services Set-Aside Program (Stronger-Safer), funded by OVC, is addressing issues of violence and trauma with a program that seeks to re-engage parents and caregivers with their children.

For many years, federal prosecutors declined to pursue half of all cases of violence against Native Americans by non-tribal entities on tribal lands. Creditors exploited the low prosecution rate, which legal experts say turned tribal lands into targets and contributed to the epidemic of MMIW. The Hannahville Indian Community would like to see violence against women prosecuted at the same rate, with the same fervor as other serious crimes. We have a long and positive history with our federal partners for the prosecution of serious crimes including domestic violence, but we would like to see the process strengthened and moving faster. We recognize and appreciate the implementation of the Violence Against Women's Act, as well as the efforts to strengthen the federal response to violence against Indigenous women, but we know from experience that the other serious crimes seem to be more easily prosecuted than domestic crimes.

Recommendations:

1. Hannahville Indian Community requests that the federal government respond as quickly to domestic violence within their jurisdiction as they do homicide and other serious crimes so that we may strive to meet our goal of zero tolerance for violence against women in our community.
2. Hannahville Indian Community recognizes that when relationships with local, state, and federal partners are clear, it is easier to find ways to share information as needed. It is our recommendation that a shared database be created across the nation for reoffending perpetrators of domestic violence, stalking and trafficking so these behaviors are documented and it does not reach the act of murder. Notice I did not include sexual assault and rape because we currently have a sex offender registry. These perpetrators perpetrate violence in our communities, further inflicting pain and trauma onto our women and children. These records should be publicly and nationally accessible to further prevent women from blindly entering into these toxic relationships. This level of sharing should be done in increments as each tribe and community is ready. We must bring all stakeholders together and share information that enhances the safety of Indigenous women from domestic violence, dating violence, sexual assault, homicide, stocking and sex trafficking. We must work together tribally, regionally and federally to keep our women safe.
3. Funding for PL 93-638 has not increased in 30 years while expenses have increased enormously. DOJ and DOI need to work together to increase funding for these services. Additional funding would help support our infrastructure, shelters, support services, law enforcement, etc.
4. Funding should be holistic in its approach.
5. Tribes need access to local, regional, state, and federal crime information databases and criminal justice information systems to ensure the safety of our communities and tribal members.
6. Additional funding is needed to support MMIW and MMIP.
7. Strengthening the federal response to law enforcement is critical - we need our federal partners to help.



Jamestown S'Klallam Tribe

Loni Greninger, Vice Chair, Tribal Council - Tribal Leader (Written)

Topic 1: Administering Tribal Funds and Programs

Ensuring tribal governments have the tools and resources needed to fully exercise our inherent sovereign authority is critical to improving public safety and justice in Indian Country.

Grants are Paternalistic Mechanisms

One obstacle is that grants are paternalistic mechanisms that diminish tribal sovereign authority and impose a number of restrictions regarding the receipt and use of funding. Although DOJ-OVW has taken steps to try and make the grant process more advantageous to tribes, it does not eliminate the barriers and administrative challenges that accompany grant funding. As more and more agencies opt to use grants as their chosen funding mechanism, they are perpetuating structural barriers to tribes being able to access these resources. Grant funding is essentially creating and continuing to foster a system of inequality whether intended or not.

Tribal Capacity to Administer Grants

Tribal capacity to administer grants is a growing concern especially in the aftermath of COVID. Tribes continue to struggle to overcome loss of staff and the challenges associated with recruitment and retention in rural and remote areas. The imposition of additional administrative burdens that accompanied recovery resources on top of current business operations has already stretched tribal capacity to manage day-to-day financial practices to its limit. Imposing an additional layer of administrative requirements that accompany each grant funding stream onto tribes further exacerbates the challenges.

In addition to inadequate resources and experienced staff, other impediments would include the short timeframe to apply for grants, uncertainty about tribal eligibility, and paramount to the barriers is that the grant application is not reflective of the unique aspects of Indian Country. Access to federal staff has become challenging in the aftermath of COVID.

Less Resourced Tribes are Unable to Access Grant Resources

Capacity challenges are even more pronounced for tribes with limited resources. Many tribes do not have the ability to hire professional grant writers and fully staff offices dedicated to grant administration. In fact, less resourced tribes may have a single individual covering two to three different positions due to funding constraints and/or the inability to fill vacant positions. As a result, the tribes who need the grant resources the most are often unable to access them.

As an example, Jamestown has one case manager/community advocate who is responsible for a broad range of social and community services for tribal adults, children, and families. Tribal client care entails a very detailed collaborative process of conducting assessments, determining treatment needs, developing, monitoring, and evaluating treatment plans and progress, facilitating interdisciplinary approaches to care, care coordination, and advocacy. This individual is on the front line addressing tribal individuals and families in crisis and the issues are very serious, such as cases of sexual abuse and domestic violence. However, rather

than being able to focus solely on providing critical care to victims and their families, our case manager/community advocate spends over half their time, or twenty hours a week, on grant administration. Grant administration entails reviewing strict and limiting allowable uses to ensure compliance, maintaining quarterly and other regular data, drafting annual narratives, conducting audits, and spending an exorbitant amount of time on annual budgets and narrative renewals for existing awards.

As aforementioned, more and more federal agencies are using grants as the preferred funding mechanism. Our staff is being stretched thin and it is robbing our tribal citizens and community members of the care they desperately need. Not to mention the fact that grants make tribes compete with one another for limited resources. Grants should use direct formula base funding.

Grants are Short-term Solutions

Despite DOJ taking steps to extend the grant period, grants are still short-term solutions to long term issues and funding to support programs, services, and staffing needs are not guaranteed. Planning is challenging when the main source of funding is grant based because there is no guarantee of funding after the grant period expires. Recruiting and retaining staff to implement victim services programs and services is difficult enough in remote communities but even harder when potential job applicants' employment status is predicated on securing grant funding for the program.

Grant Review Process Post-Pandemic

The limited resource pool of qualified reviewers has placed a heavy reliance on academic reviewers which negates the "peer review process." Reviewers with limited knowledge and understanding of American Indian/Alaskan Native (AI/AN) unique issues and governmental structures or determining that the small population base of many AI/AN tribes and communities is often viewed as too limited for grant objectives has resulted in inadequate explanations of the reasons for rejection of applications.

Recommendations:

1. The U.S. federal government should explore ways to overcome the structural barriers surrounding funding that does not align with tribal sovereignty and self-governance and that further harms survivors of crime and tribal communities.
2. The U.S. federal government should provide additional resources to execute additional responsibilities. The restoration of measured tribal inherent criminal jurisdictional authority within the parameters established by the Violence Against Women's Act (VAWA) is commensurate with the obligation of the federal government to provide additional resources to tribes so that they can properly execute these additional responsibilities and properly address the needs of victims of crimes and our families.
3. DOJ should utilize a funding formula to provide base funding to tribes as opposed to the current competitive grant or formula grant funding mechanisms that are being imposed on tribal governments. Every state and U.S. territory receive a base amount of formula funding, and the remaining funds are allocated to each state based on their state population.
4. Formula funding is more reflective of the government-to-government relationship and should be utilized as the chosen mechanism for the distribution of funding to tribes. Tribal nations should be prioritized as funding recipients of public safety and justice funding given the federal trust and treaty obligations. Formula funding does not come with the same restrictions, administrative burdens, and planning hurdles that are associated with grant funding. Jamestown S'Klallam would be supportive of

every tribe receiving base funding dollars before a proportional share of the remaining funding is distributed amongst all tribes.

5. Although OVW came to the conclusion that there were too many hurdles to implement formula funding in 2014, we still remain steadfast in our position that stable base and formula funding is more congruent with respect for tribal sovereignty and self-governance and should be explored further. Rather than dispensing with formula funding as an option, DOJ should reconvene the tribal-federal workgroup or form a new workgroup to strategize how to overcome the obstacles to formula funding.
 - a. If the decision not to use formula funding is predicated on insufficient resources, there are a few avenues the workgroup could explore to increase funding levels. The Administration's budget proposal could advocate for an additional percentage of the set-aside for tribes to increase the funding allocation. The DOJ could also create a 477-like funding mechanism that allows tribes to combine all public safety and justice funding from numerous sources and agencies into a single plan with minimal reporting requirements as an initial policy step that could increase the amount of funding that is available for public safety and justice purposes. Another solution would be to expand self-governance to all public safety and justice programs across the federal government to allow for greater flexibility in combining and using funding from all sources.
6. The following courses of action would support the administration of funds and programs in ways that align with tribal sovereignty:
 - a. Expand tribal self-governance authority to the Department of Justice.
 - b. The Administration's budget request should advocate for mandatory as opposed to discretionary funding for tribal public safety and justice programs and services to align with trust and treaty obligations.
 - c. Advocate for substantial increases in base funding for tribal public safety and justice programs and services.
 - d. Provide direct funding to tribal nations rather than allowing states to administer funding that is intended for tribes.
 - e. Provide stable base budgets for public safety and justice with recurring funding amounts that are predictable and consistent.
 - f. Increase formula-based funding rather than competitive grants.
 - g. Allow for greater flexibility to combine and use public safety and justice funding in a way that best meets the needs of tribal communities.
 - h. Enhance coordination and cooperation between departments and agencies across the federal government to promote safer communities and better outcomes for tribal citizens, their families, and communities.
 - i. Take steps to support the collection of accurate data and develop community profiles that better reflect the public safety and justice conditions and funding needs across Indian Country.

Topic 2: Enhancing the Safety of Indian Women from Domestic Violence, Dating Violence, Sexual Assault, Homicide, Stalking, and Sex Trafficking

Support the Restoration of Tribal Inherent Jurisdictional Authority

Indian Country continues to experience the highest crime victimization rates in the United States because they are the only sovereign government in America restricted by Federal law from fully exercising our inherent jurisdictional authority over non-Indian perpetrators of crime against our citizens and within our communities. VAWA 2013 restored tribal authority over non-Indians who violate protection orders or commit certain crimes of domestic violence against Indians in Indian Country, but it was very limited and left many gaps. VAWA 2021 addressed a handful of these jurisdictional gaps by restoring tribal jurisdictional authority over non-Indian perpetrators of sexual assault/violence, child abuse, stalking, trafficking, and assaults against law enforcement officers. However, more needs to be done to ensure tribal governments have the authority to prosecute and punish those who commit crimes against their citizens and within their communities.

Empower Tribes to Exercise Their Governmental Authority

OVW's role as trustee is to empower tribes to exercise their governmental authority to the fullest extent so that meaningful measures can be implemented at the local level to address public safety and justice concerns. Tribal governments have had to fight hard for a seat at the table when conversations about public safety and justice in Indian Country are taking place. For decades, the federal government failed to protect our tribal citizens and communities from the injustices that have been committed against us. The enactment of laws and policies that prohibited us from fully exercising our jurisdictional authority caused further devastation to our communities. We have fought hard to reassert our authority and take care of our people. It is incumbent upon the federal government to ensure we are equipped with the capacity and resources needed to properly execute our authority. We want to continue to work in partnership with national, regional, and local governmental authorities to promote the safety and well-being of our citizens and communities and our neighboring communities.

Defer to the Authority of Tribal Governments to Establish Our Victim Service Needs and Public Safety and Justice Solutions

The federal government should not be establishing priorities or setting stringent parameters regarding program implementation but should instead defer to the authority of tribal governments to determine our victim service needs and public safety and justice solutions within our communities. Tribal victims of crime have a wide spectrum of needs that range from the need for financial support, medical, dental, physical, and mental health assistance, housing, transportation, workforce development and training, childcare assistance, legal assistance, and other assistance that is unique to tribal cultural practices and beliefs. The conversation needs to be reframed from "here are the federal government's funding priorities and goals that tribes need to design their programs around to how the federal government can best support tribes to address their priorities and achieve their goals.

Recommendations:

1. The U.S. federal government should do more to support the restoration of tribal inherent jurisdictional authority.
2. The U.S. federal government should empower tribes to exercise their governmental authority.
3. The U.S. federal government should defer to the authority of tribal governments to determine victim service needs as well as public safety and justice solutions.

Topic 3: Strengthening the Federal Response to Such Crimes

Amend Antiquated Federal Laws and Policies that Continue to Harm Tribal Citizens and Communities

Antiquated federal laws and policies created the current jurisdictional quagmire that fosters a system of structural racism in government operations and inequality and injustice in Indian Country that has led to a victimization rate that far exceeds the national average. This fact alone warrants immediate attention and an influx of funding that is commensurate with the degree of resources required to address the victimization rate and overwhelming needs of survivors, our families, and tribal communities.

Enhance Coordination and Cooperation Amongst Federal Agencies that Administer Public Safety and Justice Services

An all of government approach is needed to address the public safety and justice crisis in Indian Country head on. It is critical that federal agencies that administer public safety and justice services coordinate and collaborate amongst themselves and with tribal governments to generate the best results for survivors of crime and their families. In general, agencies function within their individual silos adhering to policies and practices that are outdated and far too rigid to fully address the needs of Indian Country. Adopting a holistic approach to the provision of services gives tribes greater flexibility concerning the use of funds and will bolster the ability of tribal governments to address the needs of survivors and their families.

Expand Self-Governance to all Public Safety and Justice Programs and Services

The Indian Self-Determination and Education Assistance Act (ISDEAA) authorized tribal administration of programs, services, functions, and activities (PSFAs) in the Department of the Interior's (DOI) Bureau of Indian Affairs and the Department of Health and Human Services' (HHS) Indian Health Service through 638 contracts or Self-Governance compacts. Congress has acknowledged the success of self-governance and 638 contracting by expanding this authority to other agencies, including the Department of Transportation (DOT), the Department of Labor (DOL), and the Department of Agriculture (USDA).

Adopt a Holistic Approach to Address Crime in Indian Country

Systemic issues are often the root cause of most crimes. In order to produce more promising results, a holistic approach to addressing crime in Indian Country is needed. Law enforcement needs to be combined with behavioral health and prevention programs to address underlying issues of alcohol and substance abuse, domestic violence, intergenerational trauma, post-traumatic stress, anger management and other complex issues. Programs also need to be structured to work with both victims and perpetrators of crime and culturally appropriate solutions need to be employed. Broad flexibility to design and implement the programs and services that align with tribal communities' needs are essential to realize success and deter future criminal behavior.

Recommendations:

1. The U.S. federal government should take steps to amend any legal and regulatory impediments that continue to harm tribal citizens and communities in regard to public safety challenges that have been created by antiquated laws and policies.
2. It is critical that federal agencies that administer public safety and justice services coordinate and collaborate amongst themselves and with tribal governments.
3. Expand self-governance to all public safety and justice programs across the Federal government and allow funds to be distributed through self-Governance compacts and 638 contracts.
4. A holistic approach with broad flexibility given to the tribes is needed to address crime in Indian Country.

Topic 4: Improving Access to Local, Regional, State, and Federal Crime Information Databases and Criminal Justice Information Systems

Continue to invest in the Tribal Access Program (TAP) for National Crime Information so that tribal governments have access to the critical data that is needed to protect our citizens and communities effectively and efficiently. These databases allow law enforcement to share critical data, to include orders of protection, registered sex offenders and illegal gun purchase information.

Recommendations:

1. The U.S. federal government should continue to invest in TAP for National Crime Information.
 - a. Training and technical assistance should continue to be deployed throughout Indian Country to strengthen tribal capacity to use the system.
2. Some tribal communities continue to experience challenges with broadband/spectrum access which could prevent them from being able to utilize the TAP system. Inter-agency coordination and cooperation is vital to ensuring tribes are equipped with the tools and resources needed to properly execute public safety and justice measures.



Kenaitze Indian Tribe

Bernadine Atchison, Council Member - Tribal Leader (Oral)

Maria Guerra, Family and Social Services Director - Authorized Designee (Oral)

Mary Ann Mills, Council Member - Tribal Leader (Oral)

Brenda Smith, Council Secretary - Tribal Leader (Oral)

I (Bernadine Atchison) have been testifying for the last several years on behalf of the tribe by sharing my personal story. Sharing my story is emotionally and physically draining because it reminds me of when I was a young teenager and a young adult who lived in darkness for such a long time. I walked that path for 37 years. My mother, grandmother, great-grandmother walked it their entire life. I am grateful for the programs, trainings we have as I walk in healing today, and every door I open helps to heal another wound or trauma I buried. I have my family, the tribe, services, my elders, and our Creator right alongside me. I also have you. Thank you all for what you have done.

Topic 1: Administering Tribal Funds

There is a lot of work that needs to be done regarding generational trauma, prevention, and healing. First, in regard to administering tribal funds, we need to make sure they are noncompetitive, sustainable in parity with other governing bodies. The funds should be moved from the discretionary budget to the mandatory budget. Communities should not have to compete with each other to receive funds. We need to think more along the lines of the No Child Left Behind Act (2001), which then became the Every Student Succeeds Act (2015). We need to look at this as no woman, man or child is left behind and every woman, man or child succeeds. We need to ensure every human being has the right to life, liberty, and the pursuit of happiness without discrimination, abuse or fear. We need the federal government to live up to its trust responsibility to provide public safety funding and resources in parity with other governments. Funding should be applied to all this

funding should be viewed in the same way as they are interconnected. If a child is in a domestic violent home being abused or living in survival mode, how can that child learn or even remember what they learned? Our schools are failing our children, but maybe it goes a step further, that trauma is being recycled through our school systems and adding another layer of trauma.

For example, bullying, lack of teacher interest in the child, overcrowding rooms where children are falling through the cracks, incorrect history or minimal being taught about the Indigenous people of Alaska or any tribal nation. For example, in Alaska, Russia never owned Alaska and could not sell what they did not own. All that Russia could sell was the trading rights, which was only a handful of acres. This is a truth that is not taught in schools. Also not taught is the fact that the Indigenous people of Alaska were not allowed to vote for statehood in 1959, especially if they did not speak English.

Children in Alaska do not learn about the horrors that happened with the boarding school in the 1970's and how parents were threatened to be put in jail if they did not send their children to boarding school or how the parents had to find money to bring their children back home at the end of the school year. One Alaska elder from Fairbanks shared that she did not see her parents until she was 19 years old because they could not afford the airfare at the end of the school year. When she finally made it home, her parents did not recognize her. How education is being taught in the schools reflects how the community sees Indigenous people and how they see themselves.

Topic 2: Enhancing the Safety of Indian Women

To enhance the safety of Indian women, we need to focus on prevention. It is important to identify the root of the trauma in order to stop the cycle of violence. Violence against women is violence against all human beings. We need to be asking questions when a violent act occurs. Was the person victimized, violated, abused or traumatized as a child? Was there substance abuse in the family as a child? Was there a complex family trauma? Was the trauma buried, compartmentalized or discharged? Was there substance abuse during the violation? These questions need to be asked to both the victim and the violator. These questions are important to help identify the root of the violence and where it stems from as we are not born with these behaviors. They are taught to us through our environment and our education system. Breaking the cycle of violence is finding the root of its existence, helping to heal it and recognizing that the healing process is going to be unique for each person.

Topic 3: Testimony

[Bernadine Atchison Testimony]

At the age of 13, I was sexually assaulted by a family member, while my parents (who were both alcoholics) had been drinking. From that moment my fear became heightened every time they drank. On those nights, I watched my bedroom door until I knew they were sleeping. This became a recurring trauma until I left home. There were other traumas during this time of sexual abuse and I did not have the support structure to process the trauma. It was buried deep in my brain. Emotionally, I stalled out at 13. My brain was trying to understand why this happened and it came up with its own conclusions from a 13-year-old perspective. All other traumas during my youth were dealt with in the same way. My environment and trauma set the tone for what relationships would be with other men. If you survive a complex trauma and do not get the care you need, you have two paths you go down. You become codependent or a narcissist. I became codependent and married a man who had substance abuse. Two years later, we were divorced. Within a couple of months, I was with

another man who I married that was verbally and sexually abusive and had substance abuse. After 18 years, and him having three affairs, we divorced when I was 40.

To step back a little bit, my sister committed suicide when I was 27 and within one year, my husband had an affair. My childhood traumas that I buried started to come back into my thoughts and I wanted to erase them as they made me feel sick and full of shame. I wanted to know why my husband was having an affair and I wondered if he was going to leave me as I was pregnant with my third child. I questioned why I was on this earth. Somehow, I pushed all of those thoughts aside and focused on having my baby and taking care of my two children who were six and nine. It was a year after my daughter was born that I started drinking as my thoughts from the past returned and my husband continued with his behavior. I drank until my thoughts were numb and I could fall asleep at night. I stopped drinking at the age of 50.

Slowly I had to face my past traumas. Our brains are amazing protectors of us as there was not a floodgate of all the traumas at once. Shortly after I stopped drinking the first trauma I healed from was the suicide of my younger sister. Then, I dealt with the abuse of my ex-husband. When I was 57, I finally said out loud that I was violated as a child, which was the root of all my traumas. When I was 62 and my mother was on her deathbed, I acknowledged the role she played in neglecting me as a child. Today, I am 64 and grateful that I had the courage and strength to stop drinking. I am also grateful for the support I have had these last 14 years. I am a survivor.

This past July I attended a training in Alaska that covered several areas in regard to substance abuse addiction and complex family trauma. I learned that more women have been killed in the last 50 years than all the men killed in known wars. Report that three fourths of women have been raped only tells a part of the story. DOJ estimates 93,000 men are raped yearly. This is underreported. Young ethnic minority boys raised without a father have a higher rate of being raped. The rate of alcohol, cocaine, marijuana, and IV drug use is 25 to 50 times higher in boys who are sexually abused and 40% of adult men diagnosed with mental disorders report being sexually abused as a child or adolescent.

There are five predictive signs of possible extreme violent behavior:

1. A brain injury due to an accident prior to or at the time of birth
2. A history of mental health illness
3. A history of childhood abuse, sexual, physical or severe emotional injury
4. A history of social isolation, significant loneliness, confinement, separation, segregation and forced attachment.
5. A history of social rejection, social exclusion, shame, discrimination, intimidation, oppression and harassment.

In school shootings, child abuse, social isolation, and social rejection, were traumas that the perpetrators experienced. Fight, flight, freeze, response. If you freeze and don't respond, it creates a path in our brain on how we handle certain situations in the future. If there is alcoholism in the family, studies show that 50% to 70% of it passes on to their children. Illicit drugs, 30% to 50%. The rest is impacted by the environment. Research conducted at the Cornell Medical School Research concluded that trauma experienced during adolescence may be delayed or postponed until the individual reaches adulthood, even up to their late 20's. Research in the field of trauma and stress related disorders indicates effective treatment and rehabilitation may take three to five years of consistent involvement in counseling to establish a solid core of recovery. The same applies to substance abuse as new pathways need to be developed in the brain.

In closing, I shared my story to show how the cycle of violence impacted me and the cycles we are dealing with today our generations deep. With the most current research, we know where the root of most violence against women, children and men come from. Those are the areas we need to focus on. We need to have the tools and resources for all ages as abuse and trauma does not discriminate against age or gender. We need noncompetitive sustainable funding.

[Mary Ann Mill Testimony]

The grim and ongoing history of colonization in Alaska has tied the hands of those who are peacefully trying to bring healthy change in the true meaning of justice for everyone in our jurisdiction. To understand violence against women in Alaska is to understand the uncomfortable truths regarding the history of Alaska and the consequences Alaska Natives have and continue to bear. Alaska is considered the deadliest state for women and 59% of women have experienced violence. As a result, Alaska has the highest rate of missing and murdered women in the nation.

Still today, the state of Alaska has not recognized that tribes exist in Alaska. This disrespect has encouraged injustices to occur among Native Alaskans and have been documented for decades by countless testimonies from Native people of Alaska. Tribes in Alaska have the right to nationhood under the United Nations charter, a subject which has never been properly addressed. The United States did not follow the international treaty procedures and obligations. The United States and the state of Alaska have always played a significant role in politics, policies, laws and practices that have ignored the humanity of the Indigenous peoples of Alaska. Alaska Natives were not afforded democracy or the Rule of Law or the doctrine of egalitarianism that all people are created equal and deserve equal rights and opportunities. Many Alaska Natives understand and recognize the Rule of Law and that treaties carry the same weight as the United States Constitution. The Rule of Law principle of the United States democracy is based on the consent of the government.

The Alaska Native Claims Settlement Act (ANCSA) was never recognized by Alaskan people. The Rule of Law needs to apply in this case. The first Governor of Alaska, Ernest Gruening, described Alaska by stating he had found that the egalitarianism of Alaskans was very impressive, but it was subject to one exception as it did not apply to the Native peoples - Indians, Eskimos, and Aleuts. Years later, Dr. Martin Luther King observed and proclaimed, our nation was born in genocide. We are perhaps the only nation that made it a national policy to wipe out its Indigenous populations. Moreover, we elevated that tragic experience into a noble crusade and still today we have not permitted ourselves to reject or feel remorse. 550 years ago, on May 4, 1493, Pope Alexander pronounced the doctrine of discovery. It granted European nations the right to claim the lands they discovered on behalf of Christians. The legal foundation of U.S. Indian law is based on the Doctrine of Discovery, which justifies the genocidal and forced assimilation of Indigenous peoples. Chief Justice John Marshall's opinion in the 1823 U.S. Supreme Court case *Johnson v. McIntosh* invokes the genocidal Doctrine of Discovery into American Indian law. Because of the doctrine's misuse by creating genocide and other crimes against humanity, on March 30, 2023, Pope Francis announced that the Catholic Church repudiates those concepts that failed to recognize the inherent human rights of Indigenous peoples, including what has become known legally and politically as the Doctrine of Discovery.

The following is a brief synopsis of Alaska's situation that has been caused by the political and legal climate. The FBI's Uniform Crime Report states that the overall rate of sexual assault in Alaska is four times higher than the national average. The National Indian Country Clearinghouse on Sexual Assault states Alaska official rate of sexual

violence is 2.5 times that of the national average, one of the highest in the United States and in the world. The rate of sexual violence committed against Alaskans under the age of 18 is shockingly, almost six times that of the national average.

The actual rate of sexual violence estimated by professionals serving Alaska Natives sexual assault survivors is frequently cited at 90% greater for Alaska Native women and over 50% for our men. There are 229 federally recognized tribes and 200 Native villages in Alaska. There is a severe shortage of law enforcement in remote villages. Thirty-nine percent of Alaska Native villages are served by state trained law enforcement and 61% of the villages do not have law enforcement and must wait an average of four days for law enforcement to arrive.

The Indian Law and Order Commission, November 2013 report to the President and Congress of the United States recognized that Alaska's approach to providing criminal justice services was unfair and fundamentally on the wrong track. It also stated that Alaska's approach creates and reinforces discriminatory attitudes about Alaska Natives and the governing capacities of the Alaska Native tribes. As long as the system that helped create the problem is allowed to persist, the general public will be tempted to assume that the fault lies with the victims, when instead, Alaska Natives and Alaskan tribal governments have had relatively little to say in the way crime and justice is addressed in their communities. The commission report concluded by stating, the Indian Law and Order Commission is not the first advisory board to recognize the lack of access to safety and public safety services in Alaska Native communities. The situation in Alaska is urgent and of national importance. Only the combined efforts of federal, state and tribal leaders will be sufficient to change the course and put all Alaskans on a better path.

The Kenaitze tribe, through its tribal state jurisdiction court, has had a zero recidivism rate for years. We achieved this by implementing traditional values as referred to in our judicial code as the principles of regulation which is our supreme law. Our tribal court is based on restorative justice, whereas the state's court is based on an adversarial system. Our culture and way of life is based on love, truth, and honor. We know how to heal ourselves as well as others who come to us for assistance. I have been advocating for Alaska Natives for over 50 years and can verify we are worse off now than before ANCSA. We are not thriving as wards of the federal and state governments. Our sovereignty needs to be honored in order for us to freely decide what is in our best interest.

The Kenaitze Indian tribe recognizes that trauma, and intergenerational trauma, created by the effects of colonization, must be properly addressed in order to promote wellness. Our tribe is promoting trauma informed care in all of our programs. We need additional funding to revamp our behavioral health and substance use programs to include our traditional values and cutting-edge science. We need the federal government to review its behavioral health regulations and to be flexible, and if needed, to ease its regulation to allow us the self-determination we need to heal our people. We need funding to accomplish this plan. The tribes in Alaska did not receive any land or resources under ANCSA and we are reliant on federal funds. To provide adequate funding to meet the critical needs of tribes is a trust responsibility. It is critical for the federal government to honor its sacred trust responsibility, the Rule of Law and treaties with regards to Alaska Natives and American Indians. Such as invoking the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide, and the U.S. Government's Proxmire Act, Public Law 100-606, also known as the Genocide Act. To assist in our healing journey, the federal government needs to assist us in the process of reconciliation and decolonization. In closing, it is necessary to bring forth these major truths and concerns, not only for our healing, but to bring healing and balance to the nation. It is imperative to break the

cycle of genocide and crimes against humanity. All survival is based on truth, freedom and positive actions that go beyond racial lines.

[Brenda Smith Testimony]

This is my first tribal consultation, and I am hopeful to have the opportunity to speak to you about the needs I see in my community in regards to domestic and sexual abuse and its correlation to the criminal justice system. Some things in my testimony I'm openly sharing for the first time. First, domestic violence and sexual abuse have been part of my family going back generations. When my grandmother was 16, she had been living with her aunt and uncle for ten years after losing both of her parents. She was to be given in marriage to an old trapper like an animal, so she ran away from home. She was alone and because of this, she was found one night by two men in the Army. They took turns beating and raping her. She ended up pregnant and when her son was born, a non-Native family from Texas adopted him. My grandmother did not see her son until I was five years old. They were both robbed of their relationship for almost 40 years.

My grandmother was married to my grandfather for 48 years (before he left her) and in that time she endured polio, which eventually made her wheelchair-bound, and many years of physical abuse at the hand of my grandfather. Not only did he beat her, he also beat my uncles. My mother grew up seeing this and due to the sexual abuse that she endured as a child, she cannot remember anything before the age of 11 as her mind has blocked out those memories. She still remembers my grandfather beating her brothers, and she remembers him breaking my grandmother's legs and throwing her out in the snow. It is not at all uncommon for those who experience domestic violence as a child to repeat the cycle as an adult. I watched the cycle continue between my mother and father. My brother and I were both exposed to physical and emotional abuse as children. After the age of 13, a swift backhand slap across the face was the typical form of punishment for me. I remember being in trouble when I was 16 and when I saw my father's hand go back, I stood there like a deer in headlines and wet my pants in front of him because I was afraid. I became very good at being compliant and did what I had to do to stay under the radar. My younger brother endured more physical abuse than I did. My mother eventually left my father when I was 17 years old.

I started down the same path myself and married an abusive man whom I had both of my children with. I loved him and some of what was happening in my home felt normal to me even though it was heartbreaking at the same time. When my daughter was four years old it hit me that if I continued to live in that situation, she would most likely repeat my life. I did not want that for her or for my son and that is when I decided to pack up our clothes and flee. My daughter is now 16 years old with faint memories of what took place, and my son does not have any memories of it. It gives me hope that perhaps a new kind of cycle will begin that includes intolerance to abuse and violence in the home. It has taken many years to come to terms with what I endured. I have watched in agony as my brother has become an alcoholic, attempting suicide, because at 41 years old he is still living with the traumas that he endured. He has been my best friend my whole life. I'm not sure if I would have been able to face my own trauma had I not come back home to my people. There is a genuine healing and connection that I have in abundance with my fellow Kenaitze people.

Both my grandmother and my mother encouraged forgiveness because it allows one to release the ugly and move in the direction of real healing. By the time I confronted my father, I was 35 years old, and it resulted in us not speaking for eight years. The biggest lesson those eight years taught me was that all of the anger added exactly zero value to my life. It is like Mark Twain said, anger is an asset that does more damage to the container in which it is held than the surface on which it is poured. By forgiving my father, I was able to let it go. I have changed the dynamic of our relationship and I recognize that he was also a product of what he was

taught. He grew up with domestic violence and knowing this gave me an interesting perspective. As I have got to know more and more of my people, I have noticed that many of us have lived the same nightmares, but with different faces. There are people I have grown to love deeply that are grappling with substance abuse and other issues. It has become painfully apparent to me that what we have become has a direct correlation to the environment we are raised in. I have a cousin whose mother was molested as a child. She grew up to be beautiful and even served our people as a tribal leader. She was smart, but also tormented. She got lost in drugs and alcohol and by the time he got to his mid-30's, he was a heroin addict with more misdemeanors on his record than I have fingers and toes times three. I lost him this last September, but in those last two years of his life, after losing his mother, he reached out for help. He went to treatment and graduated after a year of sobriety. He was able to obtain employment and experience accountability. Unfortunately, he had a moment of weakness, relapsed, and is no longer with us. The impact that he was able to have on others in those two years of sobriety is a testament to what intervention can do in someone's life. He is the reason I started working on reentry on the Kenai Peninsula. In the state of Alaska, the number of Alaska Natives incarcerated is disproportionately higher than non-Native inmate population. The current recidivism rate in Alaska is 66%, which is exceptionally high. The national average is around 40%. Of all the boroughs in Alaska, the Kenai Peninsula ranks number 14 in recidivism. Of all of the statistics, what alarms me most is that 70% of the youth in the juvenile justice system are children of adults in the criminal justice system. This is undeniably generational, and I think we can all agree that we can do a better job at providing intervention for these high-risk youth who are also victims of abuse and do not have the tools to navigate their trauma.

Roughly three out of ten inmates report sexual assault while being incarcerated. Trauma informed care should be a requirement, not considered an option. For those that we serve in the reentry program, we are a place of hope and guidance because one of the greatest gifts you can give someone is to treat them like they are a whole person. Our goal is to walk next to them, keep them accountable and advocate for them on their path to self-sufficiency and sobriety. I do not have it in me to turn my head and accept that a punitive approach to justice is the right approach. My tribe has a restorative approach to justice which is centered on our traditional values. I also believe that every person is someone's daughter, son, cousin, sister, brother, or friend, just like me. Through reentry services, our people can obtain access to treatment, housing, transportation, employment, and other necessary life skills others take for granted. It has truly been one of the most humbling experiences.

Grants that are related to reentry do not support the inherent sovereignty of tribes. Our federal partners need to consider reevaluating these requirements and give flexibility to the tribes to do what is best for their people. We can rebuild the programs necessary to work with a vulnerable population.

[Maria Guerra Testimony]

I have been serving as the Family and Social Services Director for the tribe for eight years. The Tribe's domestic program is set up to provide advocacy and resources to our individuals, with a holistic approach. One of our services has to do with community response to missing and murdered Indigenous people. We have resources to support, but there are dedicated investigators or detectives who specialize in providing services for those who are missing in Alaska. We believe the government can assist more. Alaska is significantly larger than the state of Texas and it critically needs dedicated investigators/ detectives, whose sole purpose is to search for those who are missing. These specialized investigators would ideally be searching for missing people, regardless of their background, their age, their ethnicity, runaway history, mental health history, self-medication history or criminal history. If a model is needed, Native Search Solutions, a nonprofit started by a

retired officer to find missing and murdered Indigenous people in Arizona is a great model to follow. A missing child, woman or man doesn't only hurt a household, it harms an entire community.

Topic 4: Stories from Advocates

I'd like to share a few stories from those who have their "boots on the ground".

The First Story

Five years ago, our advocate began working with an individual who was using meth heavily and her daughters were taken into the Office of Children's Services. The children were so unkempt, in fact, they were the opposite of clean. They were all barefoot and covered in animal feces. They all had lice, fevers, serious congestion, mucus matted in their hair. Three of the four children had multiple drugs in their system. The oldest daughter was five years old and had a sexually transmitted disease. Even through the couple's deep addiction, they were seeking help. The woman gave birth to another baby who was taken into state custody. Over the next year, both parents repeatedly went through the beginning stages of recovery and relapse and domestic violence. At one point, we helped her obtain a protective order from her husband. He violated it and she disappeared from her program several times but came earnest when she became pregnant again. Together this couple began living at a local Silver Living house. They both got clean, had a baby and were able to keep this baby since they were clean and sober. They made a very hard decision to allow the foster family who held the other children to adopt the girls. Together, they moved out of state, and our case with them was officially closed. Not long after they moved, she was pregnant again. Everything seemed good, however there were continued relapses. The day she gave birth, her husband relapsed and died in the vehicle, never making it to the hospital to meet his son. Even though this case has been closed for quite some time, she contacted our program via telephone for support. The advocate talked her through the situation she was going through and assisted her in finding local resources. The youngest baby boy is now one and she is clean and has custody of her two children. She has a job, stable housing and is involved in mentoring others whose children are in state custody. She has an open dialogue with the families who adopted her five daughters and can see them, occasionally. Recently, she sent pictures of her twins, the second and third born. The advocate remembered helping the kids detangling their hair after their forensic exams when they first met them, and they could see a stark difference in their appearance from then to now - it was moving. Looking over this case, it seems like this could never be a success story. One of the parents did not survive, but with all the loss and violence, it's a great example of hope and it serves as a reminder that we should never give up helping people. No matter how difficult it becomes, or how hopeless the situation may seem. There are many things that we need to take away from this and other stories shared:

- The road to healing is a long one. For some, it may take 5, 10, 15 years, or a lifetime. But it is possible to bring someone from surviving to thriving. With an advocate's relationship, healing does not start or end with a court order, or job well done, it continues until the advocate is no longer needed.
- At minimum, victims need safety, food, and shelter to gain a mental state to start a plan for healing.
- Grant funding should be at minimum five years in order to help retain and recruit staff. It is hard to recruit staff when they know there is a chance that you could lose funding after two to three years. The grants should also include money for self-care activities. Our staff goes above and beyond for those they serve, and it is important we take care of them so they do not burn out.

The Second Story

Our program has been working with another individual extensively for about 10 years. One of the advocates who joined a few years ago has worked with this individual since December of 2021. Every year, she has

observed more progress and breakthroughs. The most recent success was regarding completing the variance submission requirements and obtaining a job within the tribe. She held the job for nearly one year. She mentioned applying for other jobs that would challenge her and help her develop and advance in a professional setting. This will likely require completing another variance. The advocate has assisted in planning for this self-development goal. One issue this individual struggles with is planning and budgeting. Lately, we have been checking in on a weekly or biweekly basis to go over budgets and savings and sufficiency planning. One of the goals she was working on was her ability to budget and save for the past several years. Prior to renting an apartment, she was living in scarcity, barely meeting her basic needs. It was a challenge for her to go from living in scarcity to over qualifying for general assistance and other financial assistance. The advocate was able to assist from a place of empathy, understanding how difficult the transition could be. The advocate, a survivor herself, was able to show her the way through. For a few months, meetings were consistent and continued towards a budget and cash savings plan. Unfortunately, due to repossessions and collections history, she was not able to have a bank account. The barrier with the bank account didn't deter her. She continued consistently contributing to her savings and making sure the rest of the bills were paid. She was relying on financial assistance from her program, prior to gaining full-time employment. She previously needed rental assistance, however she managed to save enough money that she no longer needed rental assistance from us. She continues doing well in her budgeting and self-sufficiency and has become very comfortable with checking in with the advocate. There's also handholding wherever possible and it's welcomed. Consistent funding for the advocacy position can assist in the cycle breaking for centuries to come.

The Third Story

An advocate is celebrating the small successes regarding a 17-year-old runaway. The runaway was an American Indian adolescent that experienced violence at home and sexual assault outside of her home. The girl became pregnant from sexual assault and experienced a miscarriage. Her mother became so enraged that she burned her belongings in the front yard, including her birth certificate. She beat her TV and computer with a bat in front of her daughter. The advocate assisted this child in finding her biological father who resided in another state. He was able to give permission for his daughter to live in a home locally, and in our service area until she turned 18 years old. For further program assistance, this child was given essential needs, groceries and she chose to finish her high school education. She was able to save and purchase a computer to assist in homework and engage in online education in order to graduate. The advocate helped her replace her birth certificate and driver's license and additional documents that were burned. Since her personal belongings were destroyed, she was provided a flight bag that included new clothing and other essential items to meet her basic human needs. The advocacy and compassion demonstrated by the staff helped this adolescent through a tragic experience. Her high school graduation ceremony was in June 2023. She chose to walk with her class to complete her educational journey. Our staff attended this occasion. Wonderful work by the program staff, and congratulations to this girl for her success. Like other tribal nations, we believe in using our advocacy to assist any Alaskan Native or Indian person to find themselves. It has been a cultural norm. It is unnatural to be forced to compete with other tribes for grants in order to help those we serve. We believe all tribal citizens deserve quality and culturally appropriate advocacy services. When one child, or one person in a community is harmed, it is not only the household members that are harmed, but the entire community.

Tribal communities need consistent advocate funding to heal. The stories we share help to generate the reality we see from day-to-day. Also, to raise the topic of prevention, it may assist in reducing the number of families that require long-term support. Advocate response comes from all sources, and it requires well-trained advocates. We have to help guide a child from surviving to thriving. The type of support needed varies from person to person. The common theme is that healing is a lengthy road that requires awareness, culturally

appropriate and responsive programs, communities working together, sufficient funding to maintain stability, and strong support from our state and federal governments. It is important to remember that hurt people hurt people. But healed people also heal people. To restate a previous statement, colonization has impacted Indigenous people for centuries. A short time fix is not enough to help heal from the past and current traumas. We need to help victims restructure all systems that have been found damaging or destructive.

Recommendations:

1. Administering tribal funds needs to be viewed through the same lens as education, noncompetitive, sustainable, parity with other governments and part of the mandatory budget.
2. To assist in our healing journey, the federal government needs to assist Alaska Natives with reconciliation and decolonization. The federal government must recognize and promote tribal sovereignty and self-determination, along with international agreements the United States of America made on behalf of the Indigenous Alaskans.
3. Strengthening the federal response to Violence Against Women, the federal government must hold its agents and the State of Alaska accountable, as well as strengthen federal response to such crimes.
4. Grants that are related to reentry do not support the inherent sovereignty of tribes. Our federal partners must reevaluate these requirements and give flexibility to the tribes to do what is best for their people.
5. Trauma based care is essential for survival of the victim and may require a lifelong support system. Federal funding to tribes is needed to assist in the healing of our people through trauma-based care.



Ketchikan Indian Community

Gloria Burns, Councilwoman - Tribal Leader (Oral)

Topic 1: Demographics

It is important to understand that each tribe is unique and because of how different they are they need to each have an individual relationship with the federal government because. Even though many of our issues are similar, the way we will accomplish them is going to be different. There is a part of Alaska that everyone thinks of with glaciers and snow and there is the Alaska that I live in which is Southeast Alaska, which is a temperate rainforest. This week, in 24 hours, we got three inches and 18 centimeters of rain. We are on an island, surrounded by many other islands. Access to Ketchikan is only by plane or boat. Approximately 13,800 people live on the island, and we have a tribal population of 6400. According to the government, we are considered urban, but we would venture to say we are rural. In Anchorage we currently have 49 children in-state custody, and in the month of July, we have 28 children who are out-of-state custody with 25 new open cases. So, that tells you a little bit about us. Ketchikan was organized as a federally recognized tribe under the IRA act. We are in one of the five Alaska communities that did not receive our settlement and live in what is a “landless community”. The economic driver that was supposed to have been given to us by Congress in lieu of tribes receiving their land has not come to fruition and has not promoted economic stability. If you look at the statistics that people talk about in our community, we are pretty much the armpit of Alaska. When you hear Alaska crime and drug use statistics it is more than likely we are the worst and if not, we would be in the top three.

The Ketchikan Indian Community is a tribe based upon the bond of living together, which means that my tribe has Arapahos, Navajos, etc. If you come to our area and marry our people and decide you are going to make your home in our area, you end up on our base. We had a constitutional change from having to be descended by blood, to accepting anyone who is American Indian or Alaska Native descent as long as they disenroll from their tribe, and enroll in ours after having a common bond of being together. Some think we are strange, and some think we are similar to their tribe.

Topic 2: Funding

Ketchikan Community was one of the first OVW funded tribes. Our program started with a single advocate and now includes four case managers, a sexual assault advocate, and a program coordinator. Our programs provide critical and lifesaving resources for survivors. We are working tirelessly to engage the committee in year-round prevention activities, and we continue to engage the justice system to hold offenders accountable. Reliable funds have allowed our community to pursue other funding opportunities, which have provided the framework to build our capacity and allow for the provision of enhanced services for our community. This includes non-tribal residents, and it covers surrounding communities, such as the very isolated island community Prince of Wales.

We are actively building capacity towards opening a family justice center. It will streamline access to comprehensive victim services and critical resources. The justice center will be located in the heart of our community in close proximity to law enforcement and the court system and it will be easily accessible to our vulnerable population. We are actively engaged in the development of a community response plan to address the epidemic of MIP in Southeast Alaska. Our leadership will provide the framework and guidelines of how our community will respond to a new missing person report. We are working with the District Attorney office and the MIP coordinator to coordinate tribal consultations and listing sessions to be held.

Topic 3: Framing Paper - Tribal Governments Program Formula

Regarding the framing paper and the discussion of adjusting the method of distributing funds to a formula-based formula, we do not support those changes, but we are willing to participate in a working group to discuss all options. We would like to see an increase in funding which provides all tribes the critical resources to meet the needs to serve their people. The sustainability of OVW's Tribal Governments Program funding is the cornerstone of our efforts to eradicate violence in our tribal community. When the foundation of a home is compromised, it is only a matter of time before this structure will collapse. Formula funding will create barriers to our program which will include the reduction of critical staff in addition to efforts to seek out and apply for other funding to sustain the program. We already have a significant challenge in retaining qualified personnel. Recently, it took nine months to recruit and train new case managers for the program. The risk of reduction in funding from OVW would require us to reduce current staff. They are all carrying large caseloads as our program and services support ten communities, including surrounding islands. The idea of reducing those intervention services in our ongoing support to the survivors is really deeply troubling.

Topic 4: Framing Paper - Urban Indian Organizations' Eligibility for Tribal Sexual Assault Services Program

Regarding the discussion to allow urban organizations to access tribal assault services programs funding. The community is a first-time recipient of the 2022 TSASP funding. We do not at this time support allowing UIOs to apply for these funds. We would like to see an increase of accessibility and availability in funding. It needs to

allow all tribes to provide for provisions for victims of sexual assault. You know, we are often advocating that it needs to be even and fair and that everyone needs access. Every tribe regardless of size should be able to build a TSASP program. It should not be based upon the fact that a tribe has a terrific grant writer. It just needs to be thoughtful because communities rely on it.

Ketchikan is the second-largest tribe in Alaska, but many of our tribes in Alaska are small and needy. We are concerned with formula funding because it can't be one size.

Topic 5: Need for Comprehensive Funding

Post COVID, things have gotten worse instead of better. People are still isolated and although they are accessing health services, they are not accessing behavioral health services, and they are not coming in times of violence. COVID has caused an increase in mental health needs. There are people who are frightened to work, and they are self-isolating. The economics of our community has declined. This has caused an increase in violence in our community. We need to look at this and think about what the next five years will look like.

Generations of policies have gotten us to where we are today. We are survivors and the federal government has a trust responsibility to help our people get through this epidemic. We must deal with the trauma that has been inflicted upon our tribes. The federal government funding must be more comprehensive in order to address the generations of trauma that have been inflicted, and we have learned to inflict upon our own people. It is more than just talking about adequate funding; the funding has to be flexible and comprehensive. It has to address our losses, self-hate, etc.

We are currently running six grants, and we don't have an indirect cost rate. The federal government is not releasing grant funds unless you have an indirect cost rate and indirect cost rate clearing takes forever. Our staff spends much of their time fixing budgets. The system is broken. It must be fixed.

Recommendations:

1. Grant funding should be flexible and comprehensive.
2. OVW needs to fix the system that establishes and approves indirect cost rates.



Lower Elwha Klallam Tribe

Chairwoman Frances Charles, Chairwoman, Business Committee - Tribal Leader (Oral & Written)

Beatriz Arakawa, Family Advocacy Program - Authorized Designee (Oral & Written)

Background Summary

The Lower Elwha Klallam Tribe is a small tribe in both population and territory located on the Olympic Peninsula of Washington State. We are considered semi-rural. We are in the midst of a fentanyl epidemic, the latest iteration of the opioid crisis, and still experiencing the aftershocks brought about by the COVID pandemic, including employment instability, severe housing scarcity, and rising inflation.

Elwha has been fortunate to secure federal funding through grants to keep essential services like public safety/law enforcement, health care, mental health and substance use disorder counseling, crime victim advocacy, housing, and judicial functions available for our tribal community. These grants are vital to our very existence.

Elwha has cross deputization agreements with both the City of Port Angeles and the Clallam County Sheriff's Office. Elwha also contracts with two jail facilities for adults and Clallam County for juvenile detention services. The police department routinely responds to calls for agency assistance, 5,011 calls for service in 2022, compared to 5,228 in 2021, however 2022 data showed increased numbers for the crimes of assault, including domestic violence, sex offenses, and crimes involving weapons compared to 2021 data.

The Tribe struggles to hire and retain qualified staff for law enforcement and the tribal court, including judges, defense attorneys and conflict counsel. This reality is negatively compounded by the outsized lack of housing on the Olympic Peninsula. It is not uncommon to be on a housing list for several years. Rising rents compound the difficulty of attracting well qualified job applicants for open Elwha positions.

For the past 18 years of consultation, Elwha has brought its concerns, its successes, and its recommendations to these federal consultations and consequently, improvements for tribes slowly materialized. However, the common refrain is still echoing 18 years later – there must be funding flexibility, reduced administrative burdens, and an equitable non-competitive funding approach. Tribes understand they have a fiduciary responsibility owed by the federal government in how public funds are allocated and expended, but are still treated with suspicion compared to states and territories. Tribes demand full engagement, partnership, and equitable treatment.

Topic 1: Annual Consultation Notice – Coordination and Consistency

DOJ's current consultation policy allowing for "at least 30 days' notice" is simply inadequate and fails to respect or even acknowledge the various levels of tribal leadership engagement and responsibility on a daily basis. Tribes must have adequate time to prepare for a meaningful and productive consultation. For this 18th consultation, the OVW framing paper was issued on July 6, 2023, with the first day of consultation scheduled on August 7, 2023.

Recommendation:

1. Amend 34 U.S.C. § 20126(d) to include timeline specifics for the issuance of consultation framing papers, notice, and distribution, which should not be less than 60 days' notice prior to any scheduled consultation. Alternatively, DOJ's consultation policy regarding adequate notice be revised to require no

less than 60 days' notice prior to any scheduled consultation for the issuance of framing papers and related consultation documents.

Topic 2: Tribal Justice Funding

The continued severe underfunding of tribal justice systems is a betrayal of the federal government's trust responsibility to AI/AN tribes evidenced by the unacceptably high rates of criminal victimization, lives lost, and the inimitable and unresolved trauma of multiple generations of victims. Recent BIA congressional reporting estimates that to provide a reasonable base level of funding to all federally recognized tribes that \$1 billion is needed for tribal law enforcement; \$1 billion is needed for tribal justice systems; and \$228 million is needed for detention.

Currently, Elwha's law and order budget (public safety/law enforcement) is subsidized primarily by tribal hard dollars. BIA annual funding approximately covers only 9.3% of necessary expenses. In order to meet the rising costs of training and equipment, plus offering competitive salaries to entice and retain qualified law enforcement, Elwha has to make difficult decisions in prioritizing other social, health, and education needs of the community.

Recommendations:

1. All governmental agencies must allow for flexible, consistent, timely, and equitable funding for tribal justice systems.
2. Framing Paper – OVW Tribal Sexual Assault Services Program and UIO Funding
 - a. Elwha does not support a legislative change expanding TSASP eligibility to include UIOs.
 - b. Elwha supports reprogramming any unawarded funds as supplemental funding to tribes based on an equitable funding formula.
3. Framing Paper – OVW Tribal Governments Program and Formula Funding
 - a. OVW should revisit its efforts to identify an equitable funding formula for distributing its Tribal Governments Program grants to eliminate competition between tribes for discretionary funds. Formula funding should not be based on tribal population or land base as sole factors.
 - b. With reasonable notice, Elwha would be interested in participation in a working group to explore various formula funding models.

Topic 3: Victim Services Programs

Both of Elwha's current victim advocates are grant funded – one through OVW and the other through OVC. Through its 2018 OVC grant, the Tribe has been able to create and implement pediatric sexual assault forensic exams. This initiative has created partnerships with other Olympic Peninsula tribes and non-tribal law enforcement, prosecution, and advocacy agencies. To ensure that such initiatives can be undertaken by tribes, it is necessary that the OVC Tribal Set-Aside funding become permanent under federal law. Tribes are in the best position to determine what victim services are most needed in their communities and are the experts in how to best deliver such services that are aligned with and informed by tribal values and culture.

Recommendations:

1. Create a permanent 10% Tribal Set-Aside Crime Victim Fund in OVC.
2. Create a comprehensive, increased services equitable formula-based funding to address victimization and accountability for perpetrators in tribal communities.

Topic 4: Continuing Injustice of Missing and Murdered Indigenous Women

The federal response to the MMIW/MMIP crisis in Indian Country has failed tribes thus far. Critical steps have been taken like NamUs, the Tribal Access Program, and assigning federal agents to work collaboratively with tribes in cold cases. However, these well-intentioned efforts are simply insufficient.

Recommendations:

1. Create and convene a tribal/state/federal national working group that is held accountable for ensuring diligent and culturally respectful response to MMIW/MMIP issue.
2. Adequately and sustainably fund tribal victim services, law enforcement, and tribal justice systems to address the need of MMIW/MMIP on a non-competitive equitable basis.
3. Allow for creative use of federal funding to address prevention efforts by building self-awareness campaigns in tribal communities.

Elwha also supports, to the extent not directly in conflict with its specific stated positions in this testimony, NCAI's consultation recommendations.

Topic 5: Beatriz Arakawa Testimony

I am charged with managing the Lower Elwha Family Advocacy Program and its grants for 23 years. We provide advocacy and support to victims/survivors of domestic violence, sexual assault, stalking, dating violence, and sex trafficking. We also offer community education in regard to violence issues. I appreciate and thank OVW for continuously awarding grants to our Tribe. In 2022, we received the highest grant funding ever from OVW since I started working for the Tribe. This grant funding allows staff to assist youth, adults and families who are victims and survivors with advocacy help. It helps the Tribe provide many community events and outreach within our geographic service area, which includes the City of Port Angeles. In the last 3 months since implementing the grant, I provided 12 victims/survivors direct services, and multiple referrals, and awareness of several partnerships such as National Sexual Assault awareness and MMIWP.

We have many people reaching out for emergency shelter. Currently, we use hotels which are good for 2-3 days. We have one emergency shelter for domestic violence in our community, and a homeless shelter that is always full.

Recommendations:

1. OVW allow grant funds to build housing for emergency shelter, transitional housing and other needs for victims of domestic violence, sexual assault, dating, stalking and sex trafficking.
2. Allow funds to purchase food for community awareness and on-site training events.



Lummi Tribe

Rosalee Jacobs, Council Member - Authorized Designee (Oral)

We have approximately 5500 members located on our own peninsula 20 miles from the Canadian border in Washington state. We are currently experiencing more disclosures of trafficking, stalking, harassment, and cyber

bullying. Our shelter currently holds a full family that has experienced domestic violence, including the dad, mom, and four children. We also house a transgender. Lummi needs continual grant funds for our programs for sustainability and continuity. Some programs, such as Victims of Crime, only survive as a program because of grant funding. It currently runs off four different grants, for which we are grateful, but the grant reporting causes inadequacies in what we can provide to our vulnerable population.

Our Victims of Crime Program would like me to share a few of our stories.

- A 13-year-old girl reported a sexual assault. The offender was picked up through tribal court and transferred to a federal court only to sit for six years. As the young lady was trying to heal and move forward, the feds came to her in her senior year of high school to let her know the offender pleaded guilty to a lesser charge. He was released a year later and let back on the reservation.
- A strangulation victim was reported to tribal police and transferred to federal court due to the severity of the case. The offender was sentenced to three years and then released back onto the reservation.
- In 2016, three teenage girls report sexual assault cases with the same offender. Since he too was a teenager, he pled down and was sentenced to two years and released in one year through the juvenile court in our county system, only to reoffend one of the victims.
- An adult female reported a sexual assault to the tribal police. She agreed to a forensic exam at our tribal health clinic. Evidence was collected and submitted to the state, only to sit in the state forensic system as backlogged for four years. Tribal police have gone no further on the case. The sex offender recently enlisted in the Navy.

Recommendations:

1. It would be beneficial for grantors to accept reporting as a whole rather than 14 different reports on the same program.
2. All tribes need differing grants. It would be helpful to change Lummi from formula grants. Tribes know how to take care of themselves. We need support and flexibility to get the job done.
3. Improve access to all local, regional, state, and federal databases and criminal justice systems.
4. Strengthen federal response to crimes so offenders are not released from federal prison after a few years to reoffend.



Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (Gun Lake Tribe)

Dominique Ambriz, Tribal Social Worker - Authorized Designee (Oral & Written)

Gun Lake Tribe is in Shelbyville, MI between the two more known and larger cities of Grand Rapids and Kalamazoo, both approximately 30 minutes away. Shelbyville is a rural area which lacks public transportation and other larger city accommodations including access to local service agencies and other shelters. Our tribe has just under 600 enrolled citizens, but we serve Natives of other tribes, as well as non-Natives directly connected to a Native household. This is why population-based funding does not reflect the larger community we serve.

As with other small tribes, most tribal government staff hold several roles. I have been the tribal social worker since 2014, but I am also the domestic violence advocate, emergency housing program, ICWA representative, grant manager, sexual assault service provider, and I act as the community mental health provider. I also fill the responsibilities that come with being the tribal state partnership designee.

The funding we are awarded provides one staff member for a limited term. In a tribal nation you must build rapport with the citizens. If staff is only guaranteed to receive funding for a 3-year term, it creates instability. Community members are nervous about whether they can trust a system that has historically let them down, so building rapport can take years. If there is a high staff turnover, we will see less survivors reaching out for help.

There is no affordable housing in our area and having a low credit score or an eviction on record, which are common in domestic violence situations, are added barriers. Hotel vouchers can be expensive, but are the only option for rural communities like ours with few shelters in our service areas, and waiting lists for those we have. Victims need time to find permanent or long-term housing. If a survivor is facing homelessness, they may be worried that CPS will get involved. As a mother myself, that fear alone will make me do what I need to do to keep my children with me, which may include moving back in with my abuser.

In 2022, Gun Lake Tribe citizens participated in a needs assessment, which found that since the COVID-19 pandemic, 69.7% of our community have felt anxious, stressed, hopeless, and/or depressed. 10.8% of our community had experienced self-harm, sexual violence, dating/domestic violence, or substance abuse. Many experienced more than one of these. The largest takeaway is that there is an ongoing need for mental health, social, and supportive services which all require quality staffing and financial resources.

Recommendations:

1. Increased tribal program funding that is non-competitive by allowing permanent funding into 638 contracts or compacts that is not based on population criteria.
2. Longer-term or permanent funding to promote long term success. Long-term stability will allow time to recruit and retain qualified professionals looking for secure and stable employment.
3. Grant funding notice letters should occur well before the start date of the grant to allow time to recruit staff to fill the roles and responsibilities within the grant proposal. Post-pandemic, it can take six to twelve months to fill a role.
4. OVW should support Urban Indian Health Care Centers with a base funding formula that would allow mental health professionals to be paid a competitive wage.
5. Address MMIP by creating a permanent funding source to fund a tribal nations crisis response team. Funds should support search and rescue efforts, as well as support and emergency need items for family members including hotel vouchers, food assistance, clothing, burial costs, aftercare counseling for trauma. Funding should not have an expiration date or should not penalize the tribe if unused during the grant period. Not using funding means nobody went missing or murdered, which is what we all hope for. Funding should not be restricted to the normal grant cycle timeframe. Five years would be more adequate.

In conclusion, historical trauma is very real. I highly recommend that you watch the documentary, "The Canary Effect." It is available on YouTube and is an opportunity to see why our communities feel the way we feel.



Menominee Indian Tribe of Wisconsin

Rachel Fernandez, Tribal Legislator - Tribal Leader (Oral)

The Menominee Tribe's rich culture, history, and residency is in the state of Wisconsin and parts of the states of Michigan and Illinois, dating back 10,000 years. At the start of the treaty era in the early 1800s, the Menominee occupied a land-based estimated at 10 million acres. Through a series of seven treaties entered into with the U.S. government during the 1800s, the Tribe witnessed its land-based erosion to more than 3500 acres today. The Tribe experienced further setbacks in the 1950's with the U.S. Congress passing the Menominee termination act, which removed federal recognition over the Tribe and threatened to deprive the Menominee people of their culture and identity. Fortunately, the Tribe went back to its federal recognition in 1973 through a long and difficult grassroots movement that culminated with the passage of the Menominee Restoration Act Public Law 93-197 on December 22, 1973. We celebrate this year as the 50th anniversary of our restoration.

Like many other tribes in this nation, we are greatly dependent on funding provided by the federal government to address and overcome these challenges, especially dependent upon funding provided by the BIA and IHS.

(Personal account of Rachel Fernandez)

I'm a survivor of child sexual assault. I attempted suicide and had bulimia in my teens. I am a survivor of domestic violence. In my twenties, I started to destroy myself with shame and turned to alcohol and drugs. I was also homeless and lived in my car with my daughter in the dead of winter. While I was in that terrible place inside myself, I don't even remember where I was, but I was drugged and taken states away. I was drunk and drugged the summer I was missing and no one knew where I was. They assumed I was partying and left my kids with my mom. In that time, I was raped and trafficked. I had to fight and play the game to get away and back home to my kids. I had a long road of healing and connecting back to my spirit. I am in a good place now because I was fortunate to be believed, supported, and loved by my elders. As a result, I was able to create a support group that evolved into an organization where elders lead and mentor us into healing and empowerment.

Let us not forget our men and boys. They are also being abused and trafficked. When we talk about the intergenerational trauma and healing that needs to happen, we need to acknowledge the pain of our men and boys. When I was a facilitator of groups in our detention center, I had to do assessments on our men and every one of the perpetrators had sexual assault and abuse in their lives. We are prosecuting and holding them accountable, but where is our accountability and responsibility to provide resources for healing and letting them know they are not alone and are heard?

Recommendations:

1. Everyone supports survivors. Recognizing all the intersections of violence requires acknowledgment of the needs we are experiencing in our tribal communities. More and more people are homeless, and rent is expensive. We should allow the basic human right to housing. When a person has a roof over their head, they are empowered to be more self-sufficient.
2. We need more law enforcement and the support for them when they come to work with us to protect and serve our community. Our officers are being sent for training and certification, only to

leave for the county because of the benefit packages available to them. They need a retirement plan and great benefit packages like our county and federal counterparts.

3. We have created an MMIW/P task force that is family first centric. What would be helpful is to have access to regional databases and criminal justice systems.

Following this testimony, Ms. Moore shared that OVW TAD is in the process of awarding a training and technical assistance award to focus on the impact of violence on tribal men and boys.



Mesa Grande Band of Diegueno Mission Indians

Keely Linton, Executive Director, Strong Hearted Native Women's Coalition - Authorized Designee (Oral)

Topic 1: Urban Indian Organizations' Eligibility for Tribal Sexual Assault Services Program

Mesa Grande does not support the opening of TSASP eligibility to UIOs. Not only do we serve our tribal members living on reservations, but we serve our members in urban areas, non-Native parents, tribal members from out of state, and military members in the surrounding community. Our programs do not require proof of enrollment. Let's first investigate the issues and barriers of why tribes are not seeking funding and look to expanding it to other options. From experience, I believe the issue is the administration of these funds, not the lack of need.

The current funding does not allow for prevention and education. This is a key factor for tribal communities to understand. Rape is a devastating crime that many in this country minimize and disregard. A tribal survivor coming forward to seek help already has dozens of barriers ahead of them before they can seek justice, and most do not. I'm currently working with a young woman who was gang-raped in high school. Four years later, she's not ready to talk about it. She keeps asking about resources and services but is still not ready to step through the door. She's already been judged and labeled in our community. She's been subject to negative remarks by the boys who violated her, and they took pictures. There is no protection for cybercrimes. Community support and understanding of sexual violence is important.

Recommendations:

1. Funding is needed for prevention and education can impact our communities and survivors. If our small town had more understanding of the struggles of survivors, maybe it would be easier to come forward and report. In the southern region of California, we have some good sexual assault teams. However, they do not do a good job of supporting tribal communities, nor the rural communities. To get an examination, a survivor would have to travel two hours or more one way, after a two- to three-hour exam and interviews, this could be a process of seven hours or more. This is a lot for any survivor.
2. Reprogram grant funding to support mobile units within Indian health services. In San Diego County, tribal advocates conducted several discussions on how to coordinate with communities and provide exams in our clinics to support tribal and rural communities. The chain of custody of the evidence for prosecution became the main issue of dispute in the county.

3. Allow funds to support a coordinated response in tribal communities with chain of custody for evidence.

Topic 2: Tribal Governments Program Formula

We would be concerned about moving toward formula funding based on population for funding FVSPA. If based on population, our programs would be significantly cut and perhaps eliminated. PL 280 states have historically underfunded tribes and this has resulted in less opportunity to develop our own law enforcement. It takes millions of dollars to support city governments in small towns. This is all paid through by tax dollars, but tribes are not able to rely on tax dollars. Tribes must build a business in order to sustain their government and build social services.

Regardless of our economic status, our justice systems and social service departments have been slow to develop, especially for tribes like mine that do not have a huge economic base. Mesa Grande is part of the Intertribal Court of Southern California, a consortium of 12 tribes to support court infrastructure. We are currently only able to support civil issues. We are not able to consider special jurisdiction due to poor relationships with the state, recognition and certification issues of law enforcement, and funding capacity for building and staffing.

My tribe has very little economic development to support tribal infrastructure. Through the years we have received some assessment funding to assist with tribal code development, and OVW funding to develop domestic violence and sexual assault codes however, the bigger issue is our need to redo our own bylaws and develop a constitution. Our current government documents would not support criminal codes and litigation in tribal court, let alone action in the Supreme Court.

We see concerns from tribes implementing special jurisdiction, such as providing a competitive wage with benefits and pensions. We lose officers because they are not able to get certified by BIA in a timely manner or they get trained and then leap to other agencies for better pay. Officers under COPS grants are often paid minimum wage with no benefits and no guarantee of refunding. Officers are laid off between grants and then get a job for the city instead. PL 280 tribes must carry their own funding for officers, which they don't have.

There is a continued need for legal assistance beyond just direct representation of survivors. Survivors must deal with the financial burden of divorce and cumbersome legal analysis. Many victims are in dating relationships, but still have the legal issue of shared property such as a vehicle. Legal fees stack up quickly, and there are not enough pro bono attorneys available, or they do not cover these issues. TGP funding is used by other tribes within our region to support legal services. We try to vary our services to fill the gaps in the services needed within our communities. Each program tries to do something different with TGP funding.

Recommendations:

1. Allow for funds to be used to support legal fees at the discretion of the tribe to protect victims.
2. Increase funding available to support growth of tribal justice infrastructure and capacity building of government constitutions.
3. Support tribes regardless of economic status, including tribes with casinos, and adjust for the disparity of tribes in PL 280 states.
4. Provide funding to increase pay for law enforcement, including retirement and benefits packages.
5. DOJ and BIA must work together to provide funding to implement the special jurisdiction provisions in VAWA 2022 and support tribal nations in restoring the jurisdiction over non-Indian perpetrators.

6. Implement a tribal prison program to support justice systems in all aspects with continuous, non-competitive, and sustainable funding.

Topic 3: Reauthorization of FVSPA

Securing affordable housing is one of the biggest needs, and ongoing support for emergency transitional housing remains a need. It is often less expensive to maintain the victim's current home if funding would allow for payment of utilities, household supplies, past rental or mortgage payments, clients may not need to be relocated. Many of our clients want to remain on the reservation in their homes, with their family.

Language regarding our tribal coalitions is important. We serve sovereign nations. We were set up to mirror state coalitions. We are not just cultural nonprofits. We serve our sovereign nations. To defund us or not fund us enough takes money away from sovereign nations.

California is talking about making some additional revisions to FVSPA. California has one of the highest populations of tribal people. There will be a request from California tribes to add a California tribal resource center.

Recommendations:

1. Increasing funding for FVSPA by 12.5% would be significant.
2. Dedicate funding for authorization of tribal domestic violence coalitions to provide culturally appropriate technical and tribal victim service providers.
3. Provide dedicated funding for the National Indian Domestic Violence hotline, and dedicated funding for the tribal Alaska and Hawaiian Resource Centers.

Topic 4: Crime Victims Fund (CVF)

We need a permanent set-aside for CVF and regular government-to-government consultations with OVC regarding these funds.

Topic 5: Child Welfare Accountability

There needs to be more accountability for child welfare systems that do not respond when children go missing out of foster care. Children are being recruited into foster care and into the sex trafficking industry. If I was a parent, I would be held accountable, and so should the child welfare systems.



Middletown Rancheria of Pomo Indians of California

Kristina Lord, Tribal Council Treasurer - Tribal Leader (Written)

The programs funded and overseen by OVW have demonstrated their effectiveness in providing comprehensive support for survivors, fostering community partnerships, and implementing preventative strategies. These

programs are vital to the individuals directly impacted by violence and contribute to the broader societal effort to create safer communities for everyone.

Recommendations:

1. Increase funding for OVW programs. Adequate funding is necessary to ensure the continuation and expansion of OVW programs. Insufficient funding can hinder the delivery of essential services to survivors and limit the ability to implement preventative measures effectively.
2. Encourage collaboration between OVW and other federal agencies, as well as state and local governments, non-profit organizations, and community groups. This can lead to more holistic and effective approaches to addressing violence.
3. Support data collection and research efforts. This is crucial for assessing the effectiveness of programs, identifying emerging trends, and refining strategies to better serve survivors and prevent violence.
4. Ensuring that OVW programs are sensitive to the diverse needs of different communities is essential. Culturally competent programming helps provide tailored support that considers the unique challenges faced by survivors from various backgrounds.
5. Investing in education and awareness campaigns can help change societal norms, challenge stereotypes, and ultimately contribute to preventing violence before it occurs.



Muscogee (Creek) Nation

David W. Hill, Chief - Tribal Leader (Written)

Jeff Fife, Chief of Staff - Tribal Leader (Oral)

Geri Wisner, Attorney General - Authorized Designee (Oral)

Topic 1: Tribally and/or Federally Operated Detention Centers

The Muscogee (Creek) Nation (MCN) does not have its own jail or detention center, and for pre-trial detention (and in some instances, post-trial conviction) must rely on those operated and provided by non-federal parties, most notably Oklahoma counties. The MCN has negotiated agreements with several counties to set aside a certain number of spots in their jails or juvenile detention centers to house tribal defendants. This is not optimal. The MCN has no way of knowing how inmates are treated or whether their rights are being violated while in custody. The MCN Constitution and laws are different from those of the state, and prisoners' rights are not the same for both. Jail agreements differ from agreement to agreement, most notably when we are forced to accept unreasonably high detention costs because we have no other options. Funding is insufficient to continue this way long-term, and our funds could be more efficiently used elsewhere.

Finally, the MCN is also at the mercy of the Oklahoma state government with respect to access to detention facilities. Governor Stitt has directly opposed the tribe on a significant number of matters, one of the most notable being tribal jurisdiction over crimes which happen within its historical reservation boundaries, as confirmed in the U.S. Supreme Court's 2020 *McGirt* decision.

Recommendations:

1. Each of the above concerns would be eliminated or mitigated if the MCN had its own detention center(s) and the funding for the same.
2. Alternatively, these concerns could at least be somewhat mitigated if the MCN had access to a federal detention center or federal system for detention, such as the Bureau of Prisons system, but applicable at the pre-trial phase too.
3. The federal government could exercise its duties as stewards over the tribes to act on behalf of and in the best interests of the MCN with regards to the above concerns.

Topic 2: Tribal Sentencing Powers

The MCN faces a problem with the unreasonable limitations placed on tribal sentencing powers with respect to felonies. While these limitations may have been workable, pre-*McGirt*, the expanded criminal jurisdiction over which the MCN is responsible post-*McGirt* demands that tribal sentencing powers be enhanced.

The MCN fully supports the ruling in *McGirt* and believes it to accurately interpret the law with respect to MCN criminal jurisdiction, but it has brought with it significant challenges, perhaps the greatest of such challenges being the sheer number of cases placed under MCN criminal jurisdiction. MCN prosecutors are now reviewing and prosecuting not only a far greater number of crimes, but also crimes of far greater severity, including those "major" crimes which previously would have been handled by federal prosecutors. It is imperative that a corresponding increase in tribal sentencing authority follows this increase in both the number and severity of the crimes which the MCN is prosecuting.

Recommendations:

1. The MCN proposes that the absolute limits of three-year sentences for felonies and nine-year limits for "stacking" of consecutive charges be removed and replaced by a tiered system, such that any limits on sentencing be dependent on severity of the crime, rather than an arbitrary cap. While the MCN acknowledges that ranking crimes by severity may be highly dependent not only on subjective concepts of severity, but also upon the facts of a specific case, we posit that some crimes (e.g. murder, rape, sexual assault of a child) are almost universally considered more heinous than others and that sentencing limits for such crimes be drastically increased.
2. As for other felonies, the MCN would gladly work with our federal partners to determine what sentencing limitations and/or guidelines are appropriate. Further, we acknowledge that the U.S. Supreme Court has made similar findings with respect to the Seminole, Cherokee, Chickasaw, Choctaw, and Quapaw tribes. As such, the MCN would welcome those tribes' input on the matter both collectively and individually.

Topic 3: Federal Prosecuting Offices Within MCN Reservation Boundaries

The MCN wishes to address the differences it has experienced with respect to the approach of the two U.S. Prosecutor's Offices covering jurisdiction which also falls within MCN reservation boundaries. Specifically, the MCN notes that it has a much better relationship, and has received more assistance, communication, and cooperation generally, from the Northern District of Oklahoma United States Attorney's Office than from the Eastern District of Oklahoma United States Attorney's Office.

Since the *McGirt* decision, the importance of these relationships has increased along with the caseload increase to both MCN and federal prosecutors alike. Fortunately, the MCN's relationship with the Northern District was strong before the *McGirt* decision and remains so to this day. Communication from the Eastern District prosecutors with respect to referred cases has always been sparse. Post-*McGirt*, the number of referred cases from MCN prosecutors to Eastern District prosecutors has greatly increased but return communication generally has not. When MCN prosecutors do hear back on cases, a greater proportion are being declined, when compared to those sent to the Northern District, despite "official" Eastern District declination numbers indicating a low declination rate. MCN officials have met with Eastern District officials on several occasions, but the problems remain.

The MCN realizes that some of these issues may be due to factors beyond the control of both the Eastern District and the MCN. The MCN is willing to put in that time and effort to improve the working relationship with the Eastern District, but we are at an impasse as to what else we can do to attempt to bring about the necessary change, and as such, asks for the federal government's assistance in addressing the issues with the Eastern District.

Geri Wisner stated furthermore, tribes have an MOU in place with the U.S. Attorneys for mandated child abuse reporting to the feds within 36 hours. I have seen many of our officers staying late, working weekends to satisfy the 36-hour report because someone is in danger, and once turned in, it is often left over the weekend or a couple of days. We would like the next step to also have a mandate or timeline that we know will be met.

Topic 4: Tribal Jurisdiction Under the Stored Communications Act

Another problem facing the MCN is other parties' compliance, or lack thereof, with MCN subpoenas. Specifically, at least one prominent social media company has deliberately failed to comply with an MCN subpoena for communication records, taking the position that tribal courts are not courts of competent jurisdiction to issue subpoenas under the Stored Communications Act.

Recommendations:

To avoid similar future problems, the Stored Communications Act must be amended to expressly include tribal courts as courts of competent jurisdiction. The MCN proposes that this could be accomplished as follows:

1. 18 USC 2711(3): amend the definition of "court of competent jurisdiction" to include "a court of criminal jurisdiction of an Indian tribe authorized by the law of such tribe to issue search warrants."
2. 18 USC 2711(4): amend the definition of "governmental entity" to include "or any Indian tribe."
3. 18 USC 2703(a), 2703(b)(1)(A), and 2703 (c)(1)(A): amend each of those sections to include, either as new modifying parentheticals, or within the existing modifying parentheticals present in each section, "or, in the case of a tribal court, issued using the tribal warrant procedures under tribal law."
4. 18 USC 2703(c)(2): amend the portion of the section immediately following item "(F)" to read, "of a subscriber to or customer of such service when the governmental entity uses an administrative subpoena authorized by a Federal or State, or tribal statute or a Federal or State, or tribal grand jury or trial subpoena or any means available under paragraph (1)."

Topic 5: DOJ Training in Oklahoma

According to Domestic Violence Intervention Services, Inc., Oklahoma is currently the worst state in the United States regarding per capita domestic violence and third worst with regard to domestic violence homicide. The MCN believes that more DOJ training in Oklahoma and nearby states, particularly in the areas of domestic/intimate partner violence, will greatly assist in reducing domestic/intimate partner violence and increasing the safety of tribal people within MCN boundaries.

Geri Wisner stated that the MCN needs training to enhance judicial skills in domestic violence, understanding the dynamics and power and control that go into domestic violence, and those could be assisted with the National Council of Juvenile and Family Court Justice. We also need further national Indian Country training initiatives, issues on strangulation, child abuse, prosecution. I understand as a prosecutor and a national trainer, walking in with a PowerPoint is not always the best training method. I went from prosecuting approximately 40 criminal cases in 2019 to over 6000 per year after the *McGirt* decision. I'm hiring as many attorneys as possible, but I need to turn those attorneys into prosecutors who recognize what a victim prosecution looks like, understands what Indian Country is, how different Indian Country juries are, and will be able to do a cross-examination that is appropriate.

MCN employees and officials have attended DOJ training regarding domestic/intimate partner violence throughout the country and have gained much knowledge and ability, but travel-related costs make it infeasible for many people who would like to attend.

Recommendations:

1. The MCN would like DOJ to bring training sessions to Oklahoma and/or nearby states, to reduce travel-related costs so more people can attend. This should result in better responses to domestic violence situations from all levels and, hopefully, a reduction in domestic/intimate partner violence in the MCN.
2. Access to trainers who understand what Indian Country is and our values, to train prosecutors, law enforcement, advocates, all those multidisciplinary professions that need this training.

Topic 6: Administering Tribal Funds and Programs

Budget approval process is critical to successful implementation of programs supported by grants funds. NICRA tends to run approximately one year behind, and the lack of current agreements delays the budget approval process. This creates delays in grants budget approvals and prevents tribes from accessing those funds in a timely manner.

Recommendation:

1. Expedite the budget approval process for timely release of grant funds.

Topic 7: Expand Funding for Mental & Behavioral Health

Geri Wisner stated that she doesn't know of a tribe who has not experienced historical trauma, and we are still living with the scars. We have children now who are in the homes when there is domestic violence, those children are often not only witnesses, but they carry the scars, and unless we have prevention programs, and family counseling, those children grow up to believe and understand this unfortunate state that is Indian love.

Upon being psychologically evaluated, some tribal defendants are found to be mentally incompetent to stand trial. However, a few of those could be restored to competency through appropriate psychological treatment.

Most of these violent offenders are released into the public due to a lack of resources to restore mental competency and pose an extreme danger to the public.

Recommendations:

1. Expand funding to include healing programs for children, victims, and the batterers as well.
2. Expand funding to provide psychological treatment for mentally incompetent offenders so they can stand trial and be kept off the streets.

Topic 8: Funding for Justice Institution Positions

Geri Wisner stated we need an MDT coordinator. Multidisciplinary teams are a mandate in the Tribal Law and Order Act. Not only are we prosecuting at a crazy fast rate, our law enforcement and advocates are being taxed. In order to be able to assess how we are working, how we can best prosecute this we need a coordinator to be able to help all these groups work together. Not just within the tribal jurisdiction, our cases are multijurisdictional.

We need a data coordinator for data collection. What are the types of cases we are bringing in? How many cases are we declining? How many cases are where the perpetrators are non-Natives versus Natives? We also need this information from our federal partners, looking at the declination rates, the number of referrals from both the tribe as well as the state. Being able to collect our own data, to have a measure of what those successes or struggles may be is essential for us to be able to not only assess ourselves but for grant applications, so we are not struggling to pull together numbers at the last minute. When I file any kind of brief, I need the same numbers.

We also need a code writer. We attend training to learn about the use of technology in crimes that many of our tribal communities experience, but many tribal jurisdictions will not be able to say those codes are kept up to date. We need to reevaluate our criminal codes to be able to install and administer justice. We need funding to be able to satisfy our criminal codes, make them available online to our own people and reservation visitors.

Topic 9: State Partner Accountability

Geri Wisner stated we need accountability for state law enforcement officers and their departments whose subpar response in report writing and forwarding information is jeopardizing offender accountability and victims' safety. There are many situations where we receive a police report on a violent crime, and maybe I have the full name of the victim. Rarely do I find a phone number, address, or any other contact information. That makes it difficult to provide victim services.

Recommendation:

1. We recommend requirements be added to state monies to grant to require increased responses and cooperation with tribal nations. We need accountability to be able to make sure they provide us with good information so we will be able to administer justice and hold offenders accountable while making sure we provide the resources to victims and families.

Topic 10: Illegal Arrests of Native People

Geri Wisner mentioned the ongoing, illegal arrests of Native people within state jurisdiction that is on our tribal reservation. One county in particular will regularly arrest a Native suspect, even with evidence of a tribal

tag or tribal ID along with a driver's license at the time of arrest, and they are held, without bond, for a "McGirt" hearing to establish and prove they are Native American. That happens within two days, five days, up to 10 days waiting for a McGirt hearing. These are inappropriate, if not illegal arrests. We have brought it to the county's attention and yet they continue. We ask your assistance in this because if I were to prosecute someone I did not have jurisdiction over, that would be considered prosecutorial misconduct. If a law enforcement officer knowingly puts Oklahoma on a tag where you can look at it, and it says it is a tribal affiliation and yet they still write Oklahoma, I think that is falsification of a police record.

Lastly on this matter, even though we may have a cross-deputization agreement with the county, they do not transfer the case upon realizing the suspect is Indian, they dismiss it, where we would have that jurisdiction, under the cross-deputization as legally prescribed. So we ask for further accountability and your assistance with these matters.

Topic 11: Answers to Framing Paper Questions

Should OVW revisit its efforts to identify a method for distributing Tribal Governments Program funds on a formula basis?

The MCN is supportive of OVW revisiting efforts regarding formula funding, but any and all such efforts must ensure that no tribes are detrimentally impacted. Currently, tribes must compete against one another to receive Tribal Governments Program and other OVW funding which is counterproductive to increasing safety in Indian Country. Development of a working group to facilitate these discussions should include representation from multiple tribal nations of varying populations, geographical locations, land base and jurisdictional landscape. Finally, any meaningful efforts to discuss formula funding will take time and any and all proposals should be provided to tribal leaders for feedback through the consultation process.

Do Tribal leaders support a legislative change expanding eligibility for TSASP to include UIO's?

The MCN does not support expansion of the TSASP to include UIO's, whether through legislative change to eligibility, provision of remaining funds, or one-time programming. Instead, the MCN recommends that OVW, in partnership with tribal coalitions and technical assistance providers, increase outreach and assistance to tribal governments to support successful development of grant applications, address allowable/unallowable activities and to highlight existing TSASP projects in order to increase the number of applications for funding from tribal governments.

Geri Wisner recognized everyone's efforts, our inherent right to take care of our people, and the reality that no one cares for our Indian women, children, men, and families like our Indian people.

Topic 12: Remarks from Chief of Staff Jeff Fife

My experience is vast. I've served with the nation in multiple capacities for nearly three decades, starting with the Light Horse Police Department as a patrolman, advancing to criminal investigator, serving as a legislator, serving as Secretary of Interior Affairs, and currently Chief of Staff. These experiences have placed me in the arena with multiple federal partners, state partners, and helped cultivate my understanding of the fundamental aspect of trust responsibility. Our nation has practiced public safety for millennia prior to the occupation of this continent. We managed to maintain law and order, protect our women and children, and protect our elders without anyone telling us how to do that. Those practices coincide with our culture, our

customs. Things that made us Muscogee and still make us Muscogee. It is important to tell our history and share experiences so that our federal and state agencies and federal and state partners understand that we are still here. One of the challenges that we face is the change of leadership at the federal, state, and tribal level, but all of us who are involved in programs and departments on either side should embrace this opportunity to make our world stronger and safer.

With this understanding of the struggles of strained relationships articulated, it is important to point out the trust responsibility of the United States found in Article Six of the U.S. Constitution. "All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation. This Constitution and the laws of the United States, which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land. And the Judges in every State shall be bound thereby."

The Oklahoma Supreme Court recognized our courts as valid and competent. They memorialized it with an order of reciprocity. Yet we have partners that challenge jurisdiction, in my opinion, for monetary reasons, Attorney General Wisner pointed out the arrests of Native people who are incarcerated for days to determine if they are Indian, even if they have presented proof at the time of arrest, and the Nation received the bill for incarcerating that person. That person has to pay a court cost to the District Court. Our people call 911, and the first question is not, "What's your emergency?" it's "Are you Indian?" These things shouldn't happen.

We have 3.2 million acres of reservation and approximately 80 officers managing the vast area. This is far too little compared to what is projected to protect our reservation adequately: 400 officers, 24 hours a day, seven days a week, 365 days a year.

We need more funding, more strategic partnerships. I believe we can get there, but we cannot get there alone. Every year we receive more federal funding. \$4 million in FY2022, but our total budget for law enforcement services was \$18 million and required supplemental appropriations from the Nation throughout the year. I did not include the cost to operate courts, additional millions of dollars. Grants should not be a competition among tribes. This should be about public safety. I cannot imagine, as some tribes have to deal with, having a single officer to cover multiple villages or a couple million acres by themselves.

There is a need to have cabinet level leaders attend these consultations. I would recommend that consultations be broken down by region. All tribes have challenges and some similar struggles, but the geography is different. The needs are different. These partners should not only include DOJ, but DOI and all of its components, Department of Commerce, Treasury, FCC, Bureau of Indian Education.

Recommendation:

1. Consider breaking down consultations by region. All tribes have challenges and some similar struggles, but the geography is different.



Native Village of Anvik

Tami Truett Jerue - Authorized Designee (Oral and Written)

Sadie Warbelow - Authorized Designee (Oral)

I am Tami Truett Jerue, and as a member of the Anvik Tribe, I have advocated for women and children for over 44 years. Currently, I serve as the Executive Director of the Alaska Native Women's Resource Center, and I also continue to mentor the young tribal administrator as well as assist with ICWA Social Worker as needed. I am a survivor of many things, childhood sexual abuse, rape, and domestic violence. What I have learned from those experiences is that my mother could not protect me since she could not protect herself and never was given the skills to protect me. My mother was amazing, but she also never was able to heal her wounds that she received from her father and mother. The healing part of the story is that stopping the generational trauma is how we change the future generations.

Anvik is located on the west bank of the Yukon River in the Interior of Alaska. We are an isolated tribe with 392 enrolled members and less than 100 members living in our traditional lands. Access to Anvik is by small plane, boat or snow machine.

Our state law enforcement, which is the only law enforcement officers we currently have to ensure public safety in Anvik and our surrounding villages, are located 77 air miles away from Anvik in a "hub community" called the Village of Aniak. On the best days, it takes an hour and a half to get to us when there is an emergency in our village. There are only three state troopers assigned to support the "hub community", which comprises 46 villages in our region. The weather in our area makes travel unpredictable and sometimes makes it impossible to access for days or even weeks. This is not a new situation, and we continue to hope that the various federal agencies will begin to fully understand the unique, harsh, and dangerous conditions of our communities. "It is a scary situation when you have a medical incident and cannot get any kind of health aid, just what people there can provide."

Alaska Native women suffer the highest rates of domestic and sexual violence. It is long overdue that federal and State governments set aside an equitable number of resources for the Alaska Native tribes to develop, implement, and sustain local, culturally relevant solutions to immediately and comprehensively address the health, safety, and welfare of victims and village residents.

Historically, the federal government and the state of Alaska have not allocated resources to Alaska tribes, including the villages in our area. In fact, both governments have supported laws, policies, and practices, including the allocation of funding and other resources, that have limited the authority and capacity of Alaska tribal governments to protect and ensure the health and well-being of our members and citizens, creating an extremely dangerous environment for Alaska Native women who are continually targeted for all forms of violence. One such example is the Bureau of Indian Affairs unwritten policy NOT to fund law enforcement for tribes in Public Law 280 states, based on the assumption that those states will provide law enforcement and justice services for tribes. Another example is the state of Alaska NOT recognizing Alaska's tribal governments as eligible to apply for state funding to address these crimes.

To fully address these inhumane injustices, we urge federal agencies to look for new options and ways to increase resources and rebuild families and communities. Our tribe and community need funding and resources that will help build our infrastructure and systems to better keep our families safe and healthy. Public Law 280 is an

unfunded mandate that has failed Alaska tribes miserably and has helped to create the most dangerous situations in the country. Our communities need consistent, non-competitive base funding to build our infrastructure that is reliable from year to year to provide for long range planning.

At this point in time, we have no law enforcement, we have a vacant position for a VPSO (Village Public Safety Officer) which is funded through the State and the position continues to be vacant. Anvik has a tribal court and a city government, but no health aid or public safety services to our tribal members. As stated earlier, the “hub community” only has three troopers to support 46 villages and due to harsh weather conditions, it can take hours to weeks to respond to an emergency situation.

Anvik has many issues that create barriers to change. Drinking and drugs, domestic violence, and other types of violence are all issues. Many people are moving from the community because there is a lack of housing and basic services such as health care. The planes only fly-in every other day if weather permits, which means that mail, medicine, food and other essentials can arrive late. Our people also experience complex trauma that is impacted by the generational losses, boarding school, language deterioration and loss of cultural norms/ceremony and the domestic and sexual violence. These continual losses add to the compounded problems and many people deal with the trauma by substance abuse, mistreatment of others and not trusting anyone.

Recommendations:

1. We need more tribal emergency shelters and safe housing for victims/survivors in our tribal communities. The housing shortage in our communities is well documented. Having HUD at the table to listen would be helpful in the shelter and housing needs of victims. NAHASDA has been flat funded for many years with a minimal increase last year that doesn’t even touch the housing/homeless/housing situation in all tribal communities. Anvik was just told that it would take 6 years and cost \$650,000 to build a very basic three-bedroom home with lower priced material. Anvik received approximately \$123,000 for housing in 2022. We have 10 families currently needing housing in the community. Moving isn’t much easier since there is no housing in bigger towns and the cost is so high.
 - a. It would also be helpful to fund a TTA Housing provider at a higher amount in order to assist in navigating the issue of housing and all of its complexities.
2. More is needed to address the MMIW crisis that includes so many areas of need, such as law enforcement, family support services and communications, resourced SAR, advocates, and equipment, as well as compassionate and urgent response with funding.
3. With the implementation of tribal justice through STCJ, tribes need the ability to recommend and offer safety for victims/survivors seeking services, treatment for substance abuse, behavioral health or cultural healing, safety from continued harm, housing and support for healing and trauma for adults and children.
4. Better coordination between federal agencies is imperative to successfully implement any program. Formula funding that is fair for tribes with very different populations, land issues and circumstances should be used.
5. Alaska tribes have authority over their tribal members wherever they live. We need to fully fund tribal justice systems in PL 280 Jurisdictions. The Alaska Pilot Program should be a funded mandate not an unfunded mandate. For example, we have a situation with a citizen who lives in a very large city in the Southwest. She married a person from that state who is very abusive. She has two children, and they finally got a divorce, but he has been stalking her and threatening to kill her for several years. We have tried all sorts of remedies through the justice systems and they have been totally

ineffective. We have not been able to keep her safe and she will die. We are scared for her. We have gone to the U.S. attorney, FBI, and local law enforcement, and no one is taking this seriously. Trying to help a citizen that lives outside our jurisdiction has many challenges.

6. Do not hold consultations during the subsistence season (summer). Alaska Native villages are isolated and the cost of living is high, so subsistence is a matter of supplying food through the winter and being able to testify during the subsistence season is very challenging.
7. Local TTA for tribes are needed because they understand the issues impacting our state and have a better understanding of the circumstances of the tribe. Anvik has 19 separate pots of money whether through the BIA, Treasury, etc., and everyone has different reporting procedures and financial statements. The fact is, it is overwhelming and at critical mass. One person may be working on grants and at the same time supporting the tribe on various tasks. It is hard to prioritize what is more important: compliance or helping a tribal member with tasks such as raising money for funeral expenses, or going to the airport to pick up police who are responding to a need.
8. DOJ needs to address why the Alaska baseline study has been stopped and started as well.

Topic 1: Regarding OVW Annual Consultation Framing Paper Notice and Distribution to Tribal Leaders

Tribal consultations are hugely important for tribal leaders to share their recommendations and priorities with the federal government. Here in Alaska, our summer season is a critical subsistence time for many Alaska Natives and communities. From fishing to berry picking to moose hunting, our summer season is always a busy time. This year, DOJ released its framing paper on July 6, which was only 35 days prior to consultation.

Recommendation:

1. We recommend that the federal government's consultation requirements found in law be updated to include specific timelines for the release and distribution of consultation framing paper questions, which shouldn't be less than 60 days' notice prior to any scheduled consultation. Alternatively, and if we can't change federal law, we recommend that DOJ's policy regarding distribution of consultation framing papers for tribal consultations be updated to require no less than 60 days' notice prior to any scheduled consultation.

Topic 2: Regarding the Underfunding of our Tribal Justice Systems.

The underfunding of tribal justice systems is a direct violation of the federal government's trust responsibility towards Alaska Native and American Indian tribes that results in lost lives, high rates of criminal victimization, and unaddressed trauma for generations of victims.

Recently, the BIA submitted a report to Congress where it estimated a need of over \$1 billion dollars to adequately provide a reasonable base level of tribal court and justice funding to all federally recognized tribes. In that report, the BIA estimated that it would need annual funding of \$330 million to support tribal justice in Alaska. We need DOJ to fund Alaska tribes at these levels.

Indian Nations in PL 280 jurisdictions, such as Alaska, have been provided substantially lower amounts of support or none at all in the BIA compacting process for tribal law enforcement and tribal courts than Indian nations with concurrent federal jurisdiction. Consequently, the tribes in PL 280 jurisdictions have had far less opportunity to develop their own police departments and court systems. The DOJ and BIA should request federal funding and authority to add this funding to tribal compacts to end this disparity in funding between tribes regardless of whether concurrent jurisdiction lies with the federal or respective state government.

To help tribes succeed and to fully restore tribal nations' jurisdiction over non-Indian offenders, it is critical that the federal government honor their trust responsibility and fund tribal public safety in Indian Country through flexible, consistent, and sustainable funding for tribal justice systems.

Recommendations:

1. BIA should continue to request appropriate additional federal funding to provide public safety and justice resources to tribal nations located in P.L. 280 states.
2. BIA should provide funding to tribal nations located in the P.L. 280 states for their tribal court systems and law enforcement agencies. These funds should be administered in a sustainable and equitable manner while ensuring accountability.
3. DOJ should create a yearly allocation base funding grant program for Alaska tribes to fully implement all aspects of Subtitle B of VAWA 2022, including the Alaska Pilot Program, by providing five-year grant funding to Alaska tribes that progressively increases. This proposed grant program is similar to the program currently established in VOCA. The justification for this proposed grant-funded program lies in the Tribal Law and Order Act Commission Chapter 2 findings.
4. A multi-agency approach, multi-year approach among COPS, BIA-OTJ, BJA, OVW and OVC to help with infrastructure needed to get tribes in a position for success is recommended. The reimbursement program is not appropriate for Alaska because we need systems in place for all cases, not just special domestic violence jurisdiction. Alaska tribes should be given adequate resources, and time, to develop internal infrastructure to support both civil and criminal jurisdiction over all Alaska Natives and American Indians present in our villages, and to support criminal jurisdiction over non-Native offenders who commit covered crimes as defined by VAWA.
 - a. Year 1 funding would support the hiring of a project coordinator, and the creation of a strategic plan.
 - b. Year 2 funding would allow tribes to hire police and begin policing, with an emphasis on intergovernmental agreements and service contracts for staff.
 - c. Year 3 funding would develop a plan for professional staff hires within the tribes' justice systems and allow Alaska tribes to start hearing cases. Year three would also include incarceration options, including home electronic monitoring plans. The hiring and training of a probation, or community safety officer to help defendants where they are at would also be a priority for Year 3.
 - d. Year 4 and 5 funding would allow the tribes to continue to build infrastructure needs, and adjust the implementation and design as needed. This would allow tribes to succeed and provide a more meaningful and sustainable program to serve the entire community.
 - e. An option for intertribal court and justice systems should be part of the process with tribes able to receive funding allocations, similar to VOCA.

Topic 3: For Implementation of the Alaska Pilot Program and Special Tribal Criminal Jurisdiction.

We demand that DOJ and OVW address existing inequities in the planning and implementation of VAWA 2022 in comparison to VAWA 2013. In 2013, DOJ released the process and criteria for aspiring pilot project tribes immediately after the passage of VAWA 2013. In addition, OVW funded an intertribal working group training and technical assistance provider within 9 months of passage. We are more than 15 months after passage of VAWA 2022 and no process and criteria have been released by DOJ and no Alaska ITWG TTA provider has been identified and funded. We urge Attorney General Merrick Garland to release the process and criteria for Alaska Pilot Program tribes and aspiring Alaska tribes under Subtitle B of VAWA 2022.

We urge OVW to allow Alaska dedicated funding to be utilized for infrastructure capital expenses. Of the 229 federally recognized tribes in Alaska, less than 3% have public safety holding facilities that will support long-term residents and our requests to our state government to contract with tribes with state correctional facilities have fallen on deaf ears.

Finally, we urge OVW to fund technical assistance providers for the Alaska Pilot Program immediately. Alaska tribes need an Alaskan-based TTA provider to aid with readiness and implementation of VAWA 2022.

Recommendations:

1. The current funding opportunities and manner that OVW is managing current grant opportunities for Alaska tribes to support the implementation of the Alaska Pilot Program is not working and needs serious reconsideration. Alaska tribes should be given adequate resources, and time, to develop internal infrastructure to support both civil and criminal jurisdiction over all Alaska Natives and American Indians present in our villages, but also to support criminal jurisdiction over non-Native offenders who commit covered crimes as defined by VAWA.
2. The current, single agency funding stream doesn't take into consideration the many robust needs that Alaska tribes need to fully implement VAWA 2022 and the Alaska Pilot Program. We recommend a multi-agency, multi-year, mini-consolidation grant programs approach, through different agencies, to provide funding to Alaska tribes to fully implement VAWA 2022 and the Alaska Pilot Program. This proposed grant program is similar to the program currently established in VOCA and the justification lies in the Tribal Law and Order Act Commission Chapter 2 findings.
 - a. COPS funding support would provide 2-3 tribal police per tribe, training, and other needed resources. (\$200-250,000 per year)
 - b. BIA/BJA/OVW funding would support code development, review, and revisions, prosecutors, public defenders, jail and electronic home monitoring equipment and services, and survivor and legal advocates and liaisons. In addition, each agency takes one or two of these resource needs and provides targeted TA (150-250,000 per year).
 - c. OVC funding would support victim services (100,000 per year and can still participate in tribal set-aside but cannot duplicate services), as well as victim and legal advocates.
 - d. The focus of Year 1 funding would support the hiring of a project coordinator, creation of a strategic plan for police, prosecution, and public defense, and would support code review and needed revisions.
 - e. The focus of Year 2 funding would allow tribes to hire police and begin policing, with an emphasis on intergovernmental agreements and service contracts for staff.
 - f. The focus of Year 3 funding would develop a plan for professional staff hires within the tribes' justice systems and allow Alaska tribes to start hearing cases. Alaska tribes need a minimum of two full time police. Year three would also include incarceration options, including home electronic monitoring plans. The hiring and training of a probation, or community safety officer to help defendants where they are at would also be a priority for Year 3.
 - g. Years 4 and 5 funding focus would allow the tribe to continue to build infrastructure and adjust the tribes' implementation and design as needed. It would allow tribes to make necessary changes to existing justice programs, with funding provided, which will allow tribes to succeed and provide a more meaningful and sustainable program to serve the entire community.
 - h. An option for intertribal court and justice systems should be part of the process with tribes able to receive funding allocations, similar to VOCA.

3. Finally, we recommend that DOJ, HHS, and the BIA increase funding for Alaska tribes' implementation of VAWA 2022.

Topic 4: For Victim Services Programs

To address victimization within our tribal communities, adequate funding to tribes that respects and recognizes our self-determination and authority in creating culturally appropriate and holistic services is needed. These types of tribal programming need to be funded.

Recommendations:

1. Historical trauma should be listed as a victim need that can be served under the Tribal Victim Services Set-Aside Program.
2. OVC and DOJ should work towards amendments in the law that serve tribal needs, including infrastructure, court services, and law enforcement.
3. The federal government should ensure that OVC is appropriately staffed. Having only 2 dedicated Alaska OVC grant managers is not sufficient to support 229 federally recognized tribes.
4. We urge the establishment of a standing tribal Victims of Crime Act advisory committee to guide planning and implementation of the tribal set-aside. This includes funding for regional and experienced TA providers who work with tribal governments to develop strategic plans.
5. Alaska needs TA providers from within the state, who understand our unique and specific needs.
6. Finally, we urge OVC to commit to regular government-to-government tribal consultations on the program moving forward to improve the Tribal Victim Services Set-Aside program and determine how regulations should be tailored to address unique needs.

Topic 5: Better Coordination Among Federal Agencies

We call upon the U.S. DOJ—OVW and OVC, BIA, HHS, DHS as well as additional federal agencies to collaborate. All too often we have different electronic grant platforms for administration, different finance requirements, different special conditions, etc.

Recommendations:

1. We call upon each federal agency to maintain consistency and accountability between agencies and individual grant program managers. Too often, grant program managers change in assigned grant awards to tribes. When this occurs, tribes bear the burden of relearning how each new grant manager prefers that grant-related tasks be completed.
2. In addition to differences in preferences, oftentimes, guidance from one grant program manager to another seems based on individual preference, and not on any legitimate grant requirement. Grant program managers must be accountable to the tribes they manage. Some grant program managers take months to respond to tribes. Tribes have little recourse when their assigned grant program manager refuses to respond.
3. It is the responsibility of the federal government to ensure programs are accessible to all tribes.
4. DOJ and OVW staff should undergo training. This will create an environment where:
 - a. The Department of Justice works to consider cultural practices and values and is sensitive to the need for effective cross-cultural communication.
 - b. The Department of Justice seeks to foster a culture that encourages officers and employees to identify and be responsive to the needs of tribes.

- c. The Department of Justice works to safeguard by prosecuting crimes, protecting the right to vote, and ensuring Native Americans are free from illegal discrimination.
- d. The DOJ believes in state funding at sufficient levels.

Topic 6: Should OVW Revisit its Efforts to Identify a Method for Distributing Tribal Governments Program Funds on a Formula Basis.

Yes. Annual, non-competitive, and formula-based funding will support the development and sustainability of tribal programs across all Indian Country.

Recommendations:

1. We support formula-based funding that is not population-based, allowing equitable funding for all Alaska Native tribes.
2. We urge the OVW to revisit its efforts to identify an equitable method for distributing funds on a formula basis and would be willing to participate in a working group to explore different funding models.

It is hard to continually sell the facts in order to have access to basic services and that we have to continually tell our stories to convince the government we are not making this up. We deserve to be respected as the first people of these lands we called home, long before the U.S. became a country in 1776. We want the same stability and choices as other people in the U.S. We believe in the continuation of building alliances to enhance and promote the voice of Alaska Native survivors, advocates, and tribal leaders at the village, state, federal, and international levels. By working together, we stand stronger in our advocacy efforts for equal access to justice, local village-based solutions to local village problems, and access to services and advocacy designed by and for Native women.



Native Village of Emmonak

Rick Garcia - Authorized Designee (Oral)

Governor Lenora Hootch, Tribal Leader (Written)

The Native Village of Emmonak is a Yup'ik Native Village with a population of approximately 1300 tribal members. The village is in a remote part of southwestern Alaska and is approximately 200 air miles northwest of Bethel, Alaska and 490 air miles from Anchorage, Alaska. There are no road systems in the entire region - the river is our highway. For transportation, we must rely on airplanes to get to hub communities, and for village-to-village travel, on boats during the summer months and snow machines during the winter months, unless extreme weather makes traveling impossible.

Like many tribes and Indigenous peoples across Alaska, and around the world, we are a people of great strength and resilience, rich in our culture, surviving and thriving despite the long time, ongoing challenges to our self-determination and authority, the stealing of our lands and natural resources, and breach of federal trust responsibility that we see reflected in the preventable, unacceptable rates of violence against our women, including MMIW. The long-term solutions to violence against women and other crimes lie in our local cultures. We

thank Congress, Senator Murkowski, and President Biden for recognizing this fact and enacting VAWA with the Alaska Tribal Safety Empowerment Subsection.

As a sovereign nation, Emmonak is responsible for the protection, health, and safety of our citizens who continue to experience disproportionate rates of violence against Alaska Native Women. Emmonak, like many other Alaska tribes, experience on-going barriers that impact the health and safety of Alaska Native Women. These barriers include the following:

- Inadequate law enforcement and justice responses;
- Inadequate response to the high rates of missing and murdered Native women; and,
- Inadequate tribal public safety and justice funding.

Our communities are in a crisis. Public Law 280 is an unfunded mandate that has failed Alaska tribes miserably and has helped to create the most dangerous situations in the country. Our communities need consistent, on-competitive base funding to build our infrastructure that is reliable from year to year to year to provide long range planning.

While so much more work must happen to reform our tribal, federal, and state justice system's response to violence against women, equally as important is that tribes need robust support to provide Native women with culturally appropriate and local assistance to help them heal from the victimization they've experienced from birth to death, as well as to decrease their vulnerability and prevent further victimization. This requires programming that is tribally and culturally centered and requires the assistance of our federal and state partners, and their Governments.

Topic 1: Challenges with Broadband Internet

Rural villages in Alaska experience the worst internet connectivity throughout the state, and arguably, throughout the country. In addition to the extraordinary cost of high-speed internet, more often than not, our internet is unreliable and doesn't allow for video streaming and large file uploads. Recently, a subsea fiber optic network cable buried under the ocean floor was cut by large heavy moving ice, which resulted in a systemwide outage of not only internet but also cell phone service for many rural Alaska communities. This is a current crisis that officials are estimating will take over 2 months to fix. During these two months, communities and villages are completely cut off from internet and cellular service – which presents a safety concern for victims of violence who need assistance from law enforcement, survivor services, and other important lifesaving resources.

These challenges with internet services presents not only logistical challenges when preparing to deliver oral testimony by live video stream to our federal partners at important federal consultations, but also affects our ability to review, apply, and manage federal grant programs, where the primary means of communication and exchange of information is solely internet-based programs and protocols. Not only does the lack of reliable internet affect our ability to conduct business with our federal agencies and partners, it affects our ability to communicate with family and friends.

Our existing internet infrastructure challenges limit our ability to participate with emergency broadcast notifications, which rely on cellular and internet-based systems infrastructure and availability. Every community deserves high speed internet that is reliable and affordable. More must be done to upgrade our infrastructure within our rural communities and villages.

Topic 2: Inadequate Law Enforcement and Justice Responses

As stated in every annual Government-to-Government Consultation, a centralized law enforcement and justice system in the State of Alaska does not work and it has been an on-going critical concern. There has been a consistent pattern of inadequate enforcement response, including the lack of comprehensive, systemic infrastructure to address safety and accountability for the extreme levels of domestic violence and sexual abuse in Alaska's villages. The State of Alaska has failed in its responsibility to provide adequate and timely law enforcement and judicial services to Alaska Natives in rural Alaska, including the villages in our region. Frequently, the only people standing between women in need of protection and their batterers or rapists is the local community. Consequently, the life of a woman depends largely on the local community's ability to provide immediate protection and assistance and limited options for women seeking to escape.

Our state law enforcement agencies are failing our Alaska Native communities and villages. More often than not, when we call 911, we are routed to a dispatch center that is over 600 air miles away from our community. Our current 911 system does not have the capabilities of geo-tracking locations and does not provide 911 operators with the number that people are calling for help from. What this means for Emmonak and our community is that when we call our state 911 systems for assistance during times of emergencies, more time is spent providing information about where we are and what our community looks like, which is wasting valuable life saving time.

In addition to existing 911 challenges, state law enforcement takes days, and even sometimes weeks to respond to calls for assistance from our rural communities. When this occurs, crime scenes are often tainted, which means that any evidence collected for investigation and prosecution is compromised. If an investigation does occur, it does not occur quick enough for evidence to be collected and preserved. This results in infrequent prosecutions, or worse, cases being dismissed for lack of evidence, resulting in higher rates of victimization without accountability, leaving abusers and offenders feeling emboldened and above the law.

Recommendations:

1. OVW and other federal agencies need to give tribes consistent and reliable funding to support infrastructure building of local tribal police and tribal justice systems.
 - a. The underfunding of tribal justice systems is a violation of the federal trust responsibility that results in lost lives, and many cannot cope with the trauma. We have high suicide rates. Our young people are dying.
 - b. Because we are a public law 280 state, the state is responsible for providing law enforcement, but they do not value our communities, nor do they protect.
2. BIA needs to continue to request appropriate additional federal funding to provide public safety and justice resources to tribal nations located in P.L. 280 states.
3. BIA should provide funding, in a sustainable and equitable manner that ensures accountability, to tribal nations located in the P.L. 280 states for their tribal court systems and law enforcement agencies.

Topic 3: OVW Annual Consultation Framing Paper Notice and Distribution to Tribal Leaders

Tribal consultations are important for tribal leaders to share their recommendations and priorities with the federal government. In Alaska, our summer season is a critical subsistence time for many Alaska Natives and communities. From fishing to berry picking to moose hunting, our summer season is always a busy time. Each summer, Our Alaska tribal leaders are faced with balancing providing for their families and communities, with

preparing and providing oral and written testimony at these numerous consultations. It is very hard for Alaska tribal leaders to prepare for and provide testimony at Federal Consultations that are held during our life-saving subsistence seasons.

Recommendations:

1. The Federal Government's consultation requirements should be legally updated to include specific timelines for the release and distribution of consultation framing paper questions, which shouldn't be less than 60 days' notice prior to any scheduled consultation. Alternatively, if we can't change federal law, DOJ's policy regarding distribution of consultation framing papers for tribal consultations should change to no less than 60 days' notice prior to any scheduled consultation.
2. Every effort from the federal government should be made to not schedule multiple consultations in the summer, which is during a season in Alaska.

Topic 4: Implementation of the Alaska Pilot Program and Special Tribal Criminal Jurisdiction

We demand that DOJ and OVW address existing inequities in the planning and implementation of VAWA 2022 in comparison to VAWA 2013. Alaska tribes should not be treated as an afterthought. In 2013, DOJ released the process and criteria for aspiring pilot project tribes immediately after the passage of VAWA 2013. In addition, OVW funded an intertribal working group training and technical assistance provider within 9 months of passage. We are more than 15 months after passage and no process and criteria have been released by DOJ and no Alaska ITWG TTA provider has been identified and funded by OVW.

In the recently released proposed process for the Alaska Pilot Program, DOJ acknowledges that Alaska tribes may need both funding and technical assistance to successfully participate in the Pilot Program. The DOJ proposed a three-track approach. The Update appears to be responsive to some of the comments provided at last year's consultation. However, it lacks details both in terms of substance and process and raises a number of questions that need to be addressed.

- **Funding.** The proposal does not address how funding will be provided. The proposal mentions at the end that there is currently an open Office on Violence Against Women (OVW) funding solicitation that will close in two weeks. It is not clear whether this is mentioned because it is the primary funding source that will be available for the tribes in the proposed three tracks. For tribes who miss the OVW deadline, the normal DOJ grant funding process would likely mean that their next opportunity to apply for funding would be in winter or spring of 2024 and funding would not be made available until Oct. 2024 at the earliest.
- **Timeline.** There was a March 2023 statutory deadline for implementing the Pilot Program. The DOJ consulted with Alaska tribes over a year ago. OVW has not yet made funding available for Technical Assistance. Until The August 3 update, there had been no information about how the process will work for tribes. It is unclear if DOJ is soliciting feedback on the current proposal, which does not include any instructions about how to comment or deadlines for doing so. The next steps are also unclear.

We appreciate that DOJ's Update has recognized the need for both technical assistance and funding and has proposed a process with three tracks that recognize the diversity among Alaska tribes. However, stable, non-competitive funding is essential to the success of the Alaska Pilot Program, and DOJ's proposal does not adequately address how funding needs will be met. We are concerned that ongoing delays and an apparent lack of consideration of typical DOJ grant timelines will undermine the Pilot Program.

The current Alaska Pilot Program funding opportunities and manner that OVW is managing current grant opportunities for Alaska tribes to support implementation is not working and deserves serious reconsideration. Alaska tribes should be given adequate resources, and time, to develop internal infrastructure to support both civil and criminal jurisdiction over all Alaska Natives and American Indians present in our villages, but also to support criminal jurisdiction over non-Native offenders who commit covered crimes as defined by VAWA. The current, single agency funding stream doesn't take into consideration the many robust needs that Alaska tribes need to fully implement VAWA 2022 and the Alaska Pilot Program.

Recommendations:

1. DOJ must identify dedicated funding for tribes seeking to participate in the Pilot Program and develop a timeline for implementation of the Pilot Program that aligns funding with the proposed tracks without creating further unnecessary delays.
2. A multi-agency, multi-year, mini-consolidation grant program approach is needed, through different agencies, to provide funding to Alaska tribes to fully implement VAWA 2022 and the Alaska Pilot Program. This proposed grant program is similar to the program currently established in VOCA and the justification lies in the Tribal Law and Order Act Commission Chapter 2 findings.
 - a. COPS funding support would provide 2-3 tribal police per tribe, training, and other needed resources. (\$200-250,000 per year)
 - b. BIA/BJA/OVW funding would support code development, review, and revisions, prosecutors, public defenders, jail and electronic home monitoring equipment and services, and survivor and legal advocates and liaisons. In addition, each agency takes one or two of these resource needs and provides targeted TA (150-250,000 per year).
 - c. OVC funding would support victim services (100,000 per year and can still participate in tribal set-aside but cannot duplicate services), as well as victim and legal advocates.
 - d. The focus of Year 1 funding would support the hiring of a project coordinator, creation of a strategic plan, plan for police, prosecution, and public defense, and would support code review and needed revisions.
 - e. The focus of Year 2 funding would allow tribes to hire police and begin policing, with an emphasis on intergovernmental agreements and service contracts for staff.
 - f. The focus of Year 3 funding would develop a plan for professional staff hires within the tribes' justice systems and allow Alaska tribes to start hearing cases. Alaska tribes need a minimum of two full time police. Year three would also include incarceration options, including home electronic monitoring plans. The hiring and training of a probation, or community safety officer to help defendants where they are at would also be a priority for Year 3.
 - g. Years 4 and 5 funding focus would allow the tribe to continue to build infrastructure and adjust the tribe's implementation and design as needed. It would allow tribes to make necessary changes to existing justice programs, with funding provided, which will allow tribes to succeed and provide a more meaningful and sustainable program to serve the entire community.
 - h. An option for intertribal court and justice systems should be part of the process with tribes able to receive funding allocations, similar to VOCA.
3. To fully implement VAWAV 2022, OVW should allow Alaska dedicated funding to be utilized for infrastructure capital expenses. Of the 229 federally recognized tribes in Alaska, less than 3% have public safety holding facilities that will support long-term residents and our requests to our state government to contract with tribes with state correctional facilities have fallen on deaf ears.

4. Alaska tribes also need funding for in-state technical assistance providers, rather than out-of-state technical assistance providers, to support Alaska tribes generally and for the Alaska Pilot Program immediately, similar to how NCAI was funded almost immediately to support VAWA 2013.
5. Alaska tribes need an Alaskan-based TTA provider, like the Alaska Native Women's Resource Center, to aid with readiness and implementation of VAWA 2022.
6. The DOJ, HHS, and the BIA need to increase funding for Alaska tribes' implementation of VAWA 2022.

Topic 5: Victim Services Programs

To address victimization within our tribal communities, adequate funding to tribes that respects and recognizes our self-determination and authority in creating culturally appropriate and holistic services is needed. We thank OVC for hearing our recommendations that the CVF grant project period be extended for up to 5 years. The increased program period allows tribes with the time needed to implement, establish, and sustain life saving programs for the tribe and community.

Recommendations:

1. Historical trauma needs to be named as a victim need that can be served under the Tribal Victim Services Set-Aside Program.
2. OVC and DOJ should work towards amendments in the law that serve tribal needs, including infrastructure, court services, and law enforcement.
3. We urge the establishment of a standing tribal Victims of Crime Act advisory committee to guide its decision-making about the implementation of the tribal set-aside and funding of regional and experienced technical assistance providers is included, like the AKNWRC, who can work with tribal governments to develop multi-year strategic plans.
4. We urge OVC to commit to regular government-to-government tribal consultations on the program moving forward to improve the Tribal Victim Services Set-Aside program and determine how regulations should be tailored to address unique needs.

Additionally, During the 2021 consultation, tribal leaders raised concerns about the lack of shelter and supportive services for tribal nations. The Family Violence Prevention and Services Act (FVPSA) is the only dedicated federal funding source for domestic violence shelters across the country. However, FVPSA authorization expired in 2015, leaving tribal nations without funding for domestic violence shelters.

Recommendations for HHS:

1. HHS should support FVPSA reauthorization.
2. HHS should amend FVPSA to increase the tribal set-aside for tribal nations and increase funding for tribal coalitions.
3. HHS should authorize permanent funding for the Alaska Native Tribal Resource Center on Domestic Violence, the Native Hawaiian Resource Center on Domestic Violence, and the National Indian Domestic Violence Hotline.

Topic 6: Better Coordination Among Federal Agencies.

We call upon the U.S. DOJ—OVW and OVC, BIA, HHS, DHS and other agencies for better coordination among federal agencies to meet President Biden's top priority of safety and well-being of all Native Americans. Federal agencies need an overall administrator who can pull together all grant programs under DOJ, HHS, BIA, DHS, etc., and who will coordinate and streamline all available programs so that there is consistency and ease

of use as required in the Paperwork Reduction Act. Far too often we have different electronic grant platforms for administration, different finance requirements, different special conditions, etc. The approach should be how the Administration will work hand in hand with tribal nations and tribal partners to build safe and healthy tribal communities and to support comprehensive law enforcement, prevention, intervention, and support services.

Recommendation:

1. We call upon the OVW to assist tribes in applying for federal grant programs to support Alaska Native tribes through pre-grant application conversations and interviews, similar to how the OVC assists tribes with grant applications. Alaska Native tribes do not have dedicated grant writers on standby or employed with the tribe that can manage the multiple different grant requirements imposed on potential grantees by each federal agency. Access to grant writers should not preclude Alaska tribes from submitting.

Topic 7: Should OVW Revisit its Efforts to Identify a Method for Distributing Tribal Governments Program Funds on a Formula Basis.

Yes. Annual, non-competitive, and formula-based funding will support the development and sustainability of tribal programs across all Indian Country.

Recommendations:

1. We support formula-based funding that is not population-based, allowing equitable funding for all Alaska Native tribes.
2. We urge the OVW to revisit its efforts to identify an equitable method for distributing funds on a formula basis and would be willing to participate in a working group to explore different funding models.

The Emmonak Village looks forward to continuing our work locally and with our important allies on the national and international level to strengthen tribal sovereignty and increase the safety of Native women, children, and families. By working together, we stand stronger in our advocacy efforts for equal access to justice, local village-based solutions to local village problems, and access to services designed by and for Native women.



Navajo Nation

Buu Nygren, President - Tribal Leader (Oral)

Jasmine Blackwater-Nygren, First Lady - Tribal Leader (Oral)

Eugenia Charles-Newton, Council Delegate - Tribal Leader (Oral)

Introduction by Buu Nygren

The Navajo Nation provides government services to more than 400,000 enrolled members and 200,000 of which are living in the reservation which accounts for one third of all American Indians living within Indian Country. We

are a vibrant community with a rich culture and history. Our strength lies in our people; however, we face numerous challenges that require the federal government to pitch in and support.

In 2021 the Navajo Nation office for prosecutor reported over 1200 cases of aggravated assault, 390 cases of sexual assault, 32 cases of murder, over 1100 weapons offenses, 354 cases of arson, and as of today, 22 missing women. We believe the federal government is crucial in enhancing our capacity to protect our women from domestic violence, sexual assault, and other forms of violence.

Personal Account and Remarks by Eugenia Charles-Newton

My elders taught me that you speak about your experience, things you know. Even those that are negative, that you learn from. Long gone are the days when you could not talk about your trauma. I disclose to you today that I am a survivor of rape, stalking, dating violence, and sexual assault. At one time in my life, I identified as a victim, but I don't believe that to be true about myself anymore. Now I am a survivor, a fighter, an overcomer, also a voice to those who survived the violence. I do not allow what happened to me to define who I am today. Instead, I use my past to guide me.

I appreciated the statement made by the Cheyenne River Tribe who said that women are the most important assets, as they bring life into this world. It is the life we bear that sustains our people and carries us all into the future. We are thankful for the federal partners coming together to hear our testimonies, as I understand they are designed to develop the nations' capacity to reduce violence against women, strengthen services to victims, and hold offenders accountable, but many of the grants do not really fix the problems we see within our communities.

Remarks by Jasmine Blackwater-Nygren

I'm a former state representative in the Arizona House of Representatives. I represented legislative district seven, which includes eight of Arizona's 22 tribes, and is the largest legislative district, not just in Arizona, but in the country. I previously served on the study committee for the missing and murdered Indigenous people epidemic in Arizona. I currently sit on the MMIP task force under the governor's office, and I'm a licensed attorney in the state of Arizona.

As a matrilineal culture, our women are our matriarchs. Our women are our carriers of our language, songs, prayers, and culture. We carry the future, so thank you for taking care of our women today and hearing our stories.

Combined Oral Testimony

Topic 1: Culturally Appropriate Services for Victims

We need culturally appropriate services for victims including counseling, housing, healthcare, and legal aid, the importance of which cannot be overstated.

Victims of trauma and abuse often require professional counseling to help them process their experiences and heal. For the Navajo people, it is essential that counseling services are provided by individuals who understand and respect their cultural values and benefits, including the importance of spirituality, incorporating traditional healing practices through the counseling process.

Many victims need safe and secure housing to escape a dangerous situation. It's crucial that housing options are not only available, but also culturally appropriate, which means considering factors such as the importance of extended family and clan relations, as well as the need to be in areas that are accessible to the central community resources so victims can find refuge while maintaining connection to their families and communities.

Victims may require medical attention for physical injuries resulting from abuse or violence, as well as ongoing care to address their emotional and mental well-being. Culturally appropriate healthcare services take into account the unique health needs and practices of the Navajo and may involve traditional healing methods such as herbal remedies alongside Western medical treatments.

Legal aid is crucial for victims within the Navajo Nations to navigate the justice system and obtain protection orders or seek justice against their abusers. Culturally appropriate legal aid recognizes the importance of tribal sovereignty and the legal framework within the Navajo Nation, working closely with tribal authorities and legal experts who understand the intricacies of Navajo law and can provide guidance and representation that aligns with values and traditions of the community while providing support services for victims.

Topic 2: Prevention Initiatives to Break the Cycle of Abuse and Violence

Prevention initiatives should focus on culturally relevant education and awareness programs that promote healthy relationships, emphasize respect for women, children, and elders, and challenge harmful stereotypes, so the Navajo Nation can strive toward breaking the cycle of abuse and violence and foster a society that values and protects its members.

Education plays a vital role in preventing violence against women by raising awareness, promoting gender equality, challenging harmful attitudes and behaviors, and empowering individuals in communities to take action. Education can foster a culture of equality and respect, and teach individuals about the physical, emotional, and sexual forms of violence against women, by increasing awareness of the signs and consequences of such violence. Education can emphasize the importance of consent, boundaries, and respectful relationships, teaching understanding and respect of each other's autonomy, giving victims information about their rights, reducing vulnerability, and encouraging individuals to speak out against violence. The community can better respond to situations of violence by teaching bystanders how to intervene in a safe manner and give resources to victims who cannot help themselves. Communication skills, conflict resolution, and emotional intelligence should be taught as essential components of healthy relationships.

We see the federal government not just as a provider of funds but as a partner in our journey toward self-determination and prosperity. The voices of tribal nations must be heard, and our knowledge and expertise must be taken into account.

It is no secret that violence is linked to poverty. An overall lack of basic services for some of our people makes it difficult to reach them when their problems reduce the ability to help themselves. We have a shared responsibility and interest in ensuring the safety and well-being of our women.

Topic 3: Fulfilling the Goal of Supporting Victims and Preventing Violent Crimes

Calls for police service in the Navajo Nation from 2018 to 2020 were 239,376, with 21,249 arrests. With 27,000 square miles of land and roughly 200,000 people living on the Nation, the Navajo police department only has

228 patrol officers. We recently learned at the Tribal Interior Budget Council that 2.6 officers are needed for every 1000 people. If true, Navajo should have 520 police officers. We are short on manpower, we have poorly-maintained roads, interrupted communication due to outdated or lack of cell phone towers, and limited broadband.

There is a shortage of prosecutorial resources to effectively balance the rights of the accused. Our tribal prosecutorial authority is limited by judicial and congressional action. As was stated by Muscogee, the limitation of sentencing devalues Native lives. You cannot tell our people that one to three years is the maximum sentence we can give for taking a life. Our courts also need proper funding. Prosecutors and tribal courts cannot be expected to successfully navigate the complexities of the federal, state, and tribal jurisdiction that affect the outcome for Navajo victims without the resources they need.

Currently there does not exist a unified system of reporting and review. Data management is required by MDT to contribute and observe reported troubled families. Ms. Charles-Newton said that as a prosecutor she was part of the MDT, and it was helpful to hear cases being referred by doctors and social workers, but only those who attended the meetings in person were privy to the information shared. When she was in court and had to miss an MDT meeting, she missed out on life-saving information. When offenders are under the age of 18, that information is not shared so they can move to another school, only to offend again. By sharing this type of information, we can offer help where it is needed and keep others safe.

Grants are created to address issues in Indian Country, but if we do not have the resources to fulfill these initiatives, the giving of grants is just optics. We are not trying to help our Nation to make ourselves look good. We truly want to end the violence in our communities.

Topic 4: Grants for Tribal Coalitions

Giving tribal coalitions access to grants like those available to state coalitions is important. First, a combined effort creates a strong, united front. It is hard for victims to find help, get help, and make their voices heard. If we combine the efforts of tribes and coalitions, our people would see that they have a united front standing behind them, ensuring they get help and voice their concerns. Second, many tribal coalitions offer assistance to our Native people living on or off the reservation. We would like to recognize our Navajo partners, The Coalition to Stop Violence Against Native Women and Restoring Ancestral Winds.

Topic 5: Eligibility to Receive Services

Family members of missing persons are often not considered victims themselves and may not be eligible to receive services from victim funding due to certain legal and bureaucratic distinctions. To be recognized as a victim, there is a requirement for evidence of a crime having been committed. In cases of missing persons, where there is no evidence of a crime, the legal definition may not be met.

Additionally, victim service funding is often allocated to address immediate needs and provide support in the aftermath of a crime. Since the circumstances surrounding missing persons cases can be ambiguous and protracted, the eligibility criteria may not encompass the challenges faced by families of missing people.

Recommendations for Topics 1-5:

1. We urge the government to invest in improving local, regional, state, and federal crime databases and criminal information systems which enhance our interagency cooperation and offender accountability to

address these issues. This would also help us identify patterns to understand the magnitude and nature of the problem and develop evidence-based prevention strategies.

2. We advocate for an increase in funding for culturally appropriate services for victims including counseling, housing, health care, and legal aid and for an evaluation of the accessibility and effectiveness.
3. We advocate for an increase in funding for prevention services and assessment of their accessibility and effectiveness.
4. We propose the implementation of education programs that raise awareness about violence against women, teach about healthy relationships, respect for women, and challenge harmful stereotypes.
5. We urge the federal government to engage more deeply with tribal nations through regular consultation, joint decision-making processes and capacity building initiatives.
6. The federal government needs to invest in infrastructure development, education, health care, economic opportunities, and our communities, with health care and economic opportunities, to address root causes of violence against women.
7. We call for federal support in managing and utilizing resources effectively including providing technical assistance, providing our financial management capacity, sharing best practices, and reviewing burdensome reporting requirements associated with the funds. While we understand a need for accountability, we propose a more streamlined reporting process that focuses on outcomes rather than input and activities.
8. Expand tribal nations' rights to prosecute to the fullest extent and provide funding to support resources for tribal prosecutors and courts.
9. Give tribal coalitions access to grants like the state coalitions.
10. Provide data management grants that would allow for reporting of information coming out of MDTs which can help other tribes and MDT members.
11. The federal government must share information and work together. Services are fragmented and similar programs operate under different departments leading to miscommunication and non-intervention.
12. We recommend that victim services, other than what is provided by the tribe or UIOs, be allowed to provide long-term services to the families experiencing the grief of having a missing loved one.

Topic 6: Framing Paper - Tribal Governments Formula

Q1: Should OVW revisit its efforts to identify a method for distributing Tribal Governments Program funds on a formula basis?

We support the idea of formula-based distribution for predictability and stability. The formula needs to be flexible to account for each tribe's unique circumstances, including population, geographical size, the challenges they face, and consider the varying costs of providing services in different regions.

We recently talked with a tribal leader who has 25 people enrolled in his tribe in a Public Law 280 state, and whose community does not have designated land. They live in a neighborhood within a city. The struggles are between our tribes. The Navajo Nation encompasses over 27,000 square miles, extending into three states, the largest land-based reservation in the United States. Our nation consists of lands held in trust, checkerboard lands owned by Black Lives Matter, the state, county, private fee simple, oil leases, and much more. This type of land status makes it difficult to prosecute non-Indians.

Q2: If so, would you be willing to participate in a working group to explore different formula funding models?

We stand ready to participate in the working group to explore different formulas and funding models. We believe such a working group should include representatives from various tribes to ensure the model developed is fair, effective, and sensitive to our diverse needs and circumstances. We caution that formula funding should not be seen as a cure-all. It should supplement and not replace other measures such as streamlining the application process, ensuring longer award periods, and adjusting the maximum available award to reach more tribes.

Topic 7: Urban Indian Organizations' Eligibility for Tribal Sexual Assault Services Program

Q1: Do tribal leaders support a legislative change expanding eligibility for TSASP to include UIOs?

About half of the people enrolled in the Navajo Nation are living off of our tribal lands, presenting a significant challenge in delivering the essential services provided by TSASP. It is here that the role of UIOs comes into focus. These organizations can help extend the reach of TSASP, delivering culturally sensitive services to our people living outside the Navajo Nation.

We must tread this path with caution. The expansion to include UIOs should not compromise the funding or services provided within our lands. As a nation we have been operating on limited resources, and any diversion could critically impact our ability to offer essential services to those within our boundaries. Prior to considering expanding the eligibility of UIOs, we must provide services efficiently within Indian Country.

Q2: If not, would tribal leaders support a legislative change expanding TSASP eligibility to include UIOs, if they received only funds remaining after Tribes, tribal organizations, and tribal non-profit organizations that submitted applications have been funded?

We believe that the funds allocated to TSASP should primarily service tribal organizations and tribal non-profit organizations. Once these needs are fully met, surplus funds can be considered for UIOs. This would mean we continue to strengthen services within our lands while also reaching out to people beyond our borders.

Q3: Would tribal leaders instead support a one-time reprogramming to pilot funding for UIOs?

While change can be a powerful catalyst and we are open to it, we see piloting the programs that fund UIOs enabling us to evaluate their effectiveness and make adjustments as needed. We also advocate for partnerships between tribes and UIOs to enhance services and bridge the geographic divide. The battles we face against sexual violence and the crisis of MMIP are crucial. We cannot afford to lose ground in either fight.

Q4: Do tribal leaders have additional recommendations for ensuring TSASP-funded services reach tribal members living outside of Indian Country and Alaska Native villages?

The Navajo Nation stands ready to work collaboratively with all stakeholders to turn this aspiration into reality. This is a battle we cannot win alone. It requires a concerted effort of all of our partners, including federal and state governments, tribal organizations, and nonprofit entities.

One other potential solution is having satellite offices in urban areas. The tribe could expand the TSASP programs to reach urban populations. For example, the Navajo Nation and other tribes were victims of fraudulent rehabilitation facilities. Once an investigation was conducted, payments from state programs stopped. These facilities then displaced our people and left them without resources, which prompted the Navajo nation to begin Operation Rainbow Bridge, where we diverted resources to urban areas to link those affected to legitimate rehab facilities or reunite them with their families. Having satellite offices for tribes in these urban settings would serve as an extension and resource for our people.

We would like to reiterate the Navajo Nation's commitment to working with the federal government, other tribal nations, and other stakeholders to enhance the safety of our women and improve the administration of tribal funds. With a shared vision, mutual respect, and the spirit of collaboration, we can make significant strides toward achieving these goals.



Pauma Yuima Band of Luiseño Indians

Juana Majel-Dixon, Traditional Councilwoman - Tribal Leader (Oral)

Debra West, Administrator, Indian Women's Pocahontas Club - Authorized Designee (Oral)

Topic 1: Introduction by Juana Majel-Dixon

Being traditional counsel, one of the things you learn is that even the whisper of the wind can somehow have the greatest message. Pauma Band of Luiseño Indians is part of the intertribal court, and we have nine judges. As members of the court, we discuss tribe-to-tribe issues and concerns. This includes legal concerns. OVW needs to put a tribal advisory group together immediately. It is part of DOJ's trust responsibility and our sovereign-to-sovereign relationship to make sure that the federal government is acting in our best interest. Throughout time the federal government has failed to honor that. We have worked together in this trust relationship to pass VAWA and establish OVW, which took a team. We are doing our part, and we will continue to carry the lift.

When I look at our relatives in other countries that get 100+ million dollars and they don't have the same restrictions or guidelines, it makes me wonder. Congress authorized the National Baseline Study (NBS) 18 years ago under the 2005 VAWA Reauthorization Act at the urging of grassroots Native activists throughout Indian Country and Alaska Native tribes. Why has it taken 18 years for us to finally understand what I was looking at in the National Study Baseline? That was in the original bill.

Topic 2: Debra West Testimony

I am a citizen of the Cherokee Nation, and I am here to tell you about the horrendous way I lost my daughter. "This incident revealed the horrible life my daughter and her children had to endure at the hands of her abusive husband and the father of her children. My beautiful daughter had not shared too much about her home life with me, but she did allow the 18-month-old granddaughters to stay all night with me. While giving the baby a bath, I noticed severe bruising almost to the point of bleeding on her little back. In 2002, DHS, per my request, immediately visited their home to check on the baby. DHS got involved and connected them with Cherokee housing and food distribution and her husband was instructed to take anger management classes. Fast-forward to 2017. My daughter was shot and killed in front of a local restaurant. The shooter, her estranged husband, claimed it was an accident and was taken to the local police station. But not arrested. Instead, he was told to come back the next day to give his statement. He contacted his friends and family to pick him up after this alleged accident. There were two minor children 14 and 17 years old in the home, as well as a young adult 22 years old with mental health issues. I was working as a legal secretary for an attorney

at the time and was able to immediately begin the process of obtaining emergency guardianship of the two minors. I quit my job, I moved into my daughter's three-bedroom house that she had just moved into with the children. It was easier for me to move out of my one-bedroom senior housing. My son quit his job and moved from Iowa to help take care of these children. The young adult with mental health issues suffered a severe mental breakdown and was hospitalized. Fortunately, I had been thinking about retirement and had applied for Social Security but that was not enough. My former employer, my daughter's coworkers, friends, and my faithful Cherokee sisters were there to support us emotionally and financially. Because of the physical, emotional, and psychological trauma these children suffered, there was much need for counseling. The death certificate was delayed because the medical examiner was waiting for the ballistics report therefore, we could not file the necessary documents to receive life insurance benefits, burial assistance was not available because she had life insurance. The arrest warrant could not be issued until they received the ballistics report. We were barely getting by, and the murderer was still out there. The eldest daughter who lived in Cherokee County filed a protective order against her father in Cherokee County and that was not served for several weeks. Finally, on August 26, 2017, an arrest warrant was issued in Washington County. They were waiting for him to turn himself in. I contacted my Cherokee tribal council and the Cherokee marshals to let them know that an arrest warrant had been issued. Shortly thereafter, the marshals arrested him at his home and delivered him to Washington County. I know the story is not new, but instead illustrates the barriers embedded in the layers of state and federal Indian law." Today, the youngest grandson graduated high school, went to the Indian Capital Technical Center for electrical training and is currently working for the Cherokee nation. The granddaughter graduated high school, earned her bachelor's degree, and is living in Colorado. The granddaughter with mental health issues is living in an independent living facility and is thriving. She has a job and a more active social life than I do.

Our tribal nation spends time and resources restoring and preparing the judicial systems and victim services programs. However, they are limited by a lack of flexible, consistent, sustainable funding. Restoring tribal criminal jurisdiction will not help to make tribal communities safer without the necessary resources and funding to properly exercise that jurisdiction. Adequately resourced local tribal response to prevent abductions and murders is critically important to Indian Country. It is imperative that OVW, FVPSA programs, DHS, and IHS increase their funding to include victim advocacy services to prevent MMIW and to support the families of community members who have loved ones that are missing or murdered. These increases should include increased accountability of state and federal law enforcement agencies where these crimes occur. It also should fund prevention and education initiatives, counseling for the children of the victim and burial assistance. In addition, all federal departments should coordinate efforts in consultation with tribal nations to expedite the response of state governments where appropriate.

Topic 3: Closing by Juana Majel-Dixon

We must have accountability on the base study. Congress authorized the National Baseline Study (NBS) 18 years ago. While we understand study delays occur, it will soon be two decades without the urgent NBS data Native American tribal governments and programs need. It should not take until 2024 to get this information. Even though COVID research could have been done. The National Institute of Justice (NIJ) needs to be held accountable.

When it comes to MMIP and law enforcement, our federal partners and our tribes must work together as a team. We have to strategically plan together. "We are beyond hell's kitchen." Thousands of children are imprisoned and the women are being raped and prostituted. I am thankful for our dedicated tribal coalitions who are working hard to provide needed services. They need direct funding. This is part of the federal trust

responsibility. We need to all work together to work on using better words in our grants and funding opportunities that give us more flexibility. Tribes have done what they could with what they have. The shallow graves that we find are not people just from years and years ago, they are more recent. They are people who have been trafficked off the reservation. We have to update the language in funding to give us more flexibility. We need to be able to allocate money to support all genders (we didn't really consider that). We must think outside the box and let us work with you (our federal partners) on the language. Remember the hustling and talking we had to do for COVID?

We are in a crisis. We are a third world country in the United States. Do you understand? We have almost 600 tribes and only about 100 are flourishing, the rest of us face third-world conditions. There is nothing to protect us. We must work together and get the word out about the issues we are facing. Indian Country is fast when we work together, collectively we make a difference.

Recommendations:

1. OVW needs to put a tribal advisory group together immediately.
2. Crimes that result in MMIW often occurs in the intersection of domestic violence, dating violence, sexual assault, stalking, and sex trafficking. It is essential that OVW, the FVPSA, DHS, and IHS increase tribally based victim advocacy services to prevent MMIW and to support the families and community members of abducted, missing, or murdered AI/AN women. These increases should include, but not be limited to, the following services: increased accountability of law enforcement agencies – state and federal –where these crimes occur; prevention and education initiatives and campaigns; counseling for the children of the victim; burial assistance; community healing such as walks for justice and to honor the missing or murdered; community meals and gatherings; and other tribal-specific activities.
3. Funding needs to have flexibility, so it is not gender specific.
4. Federal leaders need to work with tribal leaders to update the language used in grants, so they are more inclusive and flexible.
5. The National Institute of Justice (NIJ) needs to be held accountable for the delays in results for the National Base Study. Congress authorized the National Baseline Study (NBS) 18 years ago.



Pojoaque Pueblo

Governor Jenelle Roybal - Tribal Leader (Oral)

Topic 1: Demographics

As the only female tribal Governor in New Mexico, it is important for me to advocate for females as well as advocate for the tribes in New Mexico and across the U.S. to spread the word to stop domestic violence. Pojoaque Pueblo is a tribal community in northern New Mexico. There are 19 Pueblo tribes in New Mexico and each Pueblo is a sovereign nation. The cities that surround our tribal community are Espanola and Santa Fe, which are 15 minutes to our village. We have 584 tribal members with approximately 300 living on our reservation. Our reservation is a checkerboard and is roughly 20 miles square radius with 13,000 acres of land, but within that area there's also about 12,000 non-Natives. So being a checkerboard, we include our nontribal

residents as part of our community. In Pueblo of Pojoaque, we still speak our language and practice our culture and traditions. Our ancient ways of being are still very much alive, but our harmony is out of balance. Our community struggles with high rates of domestic violence, sex trafficking, drug overdose and mental health issues.

Topic 2: Tribal Court Systems

We have our own tribal court system that has fully implemented the special jurisdictions and fully exercises our criminal jurisdiction that is possible under tribal, state, and federal laws. The Pueblo adopted the provisions of the Indian Civil Rights Act pertaining to expanded criminal jurisdiction over non-tribal Indians who commit a covered crime in the Pueblo Pojoaque. Indians and non-Indians may now be charged with the crimes in this subsection, and this means our court can prosecute crimes committed on our reservation. Once a non-Native is convicted, the court can sentence both Indian and non-Indians who commit certain crimes in the Pueblo Pojoaque.

There are nine areas that fall under our jurisdiction: assault on a tribal justice personnel, child violence, dating violence, domestic violence, obstruction of justice, sexual violence, sex trafficking, stalking, and criminal violations of protection orders. The Department of Justice and Department of Interior should support legislation that fully restores tribal nations' jurisdiction over non-Indians for any offense on tribal land. Elders should be included on the list of covered crimes. Our elders are important people of our community and deserve to have protection and justice when elder abuse is happening in or outside their homes. The partial restoration of our criminal jurisdiction has opened the door for our law enforcement, courts, and tribes to be more self-sufficient. For as long as I can remember, a victim of the covered crimes when committed by non-Indian would go unprosecuted and uncharged. When Special Tribal Criminal Jurisdiction over Non-Indians went into effect in October 2022 thanks to the Violence Against Women Act Reauthorization of 2022 our officers and court were ready to executive this expanded jurisdiction.

Our judicial team consists of a staff prosecution attorney, defense attorney, and a bar certified attorney acting as chief judge for the Pueblo Pojoaque court. By abiding by the criteria set forth we have an extra layer of protection that's never existed before on the Pueblo. Within months of this being entered we were able to bring our first case to court which fell under the element of dating violence, and domestic violence which were two of the covered crimes. The alleged defendant had a history of these same crimes in other areas and in another Pueblo, but they had gone unprosecuted. By utilizing this expanded jurisdiction, the police department and our prosecutorial attorney were able to achieve a guilty plea and the alleged defendant is now serving a prison sentence as a non-Indian who now fell under the jurisdiction of Pojoaque. This conviction was monumental and the first of its kind within the tribal jurisdiction of the state of New Mexico.

Topic 3: Funding Needs

My community is still in need of more support from the federal government with continuation of funding to our tribal courts and law enforcement. As a tribal leader, I must make sure that court and law enforcement staff are receiving the funds to do their job and protect our Native women. Our next step forward in prevention and support expands into our behavioral health department. Support programs such as supervised visits, battered intervention and counseling services are important. In our tribal communities, there is a shortage of counselors that are culturally appropriate for our children. Why isn't there dedicated and supportive funding to expand these vital services to our most vulnerable? Funding barriers do not allow us to

utilize funds for care infrastructure. Native people are capable of building sacred spaces that can bring healing to our people.

We have implemented license plate readers in my Pueblo. This has helped us to not only catch offenders but keep those that have been cited out of our community. My niece, who has a 1-year-old son, was in a relationship with a man who she reported ended up reporting for abuse. As soon as that happened, his vehicle's license plate was registered in our license plate reader, and he was banned from our Pueblo. However, he came back, and our license plate reader pinged his license plate. He found my niece and by the time he put her in his car and drove a mile down the road, a police officer had stopped him and brought her to safety. It's heartbreaking to know what could have happened in that case should we not have had that infrastructure in place to protect our tribal people. There is more that we can do and it takes funding to continue this process and growth in our tribe.

We have come a long way, when I was younger, I remember our governor being the judge, the police, and everything. He responded to domestic violence. The funding we have now must stay in place because we have to retain our staff and continue to grow and to move forward.

Recommendations:

1. The Department of Justice and Department of Interior should support legislation that fully restores tribal nations' jurisdiction over non-Indians for any offense on tribal land. While a pivotal step forward, the most recent reauthorization did not address protections for elders or serious crimes that co-occur with domestic and sexual violence, such as financial crimes and homicide. Perpetrators will continue to slip through the cracks until Congress fully restores every tribal nation's complete jurisdiction over all crimes committed by non-Indians on Indian land.
2. We must remove funding barriers to allow tribes to expand services to children, elderly, cultural education, etc. Elderly has to be listed as a covered crime.
3. The federal government must continue to fund tribal courts and law enforcement.



Pokagon Band of Potawatomi Indians

Rebecca Ricards, Chairwoman - Tribal Leader (Written)

The Pokagon Band was reaffirmed as a federally recognized Indian tribe in 1994 through an act of Congress, P.L. 103-323. The Pokagon Band's traditional homeland is in the St. Joseph River Valley, which is located in Southwest Michigan and Northern Indiana, and currently covers approximately 3,407 acres of trust land between the two states. The Pokagon Band has approximately 6,100 citizens.

The Pokagon Band is working to implement the Special Tribal Criminal Jurisdiction ("STCJ") restored to Indian tribes under the Violence Against Women Act ("VA WA") as well as working to actively address violence.

Topic 1: Administering Tribal Funds and Programs

The federal funding received to implement and administer responses to crimes of violence against Indian women in Indian Country is appreciated, but not adequate. Adequate funding must be developed, maintained, and allocated to all tribes in an amount necessary to appropriately address such crimes, as well as give tribes flexibility in how the funding is used in order to comprehensively address violence. This includes funding for tribal law enforcement, tribal courts, victim services, offender services, and overall awareness and prevention. Indian tribes also need adequate funding to hire, maintain, and train staff regarding detecting and responding to crimes in Indian Country.

Tribal courts require funding to ensure that they are appropriately staffed and equipped. This includes providing funding for probation officers, services to victims and offenders, legal counsel for indigent defendants, juries, incarceration, and medical care for those incarcerated.

Many Social Services Departments in Indian Country lack the funding required for the appropriate number of social workers or victim advocates. Sometimes tribes may have funding for a social worker or a victim advocate, but they do not have adequate funding for developing a sustainable victim support services program. Victims must never have to choose between remaining with the offender solely for economic reasons or leaving and going without economic resources for basic necessities such as food, clothing, and shelter.

Adequate funding is needed to develop, implement, and sustain programs for the offenders. These programs include trauma counseling and drug and alcohol counseling. Additionally, adequate federal staff in administering the funding is critical because there should never be delays in providing assistance or answering questions to the tribal grantees. Funding should also be given to adequately train tribal grantees. Often the orientation process for a grant doesn't occur until a grant has been operating for several months. Orientation and post award training should begin at the start of the grant.

Recommendation:

1. Federal Government funding to tribes should be broadly defined and adequately allocated to appropriately address what is needed for the tribes to comprehensively address violence against women in Indian Country.

Topic 2: Enhancing the Safety of Indian Women from Domestic Violence, Dating Violence, Sexual Assault, Homicide, Stalking, and Sex Trafficking

According to DOJ statistics, Indian women in Indian Country suffer violence at epidemic rates and such violence is often committed by non-Indians. STCJ under VAWA is limited and Indian women in Indian Country are victimized by non-Indians outside of the VAWA covered crimes. In these cases, Indian tribes are unable to fully exercise their sovereign authority to protect Indian women. The complete inherent sovereign authority of Indian tribes over all crimes in Indian Country must be restored. Until such restoration Indian tribes are limited in their ability to adequately address the safety of all persons in Indian Country. This restoration gives Indian tribes the ability to exercise full and complete criminal jurisdiction over all persons in Indian Country, whether Indian or non-Indian, and over acts of all crimes beyond VAWA covered crimes.

Recommendation:

1. DOJ should work with Indian tribes to advocate for the restoration of the complete inherent sovereignty of Indian tribes over all Indian Country crime.

Topic 3: Strengthening the Federal Response to the Crimes of Domestic Violence, Dating Violence, Sexual Assault, Homicide, Stalking, and Sex Trafficking

The Pokagon Band is able to exercise its retained sovereign authority over its ancestral homelands within the borders of Michigan and Indiana. However, the Pokagon Band is prohibited from exercising its complete inherent sovereignty with regard to criminal jurisdiction, and therefore has to rely on the federal government to ensure there are no gaps in the exercise of criminal jurisdiction within its Indian Country.

The Pokagon Band has developed and maintains positive working relationships with the U.S. Attorney's Office for the Western District of Michigan and the U.S. Attorney's Office for the Northern District of Indiana and meets with them regularly. These positive working relationships are critical because when the Pokagon Band encounters situations where it lacks criminal jurisdiction, it depends on the assistance of the U.S. Attorney's Office to exercise criminal jurisdiction.

Unfortunately, not all Indian tribes in the United States have a similar positive working relationship with their respective U.S. Attorney's Office. We often hear about tribes who have difficult relationships with their U.S. Attorney's Office. In those circumstances, improved coordination and communication is needed.

Recommendations:

1. A commitment by all the U.S. Attorney's Offices and their federal partners is needed to have consistent and regular meetings with Indian tribes to address crimes in Indian Country.
2. As stated above, DOJ should work with Indian tribes to advocate for the restoration of the complete inherent sovereignty of Indian tribes over all Indian Country crime.



Rincon Band of Luiseño Indians of the Rincon Reservation

Germaine Omish-Lucero, Special Projects Director - Authorized Designee (Oral)

I have been attending consultation since the beginning and have been the tribal delegate for many years. Over the years I have given testimony on many things, much of it I must keep repeating because there are still matters that have not been addressed.

Topic 1: Timing of Consultation

There needs to be a dedicated time of year that consultation will always take place. This will give tribes, tribal programs, tribal coalitions time to prepare for tribal consultation and to be respectful of tribal traditional ceremonies, customs, and their food subsidiary gatherings. Tribes, tribal advocates, tribal coalitions, this is not just a job for us. We live, we breathe, and unfortunately, we mourn in this work.

Topic 2: Jurisdiction issues

I remember going to boarding school and having to help my friends, my roommate was beat up by her boyfriend, and some of my friends were raped. I am a survivor of rape and domestic violence. I was molested as a child and didn't have the resources that we have today. We still have a long way to go to provide safety for our victims, for our people. As a citizen of the United States, you can go anywhere in this country, and dial 911 to get assistance. However, on my own tribal lands, that does not necessarily happen. We have jurisdiction issues as well trying to figure out the law enforcement process of who can respond, who collects the evidence, where does it go, do they do a proper investigation, etc.? This is why we go missing; we go murdered; we get mislabeled. When is it going to stop? We are the first people of this land, the original caretakers of this land, and yet, we are treated like we are the immigrants. We are not. We have always been here. We will continue to always be here.

Topic 3: Funding Issues

We got the ARPA funds, which was a blessing, yet how are the tribes expected to spend it down? If the money goes back, it looks like we never needed the money. We need that money. But tribes need time to be able to adjust and plan how best to use the money. It is greatly needed, but there are so many limits that the government puts on how it can be spent - it makes it hard. The federal government should allow tribal governments to decide how best to use the money. These tribes are sovereign nations, and they need to have that respect given to them as governments. They need to have that autonomy to be able to work with their people, to be able to get things done.

Our tribes don't have an infrastructure like the United States government, we don't have the immense resources, but the federal government solicitations have so many special conditions and special reporting needs that it is hard for tribal governments to comply with in order to get the funding. Tribal governments have an in-depth understanding of their tribal members and needs. They try to do the best they can as a tribal government to help their people, but these solicitations and grant requirements pigeonholes the tribes and does not allow them to have the autonomy to help their own people. This is not right, and it needs to change.

For example, it can take six to nine months just to get a budget approved and when it gets approved, they have to make a no cost grant extension that extends the project period and then you get more money coming in and you cannot even spend the money that you have because it was not approved until later. It just keeps compounding more and more problems. It needs to stop. States get their money right away. FVPSA gets their money right away. Why is program money under OVW different? As soon as the fiscal year starts, they have already been awarded, they have their budget. They should not have to jump through hoops, it is disrespectful to the tribes.

Recommendations:

1. Why does it take so long to approve budgets? What is the process for OVW vs. other grant programs (example: FVPSA and funds to states/territories)? I want answers to these questions.
2. Budgets should be awarded as soon as possible. Grantees should not have to wait anywhere up to 9 months to receive approval on their budgets.
3. Flexibility in the way funds can be used to better serve victims' needs.
4. Sovereignty: Make sure that wording in the solicitations does not imply or require tribes to waive their tribal sovereignty in order to be awarded funding.
5. Tribes should not have any more "special conditions" than what the states are expected to have.

6. There needs to be a dedicated time of year that consultation will always take place. This will give tribes, tribal programs, tribal coalitions time to prepare for tribal consultation and to be respectful of tribal traditional ceremonies, customs, and their food subsidiary gatherings.
7. Tribes should be able to exercise its complete inherent sovereignty with regard to criminal jurisdiction within its Indian Country.



Santo Domingo Pueblo

Joe Aguilar, Former Governor, Tribal Councilman - Authorized Designee (Written & Oral)

Santo Domingo Pueblo (also known as Kewa), is located between Albuquerque and Santa Fe, New Mexico. We have a population of 5300 and like many tribal communities here today we have increasing rates of domestic violence, sexual assault, dating violence, homicide, stalking, and sex trafficking.

Topic 1: Administering Tribal Funds and Programs

We feel that our sovereignty rights are being restricted due to the ways we are being TOLD to spend our funding. The funds come with many barriers on how we can utilize funds to assist survivors.

In American Indian culture, food is a major connection to verbal teachings and building spiritual strength, but we are unable to purchase any type of food to help our survivors. When they leave an unhealthy relationship, they are leaving a situation where someone else has held power and control over them. They leave with nothing and often have children who need care as well. We are unable to purchase any food items for the survivors or the children. While clothing and hygiene products are a lifeline as well, why does a survivor have to go through many different resources specific to each area of need? OVW always says sovereignty rights are key but we are not really allowed to practice sovereignty with these restrictions.

Recommendation:

1. Reevaluate limitations set on how tribal programs can spend allocated funds. Allow tribes to use funds to meet culturally relevant needs.

Topic 2: Court and Law Enforcement Bias in Performing Duties

We see bias affecting the outcomes of cases in tribal courts and in the way BIA officers process domestic situations when there is a relationship to one of the parties involved. We believe all cases should be handled with objectivity.

We have seen a restraining order not receive approval by tribal court because of personal relations to certain parties involved, forcing the victim to take the case to a county court instead. In one instance, the victim is now facing a battle for rights to her child through the same tribal court. In this case, the perpetrator can maintain power and control over the victim by having family members influence court personnel.

A similar bias appeared in a case where two tribal members have been victimized by the same perpetrator on multiple occasions with little to no charges being processed. A 3-year-old child received severe bodily injuries during a rollover that took place within the pueblo's boundaries. The responding BIA officer failed to get a BAC, a protocol for all accidents involving a child. According to tribal officers, first responders, alcohol was at the scene of the accident, but no charges were filed for the injuries to the child or for an alcohol-related accident. On another occasion when the intoxicated father was dropping off the child during a custody exchange, the mother was attacked and choked. The father was charged with domestic abuse and child neglect but so was the mother. Once OVW advocates got involved it came to light that the perpetrator was a direct relative to a former BIA officer. Although advocates cannot say for sure, two BIA officers not processing correct charges on two separate occasions makes it appear that the perpetrator's family relationship to a BIA officer had an impact on how the cases were handled.

Recommendations:

1. Investigate tribal court rulings for denied order of protection to ensure there was no conflict of interest.
2. BIA officers should be held accountable for processing all investigations thoroughly and without bias.

Topic 3: Strengthening Federal Response to Domestic Violence Crimes

The first step to strengthening federal response is having BIA officers always contact a tribal OVW program victim advocate at an initial domestic violence call (if available). When an advocate is called several days after the event, a victim is more likely to refuse services because they feel they do not have any support. One of the keys to victim advocacy is to provide emotional support at the time of the incident, providing comfort and education that builds their strength to leave an abusive relationship.

We have had several cases where BIA officers responded to a call for domestic violence and charged both parties with domestic violence. We do not understand why both parties should be charged. This trauma affects the victim beyond living with the memories, but also the frustration and shame of a domestic violence charge that follows them and may even affect their ability to obtain employment.

Recommendations:

1. Educate BIA officers on the importance of collaborating with OVW programs to allow adequate services to be given to victims.
2. Mandate trauma-informed training for BIA officers. If this is already a mandate, then it would be beneficial for officers to attend refresher courses quarterly or yearly or assign collaborative work with tribal entities to provide a more in-depth understanding of the dynamics of domestic abuse.

Topic 4: Improve Access to Crime Information Databases and Criminal Justice Information Systems

Access to local, regional, state, and federal crime information and criminal justice information systems is vital to protecting current and future victims safe from harm.

Recommendation:

1. Access to these systems should be given automatically to any program receiving OVW funding along with necessary training to use them.

Topic 5: Framing Paper on Tribal Governments Program Formula

We do not agree with OVW revisiting the distribution method for Tribal Governments Program funds. Formula basis would not be fair for all applicants and would cause many programs to be underfunded if based on demographic criteria and instead of the needs of the program. If OVW would like to revisit any aspect of funding, it should be to eliminate limitations of utilizing funds.



Sault Ste. Marie Tribe of Chippewa Indians

Kimberly Lee, Director - Tribal Leader (Oral)

The Sault Ste. Marie Tribe is a federally recognized tribe of the original people who have lived in the Great Lakes area for millennia. We currently have a service area that spans seven counties in what is now Michigan's upper peninsula. We have approximately 45,000 tribal members nationwide with about 10,000 living within our service area.

Topic 1: Jurisdiction Related to VAWA Implementation

One of the persistent issues from full implementation continues to be a limited jurisdiction to tribes over non-Indian offenders. While the actual fix to this issue is layered in federal Indian law, the Department of Justice should utilize the following recommendations to help with related issues.

Recommendations:

1. Request the full amount of funding needed for the programs authorized in VAWA 2022, especially the 25 million for the special tribal criminal jurisdiction.
2. Offer joint training opportunities for tribal and federal law enforcement on the implementation of VAWA 2022. Local law enforcement is usually the first on scene, but often do not have access to the same training as the federal agents. Let's get them the funding they need to get the training required to successfully carry out our first investigations.
3. Update the Bureau of Prisons tribal prisoner program to make it easier for tribal nations to submit inmate placements, requests, and ensure that BOP staff are on hand to respond to tribal nations. The BOP should also cover transportation costs to transport inmates to designated facilities and support legislation that would restore tribal nation jurisdiction over non-Indians for any offense committed on tribal lands.

Tribes located in Oklahoma are reporting a concerning pattern following the Supreme Court decision. Tribal nations are reporting that FBI agents have been removed from the state and U.S. Attorneys are declining cases at a higher rate. The Sault Tribe is concerned that this pattern can spread to other states including Michigan.

Recommendation:

1. We urge the Department not to pull staff or decline cases and provide more resources and in the wake of legal uncertainties to ensure that protections are upheld to the greatest extent possible. This aligns with guidance the U.S. Attorney's Office issued in September 2022 stating that the *Castro-Huerta* decision does

not alter federal jurisdiction to prosecute crimes in Indian Country or diminish the Department's obligations to tribal nations.

Topic 2: Crisis of Missing and Murdered Indigenous Persons

We are too familiar with the national statistics of missing and murdered Indigenous persons. In my tribal community, the issue is real and ongoing. We are especially threatened as a tribal community on the border of the United States and Canada because perpetrators in border communities face jurisdictional challenges. One well-known reason Indian people are the target of heinous crimes is because perpetrators know the jurisdictional complexities related to Indian land often make it more difficult for them to be caught and held accountable. The MMIP crisis will take a multi-department response to truly resolve.

Recommendations:

1. The Department of Homeland Security must have MMIP protocols developed as soon as possible. In consultation with tribal leaders, DHS interacts with tribal nations far less than the departments present here today. Despite having the second largest federal budget after the Department of Defense, only a fraction reaches tribal nations. DHS does not yet have protocols for responding to MMIP cases.
2. Fully staff the Office of Tribal Affairs as soon as possible to work with tribes to develop effective and culturally appropriate protocols to respond to reports of missing Indigenous persons, especially those who go missing in areas with jurisdictional complexities.
3. The U.S. Attorney General must start closing the gap of perpetrators not being held accountable. Tribes and local and federal law enforcement agencies must work seamlessly. For example, tribal officials and law enforcement should be notified when a U.S. attorney declines to prosecute a sexual assault or a domestic violence case and why it was declined. When possible, they can then proceed with prosecution or provide closure and proper service to those involved.
4. We recommend DOJ investigate state and local agencies with a pattern of inadequately responding to cases with MMIP. We know, anecdotally, jurisdictions who do not pursue MMIP cases as vigorously as non-Native missing persons cases. The DOJ compiles data to train local agencies where they find this to be true and put an end to the disparate law enforcement practices that contribute to the MMIP crisis.
5. DOJ must share the importance of the Tribal Community Response Plans. These plans outline exactly what needs to happen when you have a child or an adult go missing from the community. Most tribes in Michigan have adopted these plans but they have not been widely adopted by tribes in other states.
6. For cases where our relatives are found after they are deceased, DOJ should provide funding to tribal nations to assist the families of MMIP, transport their loved ones home, and leave them in a culturally appropriate manner.
7. Train more tribal agents to get federal search warrants approved by federal judges for time-sensitive issues such as cell phone location information, the ability to ping a missing person's phone and search a missing person's phone for who they were in contact most recently. Those search warrants are highly technical, take time to put together correctly, and not every federal tribal agent has been trained to put these together quickly and correctly. This is a critical part of investigating federal homicides and missing persons cases in Indian countries.

Topic 3: Framing Paper - Tribal Governments Program Formula

The Sault Tribe has long been a recipient of Tribal Governments Program, and involved in the consultation and funding distribution, including instances outlined in today's Framing Paper, where tribes recommended a formula-based distribution methodology. It is our tribe's position that we should revisit the efforts to identify

a distribution that includes a base funding for all tribes, and a formula basis for the remainder. Either I or a designated Sault Tribe member would be willing to participate in exploring different formula-funding models.

Topic 4: Urban Indian Organization Eligibility for Tribal Sexual Assault Services Program

The Sault tribe was a grantee of TSASP, receiving awards in 2010, 2013, 2016, and most recently 2019. The grant previously funded some of the work of our Advocacy Resource Center whose mission is to provide comprehensive, cultural-honoring, and trauma-informed responses to those impacted by the abuse of power and control. The Advocacy Resource Center did not seek or continue grant funding after 2019 because of funding restrictions.

Our Advocacy Resource Center does not charge for many of its services and is able to provide services to abuse survivors throughout our seven county service area. Services currently include support groups, employment transportation, housing assistance, safety plan creation and support, connection to legal aid services, culturally based sexual violence service programs, and emergency shelter. The Resource Center has a staff of 16 to serve the community of approximately 10,000 citizens residing in the area.

As described, we've got a large and effective Advocacy Resource Center, but we cannot fund the programs we need without TSASP assistance. For example, our community needs Sexual Assault Response Teams (SART) and Sexual Assault Nurse Examinations (SANE), but those are not allowable programs under the limited criteria of TSASP, despite many experts considering the SANE to be the single most important piece of evidence in a sexual assault case. While we had the grant, our tribe used funding to train therapists only to have them leave for non-grant-funded positions.

TSASP was created to fund tribal nations as a component of the federal government-to-government relationships. Retaining the integrity of the program and expanding use for tribal nations and other eligible organizations is a priority for the Sault Tribe. While we generally support Urban Indian Organizations (UIO), their funding should come from a separate program and not cut the funding currently available to tribes.

Recommendations:

1. Rather than expanding eligibility of the current program for UIO, explore the lack of applications for the TSASP. The application is burdensome compared to the award amounts, with restrictive limitations.
2. OVW should expand the type of services covered by the TSASP funding and allow tribal nations more flexibility to develop sexual assault prevention and response programs.
3. We encourage discontinuing the narrowly focused prioritization of outpatient therapy. While that may benefit some survivors and communities, tribes need the flexibility to spend funding on other programs such as SANE and SART, to meet the needs of the survivors in the community.
4. We support seeking an additional appropriation to support UIO sexual assault programs to serve our relatives in urban areas.



Tolowa Dee-ni Nation

Dorothy Wait, Tribal Council Member - Tribal Leader (Oral)

Tolowa Dee-ni Nation ancestral homelands are located in the middle of what is now the borders of California and Oregon on the Pacific Ocean. We are a coastal water tribe with seven rivers, including the watershed west of the Applegate River. Food was plentiful and the climate was temperate. Our ancestors flourished there. We were terminated in the California Rancheria Act and had to sue the U.S. government for recognition, along with 17 other tribes from 1983 to 1987. Our Constitution was ratified by our council in 1987. Although we had our lands stripped, we have restored several thousand acres. We had to pay the ransom to get those parcels of land back. It's been a very difficult road.

In 2006 I attended my first consultation and learned so much. That resulted in our very first OVW award in 2007. Our tribe has a very robust victim services division we created combining funding from OVW, OVC, BJA, and other branches of DOJ. We have services available to our tribal citizens, their families, whether they are enrolled or not, and household members that are victims of crime.

Topic 1: Stories

I want to provide a short timeline of my knowledge of the history of violence and missing and murdered Indigenous people.

The earliest I remember learning about is a woman who was stripped naked and whipped through the Township on suspicion of being an informant against the U.S. Army, who was removing our ancestors from our homelands up north to the reservation.

In 1950, Mr. Van Pelt drowned. It was deemed an accident, but the family was aware there was an altercation, and he was pushed from a bridge into the Chetco River.

In 1960, Robert "Bob" Luther Lopez was murdered. He was a WWII veteran. There was no investigation and charges against alleged perpetrators were dropped because witnesses did not appear or recanted their statements. In 1962, his widow, my grandmother, was charged with manslaughter because she shot a man through her front door who was attempting to come in and assault her and her seven children, including my mother. She was later acquitted but the arrest stayed on her record until her death. In 1972 one of my aunts, she was 16, bore her molester's child. No investigation and the perpetrator walked free.

In 2000, my uncle, also a veteran, was murdered. The investigation was very slipshod. No charges were ever filed. In 2018, what would have been my uncle's stepchild, Max Greenfield, who identified as LGBTQ, disappeared from the reservation. The case remains unsolved to this day.

I appreciate the pledge to provide the framing papers out to us at least 60 days in advance. The following are recommendations for DOJ with regard to grant funding.

Recommendations:

1. Set aside a specified time for consultation that considers the cultural activities, ceremonial, and subsistence practices of tribal nations.
2. Ease funding restrictions to allow tribes to administer justice in a traditional manner they choose.

3. Improve access to justice system information. We have applied for access to TAP at least twice and were denied because we did not have tribal law enforcement, although we qualify to apply as a direct-funded Title IV-E agency. We place children in foster care and are a kin-first agency. When children must be placed in a safe home immediately, we must have access to criminal information to safely place them with their kin families or we are forced to place them in non-relative homes that further traumatizes the children.

Topic 2: Framing Paper - Should OVW Revisit its Efforts to Identify a Method for Distributing Tribal Government Program Funds on a Formula Basis?

We agree that DOJ should fund the process of finding a more equitable way to distribute funding. There is no one-size-fits-all solution. Formulas based on enrollment exclude non-members like spouses, children, and others. Tribal nations need to assure the safety of their citizens and their extended families, and non-citizens living on tribal lands. This cannot be done with competitive grants or meager formula grants. There could be hybrid methodologies that would be more equitable. We are willing to provide staff or representation on a subcommittee.

Topic 3: Framing Paper - Urban Indian Organizations' Eligibility for Tribal Sexual Assault Services Program

We do not object to use of the TSASP funds to include Urban Indian Organizations, but not at the risk of loss for future funding of existing programs. It took us three attempts before we were awarded the funding, and we have worked very hard to maintain that level over the past few years.



Ute Mountain Ute Tribe

Manual Heart, Chairman - Tribal Leader (Written)

Conrad Jacket, Tribal Councilman - Tribal Leader (Oral)

The Ute Mountain Ute Tribe is in the southwest region of Colorado, bordering Arizona, New Mexico, and Utah. We have approximately 2100 tribe members residing mostly in Colorado with a smaller land base in New Mexico and Utah. The reservation was decreased in size by the Brunot Agreement in 1880. After the Meeker Massacre and the formal establishment of the Colorado Territory, the United States government separated and forced the Ute people to different jurisdictions. By 1936, the Indian Reorganized Act provided the Southern Ute and Ute Mountain Ute tribes to regain a very small section of land. By 1940, Ute Mountain Ute (UMU) became a sovereign tribal nation.

We are very traditional, and we love our land. One of our strengths is our language. We now have a charter school which will strengthen our tribe's government by ensuring language tradition and culture. Most of the workers we have are grant funded and grants are very strict. They do not compromise with our needs.

We have two law enforcement officers. One in Towaoc, Colorado, and one in White Mesa, Utah. It takes them an hour to respond to most areas. If something happens and an officer needs help, the other officer leaves one city vulnerable to go help the other. Our officers are combat veterans of Iraq and Afghanistan. They are in their 40s and will be looking to retire, but we are unable to recruit new police officers. The same with IHS. Many workers are going to retire, and we have no backups and no one is interested in these positions.

We have two programs offering services to survivors of domestic violence and sexual assault. The Hands Down, Standing Strong located in White Mesa and the “Tú éi Nú nág ít” (Healing From Within) program in Towaoc.

Topic 1: Lack of U.S. Department of Interior Bureau of Indian Affairs Criminal Investigators

There are five BIA police officers and one tribal police officer for Ute Mountain Ute Agency and two special agents in criminal investigations. Currently there is a great need for more investigators to address major federal crimes in Indian Country.

Recommendation:

1. Funds to staff more U.S. BIA criminal investigators.

Topic 2: Lack of Culturally Responsive Domestic Violence Shelters

To date, there are only 55 Native-centered domestic violence shelters for 574 tribes in the U.S. UMU has no culturally responsive domestic violence shelter. The adjacent Montezuma County in Colorado reports that for the crime of domestic violence among AI/AN 113 were served in 2020, 165 in 2021, and 143 in 2022.

Providing a safe place for UMU women and children seeking emergency shelter is critical. They need a safe place to heal and rest with the option to seek traditional healers and natural medicine to help with the healing process. Victim advocates play a vital role in assisting DV survivors and their children.

Recommendation:

1. USDOJ OVW to fund a domestic violence shelter that serves our UMU tribal members.

Topic 3: Lack of Formal Culturally Responsive Sexual Assault Services

Currently, there are no rape recovery services available on Ute Mountain Ute Tribal Nation. Resources and support are severely limited. While Telehealth does provide some sort of care, it doesn't offer the immediate needs that survivors of rape require. A sexual assault nurse examiner (SANE) exam cannot be done over the internet, and those in rural communities may lack quality cell phone connection or internet coverage to receive this support.

Typically, those living in UMU have a lack of anonymity that prevents them from seeking help under the perception that others in the community will know of their assault. Secondary to this, it is likely that law enforcement and medical providers also know the victims' assailant. Lack of cell phones and/or internet service, and lack of transportation add to the difficulty for victims to gain access to the care they need.

The IHS, the federal agency tasked with providing health care services throughout isolated and rural areas of Indian Country may be the only option for a sexual assault forensic exam, however, IHS has a history of hiring physicians who have been convicted of sex offenses (in violation of federal policy). In 2002, the Associated

press reported that at least two physicians with convictions for sexual violence had been hired and worked at IHS.

In rural areas where there is data on rape crisis centers or domestic violence shelters, data shows that these spaces provide positive outcomes for victims. A study of “black box” services at rape crisis centers found that urban centers attracted more trauma-informed staff which provided better outcomes to victims. In communities where sexual violence and domestic violence have been lumped together, providing an umbrella service (90% of rural agencies versus 66% of urban agencies), the ones in rural areas tend to lack access to rape kits or on-site advocates or SANE nurses — all of which survivors agreed benefited their wellness and healing after experiencing rape.

Rural life typically means close-knit communities where survivors are likely to be in long term contact with perpetrators and law enforcement which affect their sense of whether they can report something confidentially and receive confidential services if they go to law enforcement, a doctor, or local hospital. They run the risk of seeing someone they know. Creating a space that is strictly for this sensitive issue that is confidential would alleviate the fear.

Recommendation:

1. Fund a rape recovery center that is culturally responsive and serves UMU tribal members.

Topic 4: Lack of Access to Sexual Assault Offender and Notification Registry (SORNA)

Sex offender monitoring and tracking to assist with the prevention of sex offenses does not exist in the UMU tribe, and we have no access to SORNA. There is no funding to help develop both a national tribe sex offender and an order of protection registry. While SORNA is critiqued as complicated, for UMU, it’s better than nothing. Evidence suggests the lack of data tracking has caused sex offenders to target AI communities.

Recommendation:

1. Provide UMU tribal government access to SORNA with immediate notice to domestic violence and sexual assault survivors when their offender is released from jail and/or prison.

Topic 5: Missing and Murdered Indigenous People

The crisis of MMIW/P is part of a large scope of violence that Native women endure throughout the United States due to systemic barriers. For decades, American Indian women have been victims of high rates of assault, abduction, and murder. UMU people are impacted by this crisis and the response is complex given the jurisdictional barriers.

The BIA estimates there are approximately 4200 missing and murdered cases that have gone unsolved. These investigations often remain unsolved due to a lack of investigative resources available to identify new information from witness testimony, re-examine new or retained material evidence, as well as review new activities of suspects.

Recommendation:

1. Provide funding to address the prevention of the missing and murdered UMU people.

Topic 6: Jurisdiction over Non-Natives

VAWA 2013 created a framework for tribal courts to prosecute non-Indians again after the 35-year-old U.S. Supreme Court decision in *Oliphant v. Suquamish Indian Tribe* removed that authority. This provision is known as SDVCJ. Crimes such as domestic violence, dating violence, and criminal violation of protection orders are covered under the SDVCJ when the victim is an Indian, or when the crime takes place in the territory of the prosecuting tribe, and the non-Indian defendant has sufficient “ties to the Indian tribe.”

Tribes implementing SDVCJ must also meet certain criteria, which generally requires significant revisions to tribal codes, policies, procedures, and constitutions which require funding to facilitate.

Recommendation:

1. DOJ OVW funds the ability for UMU to achieve opt-in to create an SDVCJ jurisdiction.

Topic 7: Framing Paper - Tribal Governments Program Formula

Grants should be non-competitive. It is unfair for small tribes like UMU to compete with tribes that have 100,000 people.

Recommendation:

1. Grants should be non-competitive, but if there will be a formula, we would like to have input.



Village of Alakanuk

Marilyn Stanislaus, Council - Tribal Leader (Oral)

The Village of Alakanuk is in Western Alaska, along the Yukon River, with a population of 500 people. Our community is off a traditional road system - we travel by snowmachine in the winter, by boat in the summer and air travel to get to larger communities in Alaska if weather permits these uses of travel.

Alakanuk, like many other Alaska tribes, experience on-going barriers that impact the health and safety of Alaska Native Women. These barriers include:

- Inadequate law enforcement and justice responses;
- Inadequate Response to the high rates of missing and murdered Indigenous women;
- Inadequate tribal public safety and justice funding.

Our communities are in a crisis. Public safety across Alaska, especially in our rural communities, has been severely lacking for many years. Public Law 280 has failed Alaska tribes miserably, it is an unfunded mandate that has helped to create the most dangerous situations in the country. Our communities need consistent support, non-competitive base funding to build our infrastructure that is reliable from year to year to provide for long range planning. Equally important is that tribes need robust support to provide Native women with culturally appropriate

and local assistance to help them heal from the victimization they've experienced, as well as to decrease their vulnerability and prevent further victimization. This requires programming that is tribally and culturally centered and requires the assistance of our federal and state partners, and their governments.

Topic 1: Tribal Justice Funding

The underfunding of tribal justice systems is a direct violation of the federal government's trust responsibility towards Alaska Native and American Indian tribes that results in lost lives, high rates of criminal victimization, and unaddressed trauma for generations of victims. In Public Law 280 states, such as Alaska, tribes have virtually no BIA law enforcement presence or funding for courts and law enforcement other than what is appropriated from year to year thanks to special annual PL 280 Appropriations, essentially providing no sustainability or safety.

Recommendations for BIA and OVW:

1. BIA should continue to request appropriate additional federal funding to provide public safety and justice resources to tribal nations located in P.L. 280 states;
2. BIA should provide funding to tribal nations located in the P.L. 280 states for their tribal court systems and law enforcement agencies and administer that funding in a sustainable and equitable manner while ensuring accountability; and
3. BIA should seek to end the disparity in funding between tribal nations based on their location within or outside of a P.L. 280 state.
4. OVW and other federal agencies should recognize and respect Alaska tribes' subsistence periods and not overly burden tribes with meeting requests during critical subsistence periods. Alaska tribes and their tribal citizens rely on subsistence activities to provide resources to their families and tribal communities.

Topic 2: Inadequate Law Enforcement and Justice Response

A strongly centralized law enforcement and justice system in the State of Alaska has been an ongoing concern – it doesn't work, and it never has. The State of Alaska has failed in its responsibility to provide adequate and timely law enforcement and judicial services to Alaska Natives in rural Alaska, including the Villages in our region of the State. These facts continue to create the dangerous reality that frequently the only people standing between women in need of protection and their batterers or rapists is the local community.

More often than not, when we call 911, we are routed to a dispatch center that is over 600 air miles from our community. Our current 911 system does not have the capabilities of geo-tracking locations and does not provide 911 operators with the number that people are calling from. What this means for Alakanuk and surrounding communities is that when we call our state 911 systems for assistance during times of emergencies, much time is spent providing information about where we are and what our community looks like, wasting valuable life saving time. When we finally do reach emergency lines and describe the situation to the dispatcher, it can take hours or days for law enforcement to arrive. This leaves perpetrators roaming free, our victims without help unless the community can step in to provide protection, and the integrity of evidence deteriorates as hours pass for help to arrive, leaving crimes difficult to prosecute.

Recommendations:

1. Our recommendation is consistent and reliable funding from OVW and other federal agencies to support infrastructure building of local tribal police and tribal justice systems. The underfunding of tribal justice

systems is a direct violation of the federal trust responsibility that results in lost lives, and many cannot cope with the trauma.

2. We recommend BIA continue to request appropriate additional federal funding to provide public safety and justice resources to tribal nations located in P.L. 280 states.
3. We also recommend BIA provide funding to tribal nations located in the P.L. 280 states for their tribal court systems and law enforcement agencies and administer that funding in a sustainable and equitable manner while ensuring accountability.

Topic 3: Victim Services Programs

To address victimization within our tribal communities, adequate funding to tribes that respects and recognizes our self-determination and authority in creating culturally appropriate and holistic services is needed. Cultural programs help to both heal victims' trauma and reduce continued violent behavior within our families and communities. These types of tribal programming need to be funded.

Recommendations:

1. Historical trauma should be named as a victim need that can be served under the Tribal Victim Services Set-Aside Program.
2. OVC and DOJ work towards amendments in the law that serve tribal needs including infrastructure, court services, and law enforcement.
3. Establishment of a standing tribal Victims of Crime Act advisory committee to guide its decision-making about implementation of the tribal set-aside, and funding of regional and experienced technical assistance providers who can work with tribal governments to develop a multi-year strategic plan.
4. We urge OVC to commit to regular government-to-government tribal consultations on the program moving forward to improve the Tribal Victim Services Set-Aside program and determine how regulations should be tailored to address unique needs.

Recommendations for HHS:

1. HHS should support FVPSA reauthorization. During the 2021 consultation, tribal leaders raised concerns about the lack of shelter and supportive services for tribal nations. FVPSA is the only dedicated federal funding source for domestic violence shelters across the country. However, FVPSA authorization expired in 2015, leaving tribal nations without funding for domestic violence shelters.
2. HHS should amend FVPSA to increase the tribal set-aside for tribal nations and increase funding for tribal coalitions.
3. HHS should authorize permanent funding for the Alaska Native Tribal Resource Center on Domestic Violence, the Native Hawaiian Resource Center on Domestic Violence, and the National Indian Domestic Violence Hotline.

Topic 4: Implementation of the Alaska Pilot and Special Tribal Criminal Jurisdiction

We request that DOJ and OVW address existing inequities in the planning and implementation of VAWA 2022 in comparison to VAWA 2013. Alaska tribes should not be treated as an afterthought. In 2013, DOJ released the process and criteria for aspiring pilot project tribes immediately after the passage of VAWA 2013. In addition, OVW funded an intertribal working group training and technical assistance provider within 9 months of passage.

It has been more than 15 months since VAWA was passed, and no process and criteria have been released by DOJ and no Alaska ITWG TTA provider has been identified and funded by OVW. Tribes across the state are

eager to understand and be a part of the pilot project, but we must ensure there is support, clear guidelines, and funding to be successful.

In the recently released proposed process for the Alaska Pilot Program, DOJ acknowledges that Alaska tribes may need both funding and technical assistance to successfully participate in the Pilot Program. Tribes must have both long-term sustainable funding and technical assistance in order to create long term stability to adequately make real change and be successful.

The Update appears to be responsive to some of the comments provided at last year's consultation. However, it lacks details both in terms of substance and process and raises several questions that need to be addressed.

1. **Funding.** Despite acknowledging the tribes' need for funding and the clear message from tribal leaders at consultation that funding is essential, the proposal does not address how funding will be provided. The proposal mentions at the end that there is currently an open Office on Violence Against Women (OVW) funding solicitation that will close in two weeks. For tribes who miss the OVW deadline, their next opportunity to apply for funding would be in winter or spring of 2024, and funding would not be made available until Oct. 2024 at the earliest.
2. **Timeline.** There was a March 2023 statutory deadline for implementing the Pilot Program. The DOJ consulted with Alaska tribes over a year ago. OVW has not yet made funding available for Technical Assistance. It is unclear if DOJ is soliciting feedback on the current proposal, which does not include any instructions about how to comment or deadlines for doing so. Next steps are also unclear.

Recommendations:

1. Identify dedicated funding for tribes seeking to participate in the Pilot Program and develop a timeline for implementation of the Pilot Program that aligns funding with the proposed tracks without creating further unnecessary delays. The current, single agency funding stream doesn't take into consideration the many robust needs that Alaska tribes need to fully implement VAWA 2022 and the Alaska Pilot Program.
2. Create a multi-agency, multi-year, mini-consolidation grant programs approach, through different agencies to provide funding to Alaska tribes to fully implement VAWA 2022 and the Alaska Pilot Program. This proposed grant program is similar to the program currently established in VOCA and the justification lies in the Tribal Law and Order Act Commission Chapter 2 findings.

I think it's important to understand the situations people in rural Alaska are facing. We are strong people, but we also need support to build up the systems that were broken by the federal and state governments who must live up to their promises and trust responsibilities. We are only asking for what many communities across the Nation already have - responsive and visible public safety, infrastructure such as safe housing, services to support and protect victims, services, and programs for perpetrators for rehabilitation so the cycle of violence does not continue, culturally based programs and building up our own tribal justice. The recommendations provided will aid in all of these and help move us toward a more equitable, safe, and free from violence that we all strive for.



Village of Dot Lake

Tracy Charles-Smith, President - Tribal Leader (Oral & Written)

Chance Shank, Vice-President - Tribal Leader (Oral)

Topic 1: Tracy Charles-Smith Testimony

We have 160 to 180 tribal members and are located 171 miles away from Fairbanks and the closest hospital. We also sit 47 miles away from a man camp. I'm here to speak to you as a leader fighting violence every day. The story that started my advocacy against domestic violence and substance abuse was an 11-year-old boy of whom the tribe had custody. At 12, he was suicidal. We tried emergency tribal Health Services, and ultimately had to go to Fairbanks to get him help, paying out of pocket for an evaluation. The amount of time spent trying to find open beds in Alaska for substance abuse or to get an assessment was unbelievable. Today, there is still a waitlist for assessments in Alaska. I started fighting the system to find a better way. It led me to IHS Behavioral Health funding which we were thankful to get from the Department of Justice, so we now run our own behavioral health program.

The next battle in my life came from the meth epidemic in the village. Once I took a stand, death threats became constant. Threats to burn down the house, kill me and my family, and so forth. The lack of law enforcement response was overwhelming. We had active shooters and lockdowns in the village, my house was destroyed, there was horrible domestic violence and abuse with parents being attacked, girlfriends knocked off their bicycles and being shot at. I've hidden for four and a half hours in the village with someone wanting to kill me waiting for troopers to respond. That is our reality. With the lack of law enforcement and lack of services, we had to fight the drug dealers in our village in civil court. We filed a lawsuit and won, obtaining ownership through our corporation of their homes and property because they were in violation of their leases.

With the help of DOJ and OVW, we were able to implement our Behavioral Health program in 2022. We decided as a tribe that if somebody comes to us for help, we are going to help them. You don't have to be a tribal member. With the launch of the health center, we were able to start a culture camp focusing on domestic violence and Sexual Assault Awareness and prevention. We worked with people from universities wanting to know how to culturally do this and with the help of our elders and their guidance we were able to mesh that into a Western curriculum. Under OVW funding, we now have a youth program as well to deal with the health impacts of social media for young people. For the past two years we've had a peaceful village focused on healing. Then in April of this year I found out we were going to be 47 miles away from a man camp located in an area where every village goes to get their groceries. We've reached out to tribes who have faced this challenge before to figure out how to address the problem. The fear is real for me. I am the only one out of my generation of family members who hasn't been raped or sexually assaulted. My sister was abducted and taken to a landfill by two out-of-state workers in an attempt to rape her. She was beaten so badly you couldn't recognize her face. For the grace of God someone saved her. We are thankful for the funding we have received so we can continue doing the work that we are doing to change the lives of friends and families in our communities. But we are like a little Band-Aid right now barely held together and with the expected impacts from the man camp we need more funding for services.

Topic 2: Extractive Industry and the Impact of "Man Camps"

The extractive ore industry and the "man camps" they create increase the populations in relatively small areas/communities which puts significant strains on local social infrastructure, specifically law enforcement, emergency medical services, and other social services. These camps have also been shown to significantly

harm Native populations where they have been implemented. Man camps bring violence and crime in places where crime would not be otherwise.

In 2019 the U.S. Bureau of Justice statistics completed a study on violent victimization known to law enforcement where increased reports of crime coincided with the socioeconomic changes brought on by extractive industries. Violent victimization increased by 67-70% with American Indians experiencing a rate 2.5 times higher. Women experienced a 54% increase in the rate of unlawful sexual contact, due to a rise in reports of statutory rape.

Alaska has the highest rate of women murdered by men in the United States and has often been ranked among the states with the highest rates of violent crime in the United States. 96% of Alaskan Native women experience violence in their lifetime. With the lack of judicial resources, law enforcement and adding in remote workers for a mining operation, this will create a potentially deadly situation for the many women in our region.

With the assistance of the Department of Justice, Dot Lake Village has begun to create pathways for the victims of these types of crimes to rebuild their lives. We have worked closely with our neighboring villages and partners to offer services for victims. We believe that adding in these additional factors will overwhelm our already very limited resources.

Historically, federal and state courts have not been able to properly investigate or successfully prosecute crimes against Alaskan Native women to a level that provides safety for our Native communities. The evidenced based impacts of sexual violence have proven to have long term consequences; drugs, alcohol and lifelong mental health issues. These issues not only impact the victims, but the entire community, for generations.

The victimization of Native women as a result of mining operations is a complex and serious issue that has been reported in various parts of the world. The impact of mining on Indigenous communities, including women, vary depending on the specific context and region. However, there are some common concerns and patterns that have emerged in relation to mining activities and their effects on Native women. Here are a few key points to consider:

- Violence and human rights abuses: There have been reports of increased violence against Native women in areas surrounding mining operations. This violence can take various forms, including physical, sexual, and psychological abuse. Factors such as the influx of transient mining workers, the breakdown of social structures, and the militarization of mining areas can contribute to a heightened risk of violence. Furthermore, the lack of adequate legal protections and limited access to justice exacerbates the vulnerability of Native women to human rights abuses.
- Economic exploitation and labor conditions: Mining operations often employ Indigenous people in low-skilled, poorly paid jobs. Women face additional challenges, such as unequal pay, limited representation in decision-making processes, and unsafe working conditions. This economic exploitation can perpetuate gender inequalities and contribute to the marginalization of Native women within their communities.
- Lack of consultation and consent: Indigenous communities are often excluded from decision-making processes related to mining operations that occur on their lands. This lack of consultation and consent violates their rights and can have detrimental consequences for Native women and undermines tribes' ability to voice concerns and have a say in matters that directly affect their lives, lands, and resources.

- Displacement and dispossession: Mining activities frequently involve the displacement of Indigenous communities from their ancestral lands. This displacement can result in the loss of cultural heritage, traditional knowledge, and social cohesion within Indigenous communities. When communities are uprooted, women may face specific challenges such as loss of access to healthcare facilities, increased vulnerability to violence, and disruptions to their roles as caretakers and community leaders.
- Environmental impact: Mining operations often lead to significant environmental degradation, including deforestation, contamination of water sources, and disruption of ecosystems. These environmental changes directly impact the livelihoods of Indigenous communities, including their ability to access clean water, gather food, and engage in traditional practices. Indigenous women, who often play central roles in gathering water and food for their families, can be disproportionately affected by these disruptions.

Recommendation:

1. Addressing the victimization of Native women in the context of mining operations requires comprehensive efforts from various stakeholders, including governments, mining companies, Indigenous communities, and civil society organizations. These efforts should aim to ensure meaningful participation of Indigenous women in decision-making processes, uphold their human rights, and promote sustainable and responsible mining practices that take into account the well-being of Indigenous communities and their ecosystems.



Village of Ohogamiut

Marina Isaac, Tribal Council Member - Tribal Leader (Written)

Francine Andrew, Tribal Council Member - Tribal Leader (Written)

Topic 1: Lack of Resources and Challenges

Marshall is currently experiencing a housing crisis. There are many challenges that our Village and community face regarding habitable housing, including that many of our existing homes are overcrowded, multi-generational, rotting, and in desperate need of repair. The lack of housing within our village and community also presents a problem for newly relocated and returning families.

The majority of homes in our village currently house eight to nine people in a two- to three-bedroom house and have at least three-generational families with grandparents, parents, and grandchildren residing within. The greater half of these houses can't withstand the winter weather. The older houses are in the process of rotting, and most have floors that are falling apart, ceilings that are leaking during rainstorms, and insulation that is well into the process of molding. Some of the new houses have mold accumulating due to poor insulation or building at the wrong time of the season. As we speak, there are now four new houses under construction with the Association of Village Council President's Regional Housing Authority.

Even with these four new houses being built, which oftentimes take longer than one season to build due to the limited construction season in Alaska, our village needs multiple affordable, sustainable, and reliable housing to address our community's most basic human need – housing.

Topic 2: Plumbing, Water, and Sewer Lines

Our municipality, the City of Marshall, also needs to expand sewer and water lines to build new homes. The Association of Village Council Presidents Regional Housing Authority has provided three new homes within the last ten years, but these new homes are not connected to any municipal sewer and water lines. The three new homes need running water and plumbing installation. We also believe that the lots of land within our community available for people to purchase and own are limited.

Topic 3: Domestic Violence and Alcoholism

The Village of Marshall is a damp community, which means that consumers, with permits, may order beer, wine, and liquor. Marshall being a damp community makes bootlegging prohibited, yet bootlegging still happens. Domestic violence, alcoholism and its effects, and the current public safety crisis within Alaska that affects mainly rural, off-road, and Alaska Native communities, also affect Marshall. Our small village recently had a woman go missing on June 15, 2023. When the Alaska State Troopers finally responded, they reported that a body was found 30 miles above the village of Emmonak, on June 27, 2023, over 10 days after she was reported missing. She was a valued and loved community member of Marshall. She was 40 years old and had seven children. She also worked as a tribal administrator for Native Village of Marshall Tribal Council.

The federal response to the MMIW crisis is a breach of the federal trust responsibility and a human rights violation as reflected in the statistical disparities documented by the National Institute of Justice. An adequately resourced local tribal response to prevent abductions and murders is critically important in Indian Country. The lack of resources for tribal nations is a continuation of genocide committed against Indigenous peoples of this country. AI/AN women are missing and/or murdered with little to no response from law enforcement. The lack of response is exacerbated by the federal government's failure to adequately fund tribal services and tribal law enforcement.

Recommendations:

1. MMIW often occurs at the intersection of domestic violence, dating violence, sexual assault, stalking, and sex trafficking. It is essential that the Office on Violence Against Women, the Family Violence and Prevention Services Program, DHS, the OVC, and the Indian Health Service increase tribally based victim advocacy services to prevent MMIW and to support the families and community members of abducted, missing, or murdered AI/AN women.
 - a. These increases should include the following services: increased accountability of law enforcement agencies - state and federal - where these crimes occur; prevention and education initiatives and campaigns; counseling for the children of the victim; burial assistance; community healing such as walks for justice and to honor the missing or murdered; community meals and gatherings; and other tribal-specific activities.
2. OVW does not currently allow grant funds to be used to provide services to families of MMIW except within the intersections of domestic and sexual violence.
3. DHS should require each department within the agency to develop and implement MMIW protocols in consultation with tribal nations. This would further the mission established by President Biden in Executive Order 14053: Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People
4. DHS should establish permanent MMIW staff positions within the Department.
5. DHS must fully staff its Office of Tribal Affairs in the Office of Intergovernmental Affairs with at least six staff members to coordinate tribal issues within DHS.

6. Provide direct funding to tribal nations to help the families of MMIW transport their loved one home and lay them to rest in a culturally appropriate manner.
7. Coordinate efforts across all federal departments to increase support for tribal responses to missing or murdered AI/AN people as required by Savanna's Act and by Executive Order 14053.
8. Coordinate efforts in consultation with tribal nations to increase the response of state governments, where appropriate, to cases of the disappearance or murder of AI/AN people.

Topic 4: Tribal Justice and Public Safety Funding

The underfunding of tribal justice systems is a direct violation of the federal government's trust responsibility towards Alaska Native and American Indian tribes that results in lost lives, high rates of criminal victimization, and unaddressed trauma for generations of victims. In Public Law 280 (PL 280) states, such as Alaska, tribes have virtually no BIA law enforcement presence or funding for courts and law enforcement other than what is appropriated from year to year thanks to special annual PL 280 Appropriations, essentially providing no sustainability or safety.

Recently, the BIA submitted a report to Congress estimating that to provide a reasonable base level of funding to all federally recognized tribes, it would need annual funding of \$330 million to support tribal justice in Alaska.

The federal government must address funding disparities for tribes in Public Law 280 States. Indian nations in PL 280 jurisdictions have been provided substantially lower amounts of support or none at all in the BIA compacting process for tribal law enforcement and tribal courts than Indian nations with concurrent federal jurisdiction.

Recommendations:

1. BIA should continue to request appropriate additional federal funding to provide public safety and justice resources to tribal nations located in P.L. 280 states.
2. BIA should provide funding to tribal nations located in the P.L. 280 states for their tribal court systems and law enforcement agencies and administer that funding in a sustainable and equitable manner while ensuring accountability.
3. BIA should seek to end the disparity in funding between tribal nations based on their location within or outside of a P.L. 280 state.
4. OVW and other federal agencies should recognize and respect Alaska tribes' subsistence periods and not overly burden tribes with meeting requests during critical subsistence periods. Alaska tribes and their tribal citizens rely on subsistence activities to provide resources to their families and tribal communities.
5. OVW should assist and empower the success of Alaska tribes and provide adequate and necessary time to implement grant-funded programs to Alaska tribal nations. OVW should not implement any policies specific to only Alaska grantees, such as probationary periods for newly funded OVW programs, as an arbitrary indicator of determining the future success of the tribe and its OVW-funded programming.

Topic 5: OVW Annual Consultation Framing Paper Notice and Distribution

Tribal leaders across Indian Country are tasked daily for carrying out needed responsibilities and priorities with their tribes, their community, and their families. Tribal consultations and the government-to-government exchange of tribal recommendations and priorities is critical for all tribal leaders and tribal nations.

Here in Alaska, our summer season is a critical subsistence time for many Alaska Natives and communities. Recently, our summers have been filled with consultation after consultation during the summer season. Our Alaska tribal leaders are faced with balancing providing for their families and communities, with preparing and providing oral and written testimony at these numerous consultations. It is very hard for Alaska tribal leaders to prepare for and provide testimony at federal consultations that are held during our life-saving subsistence seasons. Every effort from the federal government should be made to not schedule multiple consultations during this important season.

The DOJ should prioritize distributing consultation framing papers as soon as possible to tribal leaders. The DOJ's policy on adequate notice to tribal leaders of consultation dates and times, as well as framing papers, defining adequate notice as "at least 30 days' notice" does not respect or recognize the many levels of engagement and responsibilities that tribal leaders face each and every day. This year's OVW consultation framing paper was released on July 6, 2023 – 35 days prior to consultation.

Recommendation:

1. The federal government's consultation requirements should be updated to include specific timelines for consultation framing papers notice and distribution to be not less than 60 days' notice prior to any scheduled consultation. Alternatively, we recommend adequate notice of tribal consultations to be updated to reflect no less than 60 days' notice prior to any scheduled consultation of framing paper questions or documents.

Topic 6: Village Police Officers (VPOs)

The Village of Marshall currently has six Village Police Officers (VPOs). The VPOs change shifts for on-call duty. We have one other Emergency/Back-up Village Police Officer. The VPOs we already have been experiencing burn out from attending call after call; with the only compensation being a bi-weekly salary. However, Public Safety Officers are not working an hourly wage, therefore, however many calls the Officers answer, their paycheck will remain the same.

Recommendations:

1. Allow for recognition of the many positive outcomes and successes possible with operating an Indigenous justice system -- more timely and increased accountability, healing, preservation and strengthening of family and communities. Oftentimes perpetrators within our communities are part of our community and we want to see services to address their needs to stop the violence.
2. Support for tribal law enforcement recognition and support for fixing legislation that authorizes Special Law Enforcement Commissions.
3. We need consistent and reliable funding from OVW and other federal agencies to support infrastructure building of local tribal police and tribal justice systems. The underfunding of tribal justice systems is a direct violation of the federal trust responsibility that results in lost lives, and many cannot cope with the trauma. We have high suicide rates. Our young people are dying. Because we are in a Public Law 280 state, the state is responsible for providing law enforcement, but they do not value our communities and the state does not protect our Indigenous rural communities in the same way they protect large urban areas that are predominantly non-Native in population.
4. We recommend BIA continue to request appropriate additional federal funding to provide public safety and justice resources to tribal nations located in P.L. 280 states.

5. We also recommend BIA provide funding to tribal nations located in the P.L. 280 states for their tribal court systems and law enforcement agencies and administer that funding in a sustainable and equitable manner while ensuring accountability.

Topic 7: Stark Disparities with Investigation of our Missing Alaska Native Women by the Alaska State Troopers

Alaska Native women across the state continue to go missing at alarming rates. There are stark disparities regarding investigation techniques and response times from our Alaska State Troopers, the public safety entity charged with ensuring public safety across all Alaska - including our off-road, rural, and predominantly Alaska Native communities, when an Alaska Native woman goes missing in comparison when a non-Native woman goes missing.

Recommendations:

1. MMIW often occurs in the intersection of domestic violence, dating violence, sexual assault, stalking, and sex trafficking. It is essential that the Office on Violence Against Women, the Family Violence and Prevention Services Program, DHS, the OVC, and the Indian Health Service increase tribally based victim advocacy services to prevent MMIW and to support the families and community members of abducted, missing, or murdered AI/AN women.
 - a. These increases should include the following services: increased accountability of law enforcement agencies - state and federal - where these crimes occur; prevention and education initiatives and campaigns; counseling for the children of the victim; burial assistance; community healing such as walks for justice and to honor the missing or murdered; community meals and gatherings; and other tribal-specific activities.
2. OVW does not currently allow grant funds to be used to provide services to families of MMIW except within the intersections of domestic and sexual violence.
3. DHS should require each department within the agency to develop and implement MMIW protocols in consultation with tribal nations. This would further the mission established by President Biden in Executive Order 14053: Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People.
4. DHS should establish permanent MMIW staff positions within the Department.
5. DHS must fully staff its Office of Tribal Affairs in the Office of Intergovernmental Affairs with at least six staff members to coordinate tribal issues within DHS.
6. Provide direct funding to tribal nations to help the families of MMIW transport their loved one home and lay them to rest in a culturally appropriate manner.
7. Coordinate efforts across all federal departments to increase support for tribal responses to missing or murdered AI/AN people as required by Savanna's Act and by Executive Order 14053.



Wabanaki Tribes of Maine

Donna Brown, Executive Director, Wabanaki Women's Coalition - Authorized Designee (Oral & Written)

As research has shown, American Indians and Alaskan Natives are 2.5 times more likely to suffer sexual violence compared to all other races, and one in three Indian women reports having been raped in the course of her lifetime. The five Wabanaki communities are fortunate in that each has an OVW funded Domestic and Sexual Violence Advocacy Center that serves the victims/survivors of domestic and sexual violence, dating violence, stalking and sex trafficking. Each center provides nonjudgmental support, emergency shelter, safety planning, 24-hour hotline, transitional housing assistance, legal assistance, court advocacy, hospital accompaniment for SANE and SAFE exams, support groups, community education, training, and referrals. Our Advocates have completed the 40 Hour Domestic Violence Training, 40 Hour Sexual Assault Training, nearly 100% have completed the 40 Hour SAFE training and 2 have graduated from the National Tribal Trial College. The five Centers are members of the Wabanaki Women's Coalition which is funded by an OVW Tribal Coalition Grant. The Advocacy Centers report that their most used and helpful TA provider is the Wabanaki Women's Coalition. In the first six months of 2023, the Wabanaki Women's Coalition provided 133 incidents of technical assistance to the Wabanaki Advocacy Centers.

Topic 1: Transitional Housing Assistance

For the past several years we have provided testimony regarding problematic issues with the transitional housing assistance policies. The current OVW policy on Transitional housing assistance requires victims to leave their home and relocate in order to qualify for this assistance. This is counterproductive to best practice which would be that the victim be able to stay in their housing and the abuser be removed.

Recommendation:

1. A statutory change needs to be made to remove 'relocate' from the wording. Our Advocacy Centers remind us constantly of the barrier this presents to victims with the limited amount of housing on reservations and high cost of rent in surrounding areas which has only dramatically increased since Covid.

Topic 2: OVW Framing Paper Question, "OVW has, in the past, explored distributing OVW Grants to Indian Tribal Government Program funds through a formula. Should this method be revisited?"

We are not in favor of formula funding if that base funding is not adequate to meet the needs of all tribes regardless of the size of the tribe. As mentioned earlier, Wabanaki tribes make up a total population of 7,718 tribal citizens. During the 2022 calendar year alone, the Wabanaki Advocacy Centers provided direct services and support to a total of 334 survivors of domestic violence, sexual assault, dating violence, stalking and sex trafficking. This number does not include victims of other crimes in our communities. It is also important to note that our Advocacy Centers are not operating with a large staff. The majority of our tribal government programs operate with only 2 to 3 Advocates. We take great pride in referring to our tribal government programs as small but mighty. If formula funding were to be implemented, this would result in a great loss of staff as well as crucial direct services to survivors. This could very likely cause our tribal government programs to cease to exist.

Recommendations:

1. We propose noncompetitive funding and if a base rate is ever proposed, we recommend that it includes sufficient funds and well thought out planning to ensure that all programs will be able to provide the necessary services.

2. We propose that these programs have enough funding to provide quality care so that you would not hesitate to send your own relatives to them if they were victims of such crimes. It is imperative that funding is adequate and sustainable, especially since we face the highest rates of violence in the United States, and that the federal government upholds its trust responsibility regarding the health, safety and justice for all tribal citizens.

Throughout my eight years as an advocate, I have seen the change a program can make. I have seen generational healing take place. If OVW decided to enact formula funding, our Wabanaki Advocacy Centers would see significant cuts which would impact their ability to provide support for survivors. These cuts would only allow for one advocate to run the entire program. It is not possible to provide a 24/7 365 days a year support line with just one person. Shelter advocacy alone requires thoughtful and meaningful presence to ensure that the shelter is a safe place, and that the survivor has adequate care so that they may work on their own goals and plans for the future.



White Mountain Apache Tribe

Maridee Craig, Councilwoman - Tribal Leader (Oral)

The White Mountain Apache tribe wishes to stress it has a fundamental human right of determining how and what constitutes consultation between us and the federal government with which we share a government-to-government relationship. We do not consider our participation conclusive and reserve the right to request additional consultation if necessary.

Topic 1: Enhancing the Safety of Indian Women from Domestic Violence, Dating Violence, Sexual Assault, Homicide and Sex Trafficking

Our tribe needs both funding and technical assistance to develop protocols when responding to missing murdered Indigenous people cases and to provide services not only for the victims but also for family members such as elders and children. Funding also provides socially appropriate healing programs to address trauma. We can also address bullying in schools as studies show a link between childhood bullying and exposure to domestic violence. The funding we receive from BIA is inadequate to address our needs on the reservation. It is imperative that BIA adequately fund law enforcement services to meet the needs of the police department and the community. In addition, the tribal court is in dire need of a courthouse. The current location of the tribal court does not have enough space to house the Trial court, Juvenile court, and Healing to Wellness court. Currently three staff members share an office space meant for one.

Recommendations:

1. In order for our tribe to adequately prosecute cases and enhance the safety of Indian women the tribe is requesting that DOJ provide funding for a new courthouse.
2. In order to protect the safety of Indian women across Indian Country, tribal jurisdiction over non-Indians perpetrators for all criminal offenses must be fully restored and DOJ should support such legislation.

Topic 2: Improving Access to Local, Regional, State, and Federal Crime Information Databases along with Criminal Justice Information Systems.

The White Mountain Apache tribe currently implements a tribal Access program that provides the White Mountain Apache tribe with access to national crime information databases.

Recommendation:

1. Although we currently have access to TAP, we need additional training for our tribal departments to utilize this valuable resource for our tribal agencies.

Closing Comments

Sherriann C. Moore closed consultation by thanking tribal leaders for taking time to provide important testimony to address topics that need to be worked on and to share their personal stories. She thanked all federal representatives who participated throughout the last three days, and the OVW team and announced the imminent addition of two more members. She thanked the tribal coalitions for being key partners in the work done at OVW. She reinforced the commitment to making progress together, and thanked Muscogee (Creek) Nation for hosting, before calling on Chief David Hill for closing remarks.

Chief Hill thanked the tribal leaders and federal partners in attendance. He quoted a statement from President John F. Kennedy found in “The World and The Way of the Creek People,” written by a non-Native, which urged Americans to study the history of the Indians so they can do what must be done if their treatment of the American Indians is not to be forever a national disgrace.

Rosie Hidalgo thanked Chief Hill and the Chief of Staff and Attorney General for sharing their deep testimonies. She also thanked Shelley Miller, her team from NAAV, and Stephen Powell.

Ms. Hidalgo’s closing remarks summarized three key themes heard in consultation. First, the importance of honoring culture, and taking this into account with any solutions designed or implemented. Second, honoring sovereignty and agency for each tribe by offering flexible and sustained resources that recognize the uniqueness of each tribal nation. Third, the need for strengthening the collaboration in moving forward with continued partnership, not only between the federal government and the tribal nations, but amongst federal partners. OVW is committed to taking these insights and recommendations from consultation to integrate into their strategic planning, funding priorities, outreach, and making sure it is a continuous process, not just once a year.

Ms. Moore called Shelley Miller forward to retire the shawls, accompanied by the singing of the missing and murdered Indigenous women’s song. Steven Powell closed the consultation with a prayer spoken in his Native language, followed by the English translation.

Appendix 1: Federal Presentation

Update on DOJ Implementation of VAWA 2022 Provisions Regarding Alaska Tribal Public Safety Empowerment

Wednesday, August 9, 2023, 3:30 PM - 5:00 PM

Sherriann C. Moore, Deputy Director, Department of Justice, Office on Violence Against Women, Tribal Affairs Division

Tracy Toulou, Director, Office of Tribal Justice

Jen Kaplan, General Council, Office of Violence Against Women

Tracy Toulou and Jen Kaplan were introduced by Sherriann Moore. Mr. Toulou welcomed everyone and announced the format as an informal conversation.

Ms. Kaplan introduced a three-track process based on consultations with tribes held during the summer of 2022, and testimonies provided at the annual consultation in September 2022. She pointed out that while the pilot program was included in VAWA 2022, there is no authorization for this program in particular. She also acknowledged that what they heard was beyond the resources to implement the new jurisdiction, there is a need to build infrastructure.

1. **Track One:** Alaska tribes can be involved with an Alaska-specific intertribal working group even if they never decide to implement jurisdiction. Alaska Native Justice Center has been designated to provide TA and support tribes looking to implement jurisdiction.
2. **Track Two:** Preliminary Pilot Program tribes will complete a questionnaire to figure out where the gaps are in tribal criminal justice. Those ready to be assessed will be assigned a federal liaison and work with ANJC to figure out how to fill the gaps, get technical assistance, and identify sources of federal funding. Questionnaires will also be given to the funding appropriators to show Congress the resources needed.
3. **Track Three:** The official Pilot Program is for tribes who are ready to seek designation to exercise jurisdiction. They will submit a request, complete the questionnaire, and provide legal documents to support their answers. If the tribe is not deemed ready for designation, they would likely be invited to participate in Track Two.

The topics below were also covered during the conversation with attendees, including Rick Garcia of ANJC, Judge Michael Williams from the Akiak Native Community, Tami Truett Jerue, Executive Director of the Alaska Native Women's Resource Center, and Vice President Catherine Edwards of the Central Council of Tlingit and Haida Indian Tribes of Alaska (virtually).

1. OTJ understands the lack of basic law enforcement in Alaska, and that those tribes not ready to prosecute non-Indians would still be able to participate in the Pilot Program and implement prosecution of non-Indians later.
2. Funding for the Pilot Program is not a recurring line item, it has been set aside from OVW's Tribal Grants Program, so unused funds would likely be carried forward to fiscal year 2024. Funding set-aside for Alaska

does not meet the needs of the tribes. tribes can still apply for other funding.

3. One TA provider for all of Alaska is not enough. OTJ anticipates that the current award to ANJC is a first step and that eventually multiple providers will be necessary to sustain the work.
4. DOJ has not taken a position as to “law-trained judges.” It can make appeals easier, but there are tribes in the lower 48 that do not require judges to have attended law school.
5. Alaskan tribes are welcome to join ITWG to learn from tribes who are already implementing this program in the lower 48. Valuable information can be gained from their experience. An Alaska ITWG was also requested in the 2022 consultations.
6. There is a cap on the number of tribes that can be designated by the Attorney General for the Pilot Program, but the Intertribal Partnership Council is considered one tribe and can be as many tribes as wish to come together.
7. In response to a concern that the pilot program does not work and gets pulled, Mr. Toulou reassured attendees that the program will work, and DOJ is fully behind.

Bryan Wilson, Executive Assistant U.S. Attorney, District of Alaska, Office of Tribal Justice

E. Ingrid Cumberlidge, MMIP Coordinator, U.S. Attorney's Office, District of Alaska

Mr. Wilson gave a brief history of the U.S Attorney's Office District of Alaska. He and Ms. Cumberlidge discussed the Alaska Tribal Public Safety Advisory Committee and its purpose. Membership of the Council is defined by VAWA 2022 to consist of aspiring Alaska Pilot Program tribes, Alaska tribes in the Alaska Native tribal associations, federal, tribal, state, and local law enforcement, including Alaska Native village police departments, BPSOs, and tribal nonprofit organizations. Duties are also defined by VAWA in section 813 to include crime prevention and victim services of Indian tribes in the state, support for the Pilot Program, and increasing coordination and communication among the federal, tribal, state, and local law enforcement agencies.

Ms. Cumberlidge announced that DOJ has made the MMIP Coordinator a permanent position in Alaska and she will be providing training around the state and inviting all of the appropriate agencies to be part of it. There are three pilot sites so far in the planning stages of creating their response to MMIP. Ms. Cumberlidge welcomed questions throughout the consultation.

Working Lunch & Presentation: U.S. Attorneys of Oklahoma

Tuesday, August 8, 2023, 12:15 PM - 1:00 PM

Clint Johnson, U.S. Attorney, Northern District of Oklahoma

Clint Johnson was introduced by Sherriann Moore. He began by saying that he cares more than anything about the safety of the individuals in his district. Those individuals include American Indian, on 14 different reservations, and they also include non-Indians. He said that violent crime against women is a priority in his office and introduced the Northern District of Oklahoma's Chief of Criminal Law, Shannon Cozzini, Tribal Liaison, Chantelle Dial, and former Indian Country Fellow, Mike Harder. He and Shannon have been working with Indian Country since 2008 when they had 47 staff members averaging 200 indictments per year. As of October 1, the office will have grown to 130 staff members, averaging 600-650 indictments per year.

While the Northern District has reviewed over 4300 Indian Country cases, over 2600 have been referred to tribal court. A referral is not a declination, it is a determination that tribal court is the best place for the case to go once the evidence has been reviewed. Post *Oklahoma v. Castro-Huerta*, the Northern District has tribal trust responsibility in Indian Country, but U.S. Attorney Johnson feels very strongly that although he has concurrent jurisdiction with the state, he will look at each case to determine if a federal venue is the best place for it. It is important for the citizens of Oklahoma and for the tribes to realize that they have a partner in the U.S. attorney's office.

U.S. Attorney Johnson has also asked those who comment on the pace at which justice is being served by tribal courts, to consider that the state of Oklahoma has had 125-130 years to establish their criminal justice system and allow the tribes to have some time to establish theirs. He wrapped up with thanks for all the relationships that have been built over the last 20 years, and said the people in the room, people at the tip of the spear, made that happen.

Christopher Wilson, U.S. Attorney, Eastern District of Oklahoma

Christopher (Chris) Wilson started by thanking Director Hidalgo for her presence and Chief Hill for his hospitality. He said he grew up in Oklahoma and is honored and humbled to hold his position and the mission of public safety. In the days following the *McGirt v. Oklahoma* decision, his office was given hundreds of cases with only a handful of staff to look at them. Keeping in mind the priority of public safety, but also knowing that cases were going to be dismissed in state jurisdictions, convictions in state courts set aside, orders put in place releasing violent criminals back to tribal neighborhoods, they did their best to make sure that violent offenders remained where they needed to be, thanks to their law enforcement partners and tribal partners. He acknowledged the tremendous job of ramping up the tribal judicial system at warp speed. The Eastern District office has received over 7000 criminal reports since *McGirt v. Oklahoma*, but has only opened 1500, focusing on the worst of the worst, because of lack of bandwidth. In 2022, Eastern District office of Oklahoma went to trial 41 times — more than anywhere else in the country — consisting of murders, rapes, and kidnappings. Of those, 35 were violent crimes in Indian Country. They have gone to jury trial 88 times since November 2021, the vast majority of which were in Indian Country.

U.S. Attorney Wilson said the FY23 budget allocation has allowed them to get more resources, where they had been relying on help sent from other states, they are now trying to hire more staff, and with more staff they will be able to expand the focus of the work to include more domestic violence cases. They have designated a domestic violence coordinator and hope to work with tribal partners to host domestic violence training this fall. They are training law enforcement on the expansion of the types of cases his office will handle so that, especially since the *Oklahoma v. Castro-Huerta* decision, his office does not miss the opportunity to evaluate cases of violence against Native Indians and can make a conscious decision of the best venue for prosecution. U.S. Attorney Wilson ended by inviting attendees to ask questions of him throughout the consultation.

Robert Troester, U.S. Attorney, Western District of Oklahoma

Robert (Bob) Troester began by thanking Chief Hill and his team for their hospitality, and commended Ms. Hidalgo and the OVW team for a great start to the consultation. He then thanked the attendees for their presence, showing their commitment to making a difference. He referred to domestic violence as an epidemic which knows no boundaries and admitted that for the last few years, Oklahoma has ranked in the top three states for women killed by men in domestic violence. The Oklahoma City Police Department received 36,700 domestic violence calls in 2022, an average of 103 calls per day, an unacceptable number in his esteem, but

fewer than the previous year's 42,000 calls. He went on to say that while condemnation and outrage are justified, words are not enough.

When U.S. Attorney Troester returned to the Western District of Oklahoma five years ago, he was determined to address these statistics. Rather than a geographic area, he chose to specifically address the subject matter of domestic violence based on DOJ initiative Project Safe Neighborhood. Operation 922 focuses on domestic abusers prohibited from having firearms who on their third, fourth, or fifth occasion of abusing a woman, have injected a firearm into the equation. If the federal attorneys fail to prosecute on the gun charge, either the victim or the police officer who walks through the door are at a high risk of being killed. With this focus his office has charged 300 people federally in the past five years, getting an average of 73-month federal sentences on these defendants. To their immense relief, victims in these cases do not have to testify against their abuser because only the gun violation must be proved. They further discovered that a third of the offenders are also known gang members, which makes sense because if someone is violent in the streets, it stands to reason they are also violent at home.

Through an OVW grant to Chickasaw Nation, a Special Assistant U.S. Attorney has been funded to work in the Western District office to prosecute these cases. U.S. Attorney Troester recognized Debra Gee, Chief Counsel for the Chickasaw Nation Office of Tribal Justice Administration. He continued by saying that Operation 922 has been so successful and has had such meaningful impact on the lives of women, white-collar crimes prosecutors volunteered to take some of these cases, and because of the number of gun cases given to the local ATF office, the ATF Director is giving Western District a second team to double their resources.

Upon the realization that some of the earliest abusers to be sentenced would soon be released from prison, and their victims would be notified, immediately stirring fear, anxiety, and stress responses in those women, Project RAIS (Resources and Aid Initiative for Survivors) was formed to provide them with support. The Western District's victim coordinator will be notified and will reach out to the victim when they receive the news to connect them with local service providers, with the goal of preventing the woman from being revictimized to break the cycle of abuse and violence. U.S. Attorney Troester finished by saying that he would be on hand for the day, and Arvo Mikkanen, Senior Council for Tribal Relations in the Western District office, would be available throughout the consultation to answer questions.

Working Lunch & Presentation: Update on OVW, OJP & COPS

Wednesday, August 9, 2023, 12:15 PM - 1:00 PM

Eileen M. Garry, Director, Special Projects, Department of Justice, Office of Justice Programs, Office of the Assistant Attorney General

Eileen Garry was introduced by Sherriann Moore. Ms. Garry began by introducing the Office of Justice Programs as the federal agency that provides leadership grants, training, TA, and other resources to improve the nation's capacity to prevent and reduce crime, assist victims, and strengthen the criminal and juvenile justice systems. OJP is composed of six program offices, each headed by a presidentially appointed director, led by a presidentially appointed and Senate confirmed Assistant Attorney General, Amy Solomon. Ms. Garry shared what each of the six program offices are working on to further the support of tribal, local, and state efforts to fight crime, provide victim services, help communities manage sex offenders, address needs of youth in the system and children in danger, and provide vital research and data.

Cory Randolph, Deputy Director, Department of Justice, Office of Community Oriented Policing Services (COPS)

The COPS office is focused on advancing the public safety benefits of community policing and the reduction of violence. Its grant program supports tribal policing efforts, including hiring or rehiring law enforcement officers, as well as purchasing equipment, vehicles, and technology that will ultimately support the safety of tribal communities. In 2022, Grants totaling \$28 million were awarded to support training, equipment, and the addition of 29 new law-enforcement officers across 59 tribal nations. The COPS office has recently funded a university to develop a comprehensive, interactive online course to update the COPS training program, in addition to a new training curriculum on tribal cultural awareness for both tribal and non-tribal law enforcement professionals. Mr. Randolph shared other ongoing programs as well as an on-demand, online training resource with free online courses. Other resources include an online newsletter, and podcast and video series, featuring the latest on what is happening in the field. He encouraged tribal leaders to watch for 2024 grant opportunities in the fall and early winter this year.

Working Lunch & Presentation "NamUs: A Resource for Missing American Indian/Alaska Native Cases"

Thursday, August 10, 2023, 12:15 PM - 1:00 PM

Chuck Heurich, M.F.S., Senior Physical Scientist, Department of Justice, Office of Justice Programs

Chuck Heurich was introduced by Sherriann Moore. NamUs has been busy the past several years. 13 states currently mandate entry into NamUS, although there is no enforcement component for agencies not following the legislation. NamUs is a voluntary entry database, so it doesn't represent the national picture for missing AI/AN. Mr. Heurich urged tribal representatives to go to the NamUs website, which has been updated and made dynamic with an FAQ resource. He suggested talking to people who are already using the system. NamUs has done trainings, outreach, and awareness as is mentioned in the Not Invisible Act. They are beginning to develop NamUS training for Indian Country, especially the coordinators in the U.S. Attorney Offices who have been assigned to do this work.

Mr. Heurich stressed that the data in NamUs is very important, because accurate, reliable, and verifiable data paints a picture of what needs to be done to assist tribes with MMIP issues, and convey to the government, policy makers and appropriators what needs to be done in creating an effective response. In two weeks, Mr. Heurich will present at the first annual Indian Police Academy Training Conference. He will be working with the director of the Academy to insert NamUs training into the curriculum.

Mr. Heurich announced that NamUs has hired a Tribal Case Specialist, Associate Tribal Case Specialist and hopes to add an Alaska Native Tribal Case Specialist in FY24. He then introduced Cornelia Perry as the Tribal Case Specialist.

After Ms. Perry's presentation and Q&A, Mr. Heurich reiterated that NamUs is aware of two main challenges: lack of internet access which is required to enter the system, and the failure of law enforcement to report the missing cases. He said no entry can be made without a missing person's report, but the report does not have to be filed by a local agency. He urged tribal leaders to connect with Ms. Perry or other MMIP coordinators around the country to help get the reports entered in NamUs.

Cornelia Perry, Tribal Program Specialist, Contractor - RTI International

Ms. Perry introduced herself as a criminal investigator for the Navajo Nation for 18 years, prior to joining NamUs in March 2023. She began using NamUs in her role as criminal investigator and coroner in 2008 after attending a training which included NamUs training. Free training and access to the database is provided to both professional and public users, anyone with internet access can use the system. Professional users are the law enforcement, criminal investigators, medical investigators, coroners, and forensic experts who enter the data. Public users can be family members of missing persons who can search the database for details specific to their missing relative. Tribal investigators can enter all of the crucial information about the missing person and also collect DNA from family members to help identify the deceased. Dental records, fingerprints, and anthropology can all be provided.

She urged attendees to begin using NamUs if they are not already. In 2020 she took it upon herself to go to all seven districts in Navajo Nation in an attempt to put all missing persons data in NamUs, but it was overwhelming, and she was unable to finish on her own. Her goal is to have Navajo Nation utilize NamUs for all missing person and unidentified person cases, and then will continue with other tribal agencies to get them all on board. Ms. Perry shared numerous ways the database can be used to search for missing persons, and to research data for tribes to use in their proposals for grant funding. She then introduced Navajo Nation Council Delegate Eugenia Charles Newton.

Eugenia Charles-Newton, Council Delegate, Navajo Nation

Ms. Charles-Newton shared that Ms. Perry trained the Navajo Nation on the use of NamUs. The tribe passed a directive informing law enforcement and first responders that they must be working with NamUs and the families to get information out. She mentioned that she has 16,000 followers on Facebook, and she uses the page to provide information to the Navajo people. She made a post about NamUs, and received 34,000 views, and counting. She has received positive feedback from people who said they felt like they were able to share information only they knew about their relatives to help locate them. She encouraged all tribes to use NamUs.

Questions From Attendees

Questions were then accepted from attendees including Juana Majel-Dixon of the Pauma Yuima Band of Luiseno Indians and Tim Ruise with the Strong Hearted Native Women's Coalition. Responses were provided by Mr. Heurich and Ms. Perry, as well as Tracy Toulou, Director of OTJ, and Assistant U.S. Attorney Arvo Mikkanen of the Western District of Oklahoma.

Concern was expressed about providing blood for DNA. A well-respected Navajo doctor has said Indian blood is special and strong because the people are tied to the land here for thousands of years. Ms. Perry said that providing DNA is voluntary and is taken by cheek swab for those who wish to do so.

Medical examiners are misidentifying light-skinned people who were missing and found deceased, but are actually American Indian, so tribes are not being notified of discovery. Tribes were advised to use NamUs to enter information for identification, if available, so that MEs can make proper identification.

1. DNA matching can take months, possibly years, with backlogs at the laboratories. It was recommended that families provide fingerprints and dental records as these can be matched within a few hours.
2. NamUs does not process DNA, it only helps facilitate collection of DNA and the laboratories actually do the analysis. NamUs stores only the record that collection was taken, and whether it is at the laboratory or analysis has been finished. DNA profiles are stored in the FBI's national database.

3. The Western District of Oklahoma has begun compiling a weekly list of Native people in the district, including unidentified individuals in NamUs to communicate with tribal partners to confirm missing who have been located and should be removed, or people not on the list that need to be added. They said it has been working well and recommended tribal representatives reach out to their U.S. Attorneys for the same.

Appendix 2: Consultation Agenda

Monday, August 7th Optional Pre Consultation Events	
3:00 p.m. - 8:00 p.m.	Registration Hours
4:30 p.m. - 6:00 p.m.	Federal Staff Meeting
6:30 p.m. - 9:00 p.m.	Tribal Caucus Meeting
Tuesday, August 8th Consultation Day 1	
7:30 a.m. - 5:00 p.m.	Registration and Information Desk
9:30 a.m. - 6:00 p.m.	Open Meeting Space Available
9:30 a.m. - 6:00 p.m.	Resource Marketplace
General Session	
8:30 a.m. - 9:00 a.m.	Call to Order, Shawl Ceremony and Posting of the Colors Sherriann C. Moore, Deputy Director Department of Justice, Office on Violence Against Women, Tribal Affairs Division Posting of the Colors: Muscogee (Creek) Nation Honor Guard Opening Prayer: Steven Powell, Muscogee (Creek) Nation Traditional Shawl Ceremony: Native Alliance Against Violence Coalition Welcome Remarks: Chief David W. Hill, Muscogee (Creek) Nation
9:00 a.m. - 9:30 a.m.	Opening Remarks and Introductions Merrick B. Garland, Attorney General Department of Justice, Office of the Attorney General Betsy Henthorne, Chief of Staff & Deputy Associate Attorney General Department of Justice, Office of the Associate Attorney General Rosie Hidalgo, Director Department of Justice, Office on Violence Against Women Sherriann C. Moore, Deputy Director Department of Justice, Office on Violence Against Women, Tribal Affairs Division
9:30 a.m. - 10:30 a.m.	Sovereign Tribal Leaders of the NCAI VAW Task Force Dr. Juana Majel-Dixon, Tribal Justice

	<p>Pauma Yuima Band of Luiseno Indians and Sovereign Leaders of the National Congress of American Indians Violence Against Women Task Force</p> <p>President Shannon Holsey, President Stockbridge Munsee Band of Mohican Indians</p>
10:30 a.m. -11:00 a.m.	Break
11:00 a.m. -12:00 p.m.	<p>Government-to-Government Consultation Tribal Leader Testimony</p> <p>Geri Wisner, Attorney General Muscogee (Creek) Nation</p>
12:00 p.m. - 1:15 p.m.	<p>Working Lunch & Presentation</p> <p><i>Presentation from 12:15 - 1:00 PM</i></p> <p>Clinton J. Johnson, U.S. Attorney Department of Justice, Northern District of Oklahoma</p> <p>Robert Troester, U.S. Attorney Department of Justice, Western District of Oklahoma</p> <p>Christopher J. Wilson, U.S. Attorney Department of Justice, Eastern District of Oklahoma</p>
1:15 p.m. - 3:15 p.m.	<p>Government-to-Government Consultation Tribal Leader Testimony</p> <p>Former Governor Joe Aguilar, Tribal Council of Santo Domingo Pueblo Santo Domingo Pueblo</p> <p>Chairman Ryman LeBeau, Chairman Cheyenne River Sioux Tribe</p> <p>Germaine Omish-Lucero, Special Projects Director Rincon, Band of Luiseño Indians</p> <p>Carol Redfox, Secretary/Treasurer, Asa'carsarmiut Tribal Council Asa'carsarmiut Tribe</p> <p>Judge Michael Williams, Sr., Tribal Judge Akiak Native Community</p>
3:15 p.m. - 3:45 p.m.	Break
3:45p.m. - 5:15 p.m.	<p>Government-to-Government Consultation Tribal Leader Testimony</p> <p>President Tracy Charles-Smith, President Village of Dot Lake</p> <p>Chance Shank, Vice President Village of Dot Lake</p> <p>Keely Linton, Executive Director Mesa Grande Band of Diegueno Mission Indians</p>

	Governor Jenelle Roybal, Governor Pojoaque Pueblo
5:15 p.m. - 5:30 p.m.	Closing Remarks for the Day
5:00 p.m. - 6:00 p.m.	Resource Marketplace

Wednesday, August 9th Consultation Day 2	
7:30 a.m. - 8:30 a.m.	Registration and Information Desk
9:00 a.m. - 6:00 p.m.	Open Meeting Space Available
9:00 a.m. - 6:00 p.m.	Resource Marketplace
General Session	
8:30 a.m. - 9:00 a.m.	Call to Order and Daily remarks Vanita Gupta, Associate Attorney General Department of Justice, Office of the Associate Attorney General Rosie Hidalgo, Director Department of Justice, Office on Violence Against Women Sherriann C. Moore, Deputy Director Department of Justice, Office on Violence Against Women, Tribal Affairs Division
9:00 a.m. - 10:30 a.m.	Government-to-Government Consultation Tribal Leader Testimony President Buu Nygren, President Navajo Nation First Lady Jasmine Blackwater-Nygren, First Lady Navajo Nation Eugenia Charles-Newton, Council Delegate Navajo Nation Beatriz Arakawa Lower Elwha Klallam Tribe
10:30 a.m. - 11:00 a.m.	Break
11:00 a.m. - 12:00 p.m.	Government-to-Government Consultation Tribal Leader Testimony Bernadine Atchison, Council Member Kenaitze Indian Tribe

	<p>Mary Ann Mills, Council Member Kenaitze Indian Tribe</p> <p>Brenda Smith, Council Secretary Kenaitze Indian Tribe</p> <p>Maria Guerra, Family and Social Services Director Kenaitze Indian Tribe</p> <p>Kimberly Lee, Board of Director Sault Ste. Marie Tribe of Chippewa Indians</p>
12:00 p.m. - 1:15 p.m.	<p>Working Lunch & Presentation: Update on OVW, OJP COPS <i>Presentation from 12:15 PM - 1:00 PM</i></p> <p>Eileen M. Garry, Director, Special Projects Department of Justice, Office of Justice Programs, Office of the Assistant Attorney General</p> <p>Cory Randolph, Deputy Director Department of Justice, Office of Community Oriented Policing Services</p>
1:15 p.m. - 3:15 p.m.	<p>Government-to-Government Consultation Tribal Leader Testimony</p> <p>Mariddee Craig, Councilwoman White Mountain Apache Tribe</p> <p>Rachel Fernandez, Tribal Legislator Menominee Indian Tribe of Wisconsin</p> <p>Rick Garcia, Esquire, Co-Director, Law and Policy Native Village of Emmonak</p>
3:15 p.m. - 3:45 p.m.	Break
3:45 p.m. - 5:15 p.m.	<p>Update on DOJ Implementation of VAWA 2022 Provisions Regarding Alaska Tribal Public Safety Empowerment</p> <p>Tracy Toulou, Director Department of Justice, Office of Tribal Justice</p> <p>Jen Kaplan, General Council Department of Justice, Office on Violence Against Women</p>
5:15 p.m. - 5:30 p.m.	Closing Remarks for the Day
5:30 p.m. - 6:00 p.m.	Resource Marketplace

Thursday, August 10th Consultation Day 3	
9:00 a.m. - 6:00 p.m.	Open Meeting Space Available
9:00 a.m. - 6:00 p.m.	Resource Marketplace
General Session	
8:30 a.m. - 8:45 a.m.	Call to Order and Daily Remarks Lisa O. Monaco, Deputy Attorney General Department of Justice, Office of the Deputy Attorney General Rosie Hidalgo, Director Department of Justice, Office on Violence Against Women Sherriann C. Moore, Deputy Director Department of Justice, Office on Violence Against Women, Tribal Affairs Division
8:45 a.m. - 10:30 a.m.	Government-to-Government Consultation Tribal Leader Testimony Donna Brown, Executive Director Wabanaki Women's Coalition Wabanaki Tribes of Maine Nicole Matthews, Executive Director Minnesota Indian Women's Sexual Assault Coalition Bois Forte Band of Chippewa Shelley Miller, Executive Director Native Alliance Against Violence Absentee Shawnee Tribe of Oklahoma Dominique Ambriz, Tribal Social Worker Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (Gun Lake Tribe) Justin Barrett, Treasurer Eastern Shawnee Tribe of Oklahoma Denise Harvey, Tribal Council Confederated Tribes of Grand Ronde Dorothy Wait, Tribal Council Member Tolowa Dee-ni Nation
10:30 a.m. - 11:00 a.m.	Break
11:00 a.m. - 12:00 p.m.	Government-to-Government Consultation Tribal Leader Testimony Gloria Burns, Tribal Council Vice President Ketchikan Indian Community

	<p>Conrad Jacket, Tribal Councilman Ute Mountain Ute Tribe</p> <p>Rosalee Jacobs, Council Member Lummi Tribe</p> <p>Anna Larson, Tribal Secretary Hannahville Indian Community</p>
12:00 p.m. - 1:15p.m.	<p>Working Lunch & Presentation "NamUs: A Resource for Missing American Indian/Alaska Native Cases" <i>Presentation from 12:15 PM - 1:00 PM</i></p> <p>Cornelia Perry, Tribal Program Specialist Contractor - RTI International</p> <p>Chuck Heurich, M.F.S, Senior Physical Scientist Department of Justice, Office of Justice Programs, National Institute of Justice, NamUS</p>
1:15 p.m. - 3:15 p.m.	<p>Government-to-Government Consultation Tribal Leader Testimony</p> <p>Prairie Rose Chapin, Executive Director White Buffalo Calf Women's Society Great Plains Tribal Chairmen's Association</p> <p>Tami Truett Jerue, Executive Director Alaska Native Women's Resource Center Native Village of Anvik</p>
3:15 p.m. - 3:45 p.m.	Break
3:45 p.m. - 5:15 p.m.	<p>Government-to-Government Consultation Tribal Leader Testimony</p> <p>Vice President Catherine Edwards, 3rd Vice President Central Council Tlingit & Haida Indian Tribes of Alaska</p> <p>Jeff Fife, Chief of Staff Muscogee (Creek) Nation</p> <p>Dr. Juana Majel-Dixon, Tribal Justice Pauma Yuima Band of Luiseno Indians and Sovereign Leaders of the National Congress of American Indians Violence Against Women Task Force</p> <p>Debra West, Administrator Indian Women's Pocahontas Club Pauma Yuima Band of Luiseno Indians</p>
5:15 p.m. - 5:30 p.m.	<p>Traditional Closing Ceremonies</p> <p>Rosie Hidalgo, Director Department of Justice, Office on Violence Against Women</p> <p>Sherriann C. Moore, Deputy Director Department of Justice, Office on Violence Against Women, Tribal Affairs Division</p>

	<p>Closing Remarks Chief David W. Hill, Muscogee (Creek) Nation</p> <p>Closing Prayer Steven Powell, Muscogee Nation</p>
5:30 p.m. - 6:00 p.m.	Resource Marketplace

Appendix 3: Consultation Framing Paper



Consultation Question: OVW has, in the past, explored distributing OVW Grants to Indian Tribal Government Program funds through a formula. Should this method be revisited? If so, would you be willing to serve on a working group to explore different funding models?

BACKGROUND:

The 2005 reauthorization of the Violence Against Women Act created the Grants to Indian Tribal Governments Program (Tribal Governments Program) to decrease the incidence of violent crimes against Indian women; to strengthen the capacity of Indian Tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women; and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior. The OVW Tribal Governments Program has 12 statutory purpose areas that permit Tribal grantees to engage in a wide range of activities, including: developing and operating culturally informed crisis responses such as shelter programs; supporting justice system responses such as dedicated law enforcement, courts, probation, or prosecution units; providing legal services for survivors; operating batterer's intervention programming; providing supervised visitation and exchange programs; organizing prevention and community education campaigns; implementing SANE/SART programs; developing, updating, and implementing Tribal codes and policies; implementing law enforcement response protocols and training for missing or murdered Indigenous persons cases, and more.

OVW has historically administered the Tribal Governments Program as broadly as possible by implementing all 12 statutory purpose areas to give Tribal governments, or their designees, flexibility to address violence against women in their communities in the way they see fit. In FY 2022, a total of 32 Tribal applicants received approximately \$32 million dollars in grant funding through the Tribal Governments Program. These awards are generally for a three-year period.

Past Discussions of Administering the Tribal Governments Program on a Formula Basis

The question whether to distribute Tribal Governments Program funds on a formula basis has been raised at annual Tribal consultations under VAWA since they began in 2006. Proponents of the formula model emphasized that it better reflects the government-to-government relationship between Tribes and the federal government and offers more reliability in funding. To explore the possibility of formula funding, OVW requested Tribal input on this issue at the 2012 Annual Violence Against Women Tribal Consultation and the March 2013 NCAI Executive and Task Force on Violence Against Women meetings, where Tribal leaders specifically requested a series of options for the formula with specific examples demonstrating how Tribes of different sizes would be affected. At the June 2013 NCAI Task Force on Violence Against Women meeting, OVW presented the examples, which combined some of the key aspects of other agencies' formula funding models.

2013 Calculation of Sample Formulas

The 2013 calculation estimated that, if Tribal Governments Program funds were converted to formula grants, 231 Tribes would likely apply. This is based on the number of Tribes that had applied for formula funding from the U.S. Department of Health and Human Services' Family Violence Prevention and Services Act (FVPSA) program office in the year prior to the calculation.



Tribal Consultation Framing Paper on Tribal Governments Program Formula

July 2023

OVW used 2010 Census data to estimate Tribal population numbers. OVW estimated the total of available Tribal Governments Program funding at \$28 million based on appropriations levels at the time. In considering how to structure sample formulas, OVW, with Tribal input, determined that any formula should provide, at a minimum, sufficient base funding to all Tribes to fund at least one victim advocate position. OVW developed five different hypothetical formulas.

Four of the formulas set an amount of base funding and then proportionally distributed remaining funds based on Tribal population. The fifth formula equally distributed the existing funds among Tribes regardless of population, resulting in \$121,739 per Tribe. By comparison, the second formula allocated \$75,000 base funding per Tribe and then distributed remaining grant funds on a per capita basis resulting in potential awards ranging from \$80,163 to \$1,810,394.

Consensus of 2014 Tribal Working Group

These calculations were the basis for continued meaningful conversations between OVW and Tribal leaders through several listening sessions and the creation of a working group of Tribal leaders and advocates to consider the formula issue. In a March 2014 conference call with the working group, despite support for the principle of formula funding, the overwhelming consensus was that there were too many hurdles to implementing formula funding at that time with only OVW funding. The working group concluded that, at 2014 funding levels, it would be impossible to accomplish the goals of both providing basic services for all Tribes and maintaining comprehensive, successful programs at others. OVW thus decided to continue to administer the grant program on a competitive, discretionary basis. However, OVW used Tribal feedback in making salient changes to the application process, such as issuing longer awards, adjusting the maximum available award so that funding reaches more Tribes, and streamlining the application process where possible.

Continued Tribal Requests for Formula Funding

Since OVW's decision in 2014, Tribal leaders have continued to advocate for non-competitive formula funding—both through OVW's Tribal Governments Program and across all federal grant funding sources. This issue has been raised most recently at the 2022 Tribal Consultation in Alaska and Not Invisible Act Commission listening sessions in June 2023. In light of continued Tribal interest in formula funding, as well as recent increases in annual Tribal Governments Program appropriations, OVW is seeking input from Tribal leaders about whether the formula distribution method should be revisited.

At present, Tribal Governments Program funds have increased. Although future appropriations are unknown at this time, the projected total available for grants under the program in FY 2023 is \$40.3 million. OVW requests input on the questions below.

QUESTIONS:

- 1. Should OVW revisit its efforts to identify a method for distributing Tribal Governments Program funds on a formula basis?**
- 2. If so, would you be willing to participate in a working group to explore different formula funding models?**



BACKGROUND

The Department of Justice, Office on Violence Against Women's Tribal Sexual Assault Services Program (TSASP), authorized by 34 U.S.C. § 12511(e), supports efforts to create, maintain, and expand sustainable sexual assault services provided by Tribes, Tribal organizations, and nonprofit Tribal organizations within Indian country and Alaska Native villages.

Research shows that American Indian and Alaska Native (AI/AN) women report alarmingly high rates of sexual violence. According to a National Institute of Justice report, 56.1 percent have experienced sexual violence during their lifetime—compared to 34.5 of white women.¹ The same study estimated that the lifetime prevalence of sexual violence against AI/AN men was 27.5 percent, compared to 20.9 percent of white men. Children and youth also are affected. The Centers for Disease Control and Prevention recently reported that AI/AN students were more likely than their peers from other racial and ethnic groups to have ever been forced to have sex.²

TSASP is the one OVW Tribal grant program that responds only to sexual assault and provides funding specifically for direct sexual assault services to victims, providing crisis intervention, accompaniment, and other support services. The TSASP statute currently provides that grants must be for the operation of programs or projects “in Indian Tribal lands and Alaska Native villages[.]” 34 U.S.C. § 12511(e)(1). The statute further provides that funded programs and activities must be “within Indian country and Alaska Native villages[.]” 34 U.S.C. § 12511(e)(2)(B). The Bureau of Indian Affairs reports that although most AI/AN people return home from time to time, over half now live away from their Tribal lands.³ As a result, services funded by TSASP are unlikely to reach Tribal members currently living outside of Indian country or Alaska Native villages.

Further, the TSASP statute limits eligible entities to Indian Tribes, Tribal organizations (controlled, sanctioned, or chartered by a Tribal government), and Tribal nonprofit organizations (defined as victim service providers with the primary purpose of serving Native victims of domestic violence, sexual assault, dating violence, and stalking).⁴ Since FY 2019, OVW has not received sufficient applications from eligible entities proposing to serve sexual assault victims in statutorily eligible areas, particularly in Alaska, where there are few “Tribal organizations” or “Tribal nonprofit organizations.”

To better meet the need of Tribal members living outside of Indian country and Alaska Native villages, OVW is seeking Tribal leaders' input on expanding eligibility for the existing TSASP grant program to urban Indian organizations (UIOs) to provide culturally responsive sexual assault services for AI/AN survivors living off Tribal lands. UIOs were created in 1972 following the Termination Era by Congress to fulfill the federal government's healthcare-related trust responsibility for Indians who live off the reservations. UIO is defined by Title V of the Indian

¹ Rosay, André B. (2016). "Violence against American Indian and Alaska Native Women and Men." *National Institute of Justice Journal* 277: 38–45 (Sep 2016).

² Centers for Disease Control and Prevention. (2023). *Youth Risk Behavior Survey data summary and trends report*. Author. Available at: https://www.cdc.gov/healthyyouth/data/yrbs/pdi/YRBS_Data-Summary-Trends_Report2023_508.pdf.

³ <https://www.bia.gov/frequently-asked-questions>.

⁴ See 34 U.S.C. § 12291(a)(22) & (44)-(45).



Urban Indian Organizations' Eligibility for Tribal Sexual Assault Services Program

July 2023

Health Care Improvement Act (PL 94-437), as amended (codified at 25 U.S.C. § 1603(29)). As of 2022, there are 41 UIOs funded by the Department of Health and Human Services, Indian Health Service, with over 80 sites located throughout 22 states.

Funding UIOs will not undermine OVW's ability to fund services through TSASP in Tribal communities. TSASP receives relatively few applications. From FY 2017 to FY 2022, TSASP received an average of 11 yearly applications and funded an average of 10 awards. These applications are received primarily from Tribes, with a small amount received from Tribal and Tribal non-profit organizations. The unfunded applications typically were not funded because they did not meet the statutory criteria or proposed out-of-scope activities. Expanding eligibility to include UIOs would help increase the capacity to meet the needs of AI/AN survivors of sexual assault by providing them with culturally relevant services no matter where they live.

Additionally, each year after the TSASP awards are made, the Program has a surplus of funds – ranging from \$1,000,000 to \$2,000,000 in FY 2019 through FY 2022 (see table below). This surplus has been consistent, even after OVW raised the maximum award amount from \$325,000 to \$375,000 in FY 2021 and raised the cap again in FY 2022 from \$375,000 to \$525,000.

Fiscal Year	Amount Available	Number of Applications Received	Number of Funded Applications	Amount Remaining
2022	\$4,100,000	8	7	\$1,661,033
2021	\$3,800,000	14	12	\$1,703,420
2020	\$4,068,762	10	9	\$2,149,687
2019	\$3,710,471	11	10	\$1,050,004

Each year this surplus is subject to being taken back by Congress through rescission. Due to the FY 2023 increase in OVW's appropriation for sexual assault services (ten percent of which is set aside to fund TSASP), if the current application numbers hold, TSASP could have a surplus of \$4,000,000. Expanding eligibility to include UIOs would help ensure that these funds are used to provide services to AI/AN survivors, as intended.

QUESTIONS

1. Do Tribal leaders support a legislative change expanding eligibility for TSASP to include UIOs?
2. If not, would Tribal leaders support a legislative change expanding TSASP eligibility to include UIOs, if they received only funds remaining after Tribes, Tribal organizations, and Tribal non-profit organizations that submitted applications have been funded?
3. Would Tribal leaders instead support a one-time reprogramming to pilot funding for UIOs?
4. Do Tribal leaders have additional recommendations for ensuring TSASP-funded services reach Tribal members living outside of Indian country and Alaska Native villages?

Appendix 4: Acronyms and Definitions

ACRONYM	DEFINITION
ACF	Administration for Children and Families
AI/AN	American Indian and Alaska Native
ANJC	Alaska Native Justice Center
ANWRC	Alaska Native Women’s Resource Center
ARPA	The American Rescue Plan Act
BIA	Bureau of Indian Affairs
BJA	Bureau of Justice Assistance
BOP	U.S. Bureau of Prisons
CARES	Coronavirus Aid, Relief, and Economic Security Act
CDC	Centers for Disease Control and Prevention
CDVCJ	Certain Domestic Violence Criminal Jurisdiction
CFR	Code of Federal Regulations
CJS	Commerce, Justice, Science and Related Agencies
COPS	Office of Community Oriented Policing Services
CPS	Child Protection Services
CVF	Crime Victims Fund
CTAS	Coordinated Tribal Assistance Solicitation
DHS	U.S. Department of Homeland Security
DoD	U.S. Department of Defense
DOI	U.S. Department of the Interior
DOJ	U.S. Department of Justice
FBI	Federal Bureau of Investigation
FVPSA	Family Violence Prevention and Services Act
GAO	U.S. Government Accountability Office
HHS	U.S. Department of Health and Human Services
HUD	U.S. Department of Housing and Urban Development
IHS	Indian Health Service
ICWA	Indian Child Welfare Act
LGBTQ	Lesbian, gay, bisexual, transgender, and queer
MDT	Multidisciplinary Team
MMIP	Missing or Murdered Indigenous People
MMIW	Missing or Murdered Indigenous Women
MMNA	Missing or Murdered Native Americans
NamUs	National Missing and Unidentified Persons System
NBS	National Baseline Study
NCAI	National Congress of American Indians
NICRA	Negotiated Indirect Cost Rate Agreement
NIHB	National Indian Health Board
NIJ	National Institute of Justice
NIPVS	National Intimate Partner Violence and Sexual Violence Assessment
NIWRC	National Indigenous Women’s Resource Center
OIG	Office of the Inspector General
OJJDP	Office of Juvenile Justice and Delinquency Prevention
OJP	Office of Justice Programs
OJS	Office of Justice Services

Oliphant Fix	In <i>Oliphant vs. Suquamish Indian Tribe</i> , the Supreme Court ruled against tribes' criminal jurisdiction over non-Indian perpetrators of crime on tribal lands. The term " <i>Oliphant Fix</i> " refers to legislative proposals to reverse this decision and reaffirm tribal jurisdiction over all crimes on tribal lands.
OVC	Office for Victims of Crime
OVW	Office on Violence Against Women
P.L.	Public Law
P.L. 280	For the six states in which it applies, Public Law 83-280 limits federal authority over most major crimes on tribal lands, supplanting it with expanded state criminal jurisdiction over those crimes.
P.L. 638	Under Public Law 93-638, the Indian Self-Determination and Education Assistance Act, tribes and tribal organizations can acquire increased authority over federal programs that affect tribes. The agreements that transfer this authority are called 638 contracts or compacts.
SAMHSA	Substance Abuse and Mental Health Services Administration
SAUSA	Special Assistant U.S. Attorney
SDVCJ	Special Domestic Violence Criminal Jurisdiction
SOAR	Stop, Observe, Ask and Respond Training Program
STOP	Services, Training, Officers, Prosecutors (used in the title of OVW's largest grant program, the STOP Violence Against Women Formula Grant Program, which provides funding based on population to the states, which in turn make subawards to entities within their states)
TAP	Tribal Access Program

