



United States Department of Justice

**Office on Violence Against Women**

*Working Together to End the Violence*

## **2016 Update on the Status of Tribal Consultation Recommendations**

*prepared for*

**Department of Justice Annual Government-to-Government**

**Violence Against Women Tribal Consultation**

**Agua Caliente Band of Cahuilla Indians of the Agua Caliente Reservation**

**Palm Springs, CA**

**December 6, 2016**

## **Table of Contents**

<b><u>Section</u></b>	<b><u>Page</u></b>
<b>Introduction</b>	<b>3</b>
<b>Part One: Responses to Selected 2015 Recommendations</b>	<b>4</b>
<b>Part Two: Implementation of the Tribal Provisions in VAWA</b>	<b>9</b>
<b>Part Three: Strengthening the Federal Response to Violence Against American Indian and Alaska Native Women</b>	<b>19</b>
<b>Appendices</b>	
<b>A: Updates from the Department of Health and Human Services</b>	<b>25</b>
<b>B: Response to 2015 Testimony on FVPSA Funding Formula</b>	<b>30</b>
<b>C: Analysis of OVW Tribal Grant Program Funding</b>	<b>33</b>
<b>D: FY 2016 OVW Tribal Grant Awards</b>	<b>34</b>
<b>E: Tribal Crime and Justice Research &amp; Evaluation Studies</b>	<b>37</b>

## Introduction

On November 4, 2015, the Department of Justice (DOJ) hosted its tenth annual government-to-government consultation on violence against American Indian and Alaska Native women. This annual consultation, first required by the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005)<sup>1</sup> and first held in 2006, is to address the federal administration of tribal funds and programs established under the Violence Against Women Act of 1994<sup>2</sup> and its subsequent reauthorizations. DOJ, the Department of Health and Human Services (HHS), and the Department of the Interior (DOI) received recommendations from tribal leaders on the three consultation topics statutorily-mandated by VAWA 2005, as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA 2013):<sup>3</sup>

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

In addition, DOJ and HHS asked tribal leaders for input on several specific questions related to improving DOJ's and HHS's support of tribal government efforts to combat violence against women. These questions included whether DOJ should, in the absence of an appropriation, set aside other grant funds to support tribes who wish to exercise special domestic violence criminal jurisdiction under VAWA 2013 and if so, how these limited funds should be administered. A second framing paper from the Family Violence Prevention and Services Program (FVPSA) at HHS asked how the FVPSA program might improve its tribal grant funding formula to ensure award amounts are more evenly distributed.

The purpose of this follow-up report is to provide tribal leaders with a comprehensive update on activities undertaken in the past year to respond to the recommendations made by tribal leaders at last year's consultation session, including DOJ's coordination and collaboration with tribes, HHS, and DOI to address these recommendations. This report includes three sections: 1) information on actions taken in response to certain specific recommendations made at the 2015 consultation; 2) a review of progress made on implementation of tribal provisions included in VAWA; and 3) an update on other DOJ activities related to violence against Native women. It also includes an appendix (Appendix A) with updates from HHS's Family Violence Prevention and Services Program (FVPSA) and the Indian Health Service and an appendix (Appendix B) from HHS's FVPSA Office responding to 2015 tribal leader testimony on the FVPSA funding formula. This report is meant to be a companion to the report summarizing the proceedings of the 2015 consultation, which is available at [www.justice.gov/ovw/tribal-consultation](http://www.justice.gov/ovw/tribal-consultation).

---

<sup>1</sup> Pub. L. No. 109-162, 119 Stat. 2960 (2006).

<sup>2</sup> Pub. L. No. 103-322, 108 Stat. 1902 (1994).

<sup>3</sup> Pub. L. No. 113-4, 127 Stat. 54 (2013).

## **Part One: Responses to Selected 2015 Recommendations**

All three parts of this report contain information on DOJ responses to recommendations from tribal leaders at the 2015 consultation; however, this part addresses recommendations made by tribal leaders in four specific areas: 1) tribal access to federal crime information databases and efforts to establish national tribal protection order and sex offender registries; 2) several concerns raised by Alaska tribes; 3) state enforcement of tribal protection orders; and 4) state consultation with tribes in developing and revising implementation plans for their VAWA formula funding. Information on responses to other recommendations related to the implementation of VAWA 2005 and 2013, as well as strengthening the federal response to violence against Native women, can be found in parts two and three of this report. This report also provides information on DOJ's collaboration with tribes, HHS, and DOI to address violence against Native women.

### ***Tribal Access to Federal Crime Information Databases and National Tribal Registries***

DOJ has repeatedly heard from tribes at consultations and elsewhere that they face barriers to accessing and entering information into national crime information databases, which jeopardizes their ability to protect their communities and prevent domestic and sexual violence. Although VAWA 2005 and the Tribal Law and Order Act of 2010 (TLOA) require the Attorney General to ensure that tribal law enforcement officials who meet applicable federal or state requirements be permitted access to national crime information databases, the reality is that the ability of tribes to fully participate in national criminal justice information sharing via state networks depends upon various regulations, statutes, and policies of the states in which a tribe's land is located.

In response to these concerns, in August 2015, DOJ announced the Tribal Access Program for National Crime Information (TAP) to address tribal access to national crime information by providing participating tribes with state-of-the-art biometric/biographic computer workstations with capabilities to process finger and palm prints, take mugshots, and submit records to national databases, as well as the ability to access Criminal Justice Information Services Division (CJIS) systems for criminal and civil purposes through DOJ's Criminal Justice Information Network. TAP, which is managed by the DOJ Chief Information Officer, provides specialized training and assistance for participating tribes, including computer-based training and on-site instruction, as well as a 24x7 Help Desk. In the fall of 2015, DOJ selected nine tribes to participate in the initial User Feedback Phase of TAP. This partnership focused on testing DOJ's technology solution and training support; it also enabled tribes to identify and share best practices regarding the use of national crime information databases to strengthen public safety.

During 2016, these nine participating tribes received a kiosk workstation that provided access to national systems as well as training to support whole-of-government needs. User Feedback Phase tribes have elected to implement TAP in a variety of criminal and civil agencies. Those tribal criminal agencies included law enforcement agencies, prosecutors, criminal courts, jails, and probation departments. The tribal civil agencies and programs that were eligible to use TAP included agencies whose staff and volunteers have contact with or control over Indian children, public housing agencies, child support enforcement agencies, Head Start programs, civil

agencies that investigate allegations of abuse, neglect, and exploitation of children, civil courts that issue orders of protection, restraining orders, or other keep away orders, and sex offender registration programs. TAP enhances tribal efforts to register sex offenders pursuant to the Sex Offender Registration and Notification Act (SORNA), have orders of protection enforced off-reservation, protect children, keep firearms away from persons who are disqualified from receiving them, improve the safety of public housing, and enter tribal arrests and convictions into national databases.

Because of the success of the User Feedback Phase, DOJ is expanding TAP. Federally recognized tribes interested in participating in TAP must submit a letter or resolution from the tribe's governing body by December 2, 2016. Tribes who have either an Adam Walsh Act Sex Offender Registry or a tribal law enforcement agency that is not a federal Bureau of Indian Affairs police department are eligible to participate in TAP. The pertinent dates for the next phase of TAP are:

Expression of Interest Submission	By December 2, 2016
Notification of Selection	December 16, 2016
Onboarding and Vetting	January 9-May 31, 2017
Deployment	May 9-September 29, 2017

For more information on the TAP application process, see <https://www.justice.gov/tribal/file/902821/download>. In addition, for more information on TAP, visit <http://www.justice.gov/tribal/tribal-access-program-tap>.

One of the many reasons tribes have emphasized the importance of access to national crime information databases is that it affects their ability to use national sex offender and protection order registries. VAWA 2005 authorized the establishment of a national tribal sex offender registry and a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions. Although Congress has appropriated approximately \$3.9 million to date for development of the tribal registries, DOJ has not been able to award these funds because the applications received lacked partners who could ensure the project's success, including access to the National Crime Information Center (NCIC). The President's Budget for Fiscal Year (FY) 2017 includes a proposal to make the approximately \$3.9 million in registry funds available to enhance the ability of tribal government entities to access, enter information into, and obtain information from federal crime information databases, as authorized by VAWA and TLOA. This proposal was made in response to tribal leaders' testimony at prior consultations that accessing these databases would enable tribes to enter information into and obtain information from existing national protection order and sex offender registries. If the authority requested in the President's Budget is included in DOJ's FY 2017 appropriation as enacted, these funds will be used to support TAP in order to facilitate tribal access to existing national registries.

In particular, improving tribal access to NCIC will further the goal of protecting victims of intimate partner violence by allowing tribes to submit tribal court protection orders to the NCIC Protection Order File (NCIC POF). NCIC POF was developed to serve as the national registry

for protection orders issued in state and tribal courts. The NCIC POF is a voluntary system and is designed to facilitate the enforcement of protection orders and federal firearm laws. For example, individuals with a valid protection order issued against them are prohibited from purchasing firearms or ammunition for the life of the protection order. NCIC is used daily by thousands of law enforcement departments and courts. Accordingly, tribes' use of the NCIC POF gets important, potentially life-saving, protection order information out to the broadest audience possible, much more than could a tribal-only protection order registry. The number of tribal protection orders in the NCIC POF has increased steadily from a total of 207 protection orders entered as of August 2012 to 744 protection orders on file as of October 1, 2016. DOJ training and outreach efforts to raise awareness of the NCIC POF among tribal leaders and criminal justice professionals have stressed the critical need to collect and share data on tribal orders.

### *Alaska Native Villages*

The 2015 consultation included historic participation by tribal leaders and representatives from Alaska Native villages who gave riveting testimony about the remote nature of their villages and the harrowing experiences of victims. Officials testified about the high rates of violence and the enormous barriers to ensuring the safety of Alaska Native women. These barriers include no law enforcement response or a delayed response to violent crimes, the lack of village-based shelter and advocacy services, and limited or no access to sexual assault forensic exams, among others. Many tribal officials reported on the absence of law enforcement in Native villages, Village Public Safety Officers who are stretched too thin, and state troopers who are responsible for so many villages that communities wait days for them to respond to violent crimes, even murder. Tribal leaders recommended increased funding to address these barriers and in particular that DOJ support Alaska tribes' authority to carry out local, culturally relevant solutions to address the lack of law enforcement and judicial services.

In response to this testimony and similar concerns raised when OVW staff visited Alaska Native villages, in FY 2016 OVW funded the Alaska Native Women's Resource Center (ANWRC), a project led by Alaska Native women and developed over two years by the National Indigenous Women's Resource Center (NIWRC). The project will support the development and implementation of culturally-tailored training and technical assistance for remote Native villages in Alaska in partnership with the Yup'ik Women's Coalition. It will address the unique challenges that Alaska Native villages experience when responding to domestic violence, sexual assault, dating violence, stalking, and sex trafficking.

The centerpiece of this technical assistance project is an Alaska Native curriculum that incorporates the specific language, teachings, voices, and law of Alaska Native villages. The project will engage the villages in understanding the impact of the violence on victims' safety and determining how to assist victims at the village level based on the limited resources available for victim services. Villages in the interior of Alaska as well as members of the Yup'ik Women's Coalition will benefit from the training and technical assistance, with recipients including village-based first responders, village community members, village leadership, OVW tribal government grantees and other grantees based in villages, and OVW tribal coalition

grantees in Alaska, as well as potential tribal grantees. Regional and village specific training will be held in six host villages and will be open to outlying villages in their regions. The project plans to provide resource assistance to reach 175 Alaska Native villages and up to 4,000 people.

Many tribal leaders and representatives from Alaska also recommended consultation in Alaska, directly with Alaska tribes. In response to this recommendation, on October 19, 2016, OVW engaged in consultation with leaders from Alaska's Native villages in Fairbanks, Alaska in conjunction with the annual Alaska Federation of Natives (AFN) convention. The AFN convention is the largest representative annual gathering in the United States of any Native peoples. The consultation session reinforced many of the issues raised at the 2015 Consultation but also highlighted additional concerns specific to Alaska Native villages. OVW will be sharing the information provided by Alaska Native leaders with other DOJ components and leadership to determine how best to address the concerns raised.

### ***Enforcement of Tribal Protection Orders***

At the 2015 consultation, tribal leaders from different parts of the country continued to express concerns about the lack of enforcement of tribal orders by state law enforcement. For example, although pleased with the Alaska Attorney General Opinion concluding that state law enforcement can and must enforce tribal protection orders that meet the criteria outlined in federal law,<sup>4</sup> Alaska tribes noted the importance of following up to ensure Alaska law enforcement have been trained on and are following the opinion. Similarly, tribal leaders from California emphasized that state law enforcement needs training on California statutory provisions requiring that they give full faith and credit to tribal orders. Testimony from a tribe in Washington State also noted that tribal protection orders are not recognized unless they have a county court number, which causes delays in protecting victims. DOJ has continued to reach out to tribal experts in Alaska to understand how DOJ can further support enforcement of tribal court protection orders in that state. Similarly, DOJ has been working with state and tribal officials in California to ensure full implementation of state and federal law regarding full faith and credit for tribal protection orders. Through a framing paper for the 2016 consultation, DOJ is seeking additional information about enforcement of tribal protection orders in other states and tribal leaders' recommendations on how to address the specific challenges in each state.

### ***State Consultation with Tribes Under the STOP Violence Against Women Formula Program***

VAWA 2013 expanded the specified list of entities with which states must consult in deciding how to implement the Service\*Training\*Officers\*Prosecutors (STOP) Violence Against Women Formula Grant Program to include tribal governments. After holding a listening session with tribes, tribal coalitions, and tribal organizations on the implementation of VAWA 2013, the Office on Violence Against Women (OVW) issued Frequently Asked Questions (FAQs) specifying that, for states to comply with the consultation requirement regarding tribes, all state and federally recognized tribes within a state's borders must be invited to the table. The FAQs

---

<sup>4</sup> Letter from Attorney General Craig W. Richards to Commissioner Gary Folger dated July 30, 2015, *available at* [http://law.alaska.gov/pdf/opinions/opinions\\_2015/15-005\\_AN2013102606.pdf](http://law.alaska.gov/pdf/opinions/opinions_2015/15-005_AN2013102606.pdf).

explain that this can be accomplished through a written comment process, conference calls, on-line meetings, or in-person meetings. At the 2015 consultation, several tribal leaders testified that state consultation had not included all tribes in their state or needed to be more meaningful; tribes also noted the importance of states following up after consultation with information on the resulting implementation plan and how it incorporated tribes' recommendations.

During the past year, OVW has taken additional steps to address this issue. On May 11, 2016, DOJ published a Notice of Proposed Rulemaking proposing to amend the regulations for the STOP Program.<sup>5</sup> The proposed rule includes the steps states must take to comply with the consultation requirement as described in the FAQs, as well as requirements for documenting the extent and nature of consultation with tribes concerning the state's STOP Program implementation plan. DOJ anticipates issuing the final regulations in the near future. States will be submitting implementation plans again in 2017 and may have already begun the planning process. Also in 2016, OVW provided a technical assistance award to the Southwest Center on Law and Policy (SWCLAP) to work with states on effective consultation and collaboration with tribes, including how to conduct meaningful consultation and ensure that implementation plans include the needs and concerns of tribal citizens and sovereign tribal nations. The project includes four regional summits to be held on tribal lands and attended by state STOP Program administrators with tribal partners. Individual technical assistance will also be available to states.

On September 21-22, 2016, the Alliance of Local Service Organizations (ALSO), the primary technical assistance provider for the STOP Program, partnered with SWCLAP to convene an event entitled "Consulting and Coordinating with Tribes in STOP Planning and Implementation." Eleven STOP administrators from 10 states (Alaska, Arizona, Louisiana, Minnesota, Montana, Nebraska, Nevada, Oklahoma, Texas, and Wisconsin) participated in the event. The event included presentations by tribal leaders and practitioners, as well as ALSO and SWCLAP staff; experiential learning through site visits to two tribal jurisdictions (the Tohono O'odham Nation and the Pascua Yaqui Tribe); and opportunities to view and hear about history, culture, traditions, and context. Participants also engaged in an action-planning exercise and reported to the group on how they would apply what they learned to their work. Self-evaluations revealed that after attending the meeting, a large majority of participants believed they were more likely than before the meeting to be successful in reaching out to and developing relationships with tribes in their state, and to meaningfully consult and coordinate with tribes during the STOP planning process.

---

<sup>5</sup> See Conforming STOP Violence Against Women Formula Grant Program Regulations to Statutory Change; Definitions and Confidentiality Requirements Applicable to All OVW Grant Programs, 81 Fed. Reg. 29, 215 (May 11, 2016).

## **Part Two: Implementation of the Tribal Provisions in VAWA**

The reauthorizations of VAWA in 2005 and 2013 included a number of provisions specifically aimed at ending violence against American Indian and Alaska Native women. Title IX of both acts, titled “Safety for Indian Women,” honors the government-to-government relationship between the federal government and tribal governments and aims to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes against Indian women. At the 2015 consultation and at previous ones, many tribal leaders commented on the importance of full implementation of the tribal provisions in VAWA. In response to these comments, this section provides a summary of what DOJ has done to implement certain tribal provisions in VAWA 2005 and VAWA 2013.

### ***Administering VAWA grant programs***

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

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

The Tribal Governments Program is included as Purpose Area #5 in DOJ’s Coordinated Tribal Assistance Solicitation (“CTAS”), which also includes the tribal government-specific programs from DOJ’s Office of Justice Programs (OJP) and Community Oriented Policing Services (COPS) Office. OVW’s other three tribal programs are not part of CTAS. At the 2015 consultation, several tribal leaders testified about a number of concerns related to the administration of these programs, including insufficient staff to respond to grantee requests and release funds expeditiously and the number and complexity of special conditions placed on grantees, including conditions that may not be applicable to tribal governments. Every year, OVW strives to make the grant award process more efficient and to improve responsiveness to grantees. In addition, recent staff hires, including a new program specialist in the Tribal Affairs Division, make it possible to clear budgets and release funds more quickly, as well as decreasing the amount of time it takes to respond to grantee requests. Although special conditions on grant awards often are necessary to carry out legal mandates, OVW has redrafted many of the conditions to clarify their meaning and will continue to evaluate their applicability to tribal grantees in FY 2017. OVW appreciates continued feedback from tribal leaders and representatives on improvements to the application and award processes.

More information about each of the four tribal-specific programs appears below, and an analysis of the funding levels for each of the four programs in FY 2016 is provided as Appendix C to this report.

### Tribal Governments Program

The Tribal Governments Program, which was created by Section 906 of VAWA 2005 and amended by section 901 of VAWA 2013, provides funding to tribal governments or their designees to: 1) develop and enhance effective governmental strategies to curtail violent crimes against women; 2) increase tribal capacity to respond to domestic violence, dating violence, stalking, sexual assault, and sex trafficking crimes against Native women; 3) strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, and correctional facilities; 4) enhance services to Indian women who are victims; 5) develop prevention and education strategies; 6) provide supervised visitation services; 7) provide transitional housing and related support services to victims; 8) provide legal assistance to victims; 9) provide services to youth victims and children and youth exposed to these crimes; and 10) develop and promote legislation and policies to respond to violent crimes against Indian women.

OVW has issued a solicitation for the Tribal Governments Program each year since FY 2007 and began including it in CTAS in FY 2010. As in previous years, in FY 2015, new applicants to the Grants to Tribal Governments program were able to request up to \$450,000. Although there was no explicit limit on the amount of funding that current grantees could request, OVW offered guidance in the CTAS to current grantees that it might not be able to offer awards to them in excess of \$900,000 because of the anticipated demand for funding. These budget guidelines were first adopted in FY 2008.

In FY 2016, OVW received 76 applications for CTAS Purpose Area #5 requesting a total of \$50,136,338. There were 19 new applicants in FY 2016, and 57 applications were submitted by current grantees who were seeking funding to enhance or continue their existing OVW-funded projects. Of the 76 applications, 69 were from individual federally-recognized Indian tribes, four applications were from organizations or agencies acting as the authorized designee of a federally-recognized Indian tribe, and three applications were from tribal consortia.

All the applications submitted for CTAS Purpose Area #5 funding, except for two that were missing required documents, were sent to a panel of external peer reviewers and were also reviewed internally by OVW Program Specialists. During the internal review, OVW staff evaluated each application to determine whether the applications contained activities that might compromise victim safety, how well applicants for continuation funding had complied with the requirements of their current OVW grant awards, and whether they had an excess of funding remaining in their current awards. Each application sent to external peer review was evaluated and scored by a three-person panel composed of individuals with expertise in violence against women and the unique needs of tribal communities.

Based on the internal and external review of the applications, OVW made 53 awards through the Tribal Governments Program for FY 2016 for a total of \$33,647,321. Reasons that applications did not receive funding included low peer review scores, incomplete applications, duplication of activities, poor past performance, and excessive

funds remaining from previous grants. A list of awards in the Tribal Governments Program for FY 2016 is included in Appendix D to this report.

#### Tribal Jurisdiction Program

Section 904 of VAWA 2013 (Tribal Jurisdiction over Crimes of Domestic Violence) recognized the inherent power of “participating tribes” to exercise “special domestic violence criminal jurisdiction” (SDVCJ) over certain defendants, regardless of their Indian or non-Indian status, who commit acts of domestic violence or dating violence or violate certain protection orders in Indian country. This historic provision also created a grant program for tribal governments or their designees to: 1) strengthen tribal criminal justice systems to assist tribes in exercising SDVCJ, including law enforcement, prosecution, trial and appellate courts, probation systems, detention and correctional facilities, alternative rehabilitation centers, culturally appropriate services and assistance for victims and their families, and criminal codes and rules of criminal procedure, appellate procedure, and evidence; 2) provide indigent criminal defendants with the effective assistance of licensed defense counsel, at no cost to the defendant in SDVCJ cases; 3) ensure that, in SDVCJ cases, jurors are summoned, selected, and instructed in a manner consistent with all applicable requirements; and 4) accord victims of domestic violence, dating violence, and violations of protection orders rights that are similar to the rights of a crime victim described in section 3771(a) of Title 18, consistent with tribal law and custom.

Although section 904 authorized \$5 million for this grant program, DOJ had not received any appropriations for it as of FY 2015 and consulted with tribes at the 2015 consultation on whether to set aside existing CTAS funds to support tribes who wish to exercise SDVCJ, in the absence of a FY 2016 appropriation. DOJ’s consultation questions also asked whether there should be any eligibility restrictions, what activities should be funded, and whether tribes would be interested in applying. A substantial majority of tribes recommended against setting aside existing funds for this program, explaining that such a set-aside would decrease available funding for much-needed victim services. Tribal leaders also recommended that, when funding became available, DOJ fund the full range of activities specified in the authorizing statute and allow tribes who are ready to implement SDVCJ, as well as those in the planning stage, to apply. Based on this clear message from tribal leaders, DOJ decided not to implement the Tribal Jurisdiction Program with FY 2016 CTAS funds.

Following the 2015 consultation, in FY 2016, OVW received its first appropriation of \$2.5 million to implement the Tribal Jurisdiction Program and issued a solicitation for the program in May 2016. Applicants were able to request up to \$450,000. As recommended by tribal leaders, eligibility for the new program included both tribes that were already exercising or immediately prepared to exercise SDVCJ and those that intended to use funding for planning and preparation activities related to implementing SDVCJ.

OVW received 10 applications for the Tribal Jurisdiction Program requesting a total of \$4,029,895.57. All applications were sent to a panel of external peer reviewers and were

also reviewed internally by OVW Program Specialists. During the internal review, OVW staff evaluated each application to determine whether the applications contained activities that might compromise victim safety. Each application sent to external peer review was evaluated and scored by a three-person panel composed of individuals with expertise in violence against women and the unique needs of tribal communities. Based on the internal and external review of the applications, OVW made seven awards in September 2016, for a total of \$2,219,939.00, to help tribes implement and exercise the new tribal jurisdiction over non-Indians who assault Indian spouses, intimate partners, or dating partners, or who violate protection orders in Indian country. Reasons that applications did not receive funding included low peer review scores and limited available funding. A list of awards in the Tribal Jurisdiction Program for FY 2016 is included in Appendix D of this report.

### TSASP

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

In response to the FY 2015 TSASP solicitation, OVW received 11 applications. Each application was reviewed for eligibility, completeness, assurance that proposed project activities fell within the scope of the TSASP statutory purpose area, and to identify any proposed activities that might compromise victim safety. Upon completion of the internal review, 11 applications were forwarded to peer review and evaluated by an external review panel. The panel was made up of three individuals with expertise in the area of sexual assault, victim advocacy, and serving tribal communities. Based on the internal and external review of the applications, OVW made ten awards through the TSASP for FY 2016 for a total of \$3,465,000. Reasons that applications did not receive funding included failure to meet the definition of an organization eligible for funding under TSASP and failure to submit all required documents for consideration for funding. A list of awards in TSASP for FY 2016 is included in Appendix D.

### Tribal Coalitions Program

OVW's Tribal Coalitions Program provides funding to certain nonprofit organizations to effect social change and systemic reform related to ending violence against American Indian and Alaska Native women. Grant funds can be used to increase awareness of domestic violence and sexual assault; enhance the federal, state, and tribal response to violence against Indian women; provide technical assistance to coalition membership and

tribal communities to enhance access to essential services for victims of domestic and sexual violence, including sex trafficking; and assist tribes in developing and promoting legislation and policies that enhance best practices for responding to violent crimes against American Indian and Alaska Native women. VAWA authorizes three funding sources for tribal coalitions. The first is a distribution of 1/56 of the STOP Violence Against Women Formula Program appropriation. The second is five percent of the appropriation for the Improving the Criminal Justice System Response to Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program (also known as the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program). The third is not less than one percent of the total appropriation for the Sexual Assault Services Program and is available only to those coalitions that are involved in sexual assault work. At least 90 percent of Tribal Coalitions Program funding is to be equally divided among the recognized tribal coalitions that apply each fiscal year.

For FY 2016, \$5,641,616 was available for distribution, and OVW issued awards to 15 recognized tribal coalitions and one new tribal coalition in Alaska, the Healing Native Hearts Coalition. An additional two existing coalitions were eligible to apply but chose not to because they still had ample funding in their FY 2015 awards. FY 2016 Tribal Coalitions awards are included in Appendix D.

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

### ***Analysis and Research on Violence Against American Indian and Alaska Native Women***

Section 904(a) of VAWA 2005, as amended by section 907(a) of VAWA 2013, calls for the National Institute of Justice (NIJ), in consultation with OVW, to conduct analyses and research on violence against Indian women in Indian country and Alaska Native villages. In conducting its analyses and research, NIJ is asked to focus on dating violence, domestic violence, sexual assault, sex trafficking, stalking, and murder, and to evaluate the effectiveness of responses to those violations.

As a direct result of this legislation, NIJ has developed a comprehensive research program consisting of multiple research studies that will be accomplished over an extended period of time. The capstone of this program is the National Baseline Study (NBS)—the first national study conducted in Indian country and Alaska Native villages. The NBS is being conducted in geographically dispersed tribal communities across the United States and its primary aim is to provide an accurate *national* victimization rate of violence committed against American Indian and Alaska Native women living on tribal lands and in Alaska Native communities. The NBS is critical to quantifying the magnitude of violence and victimization in tribal communities and understanding service needs.

NIJ's violence against Indian women program of research also supports other extramural and intramural research and evaluation studies that will: produce a deeper understanding of the issues faced by Native American women; expand the body of criminal justice policy-relevant research; and help formulate public policies and prevention strategies to decrease the incidence of violent crimes committed against American Indian and Alaska Native women. Results from all of these studies are anticipated to help establish and enhance justice systems that will successfully restore victim safety and promote healing. Appendix E, Tribal Crime and Justice Research & Evaluation Studies (November 2016), provides a full status report on NIJ's violence against Indian women program of research.

Prior to and during the development of the program of research, NIJ sought input and feedback from multiple sources including prominent researchers and experts in the field, federal stakeholders and partners, and the federal advisory committee established under section 904(a)(3) of VAWA 2005 – the Task Force on Research on Violence Against American Indian and Alaska Native Women (Task Force). Initially chartered on March 31, 2008, the Task Force was re-chartered by the Attorney General on June 20, 2016. Task Force members have provided feedback on NIJ's program of research priorities, research design strategies, research and evaluation protocol issues, and research and evaluation findings from studies conducted to date, as well as assisting with recommendations resulting from study findings and the development of new research questions to be addressed. Task Force input has been and will continue to be invaluable to ensuring the program's success. OVW began soliciting members for the re-chartered Task Force in October 2016. Under the statute, members must include representatives from tribal governments, national tribal domestic and sexual violence non-profit organizations, and other national tribal organizations. OVW and NIJ have discussed convening a meeting of the Task Force in late spring or early summer of 2017, should NIJ have information to present to Task Force members. The timing of the meeting will depend on the status of the projects that constitute NIJ's program of research and the need for input from Task Force members. Task Force meetings provide an important opportunity for tribal leaders, representatives, and stakeholders to work together with DOJ to better understand the nature and scope of violence experienced by Native women and to bring about systemic change to address the needs of victims and their families and to hold offenders accountable. Moving forward, the Task Force will continue to play an important role in shaping the NIJ program of research and will assist NIJ and OVW with disseminating results that will influence policy and practice.

### ***Office on Violence Against Women Deputy Director for Tribal Affairs***

Section 907 of VAWA 2005 establishes in OVW a Deputy Director for Tribal Affairs with a portfolio of statutory responsibilities relating to violence against Indian women, including administering tribal grants, coordinating development of federal policy, providing support to other Departmental offices, and ensuring the availability of tribal technical assistance. Lorraine Edmo, an enrolled member of the Shoshone-Bannock Tribes of Idaho, has worked in this position since 2006. Ms. Edmo currently oversees a staff of grant program specialists, coordinates implementation of the tribal provisions of VAWA within OVW, and meets with tribal leaders nationwide to gain a better understanding of the needs and challenges that tribes face. One of her primary responsibilities is planning and facilitating the annual Government-to-

Government Consultation on Violence Against American Indian and Alaska Native women. In 2016, Ms. Edmo also planned and facilitated the Alaska Native Listening Session, which was held in Fairbanks, Alaska. OVW's Tribal Affairs Division has been working with a reduced staff due to departures and hiring limitations in recent years. However, in FY 2016, the Division hired a new Tribal Program Specialist, and OVW plans to add additional staff in the near future.

### ***Implementation of VAWA 2005 provisions on federal prosecutions in Indian country***

#### **Enhanced Criminal Law Resources**

DOJ recognizes the United States' unique legal relationship with federally recognized Indian tribes. Improving public safety and the fair administration of justice in Indian country is a top priority for the Department. Accordingly, in 2009, the Attorney General launched a Department-wide initiative on public safety for tribal nations. The initiative's overarching goal is to create substantial, lasting improvements in public safety for American Indians and Alaska Natives, and to undertake reforms to institutionalize the Federal commitment to public safety for tribal nations. This effort includes training for federal, state and tribal criminal justice and social service professionals working in Indian country.

In July 2010, DOJ's Executive Office for United States Attorneys (EOUSA) launched the National Indian Country Training Initiative (NICTI) to ensure that federal prosecutors, as well as state and tribal criminal justice personnel, receive the training and support needed to address the particular challenges relevant to Indian country prosecutions. This training effort is led by the Department's National Indian Country Training Coordinator and is based at the National Advocacy Center (NAC) in Columbia, SC. Since its inception, the NICTI has delivered dozens of training opportunities at the NAC or in the field, including well over 100 lectures for other federal agencies, tribes, and tribal organizations held around the country.

NICTI training is designed to support DOJ priorities and initiatives in Indian country. For example, in FY 2016, residential training at the NAC addressing intimate partner violence and sexual assault included the following courses:

- Drug Endangered Children: Building a Successful Response
- National Institute on the Prosecution of Domestic Violence in Indian Country
- Indian Country Leadership Summit
- Criminal Jurisdiction in Indian Country Seminar
- National Institute on the Prosecution of Sexual Assault in Indian Country
- Investigation and Prosecution of Child Fatalities, Neglect, and Abuse Seminar
- Forensic Interviewing of Child and Adolescent Victims and Witnesses in Indian Country Seminar
- Indian Country Strangulation and Suffocation Seminar
- Sexual Assault Nurse Examiners' Expert Witness Training

In FY 2015, there were 706 attendees who received NICTI residential training at the NAC. And, in FY 2016, there were 549 residential course attendees. These students represented over 300 different tribes, United State Attorneys' Offices, and federal, state and tribal organizations serving Indian country. Each class offering is fully subscribed, and there is a long waiting list of

applicants hoping to be admitted for almost every class offered. The overwhelming majority of students were from tribes or tribal organizations. Of particular note, DOJ's Office of Legal Education covers the costs of travel and lodging for tribal attendees at classes sponsored by the NICTI. This allows many tribal criminal justice and social service professionals to receive cutting-edge training from national experts at no cost to the student or tribe.

### **Domestic Assault by an Habitual Offender**

Section 909 of VAWA 2005 created a new federal crime, "Domestic Assault by an Habitual Offender," which enables federal prosecutors to charge any person who commits a domestic assault within Indian country and who has a final conviction on at least two separate prior occasions in federal, state, or Indian tribal court for a previous assault, sexual abuse, or serious violent felony against a spouse or intimate partner. Several defendants have challenged the constitutionality of this provision arguing that tribal court convictions cannot be used as predicate offenses in cases where the defendant was not provided with appointed counsel. DOJ has vigorously defended the constitutionality of the habitual offender statute. In June of 2016, the U.S. Supreme Court held that tribal convictions that are valid when rendered "retain that status when invoked in a subsequent proceeding." *United States v. Bryant*, 136 S.Ct. 1954, 1965. In *Bryant*, the Court saw no reason to distinguish between an uncounseled conviction that results in a fine and an uncounseled tribal-court conviction that results in less than a year in prison: in both, the Court reasoned, the Sixth Amendment was inapplicable, and in both, the defendant was punished only for the last, counseled offense, not the prior, uncounseled ones. *Id.* at 1965-66. The Court also found that the various protections in the Indian Civil Rights Act, including the provision for *habeas* review in federal court, "sufficiently ensure the reliability of tribal-court convictions." *Id.* at 1966.

A review of DOJ's case management data shows that the number of defendants indicted under this provision increased from 12 in FY 2010 to 43 in FY 2013, with 39 indicted in FY 2014. However, for FY 2015, this number decreased to 23 but then rose again in FY 2016 to 33, possibly reflecting the impact of the *Bryant* case. The Department expects that this number will continue to increase due to the Supreme Court's favorable decision in *Bryant*.

### ***Implementation of VAWA 2013's tribal provisions related to special domestic violence criminal jurisdiction and the federal assault statute***

#### **Tribal Criminal Jurisdiction over Crimes of Domestic Violence**

As noted previously, section 904 of VAWA 2013 (Tribal Jurisdiction over Crimes of Domestic Violence) recognized the inherent power of "participating tribes" to exercise "special domestic violence criminal jurisdiction" (SDVCJ) over certain defendants, regardless of their Indian or non-Indian status, who commit acts of domestic violence or dating violence or violate certain protection orders in Indian country. Section 904 also specified the rights that a participating tribe must provide to defendants in SDVCJ cases. Section 908(b)(1) (Effective Dates; Pilot Project) provided that tribes generally could not exercise SDVCJ until at least two years after the date of VAWA 2013's enactment—that is, on or after March 7, 2015. However, section 908(b)(2) established a "Pilot Project" that authorized the Attorney General, in the exercise of her discretion, to grant a tribe's request to be designated as a "participating tribe" on an accelerated

basis and to commence exercising SDVCJ on a date (prior to March 7, 2015) set by the Attorney General, after coordinating with the Secretary of the Interior, consulting with affected tribes, and concluding that the tribe's criminal justice system has adequate safeguards in place to protect defendants' rights.

After the enactment of VAWA 2013, the Department of Justice moved quickly to implement the Pilot Project. After consulting with tribal officials and requesting public comments, on November 29, 2013, the Department published a final notice establishing procedures for tribes to request accelerated designation, establishing procedures for the Attorney General to act on such requests, and soliciting such requests from tribes.<sup>6</sup>

Two months later, on February 6, 2014, the Department announced the designation of three Indian tribes – the Pascua Yaqui Tribe of Arizona, the Tulalip Tribes of Washington, and the Confederated Tribes of the Umatilla Indian Reservation of Oregon – as “participating tribes” under the Pilot Project. Two additional tribes’ applications were approved during the pilot period, the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation in Montana and the Sisseton Wahpeton Oyate of the Lake Traverse Reservation in South and North Dakota.

Although five tribes were approved to exercise SDVCJ during the pilot period, only the first three tribes were approved early enough to bring SDVCJ cases before the conclusion of the pilot period on March 7, 2015. During this year-long period, the three original pilot tribes had a total of 27 SDVCJ cases involving 23 separate offenders. In exercising SDVCJ, the pilot tribes have worked closely with their local United States Attorneys’ Offices and the Department to identify which cases are best for tribal handling and which are best for federal prosecution with the common goal of holding offenders accountable and keeping Native American women safe.

During consultation about Pilot Project implementation, tribal officials and employees repeatedly highlighted the usefulness of exchanging ideas with their counterparts in other tribes, peer to peer. With these views in mind, in June of 2013, the Department established an Intertribal Technical-Assistance Working Group on Special Domestic Violence Criminal Jurisdiction (ITWG) to exchange views, information, and advice about how tribes can best exercise SDVCJ, combat domestic violence, recognize victims’ rights and safety needs, and fully protect defendants’ rights. To date, forty-five tribes have voluntarily joined the ITWG, and almost of all of them have remained actively engaged in ITWG meetings, webinars, and exchanges of information. The Department is supporting the ITWG with training and technical assistance, including an original three-year award by OVW to the National Congress of American Indians (NCAI) to support the ITWG’s ongoing work, which OVW supplemented with a new three-year award in FY 2016. The ITWG is scheduled to hold its seventh in-person meeting on December 5, 2016 at Agua Caliente Band of Cahuilla Reservation, in Palm Springs, CA.

Since the end of the pilot period, eight more tribes have reported to NCAI that they have implemented SDVCJ, including the Little Traverse Band of Odawa Indians (MI), the Seminole Nation of Oklahoma, the Eastern Band of Cherokee Indians (NC), the Sac and Fox Nation of Oklahoma, the Kickapoo Tribe of Oklahoma, Nottawaseppi Huron Band of the Potawatomi

---

<sup>6</sup> See Pilot Project for Tribal Criminal Jurisdiction over Crimes Against Domestic Violence, 78 Fed. Reg. 71,645 (Nov. 29, 2013).

(MI), Muscogee Creek Nation (OK), and the Standing Rock Sioux Tribe (ND and SD). None of the SDVCJ non-Indian defendants has filed a habeas petition in federal court challenging his or her arrest or prosecution.

### **Amendments to the Federal Assault Statute**

Police, prosecutors and medical providers across the country have begun to appreciate the inherent lethality risks of strangulation and suffocation crimes. Because domestic violence and sexual assault remain primarily a matter of state, local, and tribal jurisdiction, the federal government historically lacked the ability to adequately prosecute some intimate partner violence crimes. VAWA 2013 changed that by providing the federal government with additional statutory tools to prosecute these crimes. In particular, Congress recognized the gravity of strangulation and suffocation crimes by amending the federal assault statute, 18 U.S.C. § 113, to include a specific charge of assault or attempted assault by strangulation or suffocation. This change in the law was effective March 7, 2013.

The federal law as amended in 2013 makes it possible to prosecute in Indian country a perpetrator who commits or attempts to commit an act of strangulation against a spouse, intimate partner, or dating partner. VAWA defines strangulation as the intentional, knowing, or reckless impeding of the normal breathing or circulation of the blood of a person by applying pressure to the throat or neck – and importantly – regardless of whether that conduct results in any visible injury or whether there is any intent to kill or protractedly injure the victim. This statute has been used with increasing frequency by federal prosecutors. In FY 2013, three strangulation cases were charged. In FY 2014, the number of strangulation cases indicted rose dramatically to 42 and then rose again in FY 2015 to 58 and to 70 in FY 2016.

To raise awareness about the issue and to educate professionals dealing with the legal or medical consequences of strangulation, the Department's National Indian Country Training Initiative has been providing training and technical assistance to federal and tribal investigators, prosecutors, advocates and medical professionals around the country. These educational opportunities have been in the form of live training, webinars, and written publications.

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

In addition to the work described above responding to the concerns that tribal leaders raised at the tenth VAWA consultation (Part One) and implementing the Violence Against Women Act and its subsequent reauthorizations (Part Two), the Attorney General has launched a Department-wide initiative on public safety in tribal communities, with a particular focus on combating violence against women. DOJ has made combating violence against women in tribal communities a priority and is committed to providing training and resources to enhance federal investigations and prosecutions of crimes against Native women. As a part of this initiative, DOJ has taken a number of actions that respond to concerns and recommendations from past consultation sessions. These activities are discussed below.

- In January 2010, then-Deputy Attorney General David Ogden issued a memorandum to United States Attorneys directing that: (1) every United States Attorney's Office with Indian country in its district engage at least annually in consultation with the tribes in that district; and (2) every newly confirmed United States Attorney in such districts conduct a consultation with tribes in his or her district and develop or update the district's operational plan within eight months of assuming office. Currently, every district with Indian country has complied with this directive.
- In December 2014, the Attorney General issued guidelines stating principles for working with federally recognized Indian tribes. These guidelines apply to all DOJ personnel working in Indian country. The overarching principles as directed by the Attorney General are the following:
  - The Department of Justice honors and strives to act in accordance with the general trust relationship between the United States and tribes.
  - The Department of Justice is committed to furthering the government-to-government relationship with each tribe, which forms the heart of its federal Indian policy.
  - The Department of Justice respects and supports tribes' authority to exercise their inherent sovereign powers, including powers over both their citizens and their territory.
  - The Department of Justice promotes and pursues the objectives of the United Nations Declaration on the Rights of Indigenous Peoples.
  - The Department of Justice is committed to tribal self-determination, tribal autonomy, tribal nation-building, and the long-term goal of maximizing tribal control over governmental institutions in tribal communities, because tribal problems generally are best addressed by tribal solutions, including solutions informed by tribal traditions and customs.<sup>7</sup>

---

<sup>7</sup> See Attorney General Guidelines Stating Principles for Working with Federally Recognized Indian Tribes, 79 Fed. Reg. 73,905 (Dec. 12, 2014).

The Attorney General's guidelines for working with federally recognized tribes also address DOJ efforts concerning law enforcement and the administration of justice in tribal communities, priorities for United States Attorneys' Offices and the FBI:

- The Department of Justice is committed to helping protect all Native Americans from violence, takes seriously its role in enforcing federal criminal laws that apply in Indian Country, and recognizes that, absent the Department's action, some serious crimes might go unaddressed.
  - The Department of Justice prioritizes helping protect Native American women and children from violence and exposure to violence, and works with tribes to hold perpetrators accountable, to protect victims, and to reduce the incidence of domestic violence, sexual assault, and child abuse and neglect in tribal communities.<sup>8</sup>
- The FBI's Office for Victim Assistance (OVA) has 43 Indian country-designated victim assistance positions, including 41 Victim Specialists (VSs) and two child/adolescent forensic interviewers (CAFI). In addition to these 43 designated positions, numerous additional VSs and CAFIs respond to victims of crime and conduct forensic interviews in Indian country.
- In 2016, the FBI's victim assistance program - in collaboration with the BIA's victim assistance program - developed and delivered a training module on victim assistance for multiple sessions of the joint BIA/FBI Indian Country Criminal Investigator Training Program (ICCITP). ICCITP is a two-week training course for BIA Agents, FBI Agents newly assigned to Indian country positions, and tribal law enforcement personnel.
- EOUSA's NICTI works closely and partners frequently with the FBI and BIA. The NICTI has supported faculty development for the ICCITP. In addition, the NICTI is currently working with BIA's Office of Justice Services Tribal Courts program to develop a ten-day trial advocacy course for tribal Special Assistant United States Attorneys (SAUSAs) and tribal prosecutors working for tribes implementing Special Domestic Violence Criminal Jurisdiction.
- The NICTI, in the context of training on issues related to intimate partner violence, has included training from personnel working for the National Missing and Unidentified Persons System (NamUS). NamUS is a DOJ-funded national centralized repository and resource center for missing persons and unidentified decedent records. This online system is free and can be searched by medical examiners, coroners, law enforcement officials, and the general public from all over the country seeking to resolve these cases. Moreover, NamUS has experience working and solving cases arising in Indian country. Following the 2014 Consultation, the National Indian Country Training Coordinator forwarded information and a point of contact for NamUS to representatives of the

---

<sup>8</sup> Id.

National Indigenous Women's Resource Center, an OVW-funded technical assistance provider for tribes.

- The NICTI received funding from OVC and OVW to develop a new training DVD and resource materials on the issue of alcohol-facilitated sexual assault in Indian country. The DVD will focus on best practices for working with sexual assault victims who were using drugs or alcohol prior to their victimization, relevant federal statutes, and proper investigation and prosecution techniques. This video will be released in December 2016. In addition, the NICTI, with funding from OVW and OVC, developed a five-video training DVD called "A Healing Journey for Alaska Natives." This educational series is designed for federal, state, local, and tribal victim service providers, criminal justice professionals, and others who work with Alaska Native victims of domestic violence, sexual assault, and human trafficking. The videos are available online at <http://www.ovc.gov/library/healing-journey.html>.
- In 2015, EOUSA, the FBI, the Office of Tribal Justice, and OVC established the Federal Victims in Indian Country Working Group (FedVIC). FedVIC members include Special Agents, Assistant United States Attorneys, and victim assistance personnel from BIA, FBI, and United States Attorneys' Offices. FedVIC aims to ensure that victims of federal crime in Indian country receive the highest quality of services by enhancing federal responsiveness and collaboration. In 2016, FedVIC created subcommittees so members could develop possible funding, policy, and training solutions to the many gaps in services identified by FedVIC members. Moving forward, FedVIC will continue to identify gaps, potential solutions, and best practices to improve federal agency response in Indian country. FedVIC core organizers will provide a workshop at the 15<sup>th</sup> National Indian Nations Conference to receive feedback from conference participants on FedVIC's work and to learn about additional potential solutions to identified gaps in services.
- In 2012, OVW launched a Violence Against Women Tribal Special Assistant United States Attorney (SAUSA) pilot project. The pilot project's goal is to fund eligible tribal prosecutors to pursue violence against women cases in both tribal and federal courts and to enhance collaboration between tribal officials and federal prosecutors. The program enables tribal prosecutors to bring violence against women cases in federal court and to serve as co-counsel with federal prosecutors on felony investigations and prosecutions of offenses arising out of their respective tribal communities. Three-year awards were made to Fort Belknap Tribe in Montana, the Winnebago Tribe in Nebraska, the Pueblo of Laguna in New Mexico, and the Standing Rock Sioux Tribe in North Dakota and South Dakota. Through this special initiative, OVW supports salary, travel and training costs of four tribal SAUSAs, who are working in collaboration with the United States Attorneys' Offices in the Districts of Nebraska, New Mexico, Montana, North Dakota and South Dakota. Tailored to meet the particular needs of each participating tribe, this pilot project is designed to improve the quality of cases, the coordination of resources, and the communication of priorities both within and between the various law enforcement agencies working in these jurisdictions. OVW has collaborated with BIA to continue to fund three of the original four Tribal SAUSAs in

FY 2016 and FY 2017, and the fourth position is now funded through a CTAS award from DOJ's Bureau of Justice Assistance.

- In July 2016, OVC partnered with OVW and the Indian Health Service to conduct a two-day roundtable discussion about responding to sexual violence in tribal communities. A multi-disciplinary group of Indian country professionals with significant experience in responding to the sexual assault of American Indian and Alaska Native women shared information about innovative responses that they have developed to overcome some common barriers to addressing sexual violence in their communities, such as reducing stigma and shame around talking about sexual violence and developing an effective coordinated community response to sexual violence, among other topics. The participants also offered recommendations for other tribes who are interested in developing or enhancing a response to sexual violence. OVC will publish a report summarizing the discussion, and release a series of brief videos that are meant to complement the report, in early 2017.
- OVC will be hosting a listening session on December 7, 2016 at the Renaissance Hotel in Palm Springs, CA, and invites all tribal leaders to participate in a facilitated discussion regarding the victim services needs of American Indian and Alaska Native victims of crime.
- OVW provides funding to the Southwest Center for Law and Policy (SWCLAP) to support the National Indian Country Clearinghouse on Sexual Assault (NICCSA or the Clearinghouse). The Clearinghouse's website, [www.NICCSA.org](http://www.NICCSA.org), serves as a one-stop shop for information on sexual violence against American Indian/Alaska Native (AI/AN) women and teenage girls and includes a toll-free helpline to provide personalized assistance to Indian country justice and service professionals in solving complex legal, forensic, and programmatic challenges. SWCLAP also has designed and delivered interactive presentations on accessing the Clearinghouse to OVW grantees, federal agencies, local law enforcement, and major tribal stakeholders across the United States. The Clearinghouse is on track to add an average of 12,000 new, distinct users each year. Original research, videos, training modules, and articles on cutting edge topics related to sexual violence against AI/AN women have been developed and posted on the Clearinghouse website. The Clearinghouse has received funding to develop two new 3-hour online courses that will be free and available on the website: one on effective prevention and response to elder abuse in tribal communities, to be developed in partnership with the International Association of Indigenous Americans, and one on violence against Two Spirit/LGBTQI persons in tribal communities.
- As part of the Clearinghouse, OVW also funds SWCLAP to address the issue of providing service referrals, emergency first aid, and collection and preservation of sexual assault evidence in rural and geographically-isolated tribal communities. SWCLAP's SAFESTAR (Sexual Assault Forensic Examinations, Services, Training, Advocacy, and Resources) Project provides a 40-hour training for community-based lay health care providers (such as traditional midwives, medicine people, and community health aides) to collect and preserve forensic evidence in sexual assault cases, triage sexual assault-

related injuries and health concerns, and provide referrals to sexual assault services. This project includes a companion training curriculum for tribal victim advocates, healthcare professionals, law enforcement officers, and prosecutors on their roles in responding to sexual assault cases. SAFESTAR also works intensively with states and tribes to develop and implement inter-jurisdictional civil, criminal, healthcare, and services protocols to promote safety and justice for Native women. This state-tribal coordination also includes federal allies such as the FBI, BIA, United States Attorneys, the BIA Crime Lab, and the Indian Health Service. State partners include statewide investigative agencies, state STOP Administrators, and state victim compensation funds, among others. The states of Alaska, Nebraska, and Massachusetts are scheduled to receive SAFESTAR training in 2017.

- The National Tribal Trial College and NICCSA have developed a certification course for lay legal advocates representing AI/AN sexual assault survivors in tribal courts. To address the severe shortage of legal representation for AI/AN sexual assault survivors, the course provides a mix of on-line, distance learning and on-site litigation training that results in a certificate in Tribal Court Legal Advocacy issued jointly by the National Tribal Trial College and the University of Wisconsin Law School. The certification course is free and consists of 20 weekly webinars, student research papers, online examinations, and a week-long trial advocacy institute conducted in collaboration with the University of Wisconsin Law School. Forty lay legal advocates have successfully completed the course since July 2015, and it will be offered again in 2017 in the lower 48. New OVW funding has been approved for the development and delivery of an Alaska-specific course focused on training lay legal advocates to represent victims in Alaska Tribal Courts.
- SWCLAP and NICCSA have partnered with the Brady Center to Prevent Gun Violence to develop a model tribal firearms code and fact sheets on firearms violence in AI/AN communities that will be free and downloadable on NICCSA.org. Relevant research, publications, articles and case law on prevention and response to firearms violence will be curated and posted to NICCSA.org. The project also has funding for on-site training to tribal communities on federal firearms prohibitions, development of tribal firearms codes, and the development of indigenously informed, effective, innovative responses and prevention strategies to firearms violence.
- OVW, in partnership with the National Clearinghouse on Abuse in Later Life (NCALL), held a tribal listening session on abuse in later life in tribal communities on March 3-4, 2015 in New Orleans, LA. Approximately 25 tribal representatives participated in the listening session, which was held to inform technical assistance for tribal grantees under OVW's Abuse in Later Life Program. In addition to the listening session, NCALL conducted site visits with the tribal communities that have received Abuse in Later Life Program grants. Based on the listening session and site visits, NCALL worked with consultants, including Vicki Ybanez with Red Wing Consulting, to develop resources and tools to assist tribes in assessing their readiness to address elder abuse and in exploring options that account for their unique circumstances and culture. These materials can be found at <http://www.ncall.us/content/tribal-communities>.

- In FY 2015, OVC awarded \$2 million to the National Center for Victims of Crime, the National Congress of American Indians, and the Tribal Law and Policy Institute to ensure that AI/AN victims of crime can readily access a continuum of services and support. Through a 3-year cooperative agreement, titled *Vision 21: Tribal Victim Services and Resource Mapping Project*, the team is undertaking a massive effort to engage and coordinate with stakeholders and gather and analyze information about services on and off reservations, in remote areas such as Alaska, and in rural, urban, and suburban settings. The team will then determine and develop the best avenue technologically (e.g. a website) to share this information publicly, so that victims can easily and readily access information, victim services providers can connect with culturally-relevant service providers, and gaps in services can be identified.
- In FY 2016, OVC launched Project Beacon: Increasing Services for Urban American Indian and Alaska Native Victims of Sex Trafficking. Through Project Beacon, OVC will award a total of \$1,237,500 to three urban Indian-serving programs to develop holistic, culturally appropriate comprehensive services for urban American Indian and Alaska Native victims of sex trafficking.
- OVW has worked with the White House and other federal agencies on developing coordinated responses to an increase in reported crimes and requests for crisis intervention services for domestic violence and sexual assault in Western North Dakota and Eastern Montana, a region also known as the Bakken. As part of this work, OVW funded the \$3 million Bakken Region Initiative to support the expansion of services to victims of sexual assault, domestic violence, and stalking, as well as aid the local criminal justice system in responding to these crimes. The initiative includes two components:
  - 1) The Bakken Region Tribal SAUSA Initiative is designed to support tribal SAUSAs for the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation in Montana and the Three Affiliated Tribes of the Fort Berthold Indian Reservation in North Dakota. Tribal SAUSAs are cross-designated to bring cases in both tribal and federal courts and work in collaboration with the United States Attorneys' Offices in Montana and North Dakota.
  - 2) The Bakken Region Enhanced Response to Victims Initiative funded state domestic violence and sexual assault coalitions, as well as local and tribal victim service providers responding to the increased demand for domestic violence and sexual assault victim services. This funding and related technical assistance also helps those working to prevent violence and support survivors.

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



**FYSB** Family & Youth  
Services Bureau

### Family Violence Prevention & Services Program

#### FVPSA HIGHLIGHTS

##### Funding for Tribes and Tribal Organizations

- **Formula Grants** - In 2016, the Family Violence Prevention and Services Act (FVPSA) program awarded \$14.5 million in FVPSA formula grants to over 200 tribal domestic violence programs through Tribes (including Alaska Natives), tribal organizations and tribal consortia. FVPSA is the primary federal funding source dedicated to providing immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence and their dependents. Annually, ten percent of the amount appropriated to FVPSA is allocated to Tribes. The table below shows the number of grants made categorized by award amount.

	FY 2016
Total Funding for Tribal Formula Grants	\$14,500,000
Range of Awards	\$17,691 to \$1,592,236
Number of Tribes Funded	238
Number of Grants	134
Number of Grants at \$17,691-\$17,692	164
Number of Grants between \$24k and \$91,996	69
Number of Grants between \$205 and \$884k	6
Number of Grants over \$1,000,000	4

- **Resource Center** - FVPSA also awarded \$1,260,000 of discretionary funding to support the National Indian Resource Center Addressing Violence Against Indian Women (NIRC). The National Indigenous Women's Resource Center (NIWRC) was selected through a competitive process to serve as the NIRC. In this roll, NIWRC will ensure that American Indian, Alaska Native, and Hawaiian Native victims of domestic violence, advocates, community-based programs, educators, legal assistance providers, justice personnel, health care providers, policy makers, and government leaders at the local, state, Tribal, and federal levels have access to up-to-date information and technical assistance and training on best practices, policies, research, and victim resources.
- **Native Hotline** - Through a \$3,750,000 expansion supplement grant awarded to the National Domestic Violence Hotline in 2016, \$1,225,000 is planned for supporting the

Native Hotline over the project year 9/30/16 – 9/29/17. In partnership, the National Domestic Violence Hotline and the National Indigenous Women’s Resource Center will launch the first-ever crisis-line for Alaska Native and American Indian women and girls, the Strong Hearts Helpline on January 4, 2017. The new helpline will provide culturally and linguistically appropriate services, by and for Native women, and will assist all AI/AN survivors of domestic and sexual violence with safety planning, emotional support, and referrals to local resources. More information about NIWRC and the Strong Hearts Helpline can be found at [www.niwrc.org](http://www.niwrc.org).

## **FVPSA Final Regulations**

The FVPSA Final Regulations were published in the Federal Register November 2016. <https://www.federalregister.gov/documents/2016/11/02/2016-26063/family-violence-prevention-and-services-programs>.

This policy framework reflects survivors’ growing needs and emerging challenges over the past 32 years. The intent of the regulations is to reinforce existing policies and practices that programs have institutionalized to better support survivors of domestic violence, dating violence, and other forms of intimate partner violence. The Final FVPSA Regulations, which take effect on January 2, 2017, incorporate FVPSA statutory requirements from the 2010 reauthorization. More specifically, the new regulations clarify that, as a condition of receiving FVPSA funds, all FVPSA grantees and sub-grantees must adhere to statutory and regulatory requirements that are vital to the FVPSA purpose and mission.

Key provisions of the regulations include:

**Confidentiality Requirements** (§1370.4) – The regulations include a new definition for personally identifying information that mirrors the Violence Against Women Act (VAWA) to ensure that all grantees have a clear, common understanding of confidentiality requirements. The regulations also provide added guidance in §1370.4 on what confidentiality requirements apply to FVPSA programs in order to promote the safety of adult, youth, and child victims of family violence, domestic violence, or dating violence.

**Non-Discrimination and Accessibility Requirements** (§1370.5) – The regulations make clear that the FVPSA anti-discrimination provisions apply to all grantees. These non-discrimination requirements include prohibitions against discrimination on the basis of actual or perceived sex, including gender identity, religion, and actual or perceived sexual orientation. These non-discrimination provisions are in addition to broad government-wide and Department of Health and Human Services-wide civil rights protections in regulations concerning discrimination on the basis of race, color, national origin, disability and age that apply to all HHS grantees, including FVPSA grantees.

**Voluntary Services Requirement/No Conditions on the Receipt of Emergency Shelter** (§1370.10) – The FVPSA Reauthorization of 2010 provides that services must be voluntary and no conditions can be imposed on the recipient of emergency shelter. The regulations incorporate these new requirements, and further specify the prohibition on imposing

“conditions” to prohibit shelters from applying inappropriate screening mechanisms, such as criminal background checks or sobriety requirements. Similarly, the receipt of shelter cannot be conditioned on participation in other services, such as counseling, parenting groups, or life-skills classes. Such requirements contradict this Administration’s priority that programs incorporate trauma-informed best practices into direct service provision.

**State Planning and State Domestic Violence Coalition Needs Assessments** (§1370.10 and §1370.20) – The regulations include guidance that promotes greater coordination of State planning and State Domestic Violence Coalition needs assessments to foster greater inclusion of underserved communities and better identify the needs of all victims of domestic and dating violence.

**Discretionary Grant Programs** (§1370.30 - §1370.32) – The regulations create a new Subpart D covering all discretionary grants. This new subpart separately addresses National Resource Centers and Training and Technical Assistance Grants (§1370.30), grants for State resource centers to reduce disparities in domestic violence in States with high proportions of American Indian (including Alaska Native) or Native Hawaiian population (§ 1370.30), grants for specialized services for abused parents and their children (§1370.31), and the National Domestic Violence Hotline (§1370.32). These new sections primarily reflect statutory requirements, the evolution of the program, and the focus of FVPSA.

**Definitions** (§1370.2) – The regulations include definitions of key terms found in the FVPSA statute and used in current operating practices. The definitions are intended to reflect important terms in the statute and important practices in the administration of the program. In some instances, we do not repeat the statutory definition verbatim but rather establish a regulatory definition that is fully consistent with the statutory definition but will provide clarity to the field and other interested stakeholders and consistency with other federal programs supporting related programming.



## **INDIAN HEALTH SERVICE (IHS) – Response to Violence against Women**

### **Domestic Violence Prevention Initiative (DVPI)**

The [Domestic Violence Prevention Initiative](#) (DVPI) is a congressionally mandated, nationally coordinated grant and Federal award program for Tribes, Tribal organizations, federally operated programs, and Urban Indian organizations providing violence prevention and treatment services. The DVPI promotes the development of evidence-based and practice-based models that represent culturally appropriate prevention and treatment approaches to domestic and sexual violence from a community-driven context. The DVPI expands outreach and increases awareness by funding projects that provide victim advocacy, intervention, case coordination, policy

development, community response teams, sexual assault examiner programs, and community and school education programs.

In September 2015, IHS awarded 57 grants and federal program awards totaling \$7,596,000 dollars, with a five year funding cycle, to meet the following goals:

- Build Tribal, Urban Indian Health Programs and Federal capacity to provide coordinated community responses to American Indian and Alaska Native victims of domestic and sexual violence
- Increase access to domestic and sexual violence prevention, advocacy, crisis intervention, and behavioral health services for American Indian and Alaska Native victims and their families
- Promote trauma-informed services for American Indian and Alaska Native victims of domestic and sexual violence and their families
- Offer health care provider and community education on domestic violence and sexual violence
- Respond to the health care needs of American Indian and Alaska Native victims of domestic and sexual violence, and
- Incorporate culturally appropriate practices and/or faith-based services for American Indian and Alaska Native victims of domestic and sexual violence.

The DVPI promotes the development and implementation of evidence-based and practice-based models of domestic violence prevention that are also culturally competent. The DVPI also expands outreach and increases awareness by funding projects that provide victim advocacy, intervention, case coordination, policy development, community response teams, sexual assault examiner programs, and community and school education programs.

### **Intimate Partner Violence Policy - October 2016**

The highest rates of IPV occur in women of childbearing age, but early screening and detection of IPV along with appropriate intervention may increase the safety of these women. The impact on children exposed to IPV has wide implications including increased risk for physical, sexual, emotional neglect, harm and death.

IPV has been correlated with an increased risk of heart disease, asthma, chronic pain syndromes, gastrointestinal disorders, sexually transmitted infections, gynecological and pregnancy complications. There are emotional and psychological consequences such as depression, anxiety, eating disorders and post-traumatic stress disorder. Adverse health behaviors associated with IPV include high-risk sexual activity, alcohol and substance use and an increased risk for suicide.

To respond to this public health problem and provide access to care, IHS issued its first standalone [policy on Intimate Partner Violence](#). The purpose of the policy is to identify victims of IPV and intervene on their behalf within a system of medical care and referral that is patient-centered, culturally sensitive and trauma-informed. This policy establishes uniform clinical care

guidelines for providers on identifying and responding to patients presenting to IHS healthcare facilities, with specific training on the forensic healthcare response to IPV.

### **Tribal Forensic Healthcare Project**

In September 2016, IHS renewed funding to the International Association of Forensic Nurses to deliver training related to the identification, collection, and preservation of medical forensic evidence obtained during the treatment of victims of sexual and domestic violence. These trainings allow medical professionals to acquire and maintain the knowledge, skills, and competent clinical forensic practice to improve the response to domestic and sexual violence in hospitals, health clinics, and health stations within the Indian health system.

[Tribal Forensic Healthcare](#) provides education online to increase access to quality forensic healthcare training in the areas of adolescent and adult sexual assault, pediatric sexual abuse, and intimate partner violence. Training is also provided through in-person classroom courses, live clinical training, and webinars.

### **National Roundtable Discussion on Sexual Assault in Indian Country**

On July 27 and 28, 2016, the Office for Victims of Crime (OVC), in partnership with the Office on Violence Against Women (OVW) and the Indian Health Service (IHS), held a National Roundtable Discussion on Sexual Assault in Indian Country. It brought together a multidisciplinary group of professionals with expertise in developing, implementing, or enhancing a sexual assault response in tribal communities. The goals of the discussion were to: (1) learn about tribal efforts to develop a coordinated, systemic response to sexual violence; (2) highlight specific strategies that might aid other tribal communities in developing or enhancing their systemic response to sexual violence; and (3) provide federal, state, and local responders to sexual violence in Indian country with information to aid them in creating strategies to address sexual violence in American Indian and Alaska Native (AI/AN) communities. OVC will be releasing the final report.

## Appendix B – Response to 2015 Testimony on FVPSA Funding Formula



**FYSB** Family & Youth  
Services Bureau

### Family Violence Prevention & Services Program

Prior to 2010, the Family Violence Prevention and Services Act (FVPSA) program's current funding formula produced stable award amounts that better supported essential domestic violence shelter program activities. However, the funding formula was complicated and did not take into consideration growing population numbers, on an annual basis. Population data utilized to calculate FVPSA's formula updates every 10 years with the U.S. Census. The 2010 Census population data and the increased number of Tribes and tribal organizations awarded attributed to the shift in FVPSA's award amounts.

Although FVPSA received limited feedback on consultation questions provided through DOJ and HHS consultations in 2012, 2013, and 2014, most Tribal leaders requested FVPSA to provide a sample formula showing how a \$25k base might impact all applying Tribes and tribal organizations. In preparation for the Department of Justice's 2015 10<sup>th</sup> annual government-to-government consultation on violence against American Indian and Alaska Native Women, the Department of Health and Human Services, through the FVPSA program provided Tribal leaders several consultation questions and a framing paper addressing FVPSA's funding formula and award amounts to Tribes, Alaska Native villages and tribal organizations. With the help of Administration for Children and Families' Office of Grants Management, the FVPSA program analyzed and included a sample formula with a \$25k based as part of the framing paper.

This update addresses recommendations made by Tribal leaders in the following areas and the referenced formula sample: 1) Should the allocation formula for FVPSA Tribal grants be adjusted to establish a base funding; 2) What funding level would be sufficient for a minimum award; 3) Should the FVPSA program phase in increased minimum funding levels when there is an increase in funding to prevent reductions in funding for current grantees with larger populations; and 4) Are there other considerations in recalculating the Tribal formula that Tribal leaders would have us consider and address?

**Testimonies are bolded. FVPSA's update is italicized.**

#### **Should the Allocation Formula for FVPSA Tribal Grants be Adjusted to Establish a Base Funding?**

**As an alternative to FVPSA distribution of funds, offer each tribe the option to receive annual base funding with an allocation based on population of enrolled tribal members, as opposed to census numbers.**

*FVPSA is continuing its review of the options for determining tribal population numbers and may adjust the process after the review is completed.*

**What Funding Levels Would be Sufficient for a Minimum Award?**

**If there is a baseline that minimally covers a salary, advocacy could be the primary focus. A \$25k base is inadequate because you cannot hire a staff person.**

*The primary purpose of FVPSA funding is to provide immediate shelter and supportive services, including advocacy services. Very often, Tribes that receive a minimum grant use those funds to hire a part time or full time advocate. While FVPSA would not direct grantees to use the funds for a single purpose, this example could be provided as a way to provide a crisis response capacity with minimum funding. We acknowledge that the proposed minimum does not cover the cost of a full time advocate and associated expenses, but are balancing the need for additional funds with the impact of increasing base funds on Tribes that receive more than the minimum.*

**Should the FVPSA program phase in increased minimum funding levels when there is an increase in funding to prevent reductions in funding for current grantees with larger populations?**

*Testimonies were not given for this question. As an update, FVPSA received an increase in FY16 bringing the 10% set aside for Tribes and Tribal programs to \$14.5M. The increase was not made incrementally so that each awardee saw some increase from the previous fiscal year's award amount.*

**Are there other considerations in recalculating the Tribal formula that Tribal leaders would have us consider and address?**

**If an applicant has significant funding from another source, such as OVW, to run a complete advocacy program, we would agree to the baseline amount of \$25k.**

*This scenario has not been analyzed but it may not be possible to adjust the funding formula to be dependent upon an individual Tribe's receipt of other grant funding.*

**We recommend a 2.5% set aside for tribal coalitions under FVPSA.**

*Set asides within FVPSA are determined by statute. Currently the Violence Against Women Act has the only statutory set aside for Tribal Coalitions.*

**Should a decision be made to go with a baseline funding formula based on this consultation, FVPSA should send notice out now, outlining the potential cutback to offer time for programs to make a contingency plan.**

*This has been noted. Prior to executing a new formula, a memo and/or other forms of communications will be made available to Tribes and tribal organizations.*

**Simplify the way FVPSA make awards to tribes. One program received three award letters with different amounts of funding but overlap in the time period they covered. Even though the award letters cover a 2-year period, funding requests have to be made on an**

**annual basis. This system is confusing and leaves our programs unsure of what their funding actually is from one year to the next.**

*This has been noted and we are working with ACF Grants Management officials to revamp the grant award process. The two-year grant period is a statutory requirement. It also allows Tribes more time to obligate funds if awards are not received promptly. We understand that the overlapping grant periods can be confusing and will continue to provide semi-annual training on the application and award process.*

**While 10% of FVPSA funds are set aside for tribal governments, it is important to note that this 10% set-aside was created before Alaska tribes were restored to the list of federally recognized tribes in 1993. Since the restoration, the number of federally recognized tribes has increased by 40%, but the set-aside for FVPSA has not.**

*Set-asides within FVPSA are determined by statute. Although we acknowledge the problem, the solution would require a statutory change which cannot be made by the FVPSA program.*

**Increase tribal access, providing critical funds for dv shelter and supportive services.**

*The FVPSA program, The National Indigenous Women's Resource Center, and the Women of Color Network, Inc. have continued training and technical assistance efforts to State Administrators on the importance of making its funding more accessible to Tribes and Tribal organizations, funding requirements, Tribal sovereignty and Tribal jurisdiction. Additionally, the FVPSA program has taken steps to include language in FVPSA's FY16 funding announcement to States supporting the importance of grant and service accessibility, state planning processes, and coordination efforts. The funding opportunity announcement "Family Violence Prevention and Services Grants to States for Domestic Violence Shelters and Support Services" HHS-2016-ACF-ACYF-FVPS-1115 can be found at [http://www.acf.hhs.gov/grants/open/foa/office/acyf\\_fysb](http://www.acf.hhs.gov/grants/open/foa/office/acyf_fysb)*

**Support a separate, annual, non-competitive funding source specific to AK tribes; current amounts are inadequate. Fund the AK Native Women's Resource Center as a regional domestic violence resource center.**

*By statute, there are three formula or non-competitive grant programs within FVPSA; States, Tribes and State Domestic Violence Coalitions. Additional set-asides would require a statutory change. In support of the additional need in AK, FVPSA's FY17 Presidential Budget request included the need to increase its budget by \$1M to support the AK Native Resource Center as a first step.*

## Appendix C – Analysis of OVW Tribal Grant Programs Funding for FY 2016

At past consultation sessions, tribal leaders have requested that DOJ provide a table showing how funds appropriated for tribal programs are spent by OVW. The table below, along with the list of grant recipients in Appendix D, responds to this request.

	<b>Tribal Governments<sup>1</sup></b>	<b>Tribal Jurisdiction</b>	<b>Tribal Coalitions<sup>2</sup></b>	<b>Tribal Sexual Assault Services<sup>3</sup></b>
<b>FY 2016 Appropriation</b>	\$38,850,000.00	\$2,500,000.00	\$6,739,286.00	\$3,500,000.00
<b>Prior Year Carry Forward &amp; Recoveries<sup>4</sup></b>	\$3,682,139.00	N/A	\$88,601.00	\$700,940.00
<b>Technical Assistance, Peer Review &amp; Evaluation Reduction</b>	-\$2,518,122.00	-\$167,000.00	-\$808,714.00	-\$27,684.00
<b>FY 2016 Rescission<sup>5</sup></b>	-\$3,250,723.00	\$0.00	-\$88,596.00	-\$700,914.00
<b>Salaries &amp; Expenses Reduction<sup>6</sup></b>	-\$1,756,946.00	-\$113,060.00	-\$288,948.00	\$0.00
<b>Amount available for FY 2016 grants</b>	\$34,756,349.00 <sup>7</sup>	\$2,219,940.00	\$5,641,628.00	\$3,472,343.00
<b>Amount awarded in FY 2016</b>	\$34,037,865.00	\$2,219,939.00	\$5,641,616.00	\$3,465,000.00
<b>Remaining balance</b>	\$718,484.00	\$1.00	\$12.00	\$7,343.00

<sup>1</sup> In FY 2016, the Tribal Governments Program was funded through the appropriation for seven other OVW grant programs and did not receive its own appropriation line.

<sup>2</sup> In FY 2016, the Tribal Coalitions Program was funded through the appropriation for the STOP, Improving Criminal Justice System Responses (aka Arrest), and Sexual Assault Services Programs and did not receive its own appropriation line.

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

<sup>4</sup> The Prior Year Carry Forward amount includes both funds that were not obligated in the prior year and funds that were deobligated. Deobligated funds and recoveries are funds that are returned after the end of a grant award for any number of reasons.

<sup>5</sup> The FY 2016 appropriation included a \$15 million rescission of OVW budget authority. This amount was distributed across a number of OVW programs, including the tribal-specific programs.

<sup>6</sup> In FY 2016, OVW did not receive an appropriation for management and administration expenses. As a result, OVW assessed the majority of its grant programs to cover management and administration expenses.

<sup>7</sup> The amount available for FY 2016 awards does not include \$250,000 that was transferred to BJA in order to execute and administer grants under the Comprehensive Tribal Justice System Strategic Planning Purpose Area within CTAS.

## Appendix D – FY 2016 OVW Tribal Grant Awards

Grantee	Award Amount	Solicitation
Alaska Native Women's Resource Center	\$450,000.00	OVW TA FY 2016
Apache Tribe of Oklahoma	\$536,261.00	OVW FY 16 CTAS 5 TGP
Bay Mills Indian Community	\$368,334.00	OVW FY 16 CTAS 5 TGP
Burns Paiute Tribe	\$342,542.00	OVW FY 16 CTAS 5 TGP
Cherokee Nation	\$390,544.00	OVW SAJI FY 2015
Chickasaw Nation	\$900,000.00	OVW FY 16 CTAS 5 TGP
Chippewa Cree Tribe	\$839,451.00	OVW FY 16 CTAS 5 TGP
Choctaw Nation of Oklahoma	\$349,956.00	OVW Housing FY 2016
Citizen Potawatomi Nation	\$899,541.00	OVW FY 16 CTAS 5 TGP
Coalition to Stop Violence Against Native Women	\$336,976.00	OVW Tribal Coal FY16
Coeur D' Alene Tribe	\$900,000.00	OVW FY 16 CTAS 5 TGP
Confederated Salish and Kootenai Tribes	\$450,000.00	OVW FY 16 CTAS 5 TGP
Confederated Tribes and Bands of the Yakama Nation	\$446,445.00	OVW FY 16 CTAS 5 TGP
Confederated Tribes of Siletz Indians	\$346,500.00	OVW TSASP FY 2016
Confederated Tribes of the Chehalis Reservation	\$293,820.00	OVW Tribal Jur FY 16
Confederated Tribes of the Chehalis Reservation	\$445,637.00	OVW FY 16 CTAS 5 TGP
Confederated Tribes of the Grand Ronde Community of Oregon	\$445,044.00	OVW FY 16 CTAS 5 TGP
Confederated Tribes of the Umatilla Indian Reservation	\$662,618.00	OVW FY 16 CTAS 5 TGP
Cowlitz Indian Tribe	\$900,000.00	OVW FY 16 CTAS 5 TGP
Eight Northern Indian Pueblos Council	\$895,562.00	OVW FY 16 CTAS 5 TGP
Eight Northern Indian Pueblos Council, Incorporated	\$348,275.00	OVW Housing FY 2016
Fairbanks Native Association	\$447,344.00	OVW FY 16 CTAS 5 TGP
Fallon Paiute-Shoshone Tribe	\$468,611.00	OVW FY 16 CTAS 5 TGP
First Nations Women's Alliance	\$336,976.00	OVW Tribal Coal FY16
Fort Belknap Indian Community	\$265,632.00	OVW Rural FY 2016
Grand Traverse Band of Ottawa and Chippewa Indians	\$448,511.00	OVW Tribal Jur FY 16
Hannahville Indian Community	\$687,852.00	OVW FY 16 CTAS 5 TGP
Healing Native Hearts Coalition	\$250,000.00	OVW Tribal Coal FY16
Ho-Chunk Nation	\$891,400.00	OVW FY 16 CTAS 5 TGP
Hoonah Indian Association	\$448,749.00	OVW FY 16 CTAS 5 TGP
Hopi Tribe	\$679,065.00	OVW FY 16 CTAS 5 TGP
Hopi-Tewa Women's Coalition to End Abuse	\$336,976.00	OVW Tribal Coal FY16
Houlton Band of Maliseet Indians	\$899,732.00	OVW FY 16 CTAS 5 TGP
Iowa Tribe of Oklahoma	\$898,722.00	OVW FY 16 CTAS 5 TGP
Kaw Nation	\$578,532.00	OVW FY 16 CTAS 5 TGP
Kenaitze Indian Tribe	\$485,000.00	OVW FY 16 CTAS 5 TGP

Kodiak Area Native Association	\$750,000.00	OVW Rural FY 2016
La Jolla Band of Luiseno Indians	\$346,500.00	OVW TSASP FY 2016
Lac Vieux Desert Band of Lake Superior Chippewa Indians	\$455,970.00	OVW FY 16 CTAS 5 TGP
Leech Lake Band of Ojibwe	\$449,138.00	OVW FY 16 CTAS 5 TGP
Little Traverse Bay Bands of Odawa Indians	\$450,000.00	OVW Tribal Jur FY 16
Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians	\$183,104.00	OVW FY 16 CTAS 5 TGP
Mending the Sacred Hoop	\$336,976.00	OVW Tribal Coal FY16
Menominee Indian Tribe of Wisconsin	\$346,500.00	OVW TSASP FY 2016
Minnesota Indian Women's Resource Center	\$276,477.00	OVW SASP CSS FY 2016
Minnesota Indian Women's Sexual Assault Coalition	\$336,976.00	OVW Tribal Coal FY16
Mississippi Band of Choctaw Indians	\$900,000.00	OVW FY 16 CTAS 5 TGP
Montana Native Women's Coalition	\$336,976.00	OVW Tribal Coal FY16
Muckleshoot Indian Tribe	\$300,000.00	OVW Elder FY 2016
National Congress of American Indians Fund	\$799,879.00	OVW TA FY 2016
National Indigenous Women's Resource Center	\$500,000.00	OVW TA FY 2016
Native Alliance Against Violence	\$336,976.00	OVW Tribal Coal FY16
Native Women's Society of the Great Plains	\$336,976.00	OVW Tribal Coal FY16
Nez Perce Tribe	\$319,435.00	OVW Housing FY 2016
Nooksack Indian Tribe	\$599,448.00	OVW Families FY 2016
Northern Cheyenne Tribe	\$485,000.00	OVW FY 16 CTAS 5 TGP
Oneida Tribe of Indians of Wisconsin	\$450,000.00	OVW FY 16 CTAS 5 TGP
Otoe-Missouria Tribe of Indians	\$449,998.00	OVW FY 16 CTAS 5 TGP
Pascua Yaqui Tribe	\$346,500.00	OVW TSASP FY 2016
Pascua Yaqui Tribe	\$450,000.00	OVW FY 16 CTAS 5 TGP
Port Gamble S'Klallam Tribe	\$184,371.00	OVW Tribal Jur FY 16
Prairie Band Potawatomi Nation	\$815,000.00	OVW FY 16 CTAS 5 TGP
Pueblo of Isleta	\$380,937.00	OVW FY 16 CTAS 5 TGP
Pueblo of Laguna	\$68,181.00	OVW FY 16 VAW SAUSA
Quartz Valley Indian Reservation	\$276,709.00	OVW FY 16 CTAS 5 TGP
Red Cliff Band of Lake Superior Chippewa	\$888,331.00	OVW FY 16 CTAS 5 TGP
Red Lake Band of Chippewa Indians	\$883,936.00	OVW FY 16 CTAS 5 TGP
Red Wind Consulting, Incorporated	\$340,000.00	OVW Housing FY 2016
Restoring Ancestral Winds	\$336,976.00	OVW Tribal Coal FY16
Saginaw Chippewa Indian Tribe of Michigan	\$891,055.00	OVW FY 16 CTAS 5 TGP
Santa Clara Pueblo	\$239,074.00	OVW Tribal Jur FY 16
Sault Ste. Marie Tribe of Chippewa Indians	\$346,500.00	OVW TSASP FY 2016
SD Network Against Family Violence & Sexual Assault	\$450,000.00	OVW FY 16 CTAS 5 TGP
Seminole Nation of Oklahoma	\$346,500.00	OVW TSASP FY 2016
Seven Dancers Coalition, Incorporated	\$336,976.00	OVW Tribal Coal FY16
Sisseton Wahpeton Oyate	\$346,500.00	OVW TSASP FY 2016
Southwest Center for Law and Policy	\$450,000.00	OVW TA FY 2016

Southwest Center for Law and Policy	\$500,000.00	OVW NICCSA FY16
Southwest Indigenous Women's Coalition	\$336,976.00	OVW Tribal Coal FY16
Spokane Tribe of Indians	\$450,000.00	OVW FY 16 CTAS 5 TGP
Squaxin Island Tribe	\$697,178.00	OVW FY 16 CTAS 5 TGP
St. Croix Chippewa Indians of Wisconsin	\$450,000.00	OVW FY 16 CTAS 5 TGP
St. Croix Chippewa Indians of Wisconsin	\$346,500.00	OVW TSASP FY 2016
St. Regis Mohawk Tribe	\$899,530.00	OVW FY 16 CTAS 5 TGP
Standing Rock Sioux Tribe	\$79,545.00	OVW FY 16 VAW SAUSA
Standing Rock Sioux Tribe	\$816,260.00	OVW FY 16 CTAS 5 TGP
Stockbridge-Munsee Community	\$372,612.00	OVW FY 16 CTAS 5 TGP
Strong Hearted Native Women's Coalition	\$336,976.00	OVW Tribal Coal FY16
Tohono O'odham Nation	\$900,000.00	OVW FY 16 CTAS 5 TGP
Tolowa Dee-ni' Nation	\$824,043.00	OVW FY 16 CTAS 5 TGP
Tolowa Dee-ni' Nation	\$346,500.00	OVW TSASP FY 2016
Tribal Law and Policy Institute	\$600,000.00	OVW TA FY 2016
Tulalip Tribes of Washington	\$899,654.00	OVW FY 16 CTAS 5 TGP
Tulalip Tribes of Washington	\$419,792.00	OVW Tribal Jur FY 16
Tuolumne Band of Me-Wuk Indians	\$326,021.00	OVW ConsYth FY16
Turtle Mountain Band of Chippewa Indians	\$876,182.00	OVW FY 16 CTAS 5 TGP
Uniting Three Fires Against Violence	\$336,976.00	OVW Tribal Coal FY16
Wabanaki Women's Coalition	\$336,976.00	OVW Tribal Coal FY16
Washington State Native American Coalition Against Domestic Violence	\$336,976.00	OVW Tribal Coal FY16
White Earth Band of Chippewa Indians	\$478,126.00	OVW Rural FY 2016
White Earth Reservation Tribal Council	\$899,599.00	OVW FY 16 CTAS 5 TGP
Wiconi Wawokiya, Incorporated	\$350,000.00	OVW Housing FY 2016
Wiconi Wawokiya, Incorporated	\$600,000.00	OVW FY 16 CTAS 5 TGP
Winnebago Tribe of Nebraska	\$102,272.00	OVW FY 16 VAW SAUSA
Winnebago Tribe of Nebraska	\$50,000.00	OVW FY 16 VAW SAUSA
Yerington Paiute Tribe	\$450,000.00	OVW FY 16 CTAS 5 TGP
Yup'ik Women's Coalition	\$336,976.00	OVW Tribal Coal FY16
Yurok Tribe	\$600,000.00	OVW Families FY 2016
Yurok Tribe	\$586,643.00	OVW FY 16 CTAS 5 TGP
Yurok Tribe	\$346,500.00	OVW TSASP FY 2016
Yurok Tribe	\$184,371.00	OVW Tribal Jur FY 16
<b>\$54,267,667.00</b>		

## Appendix E – Tribal Crime and Justice Research & Evaluation Studies



### **NIJ's Program of Research Examining Violence Against American Indian and Alaska Native Women living in Indian Country and Alaska Native Villages**

Despite compelling indications that rates of violence against American Indian (AI) and Alaska Native (AN) women merit serious attention, there is a dearth of solid, scientific research regarding their victimization experiences. Accurate, comprehensive, and current information on the incidence, prevalence, and nature of intimate partner violence, sexual violence, and stalking in Indian Country and Alaska Native villages is critically needed to improve our understanding of the programmatic, service, and policy needs of victims and to educate and inform policymakers and the public about this pervasive threat to the health and well-being of AI and AN women.

Title IX, Section 904(a) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Pub. Law No. 109-162 (codified at 42 U.S.C. § 3796gg-10 note), as amended by Section 907 of the Violence Against Women Reauthorization Act, Pub. L. No. 113-4, mandates NIJ, in consultation with the U.S. Department of Justice's (USDJO) Office on Violence Against Women (OVW), to conduct analyses and research on violence against Indian women living in Indian country and in Alaska Native villages. In conducting its analyses and research, NIJ has been asked to focus on dating violence, domestic violence, sexual assault, sex trafficking, stalking, and murder. As a result, NIJ has developed a comprehensive research program consisting of multiple projects that will be accomplished over an extended period of time with the primary goal being to document the prevalence and nature of violence against AI and AN women living on sovereign tribal lands. The research program also is designed to evaluate the effectiveness of federal, state, tribal, and local responses to violence against AI and AN women and propose recommendations to improve the effectiveness of such responses.

For more on NIJ's program, see <http://nij.gov/topics/tribal-justice/vaw-research/Pages/welcome.aspx>.

### **NIJ DIRECTED & FUNDED RESEARCH & EVALUATION**

#### ***Violence Against American Indian and Alaska Native Women and Men: 2010 Findings From the National Intimate Partner and Sexual Violence Survey***

This NIJ supported study on the prevalence of violence against AI and AN women and men used a large nationally representative sample from the National Intimate Partner and Sexual Violence Survey (NISVS). NISVS was launched in 2010 by the Center for Disease Control and Prevention's (CDC) National Center for Injury Prevention and Control, with the support from the Department of Defense and NIJ. Dr. André Rosay, former NIJ Visiting Executive Research Fellow, and Director of the Justice Center at the University of Alaska, Anchorage, conducted the analyses for this NIJ study.



Like NISVS, the AI and AN NISVS study was conducted using a random digit dial telephone survey of the noninstitutionalized U.S. population age 18 or older. For this study, the landline phone numbers included were in telephone exchanges associated with at least 50 percent self-identified AI and AN populations, in any of the 50 states and the District of Columbia. The analysis in this report provides information from 2,473 women and 1,505 men who identified themselves as AI and AN (alone or in combination with another racial group). Most women (83 percent) and most men (79 percent) were affiliated or enrolled with a tribe or village. Over half of both women and men (54 percent) had lived within reservation boundaries or in an Alaska Native village in the past year.

The study provides the first set of estimates of sexual violence, physical violence by intimate partners, stalking, and psychological aggression by intimate partners over the lifetime of adult self-identified AI and AN women and men as well as victimization estimates over of the past year (based on 2010 data). It also provides estimates of interracial and intraracial victimizations and briefly examines the impact of violence.

#### Key Findings:

- AI and AN women and men experience high levels of psychological aggression by intimate partners, physical violence by intimate partners, stalking, and sexual violence. More than 4 in 5 have experienced these forms of violence in their lifetimes, and more than 1 in 3 have experienced these forms of violence in the past year.
- The majority of AIs and ANs have been victimized by at least one interracial perpetrator. This result is important because tribes have limited jurisdiction over non-Indian offenders, even when crimes occur in Indian Country.
- Violence also has disproportionate impacts on AI and AN victims. In particular, AI and AN female victims are more likely to be injured and are more likely to need medical care. Unfortunately, they are also less likely to get the services that they need. These results highlight the continuing disparities in health outcomes and access to health care.

Information on available publications and media resulting from this study are provided below.

NIJ Report by André B. Rosay (May 2016) *Violence Against American Indian and Alaska Native Women and Men: Findings from the 2010 National Intimate Partner and Sexual Violence Survey*:  
<https://www.ncjrs.gov/pdffiles1/nij/249736.pdf>.

NIWRC Webinar with André B. Rosay (May 18, 2016) *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey*:  
[http://www.niwrc.org/events?field\\_event\\_type\\_tid=11&field\\_date\\_value%5Bvalue%5D%5Bdate%5D=May+18+2016](http://www.niwrc.org/events?field_event_type_tid=11&field_date_value%5Bvalue%5D%5Bdate%5D=May+18+2016)



NIJ Journal Article by André B. Rosay, Issue 277 (June 17, 2016) *Violence Against American Indian and Alaska Native Women and Men*:  
<http://www.nij.gov/journals/277/Pages/violence-against-american-indians-alaska-natives.aspx>

NIJ Research for the Real World (RFTRW) Seminar (June 23, 2016) Transcripts and Video: <http://www.nij.gov/events/Pages/research-real-world.aspx>

NIJ Five Things About Violence Against American Indian and Alaska Native Women and Men (NCJ 249815, June 23, 2016):  
<https://www.ncjrs.gov/pdffiles1/nij/249815.pdf> or <http://nij.gov/five-things/Pages/violence-against-american-indian-and-alaska-native-women-and-men.aspx>

*Violence Against American Indian and Alaska Native Women and Men*: 6 minute Animated Video: [http://nij.gov/multimedia/Pages/video-violence-against-american-indian-and-alaska-native-women-and-men.aspx?utm\\_source=Eblast-GovDelivery&utm\\_campaign=Multimedia&utm\\_medium=Email&utm\\_content=video-violence-against-american-indian-and-alaska-native-women-and-men-10312016&utm\\_term=VAIW](http://nij.gov/multimedia/Pages/video-violence-against-american-indian-and-alaska-native-women-and-men.aspx?utm_source=Eblast-GovDelivery&utm_campaign=Multimedia&utm_medium=Email&utm_content=video-violence-against-american-indian-and-alaska-native-women-and-men-10312016&utm_term=VAIW)

## NATIONAL BASELINE STUDY

### **PHASE I: *Violence Against Indian Women (VAIW) in Indian Country Pilot Study (2009-2012)***

NIJ directed a research methods pilot study. This study was developed with input from tribal stakeholders to help ensure that NIJ's forthcoming National Baseline Study (NBS) would be viable, culturally and community appropriate, respectful of those involved, and that the information collected would be relevant and helpful. With the approval of tribal leadership, several tribal communities were selected and agreed to pilot test the VAIW survey and methods for selecting and recruiting survey participants. The VAIW pilot study was conducted from November 2011 through March 2012.

### **PHASE II: *National Baseline Study: A Study on Public Health, Wellness, and Safety in Tribal Communities (2014 to 2018)***

The National Baseline Study (NBS) seeks better information on domestic violence, sexual violence, and stalking perpetrated against AI and AN women living on tribal lands and in Alaska Native communities. Under the direction of NIJ, the National Baseline Study Research Contractor<sup>1</sup> (NBSRC) and the National Baseline Study Data Center Contractor<sup>2</sup> (NBSDCC) have implemented a study of public health, wellness, and safety among AI and AN women living in

<sup>1</sup> Awarded to American Indian Development Associates, LLC; Contract No. DJO-NIJ-14-D-0071.

<sup>2</sup> Awarded to Research Triangle Institute (RTI) International; Contract No. GS-10F-0097L DJO-NIJ-14-G-0081.



tribal communities consistent with the general approach and methods developed for the NIJ VAIW pilot study.

The NBS was officially implemented in May of 2014. This multi-year study will be conducted in geographically dispersed tribal communities across the U.S. (lower 48 and Alaska) using a NIJ-developed sampling strategy for which the primary aim is to provide an accurate *national* victimization rate of violence committed against AI and AN women. The multistage sampling plan provides a practical and accurate approach that will involve enlisting the largest number of federally recognized tribes ever undertaken to date [providing for at least one tribe in each Indian Health Service (IHS) region and sampling proportional to size within region] and randomly selecting tribal households from each participating tribe in which all adult AI and AN women (i.e., 18 years and older) in the household will be approached to participate in the study.

Contrary to the NIJ NISVS study, the NBS is solely focused on AI and AN women who live in tribal communities. The questions in the NBS data collection instrument are very similar to those used in the NIJ NISVS study in that they are very detailed and behaviorally specific. However, the NBS study will capture significantly more information. It will capture more information that has direct implications for women living in tribal communities (i.e., health, wellness, support services, perceptions of public safety, and opinions on law enforcement response). The NBS instrument was also designed to help address gaps not only in health and legal services and outcomes, but also in criminal jurisdiction, particularly for victims living on tribal lands. The information from this study is expected to inform prevention and intervention efforts focused on all AI and AN people keeping in mind that such efforts must be tailored to meet the specific needs arising from the different types of victimization experienced.

At this time, all randomly selected tribal sites have been contacted with follow-up visits conducted with the tribal government and program staff for in-person government-to-government engagement. The research team is paying close attention and adhering to the governance protocols of each tribal community, ensuring tribal resolutions or executive orders are obtained, tribal Institutional Review Board applications are submitted and approved, and participatory agreements are attained from all appropriate tribal authorities. Once again, this process is designed to honor tribal sovereignty and NIJ's commitment to community-based research principals.

## **NIJ INTRAMURAL RESEARCH**

### ***FBI's Response to Violence Against Women in Indian Country in Fiscal Year 2008: A Case File Review (2009 to 2013)***

NIJ and the FBI's Indian Country Crimes Unit (ICCU) partnered to examine the FBI's response to violence against women in Indian Country. NIJ and the FBI were interested in obtaining baseline statistics about the:

- Number of cases opened, pending, and closed in Fiscal Year (FY) 2008 in Indian Country.
- Percentage and nature of those cases that involve a form of violence against adult Native American women.
- Responses and strategies used by the FBI to investigate these cases.



This study examined all death investigation, domestic violence, rape, and assault cases perpetrated by a current or former intimate partner against an adult AI or AN female victim. The analysis was restricted to case files that included violent crimes that were committed against AI and AN female victims (age 18 or older) opened between October 1, 2007 and September 30, 2008. In this study, the research team recorded information on final case dispositions based on the documentation in each FBI case file. That is, outcomes were based on the information on USAO's actions as documented in the FBI case file.

In FY 2008, the FBI opened a total 1,556 violent crime cases in Indian Country. Almost one-fifth of these cases were death investigations (including homicides), rape cases, domestic violence, or intimate partner-perpetrated assault cases that included adult female victims. Among these cases with adult AI and AN female victims, there were 37 death investigations, 133 rape cases, 23 domestic violence cases, and 59 intimate partner perpetrated assault cases. The Minneapolis, Phoenix, and Salt Lake City divisions opened the majority of cases included in this study. The higher relative proportion of cases in these three divisions was primarily due to the amount of Indian Country land covered by those divisions and not necessarily due to higher crime rates per capita.

Some of the most interesting findings of this project run contrary to prevailing beliefs about the nature of violent crime in Indian Country. The select findings described below are based on violent crime investigations opened by the FBI during calendar year 2008, but previous work by the FBI's ICCU indicates a high degree of stability in Indian Country investigations over time. These findings were drawn from the subset of offenses that were initially reported to law enforcement by victims or a third-party, and were also then referred to the FBI for investigation.<sup>3</sup>

- The majority of deaths investigated in 2008 by the FBI in Indian Country were found to be non-criminal matters (i.e., not homicide).
- The majority of violent crimes investigated by the FBI in Indian Country in 2008 were perpetrated by men against men.
- The majority of crimes of violence against women investigated by the FBI in Indian Country in 2008 were perpetrated by Native Americans against Native Americans.
- The majority of sex offenses investigated in 2008 by the FBI in Indian Country are perpetrated against children.

An additional benefit of this research was the level of context the findings provided regarding the challenges in investigating and prosecuting these cases. The results of this study represent the first long term, in-depth look across cases, which was used to inform the current state of knowledge as well as advance future research efforts to better understand violence against women in Indian Country.

---

<sup>3</sup> These findings cannot be generalized to all Indian Country violent crimes; they apply only to those crimes reported to and investigated by the FBI.



## ***Federal and Tribal Response to Violence Against Women in Indian Country Study (2012 to 2013)***

NIJ collected detailed information on federal and tribal responses to sexual violence, intimate partner violence, and stalking of AI and AN women living in tribal communities. The study involved several complementary data collection activities, including face-to-face interviews with federal and tribal agency representatives responsible for investigating and prosecuting these crimes — including tribal law enforcement officers and prosecutors; FBI special agents and victim specialists; members of the U.S. Attorney's Office (USAO) including tribal liaisons and victim/witness staff; and Bureau of Indian Affairs agents, criminal investigators, and victim specialists — and documenting district policies, training, and outreach efforts.

### **Select Findings (non-PL 280 states)**

#### *Interagency communication and collaboration*

- Personal relationships of employees across agencies impact frequency and value of communication about cases.
- Study participants indicated they tend to have quicker and more frequent contact with staff if they have a good personal relationship with the individual.
- These relationships have important implications for case processing and outcomes (i.e., communication affects how or when a case is resolved).
- There is great deal of confusion regarding roles and expectations; some staff said they have no communication with some agencies despite their attempts to establish a working relationship.
- The establishment of Memorandum of Understandings may assist with the delineation of responsibility amongst federal and tribal agencies but few exist.

#### *Underreporting of crimes against women in Indian Country*

- There was a consistent belief that these crimes are underreported.
- Community members have a lack of trust in the criminal justice and tribal justice systems and think they have nowhere to turn if they are a victim of crime, or that nothing will be done if they report a crime.
- Heavy caseloads and low numbers of staff lead to slow response times.
- There is divergence between federal and tribal agencies regarding efforts to increase reporting or awareness of crimes against women in their jurisdictions—tribal respondents were more likely to report involvement in such efforts.

#### *Declinations*

- Quality of the investigation and documentation by law enforcement affects the quality of cases sent to Assistant U.S. Attorneys (AUSA).
- Frequency of declinations appears to be AUSA-dependent; cases are typically declined due to lack of evidence.
- Reducing declinations would require an effort to improve the quality of both law enforcement and prosecution staff who are dedicated to their positions in Indian Country, as well as increasing training for law enforcement on how to properly document their investigation.

#### *Training*

- There is an overall perception that training opportunities are limited.



- Training should be focused on the topics of jurisdiction, evidence collection and processing, report writing, self-care/vicarious trauma, interviewing and interrogation, and Native American culture.

### ***State and Tribal Response to Violence Against Women in Indian Country Study (2013 to 2014)***

This study investigated the state response, in part, by interviewing tribal law enforcement, prosecutors, and victim advocates as well as state law enforcement, prosecutors, and victim services staff in Public Law 280 states. The purpose of these interviews were to obtain information about their experiences responding to crimes committed against Indian women, what is going well, what could be improved, and to learn about any promising practices in the field. This study used similar methods and instruments used in the *Federal and Tribal Response Study*.

#### **Select Findings (PL 280 states)**

##### *Underreporting of crimes against women in Indian Country*

- Most study participants said these crimes are underreported; however, it is not a problem exclusive to Indian Country, but exacerbated due to fear of retaliation, sense of shame, victim's continued involvement with alleged perpetrator, and desire to keep the matter within the community.
- Another reason for low reporting rates include slow response time (rural locations; travel time; weather conditions) and a lack of confidence in law enforcement.
- Reporting may increase if tribal communities had a relationship and regular interaction with law enforcement officers that respond to crimes in their area.

##### *Declinations*

- Most study participants stated they do not feel prosecutors unfairly or disproportionately decline cases involving crimes against women in Indian Country.
- Cases are typically declined due to a lack of evidence and lack of victim participation in the case's investigation and/or prosecution.
- It was suggested more thorough investigations and reports from law enforcement may help reduce declinations.

##### *Training*

- Amount and frequency of training was dependent on the state and the respondent's position.
- New prosecutors received the least amount of training.
- Participants indicated training should be focused on the topics of evidence collection, domestic violence and sexual assault, report writing, self-care and preventing burnout, Public Law 280, and Native American culture. Moreover, trainings should be tailored to the person's role (patrol officers vs. investigators).

##### *Resource Needs*

- More staff with a desire to work in Indian Country is needed at all levels.
- More victim services are need and should be located on or near reservations.



- More cross-deputization of tribal police should occur to increase police coverage and provide better services on tribal lands.
- Rural law enforcement stations should be established.
- Law enforcement and victim service providers discussed problems associated with relying on grant funding to fund positions, programs, and initiatives that do not have short and long-term sustainability other than federal funding.

## **NIJ FUNDED INVESTIGATOR-INITIATED TRIBAL RESEARCH & EVALUATION**

### ***The Oklahoma Lethality Assessment Program: An Experimental Study (2008-2014)***

The purpose of this quasi-experimental research was to examine the effectiveness of the Lethality Assessment Program (LAP). The LAP is a collaborative intervention between police and advocates implemented at the scene of a domestic violence incident consisting of two steps. First, a police officer responding to the scene of a domestic violence incident uses a brief 11-item risk assessment (the Lethality Screen) to identify victims at high risk of homicide. Second, women that screen in as high risk based on the Lethality Screen are put in immediate telephone contact with a collaborating social service provider who provides them with advocacy, safety planning, and referral for services.

While additional research needs to be conducted, the LAP study demonstrates promise as an evidence informed collaborative police-social service intervention that increases survivors' safety and empowers them toward decisions of self-care. The research team has presented findings and the implications for Native American victims of intimate partner violence based on a subsample of American Indian women who participated in the Oklahoma study. They also described how the Domestic Violence Risk Assessment, including the Danger Assessment Circle, were created specifically for indigenous women. For a copy of the research technical report, please go to the National Criminal Justice Reference Service (NCJRS) website and search for [NCJ 247456](#) for copies of presentations on this study go to <http://www.tribal-institute.org/2014/agenda.htm>.

### ***Process Evaluation of the Attorney General's Children Exposed to Violence Demonstration Program: Defending Childhood Initiative (2010-2015)***

Building on lessons learned from previously funded research and programs such as Safe Start, the Child Development-Community Policing Program, and the Greenbook Initiative, Defending Childhood leverages existing resources across the USDOJ to focus on preventing, addressing, reducing, and more fully understanding childhood exposure to violence. In 2010, USDOJ awarded grants to eight sites in cities and two tribal communities around the country to develop strategic plans for comprehensive community-based efforts that would further demonstrate the goals of this initiative. Researchers from the Center for Court Innovation worked with two Native American communities (i.e., the Rosebud Sioux and the Chippewa Cree/Rocky Boy Tribes) as part of the Attorney General's Defending Childhood Initiative. These process evaluations allowed the research team to provide a rich account of what each local site's initiative looked like.



The final reports provide recommendations for other Native American communities looking to prevent, treat, and raise awareness about children's exposure to violence. For a copy of these research technical reports, please go to the NCJRS website and search for NCJ [248933](#) and NCJ [248932](#).

***An Innovative Response to an Intractable Problem: Using Village Public Safety Officers to Enhance the Criminal Justice Response to Violence Committed Against Indian Women in Alaska's Tribal Communities (2013-2017)***

The purpose of the study is to contribute directly to NIJ's efforts to evaluate state and tribal responses to violence against Indian women in tribal communities. Using detailed case file reviews and focus group discussions with Village Public Safety Officers (VPSO) in Alaska, as well as community and criminal justice stakeholders, this project will examine the contributions VPSOs make to the community and criminal justice responses to violence committed against Indian women in Alaska's tribal communities. Specific attention will be paid to the impact VPSOs have on the investigation of domestic violence, sexual assault, sexual abuse of a minor, and homicide cases, as well as the extent to which VPSOs facilitate the prosecution of those who commit violence against Indian women in Alaska's tribal communities. The overarching goal of the proposed project is to evaluate and document empirically the impact Alaska's VPSO initiative is having on the investigation and prosecution of those who commit acts of sexual and domestic violence, as well as homicide, against Indian women in Alaska's tribal communities. Finally, this research will assess the potential transferability of the VPSO model to other tribal communities in the lower 48.

For the 2008-2011 study period, information pertaining to the case processing (investigation and prosecution) of an estimated 800 domestic violence, 750 sexual assault, 670 sexual abuse of a minor, and 25 homicide case files were coded and analyzed. Case file coding included the characteristics of suspects, victims, witnesses/third parties, as well as investigating officers. Focus groups were conducted with groups of 10-20 individuals in six research sites, as well as with small groups (8-10 individuals) of VPSOs, VPSO Coordinators, Alaska State Trooper (AST) Oversight Staff, and state prosecutors.

Upon study completion, presentations, reports, and recommendations will be submitted to key stakeholders that will highlight the implications of the study's findings for criminal justice practice and policy. The Principle Investigator is currently drafting three manuscripts that focus on 1) police referral decisions in sexual assault and sexual abuse of minor cases; 2) prosecutorial decision points – primarily focused on the decision to accept sexual assault/sexual abuse of a minor case that were referred by Alaska Troopers; and 3) prosecutorial decisions/outcomes in domestic violence assault cases.



***Exploratory Research on the Impact of the Growing Oil Industry in North Dakota and Montana on Domestic Violence, Dating Violence, Sexual Assault, and Stalking (2014-2016)***

The purpose of this study was to examine the impact of the Bakken oil development on domestic violence, dating violence, sexual assault, and stalking. Specifically, the impact of increased interpersonal violence, or perceptions of an increase, were studied.

The following research questions were examined. How extensive is the increase in domestic violence, dating violence, sexual assault, and stalking? Is it uniform across the region? Are changes commensurate with population growth? What are the characteristics of victims and offenders? How have these changes impacted the lives of individuals and the communities in which they reside? What policies have been effective to address interpersonal violence in the oil patch?

Informed by a preliminary study of this topic by the Principal and Co-Principal Investigators, the research team from the University of North Dakota implemented a multidisciplinary, mixed-method exploratory study. The quantitative component included a trend analysis of secondary data from 2002-2014 on the incidence and distribution of these interpersonal crimes in 33 oil-impacted counties and two reservations in North Dakota (ND) and Montana (MT), including geo-mapping. This analysis also includes t-test comparisons with non-impacted counties to determine if changes are unique to oil boom communities. The support of several local and state agency directors to gather supplementary secondary data were secured and data gathered. Established laws and policies have also been examined from a victim-based policy perspective.

The qualitative component of this study includes 13 focus groups with elected officials, attorneys and law enforcement; victim service providers; health and human service workers; community members; and tribal members in oil-impacted communities. In addition, more than 119 qualitative interviews with key informants including victims, community members, first-responders, clergy, law enforcement, hospital personnel, social service workers, school principals, victim service providers, local and state attorneys, elected officials, and oil industry leaders have been conducted.

Study results showed significant increases of sexually-based crime in oil-impacted communities. Study findings also showed a rise in crime during the peak of the oil boom period (2008-2012) that seriously strained regional-community infrastructures (e.g., lack of needed personnel, affordable housing, and social and behavioral services). The research team is currently disseminating results to tribal, local, state, and federal stakeholders. Presentations are also scheduled for academic and tribal conferences (e.g., 15<sup>th</sup> National Indian Nations Conference). The study's executive summary has been sent to NCJRS for archiving and the research team is drafting several manuscripts for publication. It is anticipated that this empirical research will help government officials and policymakers, legal and criminal justice officials, oil industry executives, and health and human service professionals develop policies and best practices to address interpersonal violence in the oil patch.



### ***Effective Methods to Assess Exposure to Violence and Victimization among American Indian and Alaska Native Youth (2015-2017)***

There has never been a national study of tribal youth regarding their victimization experiences that provides reliable, valid estimates of the scope of the problem. As a result, the incidence, prevalence, and nature of victimization experienced by AI and AN youth living in tribal communities is unknown. NIJ, in partnership with the Office of Juvenile Justice and Delinquency Prevention and the Office for Victims of Crime, has funded a 36-month study intended to improve the health and well-being of AI and AN youth by developing and testing a survey instrument and modes of administration that can effectively assess exposure to violence and victimization and to determine the feasibility of using these procedures in tribal communities and settings (e.g., boarding schools).

The target sample is tribal youth 12 to 20 years of age. The goal for the instrument is to be comprehensive and include measures of exposure to abuse, neglect, sexual offenses, property crimes, hate crimes, bullying, peer and school assault, and exposure to domestic and community violence. Cognitive testing will be conducted in four tribal communities (one in Alaska and three in the lower 48). The pilot test involves the use of at least two but no more than three different administration modes (e.g., face-to-face interviews, self-administered questionnaire in paper and pencil format, audio computer assisted self-administered interviews, computer assisted telephone interviews). Among the key outcomes that will be examined are the response and refusal rates, missing data, interview length, willingness to disclose sensitive information, respondent comfort, cost, the ability to provide assistance to respondents, and the ease and adequacy of the human subjects' protocol.

### ***Process Evaluation of the Office for Victims of Crime Vision 21: Linking Systems of Care for Children and Youth State Demonstration Project (2015-2018)***

The profound impact of child victimization provides compelling evidence of the need for a collaborative and multi-system response to identify and serve children and youth victims. In response to this challenge, OVC created a demonstration grant program called *Vision 21: Linking Systems of Care for Children and Youth* (V21-SOC) to address these needs using a systems of care (SOC) approach. V21-SOC awarded grants for statewide implementation. In partnership with OVC, NIJ funded this study that involves the collection of data from project participants, service providers, client services and other agency records, and child victims and/or their families. One of the grantees is working with several tribal communities within their state.

Ultimately, it is anticipated that this study will assist policymakers in understanding how systems of care principles can be adopted to meet the needs of children and youth victims; increase the capacity of grantees to effectively serve child victims and develop sustainable partnerships; provide lessons learned to other communities interested in using systems of care to address child victimization; and inform a future impact evaluation.



***Sex Trafficking in Indian Country: Community-Based Participatory Needs Assessments with American Indian and Alaska Native Communities (2017-2018)***

Despite a growing awareness about sex trafficking in the U.S. and abroad, very little is known about the sex trafficking of AI and AN women and youth on and off tribal lands. While researchers have expressed a strong interest in studying sex trafficking in Indian Country, tribal communities have been vocal about their displeasure with research that fails to address their priorities. Tribal leaders have specifically requested sex trafficking needs assessments as a way to gather information their communities can use to address sex trafficking with policies and practices that truly respond to tribal priorities and concerns.

This community-based participatory research will provide five individualized needs assessments to participating tribal communities located across the U.S. The research team will interview tribal stakeholders on five reservations; hold five listening sessions hosted by tribal coalitions; hold listening sessions with urban-based AI and AN organizations in six cities; interview non-tribal law enforcement stakeholders in five counties; and interview non-tribal victim service providers in five counties that are proximal to reservations. Needs assessments will be provided to each of the participating tribal agencies. An aggregate report will also be disseminated widely with critical information for tribal leaders, policymakers, service providers, and justice stakeholders about the ways in which sex trafficking manifests itself in tribal communities; identify obstacles and barriers that might hinder the justice process; and offer recommendations to enhance service receipt for survivors.

---

Any questions about NIJ's tribal research or any of the studies described above should be directed to:

Christine Crossland, Senior Social Science Analyst  
U.S. Department of Justice | National Institute of Justice  
Office of Research and Evaluation | Violence & Victimization Research Division  
810 Seventh Street, NW, Office 6135  
Washington, D.C. 20531 (Overnight 20001)  
Tel. 202.616.5166 | Mobile 202.532.3436  
Email: [Christine.Crossland@usdoj.gov](mailto:Christine.Crossland@usdoj.gov)  
Agency website: <http://nij.gov/>  
Agency tribal website: <http://nij.gov/topics/tribal-justice/welcome.htm>  
Agency program website: <http://www.nij.gov/topics/tribal-justice/vaw-research/welcome.htm>