



United States Department of Justice

## Office on Violence Against Women

*Working Together to End the Violence*

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

*prepared for*

**Department of Justice Annual Government-to-Government  
Violence Against Women Tribal Consultation  
Four Online Sessions  
October 27-30, 2020, 1 pm ET**

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## Introduction

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

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

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

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

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

## **Part One: Detailed Responses to Selected 2019 Recommendations**

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

### ***Improved Responses to Missing or Murdered AI/AN Women***

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

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

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

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

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

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

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

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

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

Ongoing specific projects of the Task Force include:

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

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

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

### ***Tribal Access to Federal Crime Information Databases***

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

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

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

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

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

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

### ***Tribal Victim Services Set-Aside Formula Program***

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

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

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

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

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

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

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

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

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

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

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

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

### ***State Consultation and Coordination with Tribes***

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

**Response:** The requirement for states to consult<sup>2</sup> with all state and federally recognized tribes is part of the state implementation planning process under the STOP Program. Implementation plans are due from states every four years. The next implementation plan due date will be in FY 2022. Implementation plans must include an explanation of the state's efforts to reach tribes, including the outcome of such efforts. The STOP Program statute, however, does not require states to certify that all tribes in the state have participated in the planning process, nor does it require tribes to participate. If OVW finds a state's efforts to reach tribes to be insufficient, OVW will delay approval of the plan and access to funds until the state addresses these concerns.

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

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

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

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

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

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

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

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

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

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

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

#### **Tribal Governments Program**

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

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

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

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

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

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

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

#### Alaska TGP Project Implementation Workshop

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

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

#### Tribal Jurisdiction Program

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

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

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

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

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

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

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

#### TSASP

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

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

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

#### Tribal Coalitions Program

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

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

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

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

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

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

**NIJ Program of Research**

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

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

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

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

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

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

#### Federal Advisory Task Force

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



**FYSB** Family & Youth  
Services Bureau

## **Family Violence Prevention & Services Program**

### **FVPSA FY 2020 Funding and Program Highlights**

#### **FVPSA Funding for Tribes and Tribal Organizations**

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

#### **FVPSA CARES Act Supplemental Funding Summary**

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

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

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

### **FVPSA Formula Grants for Tribes**

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

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

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

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

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

#### **FVPSA Formula Funding Opportunity Announcement**

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

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

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

#### **New FVPSA Funding Opportunity Announcement (FOA)**

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

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

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

### **FVPSA Discretionary Grants**

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

- **Cook Inlet Tribal Council, Inc. (CITCI) (\$538,646)** – Through a critical alignment of community partners, CITCI's Flourishing Families Tribal TANF Project, including the tribal social services provider administering Tribal Temporary Assistance for Needy Families (TANF) benefits in the Anchorage area; Anchorage Community Mental Health Services (ACMHS); and Abused Women's Aid in Crisis (AWAIC), CITCI co-locates and streamlines screenings, referrals, case management, and prevention advocacy services, and culturally appropriate, trauma-informed mental health treatment for abused parents and children and youth exposed to family violence at CITCI's Nat'uh Social Services Center. This enhancement project expands the reach of CITCI's Flourishing Child Program, which has been in operation since 2011 and will continue to serve families after the end of the SSAPC demonstration grant project on September 29, 2020.
- **Cohort II** – In FY 2020, twenty-six (26) new SSAPC grants will be awarded for a 2-year performance period. Additional information about this grant program can be found in the funding opportunity announcement: [https://ami.grantsolutions.gov/files/HHS-2020-ACF-ACYF-EV-1812\\_1.pdf](https://ami.grantsolutions.gov/files/HHS-2020-ACF-ACYF-EV-1812_1.pdf). Two of those grants will be awarded to Native-specific programs beginning September 30, 2020:
  - ***Choctaw Nation of Oklahoma (\$301,538)***
  - ***Red Cliff Band of Lake Superior Chippewa Indians (\$301,538)***

### **FVPSA Helpline**

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

- Due to the impact of the COVID-19 public health emergency all StrongHearts staff and helpline advocates transitioned to work-from-home status in March 2020, and will continue to do so at least through January 2021 unless there are significant changes or improvement in current conditions in Minnesota related to the pandemic.
- CARES Act funding expanded StrongHeart's capacity to meet the needs of victims/survivors through enhancements in technology to support remote advocacy and new advocates; program funds are being used to:
  - Redesign the website, [strongheartshelpline.org](http://strongheartshelpline.org), to enhance performance, streamline the user experience and expand website content to focus on resources for those who do not call the helpline.

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

### **FVPSA 2020 Tribal Peer to Peer Meeting**

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

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

### **FVPSA 2021 Tribal Consultation**

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

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

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

**Background Information:**

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

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

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

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

### **FVPSA Leadership and Staffing Update**

|   |   |
|---|---|
| <p style="text-align: center;">Kenya Fairley<br/>Acting Formula Team Manager<br/>(202) 690-6898<br/><a href="mailto:Kenya.Fairley@acf.hhs.gov">Kenya.Fairley@acf.hhs.gov</a></p>  |   |
| <p>Kimberly Feeney – Senior Program Specialist<br/>202-358-3245<br/><a href="mailto:Kimberly.Feeney@acf.hhs.gov">Kimberly.Feeney@acf.hhs.gov</a></p> <ul style="list-style-type: none"><li>• States and Coalitions in Regions 6, 7 &amp; 8<ul style="list-style-type: none"><li>• Tribes in Regions 7 &amp; 8</li></ul></li></ul> | <p>Shena Williams – Senior Program Specialist<br/>202-205-5932<br/><a href="mailto:Shena.Williams@acf.hhs.gov">Shena.Williams@acf.hhs.gov</a></p> <ul style="list-style-type: none"><li>• States and Coalitions in Regions 9 &amp; 10<ul style="list-style-type: none"><li>• Alaska Tribes Only</li></ul></li></ul> |
| <p>Brian Pinero – Program Specialist<br/>202-401-5524<br/><a href="mailto:Brian.Pinero@acf.hhs.gov">Brian.Pinero@acf.hhs.gov</a></p> <ul style="list-style-type: none"><li>• States &amp; Coalitions in Regions 1, 2, 3, 4, &amp; 5</li></ul>   | <p>Betty Johnson – Program Specialist<br/>202-205-4866<br/><a href="mailto:Betty.Johnson@acf.hhs.gov">Betty.Johnson@acf.hhs.gov</a></p> <ul style="list-style-type: none"><li>• Tribes in Region 1, 2, 3, 4, 5, 6, 9 &amp; 10</li></ul>   |

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



## Indian Health Service Forensic Healthcare Services

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### What is Forensic Healthcare?

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

### Training

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

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

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

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

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

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

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

## Policies

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

- IHM, Part 3, Chapter 20 “Protecting Children from Sexual Abuse by Health Care Providers” – released February of 2019. Provides additional guidance related to professional standard expectations, process for reporting of child abuse by all staff, required annual training, and role responsibility related to oversight of policy implementation.
- IHM, Part 3, Chapter 29 “Sexual Assault” – released March 2011, and updated in February of 2018. Directs IHS-operated facilities to provide access to a medical forensic exams on-site, by referral, or a combination of both, to patients age 18 and older who present for sexual assault. Patients who are referred elsewhere must be transported within a two hour drive time of the victim’s originating medical facility.
- IHM, Part 5, Chapter 27 “Responding to Requests for IHS Employee’s Testimony or IHS Documents in Proceedings where the United States is not a Party” – released October 2015. Establishes policy for responding to subpoenas or requests for testimony following the Tribal Law and Order Act (TLOA) of 2010.
- IHM, Part 3, Chapter 31 “Intimate Partner Violence” – released October 2016. Directs IHS-operated facilities to provide access to medical forensic exams in cases of intimate partner violence without a sexual assault component. In recognition of the frequency of intimate partner

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

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

### Domestic Violence Prevention Program

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

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

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

### Contact Information

For more information, contact:

Erica Gourneau, BSN, RN, SANE-A IHS National Forensic Nurse Coordinator Email:  
[Erica.gourneau@ihs.gov](mailto:Erica.gourneau@ihs.gov)

## **Appendix B – Brief Responses to 2019 Recommendations**

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

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

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

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

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

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

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

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

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

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

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

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

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

|  | Tribal Governments<br>(TGP) <sup>1</sup> | Tribal Jurisdiction | Tribal Coalitions <sup>2</sup> | Tribal Sexual Assault Services<br>(TSASP) <sup>3</sup> |
|--|--|---------------------|--------------------------------|--|
| <b>FY 2020 Appropriation</b>   | \$40,920,000                             | \$4,000,000         | \$6,869,286                    | \$3,800,000  |
| <b>Prior Year Carry Forward &amp; Recoveries<sup>4</sup></b>   | \$6,728,804                              | \$11,074            | \$449,740                      | \$1,050,000  |
| <i>Technical Assistance, Peer Review &amp; Evaluation Reduction &amp; Special Projects<sup>5</sup></i> | -\$3,045,278 <sup>6</sup>                | -\$408,887          | -\$250,000                     | -\$137,374   |
| <b>FY 2020 Rescission<sup>7</sup></b>  | \$0                                      | \$0                 | \$0                            | \$0  |
| <i>Salaries &amp; Expenses Reduction<sup>8</sup></i>   | -\$2,213,772                             | -\$216,400          | -\$350,334                     | \$0  |
| <b>Amount available for FY 2020 grants</b>   | \$42,389,754                             | \$3,385,787         | \$6,718,692                    | \$4,712,626  |
| <b>Estimated amount to be awarded in FY 2020</b>   | \$39,070,734                             | \$3,266,458         | \$6,718,685                    | \$2,662,939  |
| <b>Remaining balance (TGP &amp; TSASP balances may be used early in FY 2021)</b>                       | \$3,319,020                              | \$119,329           | \$7                            | \$2,049,687  |

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

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

<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. Recoveries/deobligated funds are funds that are returned after the end of a grant award for any number of reasons. Recoveries are as of February 29, 2020, except that TGP recoveries are as of June 30, 2020.

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

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

<sup>7</sup> OVW had no rescission for FY 2020.

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

## Appendix C – FY 2019 OVW Tribal Grant Awards

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

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

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