U.S. DEPARTMENT OF JUSTICE

# OFFICE ON VIOLENCE AGAINST WOMEN

## 2016 TRIBAL CONSULTATION REPORT

Working Together to End Violence

# U.S. Department of Justice
# Office on Violence Against Women

# 2016 Tribal Consultation Report

Palm Springs, CA
December 6, 2016

## Acronyms and Definitions

| Acronym | Definition |
|---|---|
| **ANCSA** | Alaska Native Claims Settlement Act |
| **BIA** | Bureau of Indian Affairs |
| **CJIS** | Criminal Justice Information Services |
| **COPS** | Community Oriented Policing Services |
| **CTAS** | Coordinated Tribal Assistance Solicitation – launched by DOJ in 2010, CTAS combines many justice funding areas under one application |
| **DOJ** | Department of Justice |
| **FBI** | Federal Bureau of Investigation |
| **FVPSA** | Family Violence Prevention and Services Act |
| **IHS** | Indian Health Service |
| **ITWG** | Intertribal Technical Assistance Work Group |
| **NCAI** | National Congress of American Indians |
| **NCIC** | National Crime Information Center |
| **OVC** | Office for Victims of Crime |
| **OVW** | Office on Violence Against Women |
| **SAFESTAR** | Sexual Assault Forensic Examination Services Training Advocacy and Resources – a DOJ-funded program that trains Native women to provide sexual assault care and advocacy in their communities |
| **SANE** | Sexual assault nurse examiner – a registered nurse trained in medical forensic care of patients who have experienced sexual abuse |
| **SART** | Sexual assault response team – a community-based team trained to response to the needs of sexual assault victims |
| **SAUSA** | Special Assistant United States Attorney |
| **SDVCJ** | Special Domestic Violence Criminal Jurisdiction |
| **SORNA** | Sex Offender Registration and Notification Act |
| **STOP** | Services, Training, Officers, Prosecutors – STOP Violence Against Women formula grants are awarded by DOJ to states and territories to strengthen the legal response to violence against women |
| **TANF** | Temporary Aid to Needy Families |
| **TAP** | DOJ's Tribal Access Program for National Crime Information |
| **TLOA** | Tribal Law and Order Act |
| **VAWA** | Violence Against Women Act |
| **VOCA** | Victims of Crime Act |
| **VPSO** | Village Public Safety Officers |

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# Introduction and Background

In 1994, the Violence Against Women Act (VAWA) laid the groundwork for the federal government's response to violence against women, and the Act has evolved through reauthorizations in 2000, 2005, and 2013. Since 2005, VAWA has authorized programs and funds to support justice and safety efforts in tribal communities for American Indian and Alaska Native women. In conjunction with these tribal programs, VAWA mandates that the Attorney General conduct annual consultations with Indian tribal governments about the administration of VAWA's tribal funds and programs. The Attorney General and other federal partners are directed to solicit recommendations from tribes on:

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

Testimony from tribal leaders and other representatives summarized in this report was given at the 2016 annual consultation event hosted by the U.S. Department of Justice (DOJ) pursuant to this legislation.

# Government-to-Government Consultation Event

The Eleventh Annual Government-to-Government Violence Against Women Consultation was held Tuesday, December 6, 2016, at the Agua Caliente Band of Cahuilla Indians Reservation in Palm Springs, CA. The consultation was scheduled in conjunction with the National Indian Nations Conference: Justice for Victims of Crime, held on December 8 through 10, 2016, at the same location. The National Indian Nations Conference is sponsored by the DOJ Office of Justice Programs' Office for Victims of Crime and focuses on responding to crime victims in Indian Country.

## Welcome and Introductory Activities

On December 6, the annual consultation opened when Lorraine Edmo (Shoshone-Bannock), Deputy Director for Tribal Affairs in the Office on Violence Against Women (OVW) welcomed the assembled attendees. The San Manuel Band of Mission Indians color guard, staffed by Corporal Erika Coil Prado, set the colors. Pastor Walter Holmes of the Morongo Bird Singers provided a traditional opening, and Councilman Anthony Andreas, Agua Caliente Band tribal council member, and a group of singers offered several traditional bird songs.

The Shawl Ceremony was presented by Juana Majel-Dixon (Pauma Band of Luiseño Indians) and Germaine Omish-Lucero (Rincon Band of Luiseño Indians). Ms. Majel-Dixon is the president of the board of directors of the Strong Hearted Native Women's Coalition, Inc., and Ms. Omish-Lucero is the executive director. Ms. Majel-Dixon presented a song while board members and coalition members of the Strong Hearted Native Women's Coalition placed the shawls. Shawls were placed on six empty chairs at the center of the room to represent victims of domestic violence, sexual assault, dating violence, stalking, trafficking, and women who are murdered or missing.

## Welcoming Remarks

Ms. Edmo welcomed a tribal representative to give opening remarks.

*Mary L. Resvaloso, Chairwoman of Torres-Martinez Desert Cahuilla Indians*

Chairwoman Resvaloso welcomed the group to the lands of Cahuilla County on behalf of the Torres-Martinez Desert Cahuilla Band of Indians, and recognized the other bands in the area: the Agua Caliente Band of Cahuilla Indians, the Cabazon Band of Mission Indians, the Augustine Band of Cahuilla Indians, and the Twenty-Nine Palms Band of Mission Indians.

Chairwoman Resvaloso also welcomed federal representatives to the consultation, recognizing their role in listening to the experiences tribes will speak of and taking action on what they hear. She recognized the improvements that have taken place over time regarding domestic violence and other issues, as well as the work that remains to be done.

## Introduction of Federal Partners

Ms. Edmo facilitated the introduction of federal partners participating in the consultation, including the following representatives, all from DOJ and its offices:

- **Lorraine Edmo** (Shoshone-Bannock), Tribal Deputy Director, Office on Violence Against Women
- **Eugenia Tyner-Dawson** (Sac and Fox Nation of Oklahoma), Senior Advisor for Tribal Affairs, Office of Justice Programs
- **Bea Hanson**, Principal Deputy Director, Office on Violence Against Women
- **Marcia Good**, Senior Counsel to the Director, Office of Tribal Justice
- **Howard Spivak**, Principal Deputy Director, National Institute of Justice
- **Tammy Gregg**, Deputy Associate Attorney General, Office of the Associate Attorney General
- **Marilyn Roberts**, Deputy Director, Office for Victims of Crime
- **Dr. Teneane Bradford**, Supervisory Senior Policy Analyst, Grants Administration Division, Office of Community Oriented Policing Services

As mandated in VAWA 2013, the consultation was attended by officials representing the Secretary of Health and Human Services and the Secretary of the Interior. Representatives of these other agencies included:

- **Marylouise Kelley**, Director, Family Violence Prevention and Services Program, U.S. Department of Health and Human Services
- **Shena Williams**, Program Specialist, Family Violence Prevention and Services Program, U.S. Department of Health and Human Services
- **Andrea Czajkowski**, Special Assistant to the Director, Division of Behavioral Health, Indian Health Service
- **Lanisha Bell** (Mississippi Choctaw), Victim Assistance National Coordinator, Bureau of Indian Affairs
- **Cailin Crockett**, Policy Advisor, Office of the Vice President, representing Caroline Bettinger-Lopez, White House Advisor on Violence Against Women

When she introduced herself, Ms. Edmo acknowledged that she is retiring from her position at OVW and that this consultation will be her last in the role of OVW's tribal deputy director.

## Consultation Opening Remarks

Ms. Edmo called on Bea Hanson, OVW Principal Deputy Director, to give opening remarks, including an update on OVW's activities since the last annual consultation in 2015.

## Update from Last Consultation

> *The full report on OVW's activities on tribal issues since the 2015 consultation is available Online at https://www.justice.gov/ovw*

*Bea Hanson, OVW Principal Deputy Director*

Ms. Hanson recognized Ms. Edmo and thanked her for her leadership as OVW's deputy director for tribal affairs. Ms. Edmo assumed her position in October 2006 and will be retiring at the end of January 2017. During her time at OVW, Ms. Hanson said Ms. Edmo has been an invaluable bridge between tribes and the federal government. She has performed her role with fairness, calm, wisdom, and a deep commitment to tribal sovereignty. OVW is currently searching for a new tribal deputy director and the office is working to ensure a smooth transition between Ms. Edmo and her successor. Ms. Hanson has attended annual OVW tribal consultations since 2011 and, as a political appointee, this year will be her last year, as well.

OVW's work with tribal governments is guided by two principles: (1) tribal sovereignty and self-determination, and (2) the U.S. government's trust responsibility to tribes. These principles are critical elements in addressing violence against American Indian and Alaska Native women. The United States has recognized its obligation to empower tribal communities to keep women and girls safe, while providing the support and resources necessary to help accomplish this goal.

Our work and our commitment at these consultations has been to come without a fully developed plan, with a readiness to hear tribes' views and recommendations and respond in a way that clearly incorporates tribal input.

For example, at the 2015 consultation, we asked for tribes' views on whether we should use funds under Coordinated Tribal Assistance Solicitation (CTAS) to implement the special domestic violence criminal jurisdiction authorized in VAWA 2013. We were concerned because VAWA 2013 had passed, but there was no funding to implement the new special domestic violence criminal jurisdiction. We asked about using CTAS money for this purpose, because those are funds designated for tribes, and tribes overwhelmingly said no. So we did not use it.

In the end, a budget was passed that enabled OVW to support tribes in implementing special domestic violence criminal jurisdiction. Rebecca Jones from OVW was a critical leader in setting up this program and implementing it within a matter of months when it would usually take up to 2 years. Because of her commitment and OVW's commitment to this issue, OVW made seven awards, with a total of $2.2 million, in September 2016 to help tribes implement special domestic violence criminal jurisdiction.

The President's budget for FY 2017 proposes to increase the appropriation for these activities to the full legislated amount of $5 million. We hope this funding will be approved, but it is common in presidential transition years to operate for the full year on a continuing resolution, meaning that the FY 2017 budget is likely to be the same as FY 2016.

In addition to funds awarded for tribes to implement special domestic violence criminal jurisdiction as authorized under VAWA 2013, OVW awarded $52 million to 99 tribal governments, tribal consortia, and tribal nonprofit organizations through CTAS and OVW's other grant programs.

OVW is continuing to implement the tribal provisions in VAWA 2005 and 2013. VAWA authorizes four grant programs that are specifically designed for tribal communities: (1) the Grants to Tribal Governments program, (2) grants to tribal governments to exercise special domestic violence criminal jurisdiction (as discussed above), (3) the Tribal Sexual Assault Services program, and (4) the Grants to Tribal Domestic Violence and Sexual Assault Coalitions program.

At the 2015 annual consultation in Squaxin Island, we had historic representation from Alaska Native villages—more villages participated in the consultation than ever before. We heard testimony about the remote nature of Alaskan villages and the challenges faced by victims in staying safe when there were so many barriers around law enforcement. Alaska tribal leaders and representatives testified that law enforcement is often absent in the villages, that village public safety officers are stretched too thin and have to serve too many villages. State troopers also cover multiple villages. We heard stories about communities waiting days for police response, even in cases of murder. We heard about the lack of access to shelter and advocacy services and emergency medical forensic exams.

After the consultation, we resolved to hear more about what was going on in Alaska. On October 19, 2016, representatives from OVW and DOJ traveled to Fairbanks, AK, and held a listening session in conjunction with the Alaska Federation of Natives annual convention. Input at the listening session reinforced what we had heard at the 2015 annual consultation, and even more information came out. A report will be released on that listening session soon.

Also last year, we funded the Alaska Native Women's Resource Center, a project led by Alaska Native women and developed over 2 years in collaboration with the National Indigenous Women's Resource Center. This work is also taking place in partnership with the Yup'ik Women's Coalition. The goal of the project is to support the development of culturally specific training and technical assistance for the remote villages in Alaska, a curriculum that incorporates the language, teachings, and voices of Alaska Native villages. The training will be brought to more than 175 villages, reaching up to 4,000 people.

At the 2015 consultation, we also heard repeatedly about barriers that tribes face in accessing and entering information into the National Crime Information Center databases. In response to those concerns, DOJ launched the Tribal Access Program (TAP) for National Crime Information in August 2015. The goal of the program is to provide tribes with state-of-the-art computer workstations for submitting records to national databases and accessing the databases for both criminal and civil purposes. Nine tribes have piloted the use of these kiosks.

DOJ will expand the TAP program. OVW continues to advocate that the $3.9 million originally allocated for the creation of a tribal sex offender protection order registry—which was allocated before the Sex Offender Registration and Notification Act (SORNA) and TAP and has remained unspent—be reallocated to the TAP program. These funds could dramatically expand the number of tribes with access to TAP without the current restrictions that limit tribes' eligibility. Because of where the original funding came from, the TAP program is currently limited to tribes that had sex offender registries and met certain law enforcement requirements, but reallocation of these funds would address those limitations. We hope tribes can continue to support the reallocation of these funds.

Another concern we heard at the 2015 consultation was that state administrators of the STOP (Services, Training, Officers, Prosecutors) Violence Against Women formula grant are not consulting with tribes. This issue was addressed in VAWA 2013, which added the requirement that state administrators consult with the tribes in their states. DOJ had follow-up conversations with state STOP administrators to ensure that tribes are being consulted, and we made technical assistance available to states about consulting with their tribes. This process is starting again for 2017, and administrators should be reaching out to tribes to consult around how STOP funds are allocated. If your tribe is having continued issues with that, please let OVW know.

Finally, regarding the implementation of special domestic violence criminal jurisdiction, OVW had a good meeting with the Intertribal Working Group before this consultation. Forty-five tribes are part of the working group and OVW has provided a funding award to the National Congress of American Indians (NCAI) to continue this work.

## Summary of DOJ Consultation Topics

After summarizing the previous year's activities, Ms. Hanson introduced the framing papers and the consultation questions for the 2016 consultation.

> *Full text of the framing papers provided by DOJ for the 2016 consultation is provided in Appendix 3, on page 99.*

### *Enforcement of Tribal Protection Orders Pursuant to the Violence Against Women Act*

- **Question 1:** What has been the experience of tribes related to state or local enforcement of tribal protection orders pursuant to the full faith and credit provision of the Violence Against Women Act?
- **Question 2:** What actions would tribes recommend that DOJ take to improve the enforcement of tribal orders and help overcome the specific challenges related to enforcement identified in different jurisdictions? In particular, what kinds of training or technical assistance for tribes or state personnel would be helpful?

### *North American Working Group on Violence Against Indigenous Women and Girls*

- **Question 1:** As applicable, what types of challenges in responding to violence against women and girls in your community are presented by shared borders with Canada/Mexico? For example, do shared borders make it difficult to prevent or respond to trafficking of indigenous women and girls or hinder the enforcement of protection orders?
- **Question 2:** As applicable, what type of interactions have your tribal law enforcement and victim services programs had with law enforcement and victim services programs in Canada/Mexico, with regard to domestic violence, sexual assault, stalking, or human trafficking?
- **Question 3:** Canada has recently officially launched a National Inquiry into Murdered and Missing Indigenous Women and Girls. What has been the experience of your tribe with missing Native women and girls and domestic violence homicides, sexual assault, or trafficking?
- **Question 4:** As the working group continues to exchange information between the three countries regarding best practices to prevent and respond to violence against indigenous women and girls, what policies, programs and practices do you believe should be highlighted or

addressed? Additionally, what barriers, challenges and ongoing needs do you think should be highlighted, as well as recommendations to address those needs?

## Tribal Leader Testimony

After the introduction of the consultation topics, tribal leaders shared oral and written testimony. Testimony given at the consultation event, as well as written testimony received at the event and after it, is summarized below with the speaker's name, title, and their tribal or organizational affiliation. The list is alphabetized by the speakers' tribe or organization names.

### Akiak Native Community, Akiak, AK

*Mike Williams, Tribal Council Member*

We want to thank Lorraine Edmo for her work and particularly for coming up to Fairbanks, AK, for the listening session on October 19, 2016. Much needed testimony was shared there. I have spent many years with NCAI representing tribes from Alaska and working together with tribal governments across the nation on issues that affect us.

The 229 federally recognized tribes in Alaska do not have any land that is recognized as Indian Country, except for the Metlakatla Indian Reservation. This decision was not right, and it has created many issues that Alaska tribes are now struggling with, especially jurisdictional issues.

When the Alaska Native Claims Settlement Act[1] passed in 1971, we studied it as students in tribal school. We studied the land claims, and we opposed the language that children born after December 18, 1971, would be excluded from being shareholders, we opposed the land being moved under the jurisdiction of a board of directors for a for-profit corporation, and we opposed the extinguishing of our hunting and fishing rights. This legal action also was not right, and we have been living with the consequences.

The 2013 reauthorization of VAWA contained the Alaska exception that prevented Alaska tribes (except Metlakatla) from exercising special domestic violence criminal jurisdiction. There was a change of heart, and that exception was removed, and we thank all of you for supporting that Alaska tribes are no different than any other tribe throughout the United States.

I have been on the tribal council for almost 40 years, and I have been an advocate for Alaska tribal sovereignty, for ending violence against women in Alaska, and for protecting our rights to live and raise our families as we have for generations, since before the United States became a country.

We must make timely law enforcement responses possible. In Akiak, we are without law enforcement and must rely on state troopers who are hours or days away and who sometimes never respond at all.

We urge OVW, the Office of Community Oriented Policing Services (COPS), DOJ, and the U.S. Departments of the Interior and Health and Human Services to make sure that Alaska Native villages are not left out of funding streams, which would include allowing us to participate in consultations. We traveled about 24 hours to get here, from Akiak, AK, to Palm Springs, CA, and the travel costs are significant. We also urge you to devote more resources to these programs and issues. All of the funding

[1] The Alaska Native Claims Settlement Act (ANCSA), passed in 1971, transferred the ownership of Native lands in Alaska to twelve Alaska Native regional corporations. Later, a thirteenth regional corporation was created for Alaska Natives who no longer lived in Alaska.

streams, including Grants to Indian Tribal Governments, the Victims of Crime Act (VOCA), and the Family Violence Prevention and Services Act (FVPSA), should have funding formulas that ensure that each of the 567 federally recognized tribes receive funding fairly and equitably each year.

Right now, we particularly appreciate the Alaska Native Women's Resource Center, and the work they are doing on training and helping with consultation efforts. I would also like to thank Strong Hearts, the Emmonak Women's Shelter, and the National Indigenous Women's Resource Center for their ongoing work with Alaska.

I met with the governor and our Congressional delegation recently to speak about the possibility of advancing something in Congress regarding Indian Country in Alaska. Based on discussions during an Alaska tribal leaders summit in Fairbanks, AK, in October 2016, we are seeking ways to secure permanent protection for Alaska tribal lands through a land-into-trust process. This process would also support the imperative of securing Alaska tribes' abilities to protect their communities by providing for enforcement of tribal law and implementation of tribal judicial structures, including tribal courts.

> *Additional recommendations from Akiak Native Community are listed under Alaska Native Villages' Testimony below.*

## Alaska Native Villages' Testimony

*Akiak Native Community, Akiak, AK – Mike Williams, Tribal Council Member*

*Anvik Village, Anvik, AK – Carl Jerue, Jr., First Chief*

*Central Council Tlingit and Haida Indian Tribes, Juneau, AK – Richard J. Peterson, President*

*Native Village of Tetlin, Tetlin, AK – Nettie Warbelow, Domestic Violence and Sexual Assault Advocate*

This section includes testimony from four Alaska Native villages that included many shared themes and recommendations. The shared elements of their testimonies are summarized here, and unique elements from their testimonies are summarized under their individual tribe or village names.

**Consultation Concerns and Recommendations**

We appreciate the listening session that was held in Alaska during the Alaska Federation of Natives Annual Convention in October 2016, since one of our concerns is that not enough Alaska tribes are able to travel to the annual consultation. Alaska Native villages made the following recommendations on OVW's consultation with tribes:

- The annual tribal consultation should be extended to 2 days. DOJ should develop an action plan to respond to the concerns of Alaska tribal leaders and make it available to Alaska Native tribes within 90 days of the consultation.
- OVW should contract with the Alaska Native Women's Resource Center to conduct separate, annual coordinated consultations with Alaska Native tribes, ensuring representation from each region. The federal agencies involved should include the following: (1) DOJ agencies, including OVW, the Office of Justice programs, Community Oriented Policing Services, the Federal Bureau of Investigation, and the U.S. Attorneys' offices; (2) the Department of Interior, including the Bureau of Indian Affairs (BIA); and (3) the Department of Health and Human Services, including Indian Health Service (IHS) and the Administration for Children and Families.

**Attorney General's Report to Congress**

Section 903 of VAWA requires that the Attorney General submit a report to Congress on the annual VAWA consultation. These reports are critical to the implementation of the VAWA 2013 tribal amendments. Additionally, these reports provide essential information on the dire need to improve the safety of Native women and improve the provision of criminal justice and victim services, as well as the need to fulfill the "federal trust responsibility to assist tribal governments in safeguarding the lives of all Indian women." Tribal representatives have relied on the official written record of all tribal concerns and recommendations, as well as the federal response on past- and current-year plans to assist with the implementation of consultation recommendations. These consultations offer a crucial opportunity for tribes to voice their concerns and recommendations about improving the safety of American Indian and Alaska Native women directly to relevant federal and state officials.

For these reasons, we recommend that the Attorney General should:

- Comply strictly and promptly with the mandate in Section 903 of VAWA to submit an annual report to Congress on the annual consultation. Consultation does work to improve federal laws, practices, and policies, but only when Congress receives meaningful and timely notice of the concerns and recommendations raised by tribes during consultations.
- Notify each tribal government of the submission, when it occurs, of the annual consultation report to Congress and make the report publicly available.

The timely submission of mandated annual reports to Congress is essential to demonstrate federal accountability and commitment to justice in Indian Country and Alaska Native villages.

**Local Control and Accountability for Law Enforcement and Public Safety**

We continue to strongly support the recommendations in the Indian Law and Order Commission's 2013 report,[2] which recommend more local control and accountability for public safety and welfare. We believe the current pattern of a lack of law enforcement response in Alaska is a violation of rights and a failure to meet U.S. commitments under the United Nations Declaration on the Rights of Indigenous Peoples.[3]

To address these issues, DOJ should support Alaska Native villages in designing and implementing local, culturally relevant solutions to this lack of law enforcement. Village tribal courts should be empowered through funding, resources, and agreements with the state of Alaska that do not involve waiving our sovereign immunity. Training and funding should be provided directly to Alaska Native village governments for village police officers, village public safety officers, and Alaska state troopers who serve as immediate first responders to village crimes. Collaboration in village-directed training, especially, is critical to developing culturally appropriate law enforcement activities in Alaska's 229 tribal communities. The COPS training grant should be made more inclusive of the types of training it can fund to accommodate these specific needs for cultural competency. Law enforcement that is created and

[2] The Indian Law and Order Commission, an independent advisory group convened by the Tribal Law and Order Act of 2010, released the report *A Roadmap for Making Native America Safer: Report to the President and Congress of the United States* in 2013. The 2013 report can be found online: http://www.aisc.ucla.edu/iloc/report/

[3] More information and the full text of the United Nations Declaration on the Rights of Indigenous Peoples is available online: http://www.ohchr.org/EN/Issues/IPeoples/Pages/Declaration.aspx

administered by Alaska's tribes will be more responsive to village needs and allow for greater local control and accountability. Finally, DOJ should work with Alaska Native villages to address domestic violence and sexual assault serial offenders who currently walk free among our villages.

**Adequate and Equitable Funding for Alaska**

We recommend that DOJ's Grants to Indian Tribal Governments program be changed from a competitive funding source to an annual, formula-based program in Alaska. It is long overdue that federal and state governments set aside an equitable amount of resources for Alaska Native tribes to develop, implement, and sustain local and culturally relevant solutions to health and safety issues.

Historically, the federal government and the state of Alaska have avoided allocating resources to Alaska tribes or working cooperatively with them. BIA has an unwritten policy to not fund law enforcement for tribes in PL 280 states,[4] based on the assumption that the states will provide law enforcement and justice services. However, the state of Alaska does not recognize tribes as eligible to apply for state funding to address domestic violence and sexual assault crimes. At a 2016 session, the purpose of which was to connect tribal representatives with state VOCA coordinators, the state of Alaska did not send a representative. At that time, Alaska tribal representatives recommended that DOJ hold a special session between the state of Alaska and the 229 Alaska tribes to address communication and cooperation on the issues of domestic violence and sexual assault.

We urge DOJ, the Department of the Interior, and the Department of Health and Human Services to seriously consider the history of allocating insufficient funds to the 40 percent of the nation's federally recognized tribes in Alaska. We request a report detailing the funds that Alaska tribal governments have received from these three federal agencies and how they plan to make changes in the future.

**Recommendations on OVW's Grants to Indian Tribal Governments Program**

While Alaska tribes appreciate the streamlining of tribal set-asides that resulted from the creation of the Grants to Indian Tribal Governments program, we have concerns about the program's implementation. We recommend the following:

- Change this program to a noncompetitive, annual, formula-based program in Alaska to correspond to Alaska's high rates of violence against women. This program should not be competitive. Many villages in our region have never received a grant under this program.
- The Grants to Indian Tribal Governments program should receive the highest priority in the OVW schedule for grant-making and awards to ensure that tribes have immediate access to funds. Indian tribes do not have the resources to maintain programs during gaps in funding access.
- Pre-solicitation and post-award workshops should be conducted for Alaska tribes to assist them in completing the application process and managing their awards. We recommend that OVW work with the Alaska Native Women's Resource Center, the Yup'ik Women's Coalition, and the Healing Hearts Coalition to organize and conduct these workshops.

[4] Public Law 83-280 (PL 280), passed in 1953, affected certain states (six mandatory states, as well as other optional states) by removing federal and tribal law enforcement jurisdiction in Indian Country in those states and assigning jurisdiction to the state governments.

- Administrative requirements that do not apply to villages and tribes should not be placed on these grants. FY 2015 had over 60 special conditions that tribes were required to address in the administration of their grants. Overall, the purpose of the grants should be to strengthen local safety and self-determination for tribes, and tribes should be the judge of whether certain activities are necessary and appropriate to protect women and ensure offender accountability.
- Grant conditions should be translated into Native languages to ensure access to non-English speakers.
- All technical assistance and training offered by OVW that Alaska Native villages are required to attend should be designed specifically to address Alaska Native villages.
- Training and technical assistance awards should be given to organizations with expertise in working with Alaska Native villages. Currently, grantees often spend many hours with technical assistance providers, trying to orient and educate them about the communities they are providing technical assistance to.
- All tribes and villages should be able to apply for a new grant under this program every year, as long as the tribe is proposing different activities.
- In recognition of Alaska tribes' traditional and cultural values, Alaska Native village funding recipients should be allowed to use funds on food and beverages at OVW meetings and conferences, especially in rural, off-road locations.
- OVW should ensure that grant recipients get responses from their grant managers. Anvik currently has issues in this area and cannot get responses on our questions regarding our OVW grants. As a sovereign nation, we would expect some basic consideration of our need to communicate with OVW regarding this funding.

**FVPSA Recommendations**

FVPSA is currently the federal government's only funding source dedicated to domestic violence programs and shelters. While 10 percent of FVPSA funding is allocated to tribal governments, this allocation was made before Alaska tribes were restored in 1993 as recognized tribes. The addition of Alaska tribes increases the size of this list by 40 percent. Also, while 10 percent of FVPSA funds are reserved for state domestic violence coalitions, tribal domestic violence coalitions are excluded entirely.

We urge the FVPSA program to (1) reauthorize FVPSA with amendments to increase tribal access; (2) support a separate, annual, noncompetitive funding source specific to Alaska Native tribes; (3) fund the Alaska Native Women's Resource Center as a regional domestic violence resource center; and (4) offer tribes the opportunity to receive annual base funding based on enrolled tribal members instead of Census numbers, which do not accurately reflect the number of victims being served.

**VOCA Funding**

The Crime Victims Fund created under VOCA is the largest source of federal funding for crime victims, but American Indian and Alaska Native tribes are largely shut out of this funding stream. Consistent with NCAI Resolution ANC 014-048, DOJ should advocate for a 10 percent set-aside for tribal governments. DOJ should also support the SURVIVE Act (the Securing Urgent Resources Vital to Indian Victim

Empowerment Act, S. 1704[5]), which would create a stable 5 percent allocation of Crime Victims Fund disbursements for crime victim services.

**Tribal Protection Orders and Village-Based Responses**

We appreciated DOJ's support for the repeal of the Alaska Special Rule in VAWA 2013. We also appreciated DOJ's letter to the Alaska Attorney General reminding him of the state's obligation to give full faith and credit to tribal court protection orders.

Anvik additionally recommends that DOJ follow up with the state of Alaska to ensure that tribal court protection orders are being enforced per VAWA's full faith and credit provisions. DOJ should also continue to support the efforts of Alaska Native villages to enhance their responses to violence against women and to fully implement VAWA, as well as funding the Alaska Native Women's Resource Center to provide technical assistance to Alaska tribes on developing these local responses.

Finally, OVW should contract with the Alaska Native Women's Resource Center to conduct workshops and get input from tribal communities on the VAWA 2018 reauthorization and have the Center submit this input to OVW for review.

**Response to Murdered and Missing Native Women**

Since 2003, tribal leaders have raised the issue of inadequate law enforcement response to missing persons reports of Native women. In addition, the state of Alaska recently cut its cold case unit, which was responsible for some of these cases.

Because of these ongoing issues, we recommend that OVW establish a high-level working group that includes the Alaska Native Women's Resource Center, National Indigenous Women's Resource Center, Indian Law Resource Center, and the NCAI Violence Against Women Task Force to develop and institute a training protocol and alert system to increase the current response in such cases. Examples of such groups include the President's Interagency Task Force to Monitor and Combat Trafficking in Persons.

**National Protection Order Registry**

Some of our communities have tribal courts and issue protection orders on a case-by-case basis. However, when interactions with the state court are necessary, these courts tend to be far away from the tribal communities and are difficult to cooperate with. The process of working with the state court on protection orders thwarts meaningful access to justice for victims. The process takes several weeks and must often be transferred to a magistrate in a different region.

We recommend that our tribal government be provided access and training for the national protection order registry. Our women need the assurance that village-issued protection orders will be recognized nationally, so the order will still be recognized and enforced when they travel outside the village.

**STOP State Consultation with Alaska Native Tribes**

We do not believe that the state of Alaska meets the requirement to consult with tribes when they developed their FY 2014 plan for administering STOP funds and submitted the plan to OVW. We

[5] The SURVIVE Act was reported out of the Senate Committee on Indian Affairs on December 3, 2015, but was not passed and did not move forward to become law.

understand that OVW froze the state's funding that year, but we do not understand how, since that time, Alaska has come into greater compliance on this issue or initiated consultation with tribes. We will be very disheartened if the VAWA 2013 amendment that addressed state consultation with tribes regarding STOP funding changes nothing in reality, and we ask OVW to investigate this issue further.

**Implementation of Special Domestic Violence Criminal Jurisdiction**

We urge OVW to work with Congress to appropriate the $5 million per year that was allocated in VAWA 2013 for the implementation of special domestic violence criminal jurisdiction. This should be a minimum allocation that increases over the long-term. All tribes should be eligible for these funds, instead of creating different classes of tribes, such as those who have law enforcement or those who live in PL 280 states. Funding should be available for planning, when tribes need technical assistance to design the implementation of expanded jurisdiction in their communities, and for implementation, when tribes are addressing direct costs, such as staff, program development, jail, police, and National Crime Information Center (NCIC) access. All activities related to exercising expanded jurisdiction should be eligible under this funding.

We urge that the issues we have raised in our testimony be recognized and elevated as national issues. The Indian Law and Order Commission has already recognized that the issues of Alaska are so severe that any exemptions of Alaska from national policy change is wrong and sets Alaska apart from progress that has become possible in the rest of Indian Country. We are eager to continue our cooperation with local, national, and international allies to strengthen tribal sovereignty and increase the safety of Alaska Native women, supporting services and advocacy designed by and for Native women.

## Anvik Village, Anvik, AK

*Shirley Moses, Domestic Violence Advocate*

The Anvik Tribe is located in the Alaska Interior. There are 400 enrolled members, but fewer than 100 live in Anvik. There are no roads, and access to the village is by boat or snow machine. The trip from Anchorage to Anvik is very costly—about $1,000 round trip. You can go to Europe for cheaper than that.

Anvik does not have law enforcement. We had a vacant village public safety officer position, but that position was placed on hold by the state because of the drop in the price of oil and a lack of funding. The village public safety officer position used to be filled, but the officer quit the position after responding to a domestic violence incident. It was a severe situation where lives could have been lost, and, afterwards, the officer and his family were threatened and he didn't feel safe, even though his wife was from Anvik and he was from a neighboring village. He moved away, and we have not been able to fill the position since.

We are supposed to have access to state troopers, but, in reality, their response to our calls is inconsistent. Our nearest troopers are 1 to 1.5 hours away in Bethel or over the mountains in Aniak. Because there are staff shortages among the troopers, our calls are forwarded on to somewhere else. The Bethel troopers provide services to probably 80 villages. When we call, they might be out responding to other calls. Bad weather may mean they cannot come to our village. They sometimes have to make choices about what calls to respond to. We may be calling in a severe sexual assault, but it could be lower on the priority list than a murder or a missing person. Sometimes, we are told that the issue is being pushed to another department. We try to build rapport with the troopers, but it is a

revolving door with a lot of staff turnover. We are dealing with the difficulties of a PL 280 state, with apathy from the state government, and with funding shortages.

We want to have tribal consultation not just here, on the federal level, but also in Alaska. We have so many tribes there, and so many people would testify. We want our people to know that their voices are being heard. We also recommend that this consultation be extended for a second day to allow all tribes the chance to speak. When the consultation is over, tribes should be given a report back that has a record of what was said and how DOJ is going to address the comments. With some yearly meetings, we come together, talk, and then it is like everything goes away until next year. We cannot do that with domestic violence and sexual assault.

DOJ should provide an ongoing grant for the Alaska Native Women's Resource Center. Right now, we are developing a curriculum, but the Center could be a great resource to tribes and federal agencies for maintaining communication, providing training, and showing that the federal government is responding to our concerns. It is important to have our trainings developed by people who understand the context of Alaska. We have different needs, values, and cultures. When we are served by staff who are not from Alaska, it takes a year before they are comfortable and have learned enough to go out and do trainings.

I attended a state domestic violence task force meeting, and they noted that our sexual assault rates are very high compared to last year. The rate for Native women was very high, as well, and they asked what we should do about it.

My main recommendation was for state prosecutors to stop pleading out cases. Many of the cases do not even go to court. They responded that their judges are already overloaded and do not have the training for domestic violence and sexual assault cases. This is not an excuse. Our women do not even report. We have probably 10 percent of assault victims who do come forward to report, and when they do, they are not valued, listened to, or acknowledged. They do not receive the services or aftercare that they need. We just learned that the state public health department is only providing sexual assault aftercare for women up to the age of 30. What if I have someone who is 31 and in need of STD testing and aftercare? The state will not provide it because they do not have funding.

We need sexual assault response team (SART) trainers who are culturally responsive; they can be Native or non-Native, but they need the compassion, confidence, and training to respond to our people. We need SART services in rural areas. We need IHS to acknowledge that sexual assault occurs and to train some doctors and staff to respond. When I was in Fairbanks 2 years ago, if someone was sexually assaulted, they came to the IHS clinic, someone would quickly drive them to the emergency room for sexual assault nurse examiner (SANE) services because they did not want the IHS doctors to have to respond. They did not want the IHS doctors to have to take time away for testimony. There were all kinds of excuses. We should be able to receive the aftercare services we need from IHS.

To support victim services, tribes should have access to VOCA funds. We have 229 tribes in Alaska and very few live in urban areas. Probably 95 percent of our women, if they were sexually assaulted, would not have access to services supported by VOCA funds. That is wrong. We need to change it.

We need tribal courts to have access to training for protective orders and for circle sentencing. We know of villages that have used circle sentencing very effectively for sexual assault. Other villages use banishing, which is also a powerful exercise of village government authority.

We need fair, equitable, and noncompetitive funding. In Alaska, we often have villages with 500 members to whom we provide services, even though only 100 tribal members live in the village. We do not turn you away if you live in Fairbanks. But the funding is based on who lives in the village, not total membership. We also need access to affordable grant writers. Villages want these grants, but they do not have experts to fill them out, and they do not have the language or technical knowledge to fill them out themselves. Finally, when we do receive grants, there are so many special conditions that make it impossible for us to use the funds even when they are supposed to be for helping our people.

Our strength is in our language, our culture, and our teachings. That is what trainings should be based on to build up our own strengths. We do not need to depend on canned programs or outside experts who come in to tell us how to fix things. We need grants that can be used flexibly on the solutions we know will fit us. Right now, FVPSA is the only program that continues to be dedicated to funding life services for our people, and we only get a small piece of that funding.

### Anvik Village, Anvik, AK

*Carl Jerue, Jr., First Chief (written testimony)*

I am first chief of the Native Village of Anvik. I was born in the village and have lived here my entire life. I have been an advocate for our tribal members for over 25 years.

We continue to emphasize our need for adequate law enforcement in Anvik and other Alaska Native villages. These may seem like unending complaints, but, in reality, we continue to repeat ourselves to help people understand that the unique conditions that exist in Alaska demand that we become creative in our ability to provide a local response.

Anvik has an active tribal court, and we issue protection orders on a case-by-case basis. However, there is no state court here. The nearest is in the hub community of Aniak. The process of working with the state on these issues is so difficult and slow that it thwarts meaningful access to justice for victims. While we do issue protection orders, we do not know of any of our tribal orders that were ever entered into the national protection order registry.

> *Other recommendations from Anvik Village are listed under Alaska Native Villages' Testimony.*

### Aroostook Band of Micmacs, Presque Isle, ME

*Edward Peter Paul, Tribal Chief (written testimony)*

Our tribe is located in northern Maine, a rural area on the New Brunswick Canadian border. With an enrollment of 1,339 members, we are one of the small tribes. Our service area is Aroostook County, which is approximately 6,500 square miles, larger than the states of Connecticut and Rhode Island combined. The county is economically depressed, with challenges in finding affordable housing, transportation, and employment.

We received our first OVW grant in 2012 and are very fortunate to have received one again in 2015 to continue to build on the Domestic Violence and Sexual Assault Advocacy Center we have established. This program has opened the gateway to education, awareness, and prevention for our community. Our staff spread the word that violence is historically not a part of our culture or tradition. The Center provides women with much-needed shelter and advocacy, and now, with our new award, we will also provide legal assistance and transitional housing services.

As we work toward the next reauthorization of VAWA, we ask that DOJ make changes that would include tribes in settlement states, such as Maine, to ensure that all victims and all American Indian and Alaska Native communities have the protections and services afforded by VAWA. The Wabanaki Tribes have, year after year, asked that attention be given to the unique barriers we face. We come yet again this year to implore both the federal government and our tribal brothers and sisters to hear us and support the fix we ask for in the 2018 reauthorization of VAWA.

> *Other recommendations from the Aroostook Band of Micmacs are listed under Maine Tribes' Testimony.*

### Asa'carsarmiut Tribe, Mountain Village, AK

*Catherine Moses, Tribal Administrator*

I want to start with the positive things that we do in Mountain Village. We provide wellness and cultural and traditional activities for our youth. Our local youth advocacy group serves as a focus group to advise us on youth services we administer. We collaborate with many agencies, including the local school, the health clinic, the state of Alaska's Office of Children's Services, a food bank program with offices in Anchorage, Emmonak Women's Shelter, and others.

We take advantage of the tribal court program on a limited basis, but a lack of funding prevents us from increasing our services in this area. We recently trained our council members and tribal court judges on tribal court roles and responsibilities and on new Indian Child Welfare Act regulations. We are in the process of gathering more data to better understand the needs of our community.

We administer an elders' lunch program, which we want to grow into a larger program to provide more services for our elders and vulnerable adults. We have a program for students to grow vegetable gardens in our schools, increasing food security. We have a group of people that walks together at least once a month, circling our village and praying for our community.

Through this work, we have learned that programs built on our Yup'ik beliefs and traditions work well. The same is true in programs for the safety of women and girls in Mountain Village. Programs for each Alaskan region should be created for the specific Native communities there, and our programs must be created by and for Yup'ik women in our region.

We recommend to increase village-based responses for emergency services and forensic exams. The current structure for assistance does not address the emergency physical or mental health needs of women who have been raped, beaten, or abused. Rape and domestic violence victims cannot get help right away. Women in the village do not have access to emergency examinations to check if their bodies are injured and need care. There is no one in the village trained to perform a forensic examination or gather forensic evidence. We need IHS to train community health aides to provide emergency care to rape and domestic violence victims. IHS should also allow our local health aide clinic or regional hospital nurses to gather forensic evidence. It is impossible to fly every victim to a city that offers forensic examinations, because the cost of airfare is very high. Examinations should be performed even if a victim chooses not to use it for a criminal case.

We recommend to provide mental health services for victims by increasing the number of village-based counselors who are trained responders for the mental health needs of victims of domestic violence and sexual assault. Counseling is a large need and receiving wellness counseling would greatly help women

in our village. We only have one mental health counselor for the village, and we need more. That one counselor is often gone for training or too busy with other clients to provide counseling to victims. Counseling is particularly important in the situation of our small village. Because we do not have law enforcement, women are forced to live with their abusers walking the village without ever facing consequences for their abuse. Suicide is also connected to domestic violence and assault, but we have limited access to information about people who might be suicidal because of health privacy requirements.

We recommend that OVW provide funding to villages for services and programs for elderly women who are being abused. The rates of abuse later in life are increasing dramatically, and it is frightening. Children who were once young now retaliate against their parents.

Because we have no law enforcement, health aides do not respond to emergencies when alcohol is involved, even if a patient might be near death. I and my staff are not able to respond to calls when we have no police or male escorts. It is not that we don't care. It is because of the true level of danger. On one call, I was almost choked and overpowered by an intoxicated male.

Because the new Alaska attorney general is open to more cooperation, we recommend that PL 280 limitations be clarified and local law enforcement be increased to respond to these cases. Currently, as a PL 280 state, the state of Alaska does not help our villages and actively prevents us from helping our people with other services. The state and federal government must allow all programs available to Indian tribes in the Lower 48 states to be available to Alaska Native villages, as well.

We recommend that OVW provide resources and training for villages to develop tribal courts to respond to domestic violence and sexual assault cases. Specifically, we need tribal courts to issue and enforce village protection orders. In Mountain Village, the process of getting a protection order is complicated because we do not have law enforcement. The petitions and forms that women must fill out require traveling to offices that are from 20 to 160 miles away. Using tribal courts for this purpose is much more functional and logical. Because we're located in the village, we can respond immediately when a protection order is required and enforce the order when it is violated.

There are other barriers, as well. Yup'ik women need reassurances that law enforcement is available even before they file protection orders. Many women who may want protection orders change their minds before filing because they feel unprotected and scared of upsetting their perpetrators. Also, women do not want to break apart their family units. There is no place to move besides outside of the community, and women do not want to disrupt the lives of their children, so they remain with abusive partners.

We cannot currently access the Tribal Access Program, because we do not have law enforcement and we are not SORNA compliant.

Funding for the needs of tribal crime victims would greatly assist victims. Victims need help to pay bills, cover travel costs, make housing repairs (such as replacing broken doors or windows), and even pay for burial fees when they have lost a loved one to crime.

FVPSA should have a set-aside for nonprofit tribal programs. Our village is truly ready to administer services and a residential program and would benefit from such a program. Currently, the Emmonak

Women's Shelter is a blessing in our region, and we do not want to compete with them for funding. However, with our region's vast area, it is not enough to have only one shelter.

We need funding for victim services programs. We are wearing ourselves thin addressing these issues when we have other duties to perform, and, many times, when we ask for help from other law enforcement agencies, our issues are ignored. We need our own trained police force, but in the meantime, we would be grateful if the state government would work with its municipalities to train officers on responding to victims of domestic violence or sexual assault. We need housing, because so many of our people are homeless, or living with relatives or in unsafe conditions, wondering whether they can ever feel secure in such conditions. If we had the funds, we would be glad to administer the wide range of programs that our community needs.

Yup'ik women are being denied justice and human rights when their safety is not protected. We often wonder why we, as Alaska Natives, have to live in such conditions. Do our lives not count? Do our rapes not matter? The U.S. federal government has a federal trust responsibility to assist Indian tribes in safeguarding the lives of Native women, as VAWA Section 901 clearly states. It says nothing there about tribes having to compete with each other for resources. There are so many opportunities for justice and for local control in our villages. We need our federal partners to work with us on these issues.

In closing, I would like to thank Lorraine Edmo and Bea Hanson for all that they have accomplished with OVW and specifically for coming to Alaska in October 2016 for the listening session held at the Alaska Federation of Natives.

### Central Council Tlingit and Haida Indian Tribes, Juneau, AK

*Richard J. Peterson, President (written testimony)*

The Central Council struggles to maintain a stable tribal court program because of our tribe's limited ability to generate traditional government revenues. Because of the Venetie court decision,[6] most of Central Council's traditional territory is not considered Indian Country, which hamstrings the tribe's ability to levy a property tax or develop Indian gaming.

The Venetie decision hinders all Alaska tribes in their ability to fund and sustain governmental programs. We find innovative ways to raise governmental revenue and leverage other resources to sustain our tribal courts and judicial services, but grants for developing and sustaining programs are incredibly important. Central Council believes that tribes should be able to apply yearly for different programs to create and maintain lifesaving programs for our women and children, which will protect our communities and send the message to perpetrators that domestic violence will not be tolerated.

Prior to this year, BIA has not disbursed recurring base funding for tribal courts in PL 280 states, such as Alaska. This year, the Bureau finally did make an appropriation for PL 280 states. This funding is so welcome, and we are working with all tribes in our region to provide meaningful information about it and to help them develop local plans to address the unique issues of each village. Having gone for so long without this support, the process of helping our communities use it will not be simple or quick.

[6] In *Alaska v. Native Village of Venetie Tribal Government* (1998), the Court ruled that land held under the Alaska Native Claims Settlement Act of 1971 is not Indian Country, as defined in 18 U.S.C. §1151.

We appreciate DOJ's support for the repeal of the Alaska special rule in VAWA 2013. Regarding tribal protection orders, registering protective orders with the Alaska court system has benefits, but there is no direct way for Alaska Native tribes to enter their protection orders. OVW should develop a program specific to Alaska Native tribes having their protection orders entered, perhaps exploring direct entry through a hotline to Criminal Justice Information Services or other database administrators. While we are encouraged by the Tribal Access Program, and we hear that Metlakatla Indian Reservation will be in the second year of tribes who participate in this program, the state of Alaska has such unique issues and such a great need that a one-size approach on this issue will not fit all.

The Tribal Law and Order Act requires that the Attorney General ensure that tribes who meet certain requirements be permitted to access national crime information databases. Despite this requirement, tribes' ability to fully participate in information sharing via state networks has been dependent on various regulations, statutes, and policies of the specific states in which tribes' lands are located. The process for tribal access has been piecemeal.

We need a legislative fix that addresses tribes' access concerns for the Criminal Justice Information System for governmental purposes. Current federal statutes mandate tribal access in certain situations, but then defer to state regulations in other situations. It is difficult for tribes to map out who at what agency must authorize what, create processes, and get user agreements, memorandums of understanding, or management control agreements into place.

As amended by the Tribal Law and Order Act, 28 U.S.C. 534(d)[7] authorizes the release of criminal history information to tribal law enforcement, but not to any other tribal agencies for legitimate civil purposes, such as the emergency placement of children, or employment background checks for employees who work with elders or vulnerable adults.

We need to amend federal law to authorize the sharing of criminal background information with tribal governments for any legitimate purpose, civil or criminal. A solution is to add a new section to 28 U.S.C. 534(d) with the text: "If authorized by tribal law and approved by the Attorney General, the Attorney General shall also permit access to officials of tribal governments for non-criminal justice, non-law enforcement employment licensing purposes, or any other legitimate government purpose identified in tribal legislation." Without full access, our communities are less safe, and tribes face unnecessary barriers to protecting our citizens.

We urge DOJ to fully implement the Tribal Access Program to provide permanent and open access for all tribes, because it does have the potential to fulfill the VAWA 2005 mandate to provide tribal access to NCIC. DOJ should also develop an intertribal working group similar to the Special Domestic Violence Intertribal Working Group, which would provide ongoing improvements and keep all interested tribes informed about the implementation of the program.

Finally, the Federal Bureau of Investigation (FBI) Criminal Justice Information Service should be challenged to develop tribal-specific regulations and programs with tribes. They should also be reminded of the federal requirement, articulated in Executive Order 13175, to consult with tribes in the development of policies that have tribal impacts.

[7] Title 28 of United States Code governs the federal judicial system.

We want to recognize the hard work of the outgoing tribal deputy director, Lorraine Edmo, and we hope for the successful hire of her replacement. We invite the new hire in this position to visit our region and meet with our tribe. As the Indian Law and Order Commission learned, visiting Alaska can be a life-changing experience with respect to understanding the issues of violence against women. The Indian Law and Order Commission dedicated an entire chapter to the Native public safety and justice crisis in Alaska in its November 2013 report. Alaska was the only state in the country to be singled out in this manner, due to the severity of our Native community's distress.

> *Other recommendations made by the Central Council are included under Alaska Native Tribes' Testimony.*

### Confederated Tribes of Grand Ronde, Grand Ronde, OR

*Denise Harvey, Tribal Council Member*

The focus of our tribes' testimony is the need for stable and adequate funding for tribal victims' assistance and prevention programs, and the need to fund emergency shelters in rural areas.

The Confederated Tribes of Grand Ronde has 5,400 enrolled tribal members, and we have operated a domestic violence and sexual abuse prevention program since 2014. Some of our services include violence prevention strategies and stabilization services, support groups, relocation assistance, and confidential support. In 2014, we served 42 clients and took 56 crisis line calls. In 2015, we served 70 clients and took more than 86 crisis line calls. To date in 2016, we have served 65 clients and have taken 156 crisis line calls. We believe these increasing numbers indicate that people are becoming more aware of the services we offer, but they also show a greater need for assistance. We believe there are many survivors out there still who still need assistance.

Direct and stable funding is necessary to sustain these vital programs. Without proper funding, tribes cannot meet the needs of program clients, many of whom are in life-threatening situations and need safety and support.

Regarding grant and program funding, Grand Ronde received funding in 2013 through OVW's competitive funding process. The funding allowed us to spearhead efforts to respond to domestic violence and sexual assault. While this is a good start, there is much more work to be done. Because only some tribes are able to receive funding through OVW's competitive process, the needs of some of the most underserved and vulnerable populations are being left out.

Many tribal nations are located in rural areas with the associated barriers of the lack of housing, transportation, employment, emergency services, and shelters. These barriers complicate our ability to respond to domestic violence and add to what our clients must overcome to remove themselves from unsafe situations.

Because OVW funding is granted on a year-to-year basis, tribal programs may be forced to close their doors or significantly reduce staff and services, impairing their ability to respond to urgent needs. We ask that OVW ensure that stable funding is available to all tribal nations so they continue to provide these vital services on a sustainable basis.

Our second main concern is the lack of emergency shelters and the lack of funding for emergency shelters. In our rural community, because we do not have emergency shelters, we are forced to rely on

community-based nonprofits to provide emergency shelters for our clients. With the high demand for shelters in rural Oregon, and the lack of available housing, getting clients into safer environments is a constant battle. Because Oregon faces a significant housing crisis, many of our clients face homelessness after emergency temporary stays, or they may choose to return to their abusers. We recommend that OVW make additional funds available to tribes to provide emergency shelters for victims of domestic violence.

### Confederated Tribes of the Umatilla Indian Reservation, Pendleton, OR

*Woodrow Star, Board of Trustees Member*

Umatilla was among the first tribes granted authority to exercise limited domestic violence criminal jurisdiction over non-Indians. Our experience, and the experience of other implementing tribes, is that the limited jurisdictional fix in VAWA 2013 is insufficient to appropriately prosecute or hold accountable non-Indian domestic violence perpetrators.

Domestic violence incidents often involve other attendant crimes that are prosecuted at the same time, such as crimes against children or property crimes. Tribes exercising special domestic violence criminal jurisdiction under VAWA 2013 cannot prosecute these crimes.

Children were present in all cases prosecuted at Umatilla with the exception of restraining order violation cases. All suspects had prior domestic violence incidents on their records. In the charges filed under the limited jurisdiction of VAWA 2013, there was probable cause for other attendant crimes.

Our tribes had three incidents of criminal menacing that could not be charged or prosecuted where perpetrators threatened future harm to victims. There were three incidents of criminal mischief involving the destruction of property that could not be charged or prosecuted. Other incidents involving custodial interference, endangering the welfare of minors, and driving under the influence after fleeing from a crime scene could not be charged or prosecuted under our current limited domestic violence criminal jurisdiction.

VAWA 2018 needs to include an expansion of the inherent sovereign authority of tribal nations to prosecute crimes committed by non-Indians in Indian Country. A full Oliphant fix[8] is the easiest, clearest, and best way to address non-Indian domestic violence and sexual assault in Indian Country. It places the ability and responsibility to protect Indian communities in the right hands by giving it to local tribal governments. Our officers are the first responders in these incidents, our citizens and residents are the ones affected, and our officials are the ones who are best able to adequately respond by developing the necessary laws and policies to protect our people.

I would like to further address the Bureau of Prisons' pilot program.[9] Umatilla has three individuals housed in federal prison under this pilot program, and the program is critical to our ability to continue to exercise felony sentencing authority. If these individuals were housed at the expense of our tribes, it

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[8] The court case *Oliphant vs. Suquamish Indian Tribe* (1978) ruled that Indian tribal courts do not have jurisdiction to try or punish non-Indian offenders. A "full Oliphant fix" would close this jurisdictional loophole by affirming the authority of Indian tribal courts to try and sentence all crimes committed by non-Indian offenders on tribal lands.

[9] The Tribal Law and Order Act of 2010 authorized a pilot program allowing certain offenders sentenced in tribal courts to be housed in Bureau of Prisons facilities. More information is available online: https://www.bop.gov/inmates/custody_and_care/tribal_offenders.jsp

would consume 60 percent of our annual detention budget. The pilot program needs to be made permanent.

The Tribal Access Program for NCIC has been a real success with our tribes. Previously, we were unable to have our tribal protection orders entered into the federal database system through the state of Oregon. Now, all of our protection orders are entered promptly into NCIC, we have the ability to update them promptly and have been able to establish qualifying orders as National Instant Criminal Background Check prohibitors. We have even entered a qualifying tribal court order into the National Instant Criminal Background Check system based on incompetency to stand trial. Our hope is that other funding sources can be used to expand this program to all interested tribes.

### Confederated Tribes of the Umatilla Indian Reservation, Pendleton, OR

*Gary Burke, Board of Trustees Chairman (written testimony)*

Because of our experience at Umatilla in implementing limited domestic violence criminal jurisdiction, we recognize that a piecemeal fix to criminal jurisdiction issues is not only unwieldy, but ultimately inadequate and unworkable. Domestic violence is not a singular crime. It encompasses a wide range of criminal activity, including property crimes (such as malicious mischief, burglary, trespass), financial crimes (such as theft, intentional destruction of credit), drug crimes (such as involuntary drugging), traffic crimes (such as drunk or drugged driving, or reckless driving where the victim is an involuntary passenger), and personal crimes (such as assault, rape, reckless endangerment, kidnapping, or unlawful imprisonment). Domestic violence can also be directed at third parties, such as children, family members, boyfriends/girlfriends, or other persons that the primary victims have relationships with. Even the definition of a crime of domestic violence is unwieldy. The federal government's criminal statutes and sentencing regulations show the difficulty in defining even what a "crime of violence" is, let alone a crime of domestic violence.

Domestic violence can take the form of virtually any direct or indirect crime against a spouse or intimate partner, and it is frequently accompanied by patterns of criminal behavior, such as drug crimes, theft, and violence, that are damaging to the entire tribal community. Because of this, it would be almost impossible to craft a meaningful fix to the VAWA 2013 definition of limited domestic violence criminal jurisdiction by continuing to define tribal criminal jurisdiction in pieces, rather than in full.

We want to thank DOJ for the action it has taken to provide a workable solution to tribal access to federal criminal databases through the Tribal Access Program. We have taken advantage of this program and are now in the process of expanding it to include entering tribal criminal convictions so that other tribes have access to this information when dealing with convicts from Umatilla in their own court systems. We are also using the Tribal Access Program system to enter our SORNA offenders into our sex offender registry. We would like to thank the SMART Program for funding our initial adoption of the Tribal Access Program. Funding should be provided to expand this program to all interested tribes.

OVW should continue to advocate for a 10 percent set-aside from the Crime Victims Fund under VOCA. We have advocated for this increase since at least 2014. While we appreciate the 5 percent set-aside that occurred in 2016 for FY 2017, it was half of what tribes have requested. When we advocate for a permanent 10 percent set-aside, we also advocate that the allowed use for these funds be defined broadly so that tribes can apply them to their unique public safety needs. We do not understand

whether the 2017 set-aside funds are allowed to be used this broadly or not. If they are not, future set-asides should be broadened to cover the unique needs and circumstances of Indian Country.

## Eastern Band of Cherokee Indians

*Terri Henry, Secretary of State*

In 2010, tribes submitted testimony addressing our lack of jurisdiction over non-Indians. We recommended to Attorney General Eric Holder that DOJ support special domestic violence criminal jurisdiction, improve collaboration between tribal and federal justice agencies, increase successful prosecutions, and coordinate and support tribal government efforts to resolve the gaping jurisdictional void over non-Indian perpetrators of crime.

On behalf of our tribe, we are very grateful for DOJ's attention to these issues, but there is much more work still to do. VAWA 2013 was a step forward, but the special jurisdiction it describes must be broadened to include sexual assault and sex trafficking by non-Indians. As we have seen at the Standing Rock Sioux Tribe in North Dakota, federal acquiescence to corporate interests that demand tribal land and resources is a scar on the face of this great country. The victims of this acquiescence are Native lands, sacred places, and the wellbeing of Native women. The state of North Dakota is willing to treat peaceful water protectors at Standing Rock as terrorists, but it looks the other way when Native women are exploited at man camps that are there at the behest of oil companies.

The protection of Native women needs to be a high priority of the United States, not just when making decisions about tribal courts and tribal programs, but also when deciding to green-light energy infrastructure projects that we know will impact the lives of Native women. The itinerant work forces know they are living and working on tribal jurisdictions and should be accountable to the local tribal government. There are many non-intimate abusers who rape and traffic women and girls within the jurisdiction of Indian tribes.

The Eastern Band is not located on a border, but we are impacted by people who cross international borders. In 2005, our tribal supreme court took jurisdiction over a case involving a non-Indian foreign national in a child abuse case, holding that tribal jurisdiction is not barred by the U.S. Constitution over a non-Indian foreign national. He literally left the country.

To safeguard our tribal communities, we need to be able to hold non-Indian perpetrators accountable. These individuals live on our land and in our communities. They use tribal resources, such as water, sewer, sanitation, police, fire, and emergency medical services. They marry and parent member citizens. They consciously decide to live within the tribal boundaries, and they establish a relationship with the tribe. When crime occurs, it occurs at a local level, and the tribe, as a local government, should be able to exercise its inherent jurisdiction over all persons committing crimes on tribal lands. We join DOJ's call to support the full restoration of inherent sovereignty to tribes with a full Oliphant fix.

When Congress passed the VOCA 30 years ago, it did not include tribes in the distribution of these funds. Tribes have only been able to receive a very small portion of discretionary funding from the Crime Victims Fund. In 2016, the National Institute of Justice's research report, *Violence Against American Indian and Alaska Native Women and Men,* provided a stark and alarming statistical view of the incidents of violent crimes perpetrated against our women and men. According to BIA, due to a lack of victim services programs in Indian Country, there is often little to no response to family members of homicide victims, sexual assault victims, child abuse victims, and others.

Congress has tripled disbursements from the Crime Victims Fund in the last 2 years, reaching $3 billion for FY 2016, and none of these funds have been directed to tribal governments. Indian nations and tribal service providers require essential resources to respond to the violence perpetrated against American Indians and Alaska Natives, as we have heard through heart-breaking stories all day today.

In July 2016, the Eastern Band of Cherokee Indians Cherokee Tribal Council passed a resolution calling on Congress to end the unconscionable exclusion of tribal governments from accessing support through the Crime Victims Fund by including a dedicated funding stream for Indian tribes. These Crime Victims Fund dollars need to be directed to tribal governments to fund tribal government programs and nonprofit and nongovernmental tribal organizations located within the boundaries of Indian reservations and Alaska Native villages.

We would also like to support international efforts involving the United States, Mexico, and Canada, in particular, the creation of the North American Working Group on Violence Against Indigenous Women and Girls. This new working group is important to address the high levels of violence against all indigenous women across the North American continent. Violence against indigenous women does not have international boundaries, and indigenous women across Canada, Mexico, and the United States are vulnerable as populations to sexual assault, domestic violence, trafficking, and murder.

While the working group is of particular significance to tribes along international borders, it is important to all Indian tribes because it protects indigenous women as a population. Traffickers, abusers, and rapists target Native women because the lack of protection for us is widely known. The phenomenon of missing indigenous women is part of the spectrum of violence against indigenous women. National awareness is essential to creating change, and we hope our federal partners will support the Senate's efforts to create a national day of awareness for missing Native women and girls in the United States.

Eastern Band has received funding through VAWA-supported programs since 1996, and we are one of the eight tribes that initially implemented special domestic violence criminal jurisdiction under VAWA 2013. We are honored to work with our sister tribes who are implementing this special jurisdiction in finding solutions to the challenges of this law.

We understand that these grants are prescribed by federal statutes as either formula or discretionary, but we urge DOJ to give consideration to the federal trust responsibility and provide funding to all tribes that apply on an annual basis.

Finally, I join with Juana Majel-Dixon (Pauma Band of Luiseño Indians) to emphasize that we must have an accounting from the U.S. Attorneys about what is happening to our cases and why the declination rate is so high. The families of victims deserve to have answers about why their cases are not being pursued. We ask that DOJ get us this information by January 19, 2017, before the transition in presidential administrations occurs.

### Eastern Shoshone Tribe, Fort Washakie, WY

*Jodi McAdams, Council Member*

I would like to reiterate some of the comments and recommendations that other tribal leaders have made today. OVW's grant process and its reporting process and requirements must be simplified. The complexity of these processes has caused great difficulty with our financial department.

I join with other tribal leaders in requesting information and an explanation about declination numbers. In the state of Wyoming, we have many problems with a great number of our cases not being prosecuted.

I would like to recognize one program that has worked for our tribe, that we hope OVW will continue to fund: the SAFESTAR Program. SAFESTAR stands for the Sexual Assault Forensic Examination Services Training Advocacy and Resources. With this program, a group of women from your reservation or your community are designated to work with sexual assault and domestic abuse victims. They can incorporate their cultures into the program, and they are trained to do forensic exams. They work closely with the FBI and the attorney general's office. Please keep this valuable program funded.

I am from the Wind River Reservation where we have two sovereign tribes, the Shoshone and Arapaho. The tribes have been fighting, and we decided we both wanted tribal courts. The jurisdictional issues have been a nightmare, and we have had great difficulty deciding one thing or the other. But through all of this, our SAFESTARs have managed to keep their little program going, sharing information with victims about sexual abuse and domestic violence. Our numbers have been up for sexual assaults with as many as five rapes reported in 1 week, and I believe that more rapes are being reported because of the SAFESTAR program. It has empowered women to have a voice. They have been vocal advocates for getting a SANE nurse in IHS—something that they have been working on for years—and it has finally been approved.

I hope OVW can continue the funding of SAFESTAR and share the information with other tribes, especially Alaska tribes because of their geographic isolation. Women in Alaska Native villages could administer this program.

> *DOJ responded to this testimony, sharing that the SAFESTAR program will be continuing through the National Indian Country Clearing House on Sexual Assault (www.niccsa.org). This group has plans to go to Alaska in spring 2017.*

### Fort McDowell Yavapai Nation, Fountain Hills, AZ

*Pansy Thomas, Vice President*

The Fort McDowell Yavapai Nation has approximately 950 tribal members and is located about 23 miles northeast of Phoenix, AZ. We employ about 500 people in our tribal government and our nine tribal enterprises. At any given time, we also host numerous visitors in the Fort McDowell Casino, We-Ko-Pa Resort and Conference Center, and We-Ko-Pa golf course.

With so many individuals traveling throughout our nation, public safety is paramount. We have a well-developed public safety and family services system, which includes a tribal court, a full-time police department, and a tribal family social services department. The tribal court includes a drug court. These systems allow our nation to provide direct services to tribal and community victims of domestic violence, dating violence, sexual assault, and stalking.

Our nation has recently implemented new programs and education on domestic violence awareness and batterers' probation. These measures aim to increase direct services and promote knowledge, resources, and healing. Encouraging cultural pride and understanding is an important dimension of these services.

Despite our efforts, we still have need for additional federal resources and collaboration to strengthen current services and develop new ones.

We need more Native-specific, culturally competent shelter options. When emergency shelter is required, we use emergency funds to place victims in shelters if beds are available outside the reservation boundary line or in local hotels. Those who require longer term housing are often left to live in an environment that is not culturally sensitive. They then need to return to the reservation to regain a sense of self, but this ultimately places them in dangerous proximity to their abusers.

We also need more training funds to allow judges, police officers, prosecutors, and advocates to attend and provide domestic violence training. Travel funding should be opened to all trainings dealing with domestic violence, sexual assault, dating violence, and stalking, and not limited to OVW trainings. These issues and crimes are evolving all the time, and when we are limited to only OVW trainings, we have fewer opportunities for learning, and we are not as efficient in helping our victims.

We also have recommendations related to OVW grant funds. We request fewer limitations on how grant funds are spent. Even though more activities are currently allowed under the Grants to Indian Tribal Governments program than in the past, limitations on how funds may be spent still pose a challenge. The disbursement of funds should be related to the need for services, not formulas, and should eliminate population caps. We do not receive all the funding that we request, and this makes it extremely difficult to provide the services needed in our community. Federal grants should also be cycled sooner. Lapses in funding cause the layoff of employees who work intensively on providing services to victims and the community, and layoffs can result in a lapse in needed services. In OVW's consultations, state attorney generals should attend, as well as BIA and FBI officials.

More education opportunities for state and county agencies about tribal needs and services will enhance the safety of Native women. The journey of healing for Native women is a long one, and not easy under the best of circumstances. To support Native women, federal and tribal collaborations should work to make that journey, and the transition from being victims of violence to perseverance, less trying and more effective.

### Gila River Indian Community, Sacaton, AZ

*Monica Antone, Lieutenant Governor*

The Gila River Indian Community has approximately 20,000 members and many live within the Phoenix metropolitan area. I work with all of our tribal departments and tribal council members to implement VAWA for our community. We agree that the main challenge in our community is funding. Our gaming dollars can only go so far, and with funding comes manpower.

In 2015, our tribal police responded to 796 domestic violence cases, and our detectives have filed federally and for habitual offenders. Of those cases, 389 were prosecuted, and 41 percent of them had non-Native perpetrators. A huge concern in Indian Country right now is strangulation cases, and tribes need to be aware of these trends.

We are an active member of the Intertribal Working Group,[10] and it has allowed us to identify challenges with implementing expanded jurisdiction under VAWA. Tribes with no correctional facilities have memorandums of understanding with local municipalities and jails. We explored an agreement with our local detention center in Florence, AZ. The amount per day to hold an inmate in custody was $90 to $100 or more daily, and that cost does not include medical services or pharmaceutical needs. Our solution is to establish a memorandum of understanding with Gila River Health Care, our tribally operated health facility.

Another challenge we face is being between two counties, Maricopa and Pinal, which have different jurisdictions, law enforcement, and sheriffs' agencies.

Our Department of Corrections is concerned about whether our tribal courts have the ability to bring additional criminal charges against a VAWA inmate who is already imprisoned. For example, if a VAWA inmate assaults staff or another inmate, will tribal courts have jurisdiction over that incident? As a second example, what if a VAWA inmate introduced illegal contraband into our jail? Would the VAWA inmate be subject to criminal charges? In many cases where there is criminal activity within the jail, the local authority has jurisdiction over the inmates. VAWA does not speak to this.

Our correctional facility was recently accredited by BIA. Other tribes seeking to have their own facilities accredited by BIA need technical assistance to answer questions about how to implement VAWA using their own jails to hold inmates in custody.

The current VAWA also fails to address the funding necessary to handle jury pools, jury trials, and compensation to have a fair and impartial jury.

Our chief judge has recognized the need for Special Assistant United States Attorney (SAUSA) training for court judges, prosecutors, and defense services. We believe the Attorney General should set the topics for this training.

Regarding how our tribes work with the state of Arizona, our current state governor has implemented a governor's commission against sexual assault, domestic violence, and sex trafficking. I sit on this commission, and I constantly remind other non-tribal members about VAWA implementation among the tribes. I also want to recognize Alfred Urbina of the Pascua Yaqui Tribe, because he has worked tirelessly with the state of Arizona on VAWA implementation by offering SAUSA training to court attorneys. His work and dedication has moved VAWA implementation forward.

In the Phoenix metropolitan area, when there is domestic violence or sexual assaults, people go to our IHS facilities. The wait times are incredibly long, and emergency room doctors do not appear to have the appropriate training to address victims' needs. IHS should offer more training to emergency room doctors. In addition, physicians are often rotated between IHS service centers, and they do not treat domestic violence as a high priority.

[10] The Intertribal Technical Assistance Working Group on Special Domestic Violence Criminal Jurisdiction is a voluntary working group of representatives from tribes who are implementing or are interested in implementing special domestic violence criminal jurisdiction as defined under VAWA 2013.

As tribes support each other in implementing VAWA, we need to look carefully at tribes' land bases and the statistics of the crimes they prosecute. Many assaults that we see are becoming brutal and heinous. It is important to gather data about what we encounter as we implement VAWA.

Arizona has 22 tribes, and our numbers are growing. Tribal coalitions are becoming more and more important in our work. I commend Leann Guy and Tonya Harting with the Southwest Indigenous Women's Coalition, because they have been at the forefront in working with DOJ. I also believe that tribal leaders must lend their support to this agenda for our work to be effective.

Our greatest challenge is funding, and I admire what other presenters have said about formula funding. If a formula can be developed based on tribes' statistics and needs, it would be a fairer way to allocate funds. Currently, our tribe stands ready to implement VAWA's expanded jurisdiction—we just do not have the funding.

I want to thank Juana Majel-Dixon for teaching me how to be a strong advocate for Indian women and Indian Country, and I want to thank the deputy directors who are leaving OVW for their work for such a worthy cause.

### Grand Traverse Band of Ottawa and Chippewa Indians, Peshawbestown, MI
*Kimberly Vargo, Vice Chair*

The Grand Traverse Band of Ottawa and Chippewa Indians was reestablished as a federally recognized tribe in 1980. We are in the northeast lower peninsula of Michigan, with checkerboarded reservation land that covers a six-county service area. We have 4,173 enrolled members, with 1,896 enrolled members living in our service area. There are 5,108 Native Americans from federally recognized tribes living in our service area. We exercise criminal jurisdiction over all Native Americans from all federally recognized tribes on our lands, but we do not have criminal jurisdiction over non-Natives for domestic violence proceedings and personal protection order enforcement. We enacted a tribal domestic violence code in 2007, which includes provisions for personal protection orders, but our jurisdiction is limited to members of federally recognized tribes.

Since 1998, our tribe has received 12 OVW grants for the protection of Native women. Recently, we received the 3-year grant to exercise special domestic violence criminal jurisdiction over non-Natives for domestic violence offenses. Through the grant, we will investigate what is needed in terms of constitutional reform, code development, court rules, jury empaneling, data collection, information exchange with foreign jurisdictions, indigent defense, detention and housing, and medical care obstacles. At the end of the 3-year grant, we expect to fully implement VAWA's enhanced jurisdiction over non-Natives.

### Grand Traverse Band of Ottawa and Chippewa Indians, Peshawbestown, MI
*Tanya Wanageshik, Chief Judge*

Our tribe has the following statistics regarding domestic violence and personal protection orders, relating to the consultation question about our tribe's experience with state and local authorities' willingness to recognize and enforce tribal protection orders.

- Since 2014, our police department has responded to 49 domestic violence incidents within our jurisdiction. Of these, 35 involved Native offenders and 14 involved non-Native offenders.

Regarding prosecution, 42 cases have been referred to state, federal, or tribal prosecutors. Of cases prosecuted, 33 involved Natives and 9 involved non-Natives.

- For tribal prosecution and court action since 2016, 16 cases were filed with the tribal court, resulting in over 24 charges. Of the 24 charges, 14 were domestic violence related, resulting in 5 convictions. Five charges were for the violation of domestic violence personal protection orders, resulting in three convictions.
- Since 2014, 36 personal protection orders have been filed in our tribal court; 28 were ex parte, and 19 final protection orders were granted. Of these orders, 7 were against non-Natives and 11 were against Natives, meaning that 63 percent of the personal protection orders issued by our court are against non-Natives.
- In 2014 and 2015, our tribal court began directing petitioners to file protection orders with the state court, instead of the tribal court, when the protection order involved a non-Native, because state and local courts were not enforcing criminal actions against non-Native protection order violators when the protection order had been issued by a tribal court. As a specific example, in 2015, our tribal court issued a civil personal protection order prohibiting a non-Native from contacting a Native woman. In June 2015 and again in March 2016, state and local prosecutors declined to prosecute protection order violations because the state prosecutor erroneously assumed that, because our tribal court had the authority to issue a civil protection order, we also had the authority to proceed with criminal enforcement of the protection order. In this example, the non-Native individual has yet to be prosecuted for any action.

Because of this issue, we ask that DOJ clarify to state and local prosecutors that, while a tribe may have the civil authority to issue a personal protective order against a non-Native, unless a tribe has fully implemented VAWA's enhanced jurisdiction, they are unable to exercise the criminal jurisdiction to enforce them. Consistent education, from the federal level down through state and local levels, must be a priority, so states and localities can understand this distinction.

### Grand Traverse Band of Ottawa and Chippewa Indians, Peshawbestown, MI

*Thomas Shomin, Councilor*

I want to answer the question about what our tribe's experience has been with missing Native women and children and domestic violence homicides. Two Grand Traverse Band women, Kathleen Floyd Garcia and Monica June Anderson, died at the hands of their non-Native partners.

In 2001, Kathleen Floyd Garcia was assaulted by her non-Native husband in their marital home in tribal housing. Her non-Native husband was charged with domestic violence and, eventually, aggravated domestic violence, which carries a longer sentence. The husband was not ordered to attend counseling because no local counseling was available in Spanish. Six months later, in 2002, when Kathleen was living with her mother, she was stabbed to death by her non-Native husband in her mother's home. The husband was convicted of first degree murder in the Sixth Circuit Court because the death occurred on tribal lands.

In 2013, Monica June Anderson was shot by her live-in boyfriend. The boyfriend pled guilty to involuntary manslaughter, discharge of a firearm while under the influence, and resisting and obstructing police. He will serve 19 years in prison.

Both women were brutalized in front of their children, and both moved around to try and escape their abusers. Perpetrators know the difference between living on tribal land and not living on tribal land. They know the law and intentionally take advantage of the loopholes.

Because of incidents like these, federal funding for domestic violence must continue and not be decreased. Our primary concern is the viability and sustainability of exercising enhanced criminal jurisdiction over non-Natives. Our tribe has little to no tax base. Given the recent decrease of 638 contracts and the decrease of federal funds, our main source of funding is revenue from gaming and smaller investments. But that revenue is severely stretched in providing day-to-day services to tribal members and operating the tribal government. For this reason, Grand Traverse Band requests that OVW continue funding for domestic violence and for the enforcement of personal protection orders.

Prevention funding must be continued with the focus of teaching children and teens about domestic violence. Research shows that children who grow up in homes with domestic violence are more likely to continue the cycle of domestic violence in their own relationships when they are adults. Domestic violence among teens is on the rise.

Funding must continue to assist the victims of domestic violence. Our domestic violence workers must provide a wide range of services to victims, including housing and safety plans for children, as most victims remain in the relationship with their perpetrator because they rely on the perpetrator's income.

Funding should be available to provide behavioral health counseling to perpetrators of domestic violence. Research demonstrates that most domestic violence perpetrators will be repeat offenders. Without counseling, perpetrators have the propensity to repeat the domestic violence cycle with current and new victims.

We look at budgets and programs from day to day or year to year, but it is important to remember that these problems were not created overnight and cannot be addressed overnight. These issues occur from generation to generation, with historical trauma rooted in experiences like the Indian boarding schools. To be effective, our solutions must address these issues at the same broad level.

### Hoonah Indian Association, Hoonah, AK

*Candy Keown, Human Development Director*

Hoonah is a Tlingit community in southeast Alaska. It is on an island about 40 air miles southwest of Alaska's capital, Juneau. The only way to reach our community is by air or water. We have about 760 residents, and we estimate that about 66 percent of our community are Alaska Native or Alaska Native and another race.

The City of Hoonah has a department of public safety that employs a chief of police and three police officers. We have a Southeast Alaska Regional Health Consortium clinic in the community and a healthy network of volunteer emergency medical personnel and fire fighters. We have had no position focused solely on domestic violence in many years, but thanks to our newly awarded OVW grant, the tribe has hired a full-time domestic violence advocate.

Alaska is very unique, as is each Alaskan region and community based on its location, resources, community politics, cultures, and histories. Because of this, the needs of one community are not identical to the needs of the next.

Our community's biggest issue is the silence that surrounds domestic violence. I know stories of women who were beaten by their partners and turned to their parents and family for help. They were taken in with bloodied and swollen faces and kept safe for the night, but then told not to tell anyone else about it. They had no choice but to return to the home of their abuser.

Women are not reporting domestic violence incidents, and neither are their families. You only hear about it through a whisper in the rumor mill. The community helps hold the wall of silence, condoning abusive and criminal behaviors and discouraging victims from speaking the truth and receiving life-saving, life-affirming assistance and support. Our community and our women deserve the tools, courage, and support to report if they choose and to seek help.

A few years ago, our tribe joined the Southeast Alaska Regional Health Consortium's Domestic Violence Sexual Assault Advisory Board. The group held a 3-month class where women came weekly to learn and talk about domestic violence and to make octopus bags, which are part of our traditional regalia. During the class, it became very clear that, even though we are fortunate enough to have a police force, women do not trust the Department of Public Safety. They feel that if they report information to the police, it would be shared and confidentiality would not be maintained. Women also questioned the value of reporting domestic violence incidents because they felt the police would not do anything anyway. We need to repair the trust between our police department and the community, and our officers may need additional training about confidentiality, especially in a very small community.

Hoonah applied for and received its first funding under CTAS Purpose Area 5 this year, and I was the primary person who prepared the application. The application process was not user friendly or accessible. To apply for federal funding, you should not have to have a college degree. I am a Stanford graduate, and I found the application process so intimidating and stressful that I broke out in a stress rash while writing the proposal.

Part of the stress comes from the seriousness of the issue of domestic violence and how badly our communities need funding. After we received our first grant, I became aware of the many tribes that have applied multiple times, repeatedly suffering the stress of this application process, and have yet to receive a grant award.

Title IX of VAWA specifically references the unique legal relationship of the United States to Indian tribes that creates the federal trust responsibility to assist tribal governments in the safeguarding of the lives of Indian women. Until funding is equally available to all tribes, the federal government is failing to meet its trust responsibility. The only answer to this is formula funding, which would make funding available to all tribes on a consistent basis. With the current system, if my program is not funded again after 3 years, we have no way to continue to support the program.

I am a board member of the Alaska Native Women's Resource Center, and, through that, I have seen the difference that it makes to provide a point of contact for Alaska tribes. Many of us are very isolated geographically, and information assumed to be common knowledge does not always reach us. As the Alaska Native Women's Resource Center continues to develop, I hope it will provide a bridge for the many isolated and underfunded tribes in Alaska to be able to protect their women.

## Hopi Tribe, Kykotsmovi Village, AZ

*Norene Kootswatewa, Tribal Council Member, Law Enforcement Committee Chair*

The Hopi Tribe is located in northeastern Arizona, atop three mesas that make up the Black Mesas. We have 14,000 enrolled members with about 9,000 living on the reservation, which spans 12 villages and 1.2 million acres. We are rich in culture and practice our ceremonies according to the agricultural calendar.

A Hopi-Tewa woman is the person who holds the family together. Because of our remote location, violence against women is an ongoing issue, and it has continued due to historical trauma brought about by the attempts to colonize us and all other tribes.

Each tribe is unique in its own way. We are sovereign governments with unique needs and must be treated and respected as such.

To fully address violence against Hopi women, we have seen the need for consistent collaborative partnerships with other tribes and with our federal partners like BIA and IHS. It is imperative that tribes have a voice and a seat at the table when federal policies on violence against women are being developed. We, as the Hopi Tribe, and our local tribal coalition, the Hopi-Tewa Women's Coalition to End Abuse, need to be at the table to share what does and does not work for our tribal communities. Being at the table with our federal partners can strengthen the response to violent crimes, but, for that to happen, our federal partners must recognize our tribal sovereignty and unique values that promote prevention and healing.

We know our people best, and DOJ must recognize the expertise of local agencies, such as tribal coalitions, when it comes to training service providers who respond to violence against women. We know the current and cultural issues best, including historical trauma, victim-centered and trauma-informed services, and our cultural values and teachings, as well as the importance of healing in a cultural context. Using cultural knowledge, together, we can enhance the safety of Hopi and Tewa women from domestic violence and sexual assault.

Although IHS has implemented the same programs in facilities serving tribal communities, Hopi Tribe still lacks adequate, trained SANE nurses to fulfill the needs of our sexual assault victims. The high rate of turnover in employment with IHS has left us with only two SANE nurses, one of whom is extremely limited in her availability due to her primary duties as a nurse case manager. To fully address the needs of sexual assault victims, we recommend that all IHS nurses be cross-trained as SANE nurses and that all IHS facilities should have full-time SANE coordinators and SANE nurses. For this to happen, we recommend that the requirements for SANE nurses be open and flexible to encourage more nurses to become trained in this much-needed service.

Regarding administering tribal funds and programs, it is critical to limit special conditions placed on federal funding from DOJ to tribes and tribal coalitions. The Hopi Tribe's domestic violence program was awarded a CTAS grant in September 2016. Prior to that, the program operated on a very, very low budget for an entire year. We had only one victim advocate to serve the entire reservation.

Currently, Hopi is having issues with our law enforcement officers. We have BIA law enforcement and Hopi Resource Enforcement Services who are under the Hopi Tribe. The federal government has informed our tribal council that it recognizes BIA as the law enforcement agency and that our tribal

resource enforcement officers are not recognized. As a result, these two departments are not in full communication with each other and are not working collaboratively to protect our people to the fullest.

We were recently informed that there are only six BIA police officers with, at times, only two officers on duty per shift, which causes poor response times and delays of up to 2 and 3 hours. Our tribal resource enforcement officers are state certified and have applied for commission cards, but were denied by BIA. We have yet to have BIA come to Hopi to address our tribal council and listen to our concerns about what we are encountering regarding the lack of BIA officers and poor response times.

To fully hold perpetrators accountable for violence against women, we need adequate jail and punitive systems that address historical trauma, and we need cultural and spiritual healing. For several years now, we have requested support to renovate our current jail or build a new one. Our detention center has been deemed noncompliant and unsuitable, but our BIA officers still house up to seven inmates there. Others are either transported to the county jail about an hour away, or they are cited and released, depending on the charges.

Due to the high victimization rates of American Indians and Alaska Natives, it is critical that tribal governments be included in disbursements from the Crime Victims Fund to support victim services and resources for victim compensation. The administration should include a 5 percent tribal allocation in its budget request.

We also ask that tribal jurisdiction over non-Indian offenders be broadened and restored to include non-Indian perpetrators of domestic violence, sexual assault, dating violence, and stalking. To do this, funding to support the implementation of VAWA 2013 must be increased. It is also imperative that the tribal deputy director position be filled quickly so the important work OVW does on tribal affairs can continue with minimal disruption by an individual who is knowledgeable and has experience working with Indian tribes.

I will now share my own story. I, too, am a victim. I continue to survive. I have two younger daughters, and they are both adults now, but they were victims of sexual and physical assault.

My older daughter's assault happened on New Year's Eve in my own home. I had heard noises, but did not think much about it until I heard footsteps in the living room. I found my daughter's boyfriend there, crying in front of the wood stove. He had lost his mother, and he was crying about why she had left him, left her children behind. I consoled him and even hugged him. I cried with him, not knowing what he had done to my daughter. He got up to leave, and I told him he would be okay.

I went to my daughter's room, but she was asleep, so I did not bother her. The next morning, I made breakfast and went to wake her. She was still under the covers. I asked her to get up and come out, but she said no and kept herself covered. When I pulled the covers down, she covered her face. I asked what had happened.

She started crying and said, "Mom." That was all she could say.

When I saw her face, I could not believe what I was looking at. Her boyfriend had beaten her so badly she could not open her eyes. They were swollen shut and half her face was purple. I had this rage come over me, knowing who had done that and that I had comforted him, not knowing what he did to my daughter. I took her to the hospital, and they were surprised she had survived because of how badly she

had been beaten. She went through surgery. She did not want to press charges, because she was so afraid that her boyfriend would come back.

My youngest daughter was a sexual assault victim at the age of three. I can now talk about this freely: her perpetrator was my brother, her uncle. I had always taught my daughters that, if anybody ever tried to touch them or do anything to them, they could tell me. So she did. When she was three years old, she came home and told me what had happened.

Sometimes, this comes from historical trauma. We have talked with women across Indian Country who have been victimized by their own families—grandfathers, fathers, uncles, brothers. It is not the Native way, and, often, people never report it. I took the step of pressing charges against my own brother.

It was hard. I went to my mother and told her what had happened. I asked her if she would be angry at me, if she would treat me differently because I was going to press charges. She cried, but she gave me her blessing and said, "Do what you need to do." Then, I went to my sisters who are all older than me, and I told each one the same thing. I said, if you wish to disown me, it is up to you, but I will stand by my baby girl.

My brother was prosecuted, and my daughter was not the only victim. Recently, he was released from corrections. Nobody told us he was home. We just happened to see him at one of our ceremonial dances. He continued to abuse alcohol, and he did it again. Not to my daughter, but to another community member. He is in prison again, and he received a sentence of 40-plus years.

My youngest daughter grew up and found a boyfriend. She, too, was victimized by her boyfriend, as her older sister had been, and she also refused to press charges. I talked with her and asked her to leave him, but she stayed in the relationship. Finally, she reached a point where she felt like she could walk away from him, and then she found out she was pregnant. When you become a grandmother, it is supposed to be a happy moment, but I was not happy because I knew she would not leave him. Even during her pregnancy, her boyfriend abused her.

She gave birth to a beautiful baby girl, and she stayed with her boyfriend. In September 2015, there was an incident, and I was thankful she did not have my granddaughter with her. She got upset, took off in her boyfriend's car, and crashed it. Again, the doctors told me she should not have survived, but she did. And she continued with her relationship.

In 2016, my daughter contacted me when I was at a conference with our tribal chairman in Chandler. She had broken off the relationship with her abuser, but she needed a sitter, so she took her daughter to her boyfriend's house, because an aunt was going to be there to watch her. When she got there, her abuser was there, and he pulled a gun on my granddaughter. The man's father, a retired police officer, was also home when all this happened. My daughter left, but did not take my granddaughter. She called the police, our BIA law enforcement, but no one came. Eventually, the aunt brought my granddaughter back to her mom.

I returned from the conference, and my daughter told me she and my granddaughter were safe. She said her abuser had been arrested. The next morning, I drove to the tribal courts because he was going to be arraigned. On the way, I saw him walking along the highway back home. When I got to the courts, they said he had never been charged. The prosecutor's office told me no complaint had been filed.

I spoke to the Hopi Chief of Police, who is my nephew, and questioned why nothing was done about this man. He had arrest warrants out, and they were not willing to charge him. My nephew said that it is up to the victim to file charges. Because of our lack of law enforcement, these are the issues that we face.

### Houlton Band of Maliseet Indians, Littleton, ME

*Brenda Commander, Chief*

I want to thank OVW for providing this opportunity for consultation to ensure that federal decision-making is consistent with federal obligations to tribal nations. When decisions impact tribal communities, there is an obligation to consult. An example would be when there is reprogramming of funds or other changes to federal programs, such as CTAS. I hope that, along with the federal fiduciary trust responsibility to American Indian and Alaska Native tribes, OVW also recognizes the inherent rights of tribes, as described in the United Nations Declaration on the Rights of Indigenous People.

Our tribal members often live below the poverty line and are challenged in finding affordable housing, transportation, and employment in our economically depressed region. We continue to be devastated with our life expectancy, which is 55 years. Our members suffer from high rates of diabetes, heart conditions, depression, and now, opiate addictions.

We have created a Community Action Committee to develop a plan to address these issues, and, importantly, we have committed to a zero tolerance policy on domestic violence and sexual assault. We do not have a tribal police or court system, but we have banned and removed two non-Native perpetrators from our lands.

In 1998, we received our first domestic violence grant from DOJ, and we established our domestic violence response program for victims the same year. Since that time, the program has grown from a one-person, cubby-hole office to a fully staffed domestic and sexual violence advocacy center and emergency shelter. It was through the establishment of the Office on Violence Against Women, the increase in funding for tribes, and the reauthorization of VAWA in 2005 that we were able to expand victim services to include a shelter, legal representation, transitional housing assistance, and sexual assault services. Over time, the number of victims who return to abusive relationships has dramatically decreased.

We do not currently operate tribal police or a tribal court. Our advocacy center assists victims with protection orders in our main district court; therefore, we do not have any testimony on the consultation questions regarding the recognition of tribal protection orders.

I want to tell the story of a federal employee who has supported New England tribes for almost 20 years. When asked why, he tells people the first reason is because it is the right thing to do. Then he tells them that, even if that were not true, he would still do it because federal law requires it. If every federal agency employee followed this example, we could go a long way.

> *Other recommendations from the Houlton Band of Maliseet Indians are listed under Maine Tribes' Testimony.*

## Hualapai Tribe, Peach Springs, AZ

*Carrie Imus, Tribal Council Member*

The Hualapai Tribe is located in the northwest part of Arizona along the rim of the Grand Canyon. We are a small tribe with about 2,300 members. We are not a gaming tribe, but tourism has worked well for us; we have been fortunate in that area. We have the one road that accesses the bottom of the Colorado River, and we are also the tribe that has the skywalk over the Grand Canyon. Even so, our needs are as great as the other tribes that have spoken today. Our tribe has a four-bedroom domestic violence shelter, and we face many challenges in operating it. The hardest thing is the high staff turnover rate.

OVW's funding structure sets tribes in competition with each other, and not all tribes are lucky enough to employ a grant writer. I had the task of submitting our first OVW grant in 2008. The most difficult part for me was the budget. But, like many of the other tribes here, I continue to try my best because of the needs of our victims and families.

We support tribes being able to get a share of state STOP funding. We do not currently receive that in Arizona. We also support the NCAI recommendation that tribes receive 5 percent of the Crime Victims Fund dollars. We need more funding for our tribal police, which includes all of the needs required to perform their duties, such as staff, vehicles, and equipment.

We urge OVW to take action on trafficking. I learned recently that a trafficking ring was broken up by law enforcement in Prescott Valley, which is not far from my home. Women and young girls were being held there and sent to California. We also recommend that cases of murdered and missing Native women be taken more seriously, and that tribal police, FBI, and whoever else can help must continue to look for them.

The Tribal Access Program should be made available to all tribes to access federal databases and enter protection orders. Training is needed for tribal judges and tribal police to determine what gaps there are and to coordinate how to move forward. Our tribe is not located near a metropolitan area, and we do not encounter some issues, such as full faith and credit for tribal protection orders, but we still support action on these issues on behalf of the other tribes that have spoken and are directly affected. We also support action to address the issues that tribes are reporting with the implementation of special domestic violence criminal jurisdiction under VAWA 2013, including the costs of detaining and providing for the medical needs of prisoners.

Tribal resources are impacted when working with victims of domestic violence because women and families may need a range of resources, including prevention, intervention, and substance abuse treatment. Many tribes rely on IHS for resources like this, but IHS has a very limited budget. We have to wait and wait for new monies to come out each October.

The four core federal statutes—VAWA, the Tribal Law and Order Act, the Family Violence Prevention and Services Act, and the Victims of Crime Act—have the potential to improve the safety of Native women, but they must be fully implemented and funded with sufficient resources. Particularly for Alaska tribes and the hardships that they go through, I pray that sufficient resources will be provided to meet these needs.

Little River Band of Ottawa Indians, Manistee, MI

*Beatrice Law, Tribal Council Member*

As of 2015, our tribe has implemented the new provisions of VAWA. We are currently working on regulations and personal protection orders, and we have learned many things at this consultation that will help us continue and improve our implementation work.

Transporting prisoners is a priority for us. We mentioned it at the last consultation, and we are mentioning it again now. We do not have a detention facility in our area.

Crime victims do not make reports due to their lack of trust in our tribal law enforcement system and confusion over jurisdiction.

We want to see VOCA funds become available for tribes, and we want to see funds for the implementation of special domestic violence criminal jurisdiction awarded to tribes. We have not yet had any domestic violence cases come through our court, so that is something positive to report.

Little River Band of Ottawa Indians, Manistee, MI

*Frankie Medacco, Council Member, Robert Medacco, Director of Public Safety, and Shanaviah Canales, Domestic Violence Program Coordinator (written testimony)*

Efforts to enhance the safety of Native women would be more effective if victim services included family violence. Native families are close knit, and family members live together in many different configurations for many reasons besides financial needs or homelessness. One example we see is that, as abusers are removed from homes where they assaulted an intimate partner, they return to live with other members of their families. Over time, the abusers begin to exhibit similar violent behavior toward other family members. This behavior is considered domestic violence by statute.

Family violence often goes unreported. It would be easier to convince victims of family violence to come forward if we could provide them with comprehensive victim services. Offering family services would increase reporting of these crimes and reduce violence against Native women. We need to be able to ensure that all victims of domestic violence can remove themselves from violent situations and that no domestic violence victim be turned away because they do not meet the funding criteria.

To strengthen the federal response to domestic violence and other crimes, communication should be improved between U.S. Attorneys' offices and police departments. When a case has been referred to the Assistant U.S. Attorney's office, it can be months or years before we receive any update on it. For that time, our victims sit in limbo. Often, no arrests are made. The abuser is allowed back into the household, increasing the chance of further incidents. We receive calls from advocates and victims on the statuses of their cases, and when we contact the Assistant U.S. Attorney's office, we are told the case is under review. This lack of response deters victims from reporting future incidents, because they believe that "nothing ever happens" when they report. If we improve communication about these cases, it would help protect victims from further incidents. Improvements could be as simple as providing regular status updates on referred cases and establishing guidelines on when a warrant will be issued in domestic violence cases.

Our tribe has faced challenges in administering grant funds appropriately. We have difficulty in getting timely responses from grant managers when we contact them with questions or issues. There is no clear timeframe for when modifications that we submit will be reviewed or when we will be notified of the

outcome. These administrative challenges cause delays when providing services to victims who have immediate needs. Also, domestic violence advocates must then use their limited time to address these administrative issues.

### Lower Elwha Klallam Tribe, Port Angeles, WA

*Frances Charles, Chairwoman*

Our tribe continues to experience difficulties in having our tribal court protection orders recognized by state and local authorities. This challenge is an ongoing issue for us, just as it is for so many other tribes who have spoken today, and it is unacceptable and immoral.

Our top recommendation to improve this situation is to give all tribes equal access to the Tribal Access Program for national criminal databases. Why is the Tribal Access Program not available to all tribes that issue protection orders through their tribal courts? Right now, tribes in Alaska, tribes in PL 280 jurisdictions, and tribes in settlement states (such as Maine) are left out of the Tribal Access Program. Elwha operates its own tribal police department, and we have implemented SORNA, so we qualify for the Tribal Access Program, but we recognize that this opportunity has not been made real for all tribes. Our tribe does not support shifting the $3.9 million in Congressional appropriations under VAWA 2005 to the Tribal Access Program. If not all tribes can access the Tribal Access Program, we need a stand-alone system.

Tribes have historically asked that the federal government not force us to compete against one another for grant funding. CTAS has not addressed this issue. In addition, tribes were never asked if they agreed to the CTAS purpose areas. We need funding reform that is informed by tribal consultation.

Crime Victims Fund dollars are not available to tribal communities. Elwha supports a 5 percent tribal allocation under VOCA.

As Lorraine Edmo leaves her position as the deputy director of tribal affairs for OVW, it is critical that her position is filled immediately by this administration to continue the important work she has done over the years.

Elwha also recommends that a transition memorandum be issued by January 19, 2017, to outline OVW's intentions for consultation in 2017. We request that a special midyear consultation take place in the summer months of 2017 so tribes have the opportunity to communicate issues and concerns to the new administration prior to the FY 2018 CTAS announcement.

### Maine Tribes' Testimony

*Aroostook Band of Micmacs, Presque Isle, ME – Edward Peter Paul, Tribal Chief*

*Houlton Band of Maliseet Indians, Littleton, ME – Brenda Commander, Chief*

*Passamaquoddy Tribe at Indian Township, Princeton, ME – William J. Nichols, Sr., Tribal Chief*

*Penobscot Indian Nation, Indian Island, ME – Kirk Francis, Tribal Chief*

This section includes testimony from four Maine tribes that included many shared themes and recommendations. The shared elements of their testimonies are summarized here, and unique elements from their testimonies are summarized under their individual tribe names.

**Maine Tribes and Exercising Jurisdiction Under VAWA 2013**

The Maine Indian Claims Settlement Act, enacted in 1980, created barriers to the safety of Native women and prevents the full implementation of VAWA 2013. Two specific parts of the law describe how federal Indian law does not apply in Maine:

- Section 1735(b) says that any federal law passed after October 10, 1980, that was passed for the benefit of Indian tribes and affects or preempts Maine state law will not apply within in Maine unless it is specifically made applicable in Maine.
- Section 1725(h) says that no federal Indian law that gives special status to Indian tribes or lands or that affects the jurisdiction of the state of Maine shall apply within the state.

To clarify the application of VAWA 2013 for the benefit and protection of the federally recognized Wabanki tribes in Maine, Maine tribes recommend that the following language be added in the next reauthorization of VAWA:

> The tribal provisions of the 2018 reauthorization of the Violence Against Women Act, all previous tribal provisions, and all subsequent tribal provisions shall apply within the state of Maine.

In addition, we request that DOJ take all steps necessary to provide for the full implementation of VAWA 2013 by Indian tribes in Maine.

**Full Access to Federal Databases**

Regarding full tribal access to federal crime databases, we congratulate DOJ on its efforts to ensure access through the Tribal Access Program. But there are many tribes that do not meet the Tribal Access Program qualifications, but still issue protection orders. For these protection orders to effectively protect victims, these tribes also need to be able to enter them into NCIC.

**STOP Violence Against Women Formula Funds and State Consultation with Tribes**

Regarding STOP formula grants and state consultation with tribes, there is a requirement to consult with tribes, but this has not happened in Maine. There was a gathering of state STOP administrators to educate them on this requirement, but the Maine STOP administrator did not attend.

It is inadequate for states to produce STOP plans in consultation with other entities, but excluding tribes, and then ask tribes to give the plan their blessing. Meaningful consultation requires including tribes at the beginning of the process so they can be instrumental in the formation of the plan, not just rubber-stamping it at the end. Tribal coalitions must also be included in this process.

Currently, communication between the state STOP administrator and tribes is not good. The STOP administrator should visit tribal leaders, explain the funding process, and ask the tribal leaders to appoint someone to the state planning committee. Then, the onus would be on tribes to participate or not.

**Expansion of VAWA Section 904 Jurisdiction**

In the next reauthorization of VAWA, Section 904 needs to be broadened to give all tribes criminal jurisdiction over non-Indian perpetrators of domestic violence, sexual assault, dating violence, and stalking.

**Parity in Funding for Tribes Under FVPSA and VOCA**

We ask that FVPSA be amended to increase tribal set-aside funding to 15 percent. Small tribes, like ours, received $17,000 this past year, which is up from a low of $13,000. These amounts are woefully inadequate to address family violence. Currently, tribes do not receive direct funding from VOCA and few receive VOCA funding through their state administrators. We ask that tribes receive VOCA funding directly from the federal government. To address the fact that VOCA funds to states increased dramatically, with little or none going to tribes, we request that the administration include a 5 percent tribal allocation in its budget request.

**OVW CTAS Purpose 5 Area Awards**

Regarding CTAS Purpose Area 5 awards, while it is wonderful to receive a grant announcement that your tribe has received funding, it is shocking to discover that it takes anywhere from 1 to 10 months to draw down funds, as all OVW awards go through a budget approval process after the award. Because OVW is short staffed, our access to awarded funds is compromised and our victim services are impacted. While we wait for responses to our requests or Grant Adjustment Notices, our victims' assistance programs cannot perform their vital work.

While we often hear that OVW is adding staff, more staff always seem to leave, leaving the tribal unit constantly understaffed. We hope someone will take a hard look at the government's ability to fill positions in a timely manner and how to increase staff satisfaction so that turnover is minimal.

**Other Recommendations**

Regarding OVW rescinding funds from the Grants to Tribal Governments program, the federal government has a heightened trust obligation to tribes. Therefore, Congressionally mandated rescissions should not be applied to tribal programs.

We recommend that the date for the annual OVW consultation be moved to early summer so the recommendations made may impact the following grant cycle, rather than holding the consultation immediately after the grant awards were made.

We ask that the administration declare a day of mourning for the murdered and missing indigenous women and children in the United States. It has a great deal of national support, and we hope people here will share their support with their senators and congressional representatives.

**Changes Within OVW Staffing**

We are aware of the upcoming departure of Bea Hanson and Lorraine Edmo from their positions of leadership within OVW. We have the highest regard for their extraordinary work on behalf of American Indian and Alaska Native people during their tenure, and we offer sincere appreciation to them for their dedication and commitment to Indian Country. It is extremely important that the position of deputy director for tribal affairs be filled before January 20, 2017, to assure that the important work OVW does on tribal affairs can continue with minimal disruption.

We must always give thanks to Vice President Joe Biden for his work to bring about the miracle called VAWA in 1994 and his dedication and support that have never failed since. We have the deepest appreciation for President Barack Obama and First Lady Michelle Obama for their support for all women

and girls. We are entering into a very difficult period in history and are saddened to be losing from high office so many who have been our allies.

### Mashpee Wampanoag, Mashpee, MA

*Marie Stone, Secretary*

I am not sharing prepared testimony on behalf of our tribe. Our tribe has its own challenges in terms of funding. But I am here to listen to testimony of the other tribes, to find what common ground we have, and to come away with best practices.

### Nambé Pueblo, Santa Fe, NM, and Coalition to Stop Violence Against Native Women

*Rod Kaskalla, Domestic Violence Prevention Coordinator*

Our challenges have always been with the judicial system and law enforcement. Nambé Pueblo receives law enforcement and social services through BIA. We see many overlapping concerns that influence each other, including domestic violence, chemical dependency, substance abuse, and mental health.

We have few mental health resources available and people must wait a month or longer for appointments. We see substance abuse problems with opiates, heroin, and alcohol. We need more services for children, although we are very fortunate to have a therapist who works with children and abusive parents. Ensuring confidentiality is a big problem for us. We also do not have space to expand any infrastructure, such as housing for new staff. Finally, we face ongoing challenges in educating our tribal leadership about the importance of domestic violence and getting them to become involved. Our tribal administrations change frequently, and we have the ongoing task of educating them and convincing them of the importance of social needs in our community.

We need law enforcement training. Our BIA law enforcement officers come from within our communities, and ensuring confidentiality is a big challenge. When community members do not trust law enforcement's confidentiality, they do not report crimes.

As a small program in a small community, we have many innovative and creative efforts, but it is difficult to maintain them when we must always reapply for funding and when funding is available only for very specific needs. Trauma-informed care is a buzz word today, and we understand the importance of traditional practices and addressing historical trauma. But when funding is so specific, it prevents us from creating solutions that are flexible and creative. Funding only lasts for 3 years—it should last for 5 years, because it takes a long time to design and implement a program in a sustainable way.

The Coalition to Stop Violence Against Native Women has taken great strides in educating community members and leaders about the importance of understanding and addressing our problems comprehensively. The Coalition has the following recommendations for OVW:

1. Expand tribal jurisdiction to cover all non-Natives who commit crimes on Indian lands. DOJ should consult with tribal governments about the development of a federal bill to reaffirm tribal jurisdiction and expand tribal authority to prosecute non-Natives for crimes committed on Indian lands, filling the gaps left by VAWA 2013. Although some proposed legislation addresses these issues, it does not do so comprehensively.
2. Support the reauthorization of the Tribal Law and Order Act of 2010. The Act takes a comprehensive approach in improving public safety and supporting tribal justice systems. Many

of the key components of the Act expired in 2014, and OVW should prioritize its reauthorization in the next 2 years.

3. Hold DOJ accountable to prioritize and support tribes in investigating and prosecuting crimes in tribal communities. Call for more comprehensive training for tribal law enforcement, criminal investigators, and first responders to ensure that investigation and prosecution processes are conducted in accordance with defined standards. This process will require continued relationship-building with U.S. Attorneys' offices.
4. Ensure that tribal governments have access to federal criminal databases to facilitate sharing information, such as protection orders, criminal histories, and sex offender statutes across jurisdictions. The current Tribal Access Program should be expanded to all tribes, and federal funding should be appropriated to increase database access and the sharing and enforcement of protection orders and offender registry information.
5. Support the Congressional call for a national day of awareness for missing and murdered Native women and girls. The day of awareness is designated for May 5, and we ask that all tribal leaders also support this resolution.
6. Support the creation of a direct stream of funding for tribal victims of crime from the Crime Victims Fund. The fund, created by VOCA, pays for itself by collecting criminal fees, forfeited appearance bonds, penalties, special assessments, gifts, and donations. Every state has access to set-aside funds from the Crime Victims Fund, but these funds do not reach tribes or tribal communities. Native American victims experience the highest rate of crime victimization in the country, but they receive less than 0.5 percent of VOCA funds annually. We request an annual set-aside of 10 percent from the Crime Victims Fund to be designated for tribes.
7. Invest in and finance prevention, early intervention, and offender reintegration. Native youth who experience violence in the home are 75 percent more likely to become future victims or perpetrators of violence. We call for tribal leaders to prioritize Native youth violence prevention and early intervention efforts and ensure that offenders who return to our communities have the support they need to live healthy, balanced, violence-free lives.

The Coalition provided education and training to 614 individuals in 2015. Forty-one percent of New Mexico communities are positively impacted by the Coalition's technical assistance, grants management aid, tribal codes, policy development, and resource sharing.

Our communities are small, and they are gravely impacted by domestic violence, sexual assault, and a wide range of the problems I have mentioned. However, when we are able to receive funding for our technical assistance programs through the advocacy efforts of politicians and people in the federal government, we can see real change. I have seen it in my community. I am pleased that our leaders are beginning to understand the impact we can have when we are allowed to serve Native communities in our own ways, on our own lands, using our own knowledge. We believe that individuals, even offenders, can change and become powerful assets in our communities.

### Native Village of Bill Moore's Slough, Kotlik, AK

*Stella Fancyboy, Tribal Council President*

I am representing the Native Village of Bill Moore's Slough, one of two tribes from Kotlik, AK. Along with serving as our tribal council president, I have a part-time job at our local school. If my village had

adequate funding to serve its members, I would have a full-time job with my tribe. More adequate funding would also prevent tribal members from leaving the village due to a lack of housing and jobs.

Kotlik is a Yup'ik Eskimo village with a population of 151 tribal members. It is located in southwestern Alaska, 457 air miles northwest of Anchorage. There are no road systems in the region. The river is our highway, and we travel by boat in the summer and snow machine in the winter. Depending on the weather, travel into and out of the village may be restricted for days or weeks. Villages are geographically isolated from each other.

A big concern in our community is alcohol and alcoholism. People who are under the influence often commit crimes, including domestic violence and sexual abuse. With crimes like these, the lack of local law enforcement becomes an important issue. We lack the funding to hire and train police officers in the village.

Children face problems at home and at school because they see their parents and other adults abuse alcohol. Children are traumatized because something bad is happening to their loved ones, and this can include domestic violence that is not reported, because we have no village police. Victims have no safe place to go. They cannot go to family or friends' homes because of the risk of causing conflicts between different people or families in a small community. Friends and families also have overcrowded homes. Victims must watch their abusers walking the village as if nothing has happened, proud that they got away with what they have done.

When I get domestic violence calls, I try to call for law enforcement, but everyone I talk to says they do not know who the cops are or if there are any at all. All I can do is get a couple of guys to come with me to help pick up the kids, the mother, and a few belongings. Victims have nowhere else to go, and they often stay at my house. My village has no shelter. The Emmonak Women's Shelter is 60 miles away—2 hours by boat, 1.5 hours by snow machine, and 20 minutes by plane.

Victims have no shelter or safe place to go. What are you waiting for? Someone like me to go missing or murdered? Why is nothing being done now? VAWA states that the government has a federal trust responsibility to assist Indian tribes in safeguarding the lives of our women and children—all Indian tribes, not just those in the Lower 48 states, those in non-PL 280 states, or those with grant writers and administrative staff. How many government-to-government consultations must happen before you carry out your responsibility?

I hope my testimony will open people's minds and hearts to see what Native victims have to go through just to get help.

### Native Village of Nunam Iqua, Nunam Iqua, AK

*Darlene Pete, Tribal Administrator, Board Member for Nunam Iqua Women's Shelter and Yup'ik Women's Coalition*

The Native Village of Nunam Iqua is a Yup'ik Eskimo community formerly known as Sheldon Point. Our tribe has 301 enrolled members and 211 residents. There are no roads in our entire region and we rely on boats and snow machines for transportation.

For several years, we have had an inadequate public safety force due to the lack of funding. We have applied for COPS funding over the years, but have never received it, based on policies that do not respect the unique nature of village life and the urgent need for public safety in our villages. Our crime

rate is rising, but we cannot attract and retain tribal police officers without funding. Instead, we must rely on Alaska state troopers, with the closest trooper post being 18 miles away.

State troopers themselves face funding shortages and only respond to the most pressing cases in our region. Larger villages have a higher demand for law enforcement, and smaller villages face a longer wait time for responses. It can take days or weeks for state troopers to respond to crimes in our village. On one occasion, we emailed photos of a domestic violence victim, with scratches on her face and chest and her back covered with human bite marks, and we received no response. The victim felt hopeless that her perpetrators would ever be held accountable.

Because of the lack of response from state troopers, our own people put themselves in danger to protect victims and respond to incidents such as accidents, domestic violence, sexual assaults, suicide attempts, suicides, public intoxication, and public disturbances. They have been doing this for many years now.

Victims of domestic violence feel hopeless, because they have nowhere to go with their children. Other residents are afraid to take them in, because they fear retribution from abusers. We have two safe-home volunteers who are willing to take victims, but they fear for their safety, as well. Housing is also a serious concern. Over half of our houses are overcrowded, which is another reason we cannot expect people in the village to help provide shelter for domestic violence victims.

We also lack health care services due to safety concerns. We have had health aides quit their jobs and newly hired aides who are reluctant to work in our village, because they know that safety is a concern. Elders, children, and people with serious illnesses rely on clinics in nearby villages or the hospital in Bethel, but both require very expensive airfare and travel costs and patients cannot afford them. Patients with chronic illnesses wait to seek treatment until their conditions have worsened, instead of having a way to access the care they need in a timely manner.

State troopers do not help do safety checks on children when they are referred to do so by the state Office of Children's Services, except in cases where there is serious physical harm. Other children's services in Emmonak and Bethel are limited and difficult to access because of airfare costs. We currently have cases where Alaska Native children are removed from their families and placed in the Lower 48 because the state says they cannot find placements for them in Alaska. Children feel hopeless when they are taken away from their families. It is heartbreaking to think of these children being taken away from their culture. Our tribal council and staff know our children and our families better than anyone else. Ideally, we would be able to cooperate with the Office of Children's Services to prevent children from being taken away from their families, but we cannot do this without funding.

As other Alaska tribes have done, we ask OVW to recognize and elevate these issues as national issues and to follow recommendations by the Indian Law and Order Commission that emphasize the importance of sovereignty and local control in Alaska. We ask that Alaska stop being set apart from the rest of the nation in how it implements national policy, because this sets Alaska apart from the progress that is being made in the rest of Indian Country.

Native Village of Tetlin, Tetlin, AK

*Nettie Warbelow, Domestic Violence and Sexual Assault Advocate*

The Native Village of Tetlin is an Athabascan village, with approximately 157 members living in the village and 495 members living outside the village. It is roughly 88 miles from the Canadian border, and it is not on the road system. Access is by boat, airplane, or snow machine. Despite strong assimilative influences, many of our members practice Tetlin's traditional Athabascan ways of life. With colonization, we have experienced changes within the village, including the introduction of alcoholism and drugs, domestic violence, sexual assault, trafficking, depression, child abuse, neglect, and poverty. Our commitment is to uphold Athabascan laws and customs and to return to our traditional and sacred ways of life.

In the eleventh year of tribal consultation with DOJ, the Department of Interior, and the Department of Health and Human Services, we want to acknowledge the improvements that have occurred as a result. We particularly want to thank OVW for the Alaska-specific consultation with Alaska tribal leaders in Fairbanks in October 2016. We also want to recognize the hard work that Deputy Director Lorraine Edmo has contributed to these efforts. We look forward to continuing this work with the new tribal deputy director, and we ask that the tribal deputy director position be filled as soon as possible. Finally, we thank OVW for the grant funding that we recently received to support education, advocacy, victim services, short-term housing needs, and counseling services. These awards have made a tremendous impact in our community.

The main barrier we face in improving the safety of Alaska Native women is inadequate law enforcement and justice responses. Based on the inherent sovereignty of Indian tribes, Tetlin has always practiced our own law and order within the village. In 1998, our tribal leaders translated our unwritten laws into a code of ordinance for Tetlin to promote the welfare and unity of tribal members and village residents and to create a framework for governing the activities and jurisdiction of the tribe. The state of Alaska has its own laws for the state that include the 229 Native villages in Alaska. It is very difficult for our people to use non-Indian law, since it is not law that evolved from our people. Alaska state troopers do not respond to village-based calls for crime, but are quick to respond to calls from our non-Indian counterparts. The Alaska state court system does not believe in restorative justice, as we do in Tetlin. We have advocated strongly for local control for a long time without success. We continue to exercise our inherent sovereignty by upholding our own laws to the extent that they are consistent with federal law.

We also recommend that the Department of Health and Human Services provide adequate resources for tribally based shelter services to serve Alaska Native women in different regions of the state. We also recommend services to support aftercare and assist victims and their families. Alaska has a great need for regional shelter services. The Village of Emmonak is the only traditionally based shelter, and it serves the Emmonak region and surrounding areas, such as Bethel. Other regions, including the Alaskan Interior, do not have traditionally based shelters to house our women and children. Fairbanks, our nearest hub, offers non-Native shelter services for victims in need of temporary housing, but there are many challenges, and Alaska Native women are often turned away from these shelters. Most women from Tetlin do not want to go to non-Native shelters, because they do not meet their needs. The Native Village of Tetlin would like to have a tribally based shelter to offer culturally appropriate shelter and services. We do not have transitional homes where our women can go for short-term housing needs.

We continue to see inadequate responses to sexual assault in Tetlin and surrounding villages. We face very high rates of sexual assault and, with that, a totally inadequate response on the part of law enforcement. The 2005 VAWA Congressional Findings Report notes that one of every three Indian women are raped in their lifetime. The United States has a federal trust responsibility to assist Indian tribes in safeguarding the lives of American Indian women. When a sexual assault occurs, victims do not have access to forensic examinations and their needs for aftercare are completely ignored. The victims must travel 200 miles to Fairbanks for forensic examinations. If they require shelter services, most Native victims are not accepted at the non-Native shelters after a screening is performed. Victims are turned away to go back to their violent relationships. The Native Village of Tetlin recommends that all Alaska Native villages be given an opportunity to receive SART training, and all IHS clinics should provide forensic examinations that are adequate for use in court for prosecution.

Federal response and coordination regarding murdered and missing Native women and girls should be improved. The current response that Tetlin receives is inadequate. Native women are murdered and go missing at a higher rate than any other ethnic group. On some tribal lands, women are murdered at a rate 10 times higher than the national average.

In Tetlin, we have experienced some of our Athabascan women being taken across the Canadian border. One victim who was involved in an abusive relationship for months eventually went missing. After many months, we were able to make contact with her through her family and transferred her back to Tetlin to receive services. The nearness of the Canadian border presents a high trafficking risk for our women and children.

We appreciate OVW for approving the Alaska Native Women's Resource Center and the Healing Hearts Coalition that serves the Alaska Interior. These organizations have given Interior villages someone to work with directly and to receive information and updates from about changes in national laws.

> *Other recommendations from the Native Village of Tetlin are summarized under Alaska Native Villages' Testimony.*

### Navajo Nation, Window Rock, AZ

*Amber Kanazbah Crotty, Council Delegate, Sexual Assault Prevention Subcommittee Chair*

Navajo Nation does have our own police department. Along with patrolling duties, we have a canine unit, a drug unit, SORNA, a recruitment and dispatch service, and information management. But we must cover 27,000 square miles, with 110 chapters in over three states. Differences in state jurisdictions cause great concern for us in terms of different U.S. Attorney's offices and different districts with which we must cooperate. Navajo Nation land borders 11 different counties, and we face difficulties in accessing and sharing criminal data and getting official reports from FBI and other federal agencies.

The Navajo Nation Police Department responded to over 213,000 calls last year and made 25,000 arrests. Of these incidents, 20 were homicides and 294 were rapes. Our rates of rape are comparable to Detroit or San Diego, and we feel that we are at a crisis stage. We need assistance from the federal government to make sure we are able to address major crimes and stabilize communities. Along with the previous statistics, we also had nearly 1,500 calls related to sexual offenses and over 4,500 calls related to domestic violence.

We ask that DOJ assist us in coordinating with all three state jurisdictions that we cross: New Mexico, Arizona, and Utah. We are very concerned about the number of declinations that our office receives. Even New Mexico, with which we have worked hard to improve our relationship, declines our cases at a rate of 49 percent.

We know that our citizens are not reporting crimes because they feel the system will not give them justice. This means that the numbers I provided are skewed—in reality, there are far more crimes out there that are not reported.

We need OVW to provide training and cross-training with your IHS and Bureau of Indian Education counterparts, so we can provide prevention education in schools at the 32 Bureau of Indian Education schools within the Navajo Nation. We also want IHS to be equipped to provide longer term victim services. Right now, victims receive immediate treatment and nothing else. We want OVW and IHS to reevaluate programming and services that are provided over the long term to the survivor, the family, and the children.

This year, we experienced tragedies on a level that shook us to the core of who we are as a people. We lost Ashlynne Mike, a vibrant 11-year old, who was abducted, sexually assaulted, and murdered, and now she will be another statistic in your book that talks about our people and our stories. We also lost Loreal Tsingine who was gunned down by Winslow police, and we lost Ms. Lucy June, who was stabbed by her husband because she argued with him while they were selling food at one of our ceremonies, and he felt she had embarrassed him.

Navajo Nation is drawing a line in the sand. We will no longer tolerate a second-rate judicial system for our people. We demand that prosecutors prosecute our cases. We demand that we get enough funding so that, at a minimum, we can adequately investigate these cases.

Right now, on the Navajo Nation, we have FBI agents telling women who are victims of stalking and other crimes to arm themselves. A woman asked this federal agent, “If I arm myself and then use my weapon, am I immune? Are you giving me permission?”

He said, “No, ma’am. But you are a woman, and you will get a lighter sentence.”

This is no justice. And this is why I am telling all the leaders here today that this has to change.

### Oglala Lakota Sioux Tribe, Pine Ridge, SD

*Tatewin Means, Attorney General*

Our reservation has 40,000 residents and 2.8 million acres that span three South Dakota counties, covering an area larger than Delaware and Rhode Island combined. To offer services to victims and residents, we must cover a very expansive area. We have several victim services programs, and they are all grant funded. Last year, we had nearly 1,500 children who witnessed violence, as reported by our victim services programs. This is roughly four children each day. This is our most alarming statistic, because, while our focus is violence against women, children are an automatic part of that process. As they witness violence, they experience trauma, and much of that goes unseen and without healing. To enhance safety and address domestic violence, our efforts should be expanded to include children.

Regarding grant funding, we, like everyone else here, would like adequate and stable funding for our shelters, victim services programs, courts, and law enforcement. The funding should be needs-based.

Even in funding through our BIA 638 contracting process, the formula does not reflect our geography, our service area, or our data. We need a change in the formula for how these grants are administered.

We also request that consultation on grant funding be moved to June, so that grant solicitations that go out later in the year can be changed to reflect recommendations made to federal partners at the consultations.

We support having a tribal-specific set-aside in VOCA funding for Indian Country, because, when VOCA funding is given to states, it is difficult for the funds to make it through to tribal communities.

We also recommend a specific set-aside or solicitation to address sex trafficking in Indian Country, because the way this crime reaches our victims and tribal citizens is different from how people experience this phenomenon outside Indian Country.

As attorney general for the tribe, I am particularly concerned with the enforcement of protection orders against non-Indians. Whose responsibility is that? It is not clear. When I work with the U.S. Attorney's office that works specifically with the Pine Ridge Reservation, they are undecided about whether the violation of protection orders is a victimless crime or a victim-related crime. As a victimless crime, it would fall under state jurisdiction. While we negotiate whose jurisdiction it is to hold an offender accountable, the offender is not being held accountable. No one arrests them when these violations occur. These uncertainties must be resolved, and I recommend a uniform response protocol for all of our federal partners regarding protection order violations by non-Indians.

An obvious solution is to overturn the Supreme Court's Oliphant decision and return full criminal jurisdiction to tribal nations over all crimes beyond domestic violence. There are other perpetrators in Indian Country and from which other crimes, such as drug crimes, result.

In our communities, the biggest cause of violent acts is alcohol. Over 98 percent of our crimes are related to alcohol and drugs. Alcohol leads to a high rate of recidivism, as well. On the Pine Ridge Reservation, over 60 percent of federal offenders who are on probation violate their probationary status because of status offenses related to alcohol—alcohol-related incidents that are only crimes because the offender is on probation. If we cannot look at the underlying issues here, we will never create an effective response.

My main recommendation comes as an overall vision for how to improve the federal relationship between Indian Country and tribes. I looked to Canada as an example. In 2007, the Canadian Prime Minister made a formal recognition of the crimes and trauma related to residential schools. President Obama did the same thing here, formally recognizing boarding schools and the trauma they caused for Indian Country. But Canada took it a step further. In 2005, they founded a Truth and Reconciliation Commission and conducted over 6,000 interviews of residential school survivors among First Nations people in Canada. In 2015, they provided 94 calls of action to the Canadian government to address the trauma that First Nations people underwent in Canadian residential schools. The Canadian government accepted all 94, and they are now implementing law, policies, and strategies to address them.

This acceptance was a remarkable first step in addressing the trauma caused by a Western government in relation to its indigenous people, and it would be a remarkable first step for the United States to take. For my tribal nation, my primary goal is to provide healing in our communities, so we do not continually need to ask for more law enforcement and more prosecutors. We are always downstream from the

problem, saying we need more grants for this, we need a BIA contract to address this problem. My tribe just passed a meth banishment, but tomorrow, it will be a new drug. Until we all—federal partners and Indian Country—can move upstream and address the root cause of trauma, we will never be able to adequately provide for the safety our women and children need. And we need the federal government to acknowledge its role in beginning the healing process in Indian Country. Without that step, we will continue to do the same things over and over, with no positive effect.

### Organized Village of Kake, Kake, AK

*Isabel Mills, Program Coordinator/Domestic Violence Advocate*

Kake is fairly centrally located, but our area is roadless, like most of Alaska. We are in the fifth year of our OVW grant, and it will be time to apply again soon. For the first 3 years, our work was very grassroots. It was like the blind leading the blind. Even today, my office is very tiny, but in the years of our program, we have grown. We have set up policy and expanded it. We have attended trainings and participated in an OVW-funded curriculum development pilot program with the Alaska Native Women's Resource Center. We have first responders and volunteers. We educate them as we go along, and we teach particularly about confidentiality and its importance in our small community. I and the other domestic violence advocate work together on annual reporting, so we both know how to do it, and our program has greater stability and capacity.

We had the honor of having Bea Hanson, Lorraine Edmo, Paula Julian, and others come out to visit us in Kake. I know they went to many places in the United States, but we were honored that they came to Kake.

As I grew up in my village, they used to send women out of the village. They would send them to Juneau, Ketchikan, and Sitka for domestic violence shelter. It always perplexed me—why did the women have to be the ones to leave? I often wonder if there is a possibility to create a safe place in Kake, because we do not have one currently. We tried to have women stay in the church, but they were not comfortable with it. They did not want to be left there alone.

In our first year of the grant, we were so surprised and excited that we had received it. We bought 100 hooded black sweatshirts with the purple ribbon logo on them. In English, they said "Love shouldn't hurt." And in Tlingit, they said "Respect for one another is good." Every sweatshirt we had was gone in the first day. We had calls coming in from Juneau about them. They sent a message that was stronger than anything we could say. Even now, in the fifth year of our program, we still say, "Love shouldn't hurt."

As domestic violence victim advocates, we certainly are not the most popular people in the village, but I am thankful for when we can meet a woman and invite her in, offer her a cup of coffee, and see what she needs. I hope that you will think of us and the needs we have expressed today for our programs, knowing that they really do affect the people who need help and who, sometimes, are reluctant to take it.

### Passamaquoddy Tribe at Indian Township, Princeton, ME

*William J. Nicholas, Sr., Tribal Chief (written testimony)*

Our reservation is located in Washington County, ME, in the northeastern part of the state bordering Canada. The county covers 2,568 square miles and has fewer than 34,000 residents. Approximately

2,000 county residents are Passamaquoddy tribal members and 1,100 members live in the Indian Township reservation service area. Declining employment opportunities have contributed to lower incomes and limited economic prospects, making Washington County the most impoverished county in Maine. On the Passamaquoddy Reservation, the unemployment rate is 65 percent. Economic deprivation and a lack of access to programs and resources have taken their toll on the population.

There are two tribal law enforcement agencies under the umbrella of Indian Township Tribal Government: the Indian Township Police Department and the Passamaquoddy Warden Service. The police department's main focus is patrol and safety of populated and main roadways of the reservation. Passamaquoddy Warden Service focuses on fish and game patrol, but officers have the same training and powers as a police officer. The police department has 13 officers (9 full-time and 4 part-time) who provide 24-hour coverage and dispatch services to our community. Sex offenders are required to register with the police department, which then coordinates with the Maine sex offender registry to ensure that the most accurate and updated information is available regarding sex offenders.

The dynamics between our tribal police department, the Maine drug enforcement agency, and the federal drug enforcement agency make it difficult to conduct drug investigations. These issues exacerbate the challenges our law enforcement agencies face due to our rural area and decreased number of confidential informants.

We received a 2014 OVW grant. With the funding we received, we established our Domestic and Sexual Violence Advocacy Center. The Center offers victims a 24-hour hotline, emergency shelter and assistance, transitional housing and assistance, crisis intervention, hospital accompaniment, and limited legal assistance.

Regarding state and local authorities' willingness to recognize and enforce our tribal protection orders, we found, in our experience, that, in the beginning, not many state or local authorities understood that tribal courts have full court authority on civil matters and class D, non-felony crimes (which applies to Passamaquoddy and Penobscot tribal members only). Over time, it has gotten better, questions get answered, and court orders have been honored. Depending on the orders, within the state of Maine, jurisdiction over Passamaquoddy and Penobscot members is not an issue. However, our warrants are not entered into the system and are not honored. Anything to do with enforcing a tribal order outside the state becomes a legal battle.

> *Other recommendations from the Passamaquoddy Tribe at Indian Township are listed under Maine Tribes' Testimony.*

### Pauma Band of Luiseño Indians

*Juana Majel-Dixon, Tribal Council Member*

It means something that we are starting to hear, more and more often, common language about "the safety of Indian women and children" used in our bills and legislation. Lawmakers are getting familiar with that phrase, which comes out of VAWA 2013 Section 9, and it shows progress.

We are aware of Native employees in federal offices who have either changed departments or moved on. We do not have many Native people working in the federal system who are working for us, so we notice when they leave, and we wonder why they left and where they went. We want federal offices to be aware that we do know about changes like that.

Housing is an issue under the Native American Housing Assistance and Self-Determination Act of 1996, because, when there is a domestic violence issue, the perpetrator gets to keep the house. Tribal leaders need to keep an eye on this situation.

**Murdered and Missing Native Women**

We know that an international working group has been started to address murdered and missing Native women, and I recognize the importance of that issue, particularly for border states and the tribes who are most directly affected by it. Our next step should be to review, revise, or create law enforcement protocols appropriate to responding to cases of missing Native women. We can talk about murdered and missing Native women, but we need to also always be taking the next steps. Tribes and DOJ staff need to keep finding ways to bring forward and point out the institutionalized racism that means Native women are last on the list to be taken care of. We have it in the federal system and in the state system, and everything we talk about today is impacted by it.

Since we last talked about this issue, we had a group of seven women go out to a cocktail lounge. The lounge was crowded, and they were weaving through the crowd in a line, following each other. The last woman in the line was taken. They found her 2 hours later at the border. They were telling police at the border, "There she is, in that car." She was sitting in the car with sunglasses on between two Mexican guys. She had been murdered, gutted, and filled with drugs—in 2 hours. We find shallow graves of murdered and missing women, girls, and boys who have been lost. Their bodies are found, not directly on our tribal lands, but along the traditional footprint of our roads and villages. So these issues are very real for us. We need you to understand that they have not gone away since we last talked.

Trafficking needs to be dealt with very aggressively. I know our intent was not to leave it out, but we must include sex trafficking in the language of our legislation and our action plans, because it is too easy to leave it out and let it slip to the side if the words are not there.

**Law Enforcement in PL 280 States**

We generally support the Tribal Access Program and its goals, but the problem arises in how it plays out for tribes in PL 280 states. PL 280 is essentially an unregulated law—it is not a firm, ordered process that other processes, like accessing federal databases, can be neatly added to. There have been no provisions created for how the Tribal Access Program should function in PL 280 states, and, consequently, it does not function in them. The Tribal Access Program must include warrants, as well. It needs to be expanded. After all the IT and software has been set up, share the information! We need a national sexual assault registry that tribes can be part of. We can make a sexual assault registry that would cover every Indian woman in this nation. Why are we fighting something so simple? We also need something in writing to state that this program is not going to disappear after its 1-year pilot period, and we need assurances that we will have a national sex offender registry.

The wider issue is that we are treated as though the law says that tribal courts, tribal law enforcement, prisons, COPS programs, and similar programs can never be funded for tribes in PL 280 states. But this simply is not the case. I have searched for the policy or regulation that makes this claim; I have spoken with every secretary and assistant secretary of BIA for 40 years, and this regulation does not exist. This issue needs to be addressed, so tribes in PL 280 states are not continually left out.

In the Tribal Law and Order Act of 2010, Section 221 explains that tribes should have concurrent jurisdiction without impediment from the state, but this has not been fully implemented in many locations. We recommend that there be training provided to move that forward, particularly in PL 280 states, like California, because it impedes our ability to implement jurisdiction over non-Indians under VAWA.

Finally, tribes must get accurate information about federal declinations of cases. We have not received information about declinations since 2013. We need to know why federal courts are not hearing our cases. We need accountability in that area.

I support a full Oliphant fix. I want tribes' inherent sovereignty to be expanded completely. Tribes that have the capacity to exercise full jurisdiction should do it now, and, for tribes that do not yet have the capacity, we can work out a way to address that.

**Tribal Consultation**

Regarding consultation with federal partners, we are wondering why the Departments of the Interior and Health and Human Services and other partners are no longer consulting with us. In previous consultations under the Interdepartmental Tribal Justice Safety and Wellness sessions,[11] they did. But that no longer occurs.

Cross-agency collaboration, particularly when it impacts funding streams, continues to be confusing for tribes. You get money for equipment 1 year, and, the next year, you get money for personnel. And you only learn later that there are other funds available, such as General Services Administration funds, and that all your funding for a program does not have to come from DOJ or CTAS. It would be helpful if tribes could learn about these available resources in a better way. A true partnership would involve sharing information like this with tribes. One purpose of the Tribal Law and Order Act was to make collaborations across agencies easier, but that promise has not truly been fulfilled yet.

The creation of the CTAS program never allowed for tribes' input into what CTAS will fund and what its purpose areas should be. We keep talking about how tribes should have input into setting priorities, but that has not occurred with CTAS.

We must have another consultation in 6 months. So many changes are occurring right now that we must try to do more in a shorter window. We are very vulnerable in this transition. So, I ask OVW to do whatever it takes to hold a consultation in 6 months, as a follow-up to this one.

## Penobscot Indian Nation, Indian Island, ME

*Kirk Francis, Tribal Chief (written testimony)*

Penobscot Indian Nation is one of the oldest continuously operating governments in the world. We currently have 2,404 members of our nation. We work in unison with our tribal council and

[11] The Interdepartmental Tribal Justice, Safety, and Wellness sessions were convened by DOJ, bringing together representatives from DOJ, the Department of the Interior, and the Department of Health and Human Services to address public health and public safety in a comprehensive, cross-departmental way. Currently, representatives from these departments attend annual OVW tribal consultations as mandated by VAWA 2005. For more information on consultation activities within DOJ: https://www.justice.gov/tribal/accomplishments

administration to protect the Penobscot people, culture, resources, and territory by exercising our sovereign powers as a nation. Our land base today is a fraction of what our ancestor occupied.

Our Domestic Violence and Sexual Assault Advocacy Center serves the needs of our survivors of domestic, sexual, dating, and family violence; elder abuse; stalking; and sex trafficking. The center was established in 2009 and has two full-time and one part-time advocates. In the last 12 months, the center has assisted 76 victims. Without the funding it receives, it would not be able to provide 830 nights of shelter, respond to 310 incoming hotline calls, or have 694 support contacts for individuals seeking a life free of fear and violence.

Our judicial system is composed of a trial court, which includes the adult and juvenile healing to wellness courts and the Penobscot Nation Court of Appeals, a three-member panel appellate court. The tribal court has general jurisdiction with authority to hear a wide range of criminal, civil, juvenile, and probate matters.

Our tribal law enforcement agency seeks to enhance the quality of life within the nation's territories by building partnerships and coalitions with tribal citizens, agencies, and elected leadership, so that, together, they may identify solutions to common problems using Penobscot cultural values and laws to preserve community peace, reduce fear, and provide a safe environment for all.

Penobscot Nation is doing everything in its power to end violence and hold abusers accountable. The denial of justice for non-Natives assaulting tribal members has gone on for too long. We ask for the full implementation of VAWA 2013 by Indian tribes located in the state of Maine to safeguard the lives of Indian women, as stated in the findings and purpose of VAWA 2005, Title IX, Safety for Indian Women.

> *Recommendations from the Penobscot Indian Nation regarding the Maine Implementing Act, the Maine Indian Claims Settlement Act, and the full implementation of VAWA 2013 are listed under Maine Tribes' Testimony.*

### Rincon Band of Luiseño Indians

*Germaine Omish-Lucero, Executive Director of Strong Hearted Native Women's Coalition*

I am a citizen of the Rincon Band of Luiseño Indians here in San Diego County, and I am also the executive director of the Strong Hearted Native Women's Coalition, which is the tribal domestic violence coalition for the state of California. My heart goes out to the people who have shared today. We all have stories to share, and I acknowledge how we have given them life today.

Thanks to the government agencies who are at the consultation today. While this is the Violence Against Women consultation, it is critical that all federal agencies that provide program funding for victims be at the table. These issues do not just concern DOJ. The crimes we experience on our reservations affect us broadly, and the effects do not stop just because there are borders between a VAWA grant or a FVPSA grant. They cross jurisdictions.

As a tribal coalition in a PL 280 state, we are tasked to provide education, support, and technical assistance to our tribal communities, service providers, and tribal leadership to enhance their responses to victims and to address the confusion and misinterpretations around being in a PL 280 state. Often, local and tribal law enforcement themselves are not familiar with the myriad of jurisdictional issues that arise, especially on Indian reservations. As a result, many service professionals are confused or unsure about what challenges victims face when breaking free from a violent perpetrator.

One very important issue is the full faith and credit of tribal protection orders. VAWA mandates that tribal protection orders must be given full faith and credit by state and local law enforcement, and California law also mandates it. While these legal steps have been taken, the lack of training for officers still creates a public safety gap for victims who have sought protection orders through a tribal court. We have tried to work around this lack of training by making tribal court orders look exactly like state ones, or creating a separate registry through the California administrative office of the courts. But these steps do not get to the root of the issue, which is a lack of training and a lack of access for tribes to be able to enter their protection orders in the system.

In October 2016, our coalition facilitated its fourth annual leadership symposium for tribal leaders and tribal victims' programs. We discussed the strengths and challenges in our tribal communities.

Strengths included tribal resources, local programs, education, and outreach opportunities. There are shared experiences among our tribal communities through strong family ties, close-knit community support, women's support groups, and mentoring for male programs. Older people teach the younger people. Law enforcement courts on reservations are both a strength and a challenge.

Challenges continue with law enforcement's ability to verify court orders, timeliness of responses, and a lack of education pertaining to elders, children, and men. The reporting of violence is hindered due to the lack of safe housing for victims, denial by the family or by the victims themselves, a lack of trust, drug and alcohol use, and addictions.

Our close-knit community can be a strength and a challenge, because it can promote continued victimization. Politics in the community family can be used to victimize. Confidentiality is very difficult, and disagreements become personal. It can be difficult to get long-time residents with old thinking to come together with other tribes.

Child protective services is an ongoing concern. If a report is made, even after a situation has been made safe, children are still being removed from the home. Some people feel that mandatory reporting by doctors and medical personnel at Indian health facilities can put the victim at greater risk of having her children taken away. Victims have to jump through hoops to get their children back, but there is no ramification for perpetrators.

Perpetrators often return to our tribal lands. We need funding for reentry programs that can help bring healing to perpetrators who, currently, continue to leave a trail of victims in their wake. There needs to be accountability, education, and mandated treatment for these perpetrators.

Full faith and credit has been an ongoing topic at consultation since 2006. It must continue to be addressed and implemented at local levels, so it is not just words on paper.

Tribal access to crime databases is also an ongoing issue, particularly in California. The state of California does not allow tribes to have access to CLETS, the California Law Enforcement Telecommunications System. All states participate in NCIC except California. So, currently, it is difficult for tribes in California to enter court orders into the system. We do not have access. We request that all tribal courts have access to the Tribal Access Program. Right now, many tribal courts among California tribes are just getting set up. At Rincon, we are still in our infancy with getting our courts up to code with domestic violence and criminal codes. We understand that this effort will be ongoing.

California tribes have an ongoing need for family and treatment programs to have the flexibility to use traditional healing methods for victims. Healing and treatment are needed for all victims who witness violence, including children and elders.

We support the request for a day of awareness for murdered and missing Native women. We also request that recognition goes beyond just a day and that these be added to the list of crimes under VAWA. In addition, we would like to acknowledge the mislabeled. When crimes with Native victims are investigated, they are commonly mislabeled as runaways or suicides. Especially for Native victims, we need to stress investigative standards to address this issue.

Tribes and tribal coalitions should be kept in mind when forming national task forces. Invite us to the table to be active members of the conversation from the beginning, not as an afterthought.

Regarding the Oliphant decision, we support and request a full Oliphant fix.

Regarding OVW's tribal consultation, we request to move up the date for the next tribal consultation, or to have a special consultation to address issues before solicitations go out for the next funding cycle. That way, tribes will have an opportunity to comment on what should go into the solicitation.

Regarding federal funding sources, VOCA is the largest source of federal funding for crime victims, and Indian tribes are shut out of this funding stream. While tribes were recently considered for a special 5 percent allocation from the Crime Victims Fund, this allocation is not part of the statute, and it can go away—it does not have to be continued. We continue to ask for the creation of a permanent 10 percent set-aside for tribal governments to be written into the VOCA statute.

In the process of legislative changes, tribes, tribal programs, and tribal coalitions are often asked to support upcoming changes, but we are just as often left out of drafting the legislation, or we are added as an afterthought to states and territories. The federal government has a trust responsibility to tribes, and there should be a tribal set-aside in every government funding source. A tribal set-aside was included in earlier drafts of the VOCA legislation, but then it was removed. We want it put back in.

We urge the federal government to support the reauthorization of FVPSA to include amendments that would increase tribal access, add a tribal set-aside, and include tribal coalitions in access to these critical funds. In some states, tribes are not allowed to apply for state FVPSA-administered funds.

Finally, as a tribe and as a coalition, we support NCAI's identified priority issues.

We want to thank Lorraine Edmo for her years of service with tribal nations and coalitions. It is overwhelming to contemplate the transition in government that is taking place, but as sovereign tribal nations, we have always been here. We will always be here, no matter who fills the seats in the U.S. government. The United States must remember it has a trust responsibility to tribes, and it must make every effort to ensure that all tribal citizens have equal protection under the law.

### Rosebud Sioux Tribe, Rosebud, SD, and White Buffalo Calf Woman Society, Mission, SD

*Kathleen Wooden Knife, Tribal Council Representative, White Buffalo Calf Woman Society Representative*

I want to thank DOJ in the consultation today because of their patience and commitment to sit here, to stay late, and to listen to us. In other tribal consultations I have participated in, we had to hurry and

struggle to be heard, and I have not experienced federal government representatives sitting this long to listen to us.

I am honored to offer testimony on behalf of the White Buffalo Calf Woman Society. It was founded in 1977 as a nonprofit organization, and, since that time, it has been working with women, men, and children on the Rosebud Reservation and surrounding areas. In 1980, the White Buffalo Calf Society established the first women's shelter on an Indian reservation in the United States. To this day, it continues to serve victims of domestic violence and sexual assault, and it has become more than just a shelter. It is an information resource for our community.

The White Buffalo Calf Woman Society believes that violence against women is not traditional to our culture and our life-way teachings. Instead, it has its roots in an imposed and institutionalized system that was designed to maintain control over us as a people when genocide failed. We do not define violence against indigenous women as a problem with a relationship or a specific partner. It is perpetrated and maintained through societies and institutions, and it is the same dynamic that perpetuates other forms of oppression, such as racism, classism, ageism, homophobia, able-body-ism, and adultism.

I am also a council member for Rosebud Sioux Tribe, located in central South Dakota within the original boundaries under the Treaty of 1868, encompassing four counties with pockets of Lakota land and housing where the tribe still retains jurisdiction over its members. There are over 28,000 enrolled members who live in and around our reservation, and the crime of sexual violence and sexual assault takes place every day. In 2016, the average calls per month to the Rosebud Sioux Tribal Police Department for domestic abuse is 35. This number does not include the number of assaults classified as aggravated assault due to the seriousness of the injuries. It does not include the assaults that are not reported by the victims.

The lack of trained law enforcement severely impedes our response to these serious crimes. Our tribal police department has been unable to keep qualified officers, and our response time to these incidents is measured in hours, not minutes. On our large reservation, one community is 150 miles away from police department headquarters. The women who live in these outlying communities know there will be no immediate response.

Most often, when officers arrive, they lack the proper training to respond to domestic abuse situations—even though most of them have been trained at the U.S. Indian Police Academy, which claims to train officers specifically for Indian Country. The academy falls exceedingly short in its training to respond to domestic violence and sexual assault. BIA has a trust responsibility to our tribal nation, based in United States treaty obligations, to assist our tribe in keeping our people safe from Indian and non-Indian perpetrators. It is imperative that tribal police have accessible, regionally based, ongoing training, so travel and time away from the job is not a barrier to further training.

Rosebud Sioux Tribe is currently updating its tribal code to include the Tribal Law and Order Act of 2010 and the jurisdictional amendments of VAWA 2013, but the issue of jailing non-Indian offenders is still at the forefront for us. Our tribe will have the opportunity to prosecute crimes under these statutes, but we are not allowed to incarcerate non-Indians in BIA-funded jails. We request that these rules be finalized so our tribe can use every available resource to hold accountable the domestic violence perpetrators in our jurisdiction.

Rosebud Sioux Tribe is greatly concerned about the oil production industry and the sex trafficking it has brought to our region. Our young women are targeted, including online, and enticed to travel to North Dakota. Some are kidnapped directly and taken across state lines. They are forced into prostitution by those who physically harm them if they do not comply.

The White Buffalo Calf Woman Society reports that they have housed over 600 women and children in 2015, and they expect numbers in 2016 to be just as high. The majority of women who they serve in the shelter never report the violent crimes that have been committed against them, because they do not trust law enforcement or our court systems for a timely response.

Rosebud Sioux Tribe has been funded through FVPSA, CTAS Purpose Area 5, and the IHS Domestic Violence Prevention Initiative. With the exception of FVPSA, we are always at the mercy of reviews on whether we will receive funding each year. We recommend that, instead, funds be equally portioned out between tribes, not awarded by the flip of a coin. Our CTAS award supports shelter personnel, legal advocates, a batterer's intervention program, and field positions, such as process servers, protection order clerks, and probation officers. If we are not successful in our grant submissions, all of these critical positions are at stake.

In addition, our sexual assault and domestic violence programming is infused with our culture, and we find the continued federal regulatory prohibition of using funds for food and for ceremonial purposes to be oppressive policies. There should be exceptions to these regulations that allow Native communities to use funds for food if it is for a ceremonial or cultural purpose. We also encounter issues when we want to use funding to feed women and children in the shelter. We are told to ask for special permission, but it is usually refused, and we cannot feed the poor and homeless populations that we serve.

Rosebud Sioux tribal court orders are not recognized by the state of South Dakota. State Law SDCL25-10-12.1 lists the many requirements that must be met before South Dakota will enforce a protection order. Recently, tribal police called for help in enforcing a protection order that assigned a woman custody of her children. Her abuser had taken their children to a location outside of reservation boundaries, and the town's police department would not enforce the order. In another example, a woman who was a tribal member had married a nonmember living on the reservation. She was granted a protection order through Rosebud Sioux Tribal Court. Her abuser violated the protection order, but when she contacted county police, the sheriff told her she had to have a state protection order and would not enforce the tribal order. These are common occurrences in South Dakota, and their state laws seem to suggest that our tribal courts do not offer due process to abusers. The attitude toward tribes is tinged with racism and implies that we are not capable of managing our affairs without interference by the state. We recommend that DOJ provide training to state law enforcement about federal preemption of state laws when they conflict with federal laws. We believe that, without federal intervention, South Dakota will continue to obstruct the ability of the tribe to protect women on and off the reservation.

### San Carlos Apache Tribe, San Carlos, AZ

*Terry Rambler, Chairman (written testimony)*

This testimony is submitted on behalf of our Council and our nearly 16,000 members. It was written with the assistance of the San Carlos Apache Police Department, Social Services Department, Office of the Prosecutor, and Office of the Attorneys General.

The first consultation question is whether victims are facing challenges related to the enforcement of tribal protection orders that meet the requirements of VAWA.

To begin with some background information, our reservation, located in east central Arizona, is the tenth largest reservation in land area nationwide. The tribe's social services department is funded through a BIA 638 contract. In 2016, its domestic violence program assisted 132 women, 12 of whom were elderly, and 72 children. Not all of these cases were reported to the police department. Oftentimes, women victims did not want to follow through because of fear of their abusers.

Our tribal victim assistance program, which is separate from the tribe's domestic violence program and operated through the tribe's Office of the Prosecutor, provides assistance to victims who have reported cases to the police department. In 2016, the program provided 898 services for 62 clients, with 600 contacts for follow-up and case updates and 33 home visits. Of these, 28 victims and 25 family members were transported to shelters for 636 bed nights, and 113 charges were filed in tribal court against defendants. The tribe's Office of the Prosecutor filed 29 protection or restraining orders and gave information on legal services 15 times. The tribe used DOJ funding through the Office for Victims of Crime to develop and implement its victim assistance program. Through this program the tribe provides comprehensive assistance to victims of crime, with a focus on victim safety, healing, and offender accountability.

The tribe's Office of the Attorneys General was established 5 years ago for the purpose of revising tribal codes. With the assistance of this office, the San Carlos Apache Tribal Council has enacted a Substance Abuse and Control Act, Seizure and Forfeiture Act, and Reservation Residency Act. Pending are an Elder and Vulnerable Adults Protection Code, Child and Family Protection Code, a revised Domestic Violence Code that more closely tracks the federal VAWA, a Healthcare Commitment Code, and a revised Exclusion Act. Soon, the Office of the Attorneys General will publicly post the entire tribe's law and order code by posting it online, increasing our compliance with the Tribal Law and Order Act.

Each of the 29 protection orders issued by the tribal court met VAWA requirements. Enforcement remains an issue. Given the narrow proximity between housing and the few employment centers on the reservation, victims find it difficult to avoid their abusers. This is a systemic problem that requires funds for safe housing, which is presently out of the tribe's reach. Victims also tend to reenter cycles of reuniting with their abusers. The tribe seeks to better coordinate wellness, therapy, and inpatient services, but this remains a systemic challenge, as well.

The second consultation topic is recommendations for DOJ to help in overcoming these challenges. Our answer is that federal funding is simply insufficient. The funds that Indian tribes receive are disproportionately less than other jurisdictions off the reservation. DOJ needs to provide more funding and training and technical assistance to improve the following areas.

- **Law enforcement –** DOJ should increase funding to tribal law enforcement. While federal laws, such as VAWA, the Tribal Law and Order Act, and SORNA greatly assist with prosecution and interagency coordination between tribes and other jurisdictions, without funding, these laws only stretch tribal resources and personnel that are already overextended.
- **Prosecution –** There is no program for offender accountability. The tribe cannot implement a batterer intervention program or any other program designed to change offender behavior, because funds do not exist for these purposes.

- **Technical assistance –** While the tribe has outstanding professional staff who are deeply committed to reducing violence against women and serving victims, we can use all the technical assistance DOJ can provide. Most useful would be for DOJ to send staff to do an entire administrative review of our criminal justice system and provide recommendations about what the tribe can do to become more effective.

Our jurisdiction also struggles with bringing domestic violence cases to trial based on victim participation. Evidence-based prosecution has not been an area of focus for our prosecutors, and the tribe could use technical assistance from DOJ to develop a new approach to evidence gathering, as well as developing better sentencing alternatives.

Finally, the tribe sees a need for educating victims about their choices, options, and resources, especially regarding pursuing criminal charges for their abusers. To support these efforts, the tribe would appreciate additional technical assistance on community education and outreach regarding the court system and processes so victims can understand and access resources.

### Sault Ste. Marie Tribe of Chippewa Indians, Sault Ste. Marie, MI

*Jennifer McLeod, Board of Directors Member*

Over the past years, efforts by federally recognized tribes and DOJ have increased the safety of American Indian and Alaska Native women from domestic violence, dating violence, sexual assault, stalking, and sex trafficking. Consultation sessions, like this one, have helped identify meaningful changes to address our real-world problems. Our successes prove that we must not give up on this process, and that improving the safety of Native women is possible.

However, there is still much work to be done. The Sault Ste. Marie Tribe of Chippewa Indians makes the following recommendations:

- Expand the jurisdiction that is identified in Section 904 of VAWA 2013 to include sexual assault cases.
- Fill the position of deputy director of tribal affairs immediately, as soon as it becomes vacant. Immediate action is critical because President-elect Trump has promised a hiring freeze for all federal positions.
- Create a 10 percent tribal set-aside in the Crime Victims Fund, according to NCAI's recommendation. Despite the devastating rates of victimization in tribal communities, tribes are largely left out of the Crime Victims Fund. They can only access VOCA funds via pass-through grants from states or by competing for extremely limited discretionary grant funds. Tribes are sovereign nations, and anything less than a government-to-government relationship, such as relying on states for the distribution of VOCA funds that reach tribes, is unacceptable. In recent years, appropriations from the fund have tripled, reaching $3 billion in 2015, but none of those funds have been directed to Indian tribes. When funds are approved on a permanent basis, they should be direct or disbursed as a community services block grant, but they should not be competitive.

Changes should be made to the new grant award notification process, as well. Right now, new budgets take from 3 to 7 months to be reviewed and approved, with serious impacts. When funding is not available, our programs grind to a halt. Even the potential of funding cut-offs has grave impacts for our

services. As one example, we provide outpatient therapy to survivors of sexual assault. Each year, the funding notification comes late, and, this year, we were notified that funding would continue less than 2 weeks before our year ended. By that time, we had informed our clients that the program would likely close, and we had provided them with referral and discharge options. Our clients, each of them being victims of sexual assault, displayed a significant increase in their stress levels. The uncertainty about sustained therapy was traumatic and revictimizing for them. We have had similar issues for other programs, including victim advocacy, emergency shelters, and legal services. To address these issues, we have the following recommendations:

- A minimum of three additional full-time budget analyst positions should be created in 2017 to reduce the current wait times for new budget and budget modification approvals.
- When budget approval delays occur, a no-cost extension should automatically be approved for the grant application to accept or decline at a day-to-day rate of calculation.
- New grant award announcements should be made on or before June 1 of the grant solicitation year.
- Analyze the feasibility of a revised schedule, where grant applications are submitted in February, award notifications are made by June 1 of the same year, and projects are funded for a start date of October 1 the following year.

Changes are also needed in grant special conditions processes, specifically regarding the prohibition on fundraising. The grant solicitations require tribes to describe their "long-term strategy to sustain the project when the federal grant ends." Fundraising should become an allowable activity to increase the feasibility of future program sustainability.

We also have recommendations on tribal participation in and input to the North American Working Group on Violence Against Indigenous Women and Girls. Very recently, tribes were asked to provide immediate comment on framing papers for the working group. We request additional time to provide comments and recommendations. Our tribe is located on the U.S.–Canadian border and most of our members have family living in Canada. We have never recognized this border, and we have strong ties with the tribes in Canada. The issues shared by the indigenous people of Canada and the United States are significant, and we were not given sufficient notice to respond to the papers. In the future, we recommend that issues brought before tribes by the working group follow the same 120-day minimum notification requirement as upcoming federal-tribal consultations. In addition, we recommend to hold regional meetings and roundtable discussions to allow tribes sufficient dialogue time. Our tribe recently participated in a conference call where we could not give input, because the call was dominated by debate about southern border issues. Finally, we recommend that the North American Working Group's tribal consultation protocol use the standard approved by the United Nations Declaration on the Rights of Indigenous Peoples, which requires free, prior, and informed consent.

We also request that the next OVW consultation happen in summer 2017, which will ensure that all newcomers have tribal input into the funding decisions and any changes in next year's solicitation.

Regarding the Tribal Access Program, it is unacceptable to limit the program to tribes that have law enforcement or a SORNA-compliant registry. These limitations leave out other tribes that do issue protection orders, especially Alaska tribes. The Tribal Access Program must be revised to be open to all tribes.

My tribe has participated in helpful collaborative activities with DOJ that have served us well. Support and ongoing technical assistance provided by the Intertribal Working Group on special domestic violence criminal jurisdiction has helped our tribe provide better assistance to domestic violence victims. Outreach and special funding provided by DOJ's National Advocacy Center for tribal teams to attend training has improved our overall program.

While serving as the U.S. Attorney General, Eric H. Holder, Jr., testified before the Senate Judiciary Committee and stated, "The United States has a legal duty and moral obligation to address violent crime in Indian Country and to assist tribes in their efforts to provide for safe tribal communities." This consultation process is an excellent example of DOJ working to meet the duties and obligations it has to Indian Country.

### Shoshone-Bannock Tribes, Fort Hall, ID

*Donna Bollinger, Council Member*

Since the implementation of VAWA 2013, our tribal protection orders or domestic violence orders are still not recognized by local jurisdictions. Our local, state, and county officials and court systems need to be educated about how to handle tribal protection orders correctly. We need standardized, local training for our local officials.

Right now, our local jurisdictions pick and choose whether they want to recognize a protection order or not. This is infuriating, especially when women and children are fleeing domestic violence. The negative effects tumble downward—the mother is affected, the children are affected, and every family is affected.

Another area of the problem that is incredibly disheartening is tribes' lack of criminal jurisdiction against non-Indians on our reservations. When we try to get federal officials to take action, they tell us there is not enough evidence. We have non-Indian perpetrators who come and go on the reservation, they commit violence, and they get away with it. We need this to stop.

### Standing Rock Sioux Tribe, Fort Yates, ND

*Dave Archambault II, Tribal Chairman, and Stamate Skliris, Special Assistant Prosecutor and Special Assistant U.S. Attorney (written testimony)*

The Standing Rock Sioux Tribe is grateful to receive OVW funds, which positively impact our reservation communities. Standing Rock was also recently selected to participate in the Tribal Access Program. As part of our testimony, we offer a summary of the work of our special assistant prosecutor, whose work would not be possible without OVW's continued support.

Our prosecutor, who has a special focus on domestic violence and sexual assault crimes, has worked with the tribe since fall 2015. Within his first 60 days, the prosecutor had won his first two cases, contributing to the health and wellbeing of the community and safeguarding justice in Indian Country. The position tries some cases directly and refers many of the more serious cases to federal court where habitual offenders are held accountable through higher sentences. Victims and community citizens are now using orders of protection, courageously coming forward to testify against habitual offenders.

Since October 2015, the Standing Rock Sioux Prosecutorial Office has presented nearly a dozen very serious or habitual offenders to the North and South Dakota federal prosecutors. Because of these

positive effects of the program, we hope that DOJ will continue funding to support the special assistant prosecutor position at Standing Rock.

### Tesuque Pueblo, Santa Fe, NM

*Gil Vigil, Tesuque Council Member, Eight Northern Indian Pueblos Council Executive Director*

My testimony is going to be a little bit different than usual and different than other testimony provided. The reason for this is that the issues we face today are no different than the issues we faced in the 1990s when we began this work.

Instead, my testimony will focus on the consultation itself. What do you mean by consultation? You bring us to the table and listen to our testimony, but, a lot of times, it falls on deaf ears. Nothing is followed through on, and that is why you hear the same issues over and over again.

A good example of this is Standing Rock. As I understand, there was no consultation with tribes before the whole thing was presented—and look what happened. Because of a lack of consultation, the pipeline has been stopped. As tribal leaders, we have gone to a good many consultations where our testimony falls on deaf ears. Take the example of the oil industry. They are drilling, they are fracking, they are drilling on sacred land, and they are desecrating Mother Earth. We testified against them, but it continues.

If we are going to have a consultation, it has to be on something that the people we are consulting with can address. We commend and thank Lorraine Edmo and Bea Hanson for their service as they are moving on, but it falls to the career people at the table to carry this work forward. It is your responsibility to let the new administration coming in know what happened here today and in the previous consultation sessions. We rely on you to pass this information on. As people have mentioned, it is very unclear what the new administration is going to do, so we need your help.

In my role as executive director of the Eight Northern Pueblos Council, I would like to give an example where consultation worked. In New Mexico in 2013, the U.S. Attorney came and requested a consultation with tribal leadership. At the end of that consultation, I reminded him that we wanted him to follow up on the concerns that had been raised within 6 months. We had a follow up meeting in 6 months, and they reported on the issues we had raised, including jurisdiction, law enforcement training, domestic violence, and child welfare. They told us how much they had accomplished in that time, and, since then, they have kept working. We have seen more prosecutions in New Mexico by the U.S. Attorney's office. We have had training with our tribal programs. And we have met with a coalition on trafficking issues. To have this kind of good working relationship and consultation that has positive outcomes, we need people like Damian Martinez, our U.S. Attorney, to help take action on the issues that arise.

I also want to address the federal trust responsibility. A lot of people have mentioned it. If the federal government would honor its trust responsibility to tribes, we would have the funding we need to do the work we need to do. Right now, we compete against each other for funding, and when funding is too scarce, our issues go unaddressed. We need to work with NCAI to make this happen.

Jurisdiction continues to be our largest issue in New Mexico. We have to deal with federal, state, and county officials, and then our own tribal law enforcement. The relationships between tribes and counties can vary greatly from county to county.

We also need access to state funding. The only funding we can access now is federal funding. And state funding often has even more requirements attached to it than OVW funding has—which is already too many. We are opposed to federal funding being given to the state with the expectation that the state will share funding with tribes. If funding is going to reach tribes, it must be given directly to tribes.

I commend the work of everyone who is around the table. Some of us have been doing this since VAWA was originally passed in 1994, yet we are still talking about the same issues around the consultation table that we were then. Something has got to happen; something needs to change.

### Three Affiliated Tribes of Mandan, Hidatsa, and Arikara Nation, New Town, ND

*Sadie Young Bird, Three Affiliated Tribes Victim Services Program Executive Director*

We have been through many challenges and triumphs in the last several years. We are still seeing tremendous rates of violence to women and children. Previously, we saw violence connected to high oil prices and many oil workers in our region. Now, oil prices are low and trends have shifted. We see violence fueled by addiction, frustration from lack of income, and frustration at being stuck in the Berthold region. We still see high rates of sex trafficking, but without quantitative data, because no one comes into our office saying, "Help me. I am being trafficked."

I want to thank Lorraine Edmo and Bea Hanson, and I can tell everyone here today that these amazing ladies truly care about the victims and survivors we serve in Indian Country. When they visited the Bakken region during the oil boom on behalf of DOJ, I spent a week with them as they visited, and we drove around and checked out the man camps. You could tell they really cared about what they saw there.

I would like to request that the OVW consultation be moved to an earlier time, possibly during the NCAI meeting in June. Our voices should be heard before the CTAS solicitation and other federal solicitations are released.

I recommend that we continue to push for a tribal-specific VOCA set-aside. This year, we had to help a victim of domestic violence whose family had been murdered. When I tried to use state VOCA funds, they were very restrictive, and I could not access them, and we had to use other resources. The National Indigenous Women's Center and some other partners had foundation or other funding available and were able to help us, because we could access nothing through the state. If we had a tribal set-aside, we would be able to set our own standards and access funds as needed.

I request that BIA and other federal entities create an Indian Country-wide protocol for missing Native women, children, and men. A major problem now is that missing persons reports for Native people are not taken seriously. People say, "Oh, they're just on a binge. They are gone somewhere." Nobody really cares what has happened. The first 24 hours are critical in a missing persons case, and no one takes action. In Indian Country, our experience is way different than in mainstream America. We do not find out about our missing persons until months later or when a body is recovered, even as a Jane Doe, a person whose body is unrecognizable.

In my own experience, my best friend went missing a couple of years ago, and law enforcement acted like it was no big deal. Maybe she had just wanted to run away from her life, they said. Her body was found 4 days later, after I and another friend organized a search for her. During the search, tribal law enforcement spoke to me in an ugly way in front of about 60 people, saying that, if anything was found

or anything was tampered with, I could be held accountable and charged with tampering with evidence—threats like that. They should not have done that. They have no protocol for response. Even at that time, I was a domestic violence advocate in our community, and I had worked with them professionally. When they spoke that way to me, I understood that this must be how they spoke to everyone.

Human trafficking is an issue, and there are many different ways a woman can be trafficked. We desperately need tribal-specific funding to address trafficking with the understanding that the data we want may not be available. As I said, no one comes into our office and announces, "I'm being trafficked." We may learn later, months into their shelter stay, that they are a trafficked individual, and that information may not go into our data systems.

Other recommendations for trafficking include: (1) an Indian Country-wide awareness campaign so women and girls know that our programs are here, and so Johns and pimps know that we are not taking this matter lightly; (2) technical assistance to help tribes write strong trafficking codes. As of last year, we were the only tribe with trafficking codes, but I believe more have followed suit in developing their codes.

We also need resources to combat child-on-child sexual assault. A child does not offend against another child for no reason; the majority of the time, the offending child has been a victim of sexual or physical violence. We need federal assistance with resources, programming, and some kind of action plan, a protocol to address this. Child-on-child sexual assault is a topic no one wants to talk about. We say, "Oh, it's a child, we'll put them in counseling." But we need better follow up, and we need to create a prevention curriculum in Indian Country to address the issue, as more children are at risk of becoming offenders.

In the 2018 reauthorization of VAWA, I would like to see tribal provisions for sexual assault victims following the same processes that are currently set for domestic violence victims. Many of our sexual assaults are committed by non-Native offenders, and, with the recommended changes, we could detain them while charges are pending. As we know, federal cases take a very long time. In one instance, we had a non-Native male commit two sexual assault crimes while he was waiting on federal charges. They resulted in permanent medical issues for one victim and severe mental trauma for both victims, and there is no way to prosecute them. He can continue to hurt people.

### Torres Martinez Desert Cahuilla Indians

*Alex Tortez, Torres Martinez Public Safety Commission*

I was asked to speak for my tribe about domestic violence issues because of my background with Torres Martinez tribal law enforcement, as well as 33 years as a lieutenant with Riverside Police Department and Riverside County Sheriff's Department, where I developed a tribal liaison unit that still exists today.

One critical issue is the failure of non-tribal law enforcement to enforce tribal court orders. The main reason for this is the lack of federally mandated training for state law enforcement in PL 280 states. When PL 280 was passed in 1953, it required that six states enforce state law on tribal lands, but it never required any formal or standardized training for state law enforcement about how to do this. In visits to other PL 280 states, such as Alaska and Wisconsin, I have seen the same issues with a lack of training.

I helped draft proposed changes to California state law, in Assembly Bill 373, to address this need. At the federal level, four congressional representatives from California are sponsoring a proposed amendment to the original PL 280 to mandate training. Seventy percent of the 567 federally recognized tribes fall under PL 280. PL 280 training must extend beyond law enforcement, as well. It should include parole, probation, and the many other agencies that operate on tribal lands.

Tribes in California do not have access to state databases for crime reports and information or to enter court orders. In fact, federal databases do not have access to state crime statistics, which means that tribal law enforcement is working blind when it comes to state criminals on tribal lands. These are problems that must be addressed at a federal level.

### Tulalip Tribes, Tulalip, WA

*Bonnie Juneau, Secretary*

We thank Lorraine Edmo and Bea Hanson for their work, and, in looking to the future, we understand that we are in a period of transition. We want to put things in place so that the transition can take place smoothly. Education is critical for this transition—there are more than 560 federally recognized tribes, and there is a lot of learning to understand each tribe's uniqueness.

The current issue of *Restoration Magazine* says, "Women and water are sacred." This is true. Life cannot exist without either one. When our women are not safe and healthy, they cannot be healthy mothers or teach our children. For future generations, it is critical to find ways to protect women today.

One critical recommendation, which we have talked about last year and already today, is that tribes need direct-source funding. We do not want to fight with our states to try and get them to work with us. Tribes can have very different relationships with their states. Some states work well with their tribes; some do not. And we always face the transition that comes with newly elected officials at all levels. If we can implement mandates at the federal level, either by ensuring direct funding or requiring that states work with their tribes, we can do something to provide tribes with the culturally relevant resources they need.

Housing is a critical issue for us, as it is for many Alaska tribes, as well. When we have women who become victims of domestic violence, they and their children are taken to a shelter off-reservation. The man gets to stay in the house. This is not fair, and it causes more trauma to the women and children who are uprooted. We are looking at Housing and Urban Development guidelines to see how we can ensure that homes belong to the mothers and the children.

Another critical recommendation is to make sure that the Tribal Access Program stays. It is currently a pilot program and it needs to be made permanent. I first encountered the issues with tribal court protection orders when I worked for the Tulalip tribal police. Right now in Washington, there are two separate programs, one of which allows tribes to view protection orders. A different program is required to enter our protection orders, and it is shocking to me that it is so difficult to ensure access to both of these functions. We are also aware of the barriers that other tribes have mentioned, about how tribes cannot use the Tribal Access Program because they do not have law enforcement or they have not implemented SORNA. We need to expand this program so it is available to all tribes, and we need to ensure that the access is simple and immediate. When we are looking to place a child at 2 a.m., we cannot wait for the help of another department to check whether or not the placement we are considering is safe.

Tulalip urges OVW to make its grants noncompetitive. We do not want to take away resources from other tribes that also need funding. There are many other grant programs that are needs based, such as Temporary Assistance for Needy Families or child support grants. We also struggle with grant reporting. It is cumbersome for our tribe, and I imagine it is even more difficult for smaller tribes who do not have grants departments. The reporting process is intimidating and unnecessarily difficult, but we also believe that OVW misses key information in the reporting they received, because it is so difficult to determine which questions are important and which are not. We request that the reporting process be simplified.

In my own experience, I was a survivor of physical and sexual abuse as a young girl. I lived on a reservation in Wisconsin, and my mother was beaten horribly by her husband almost every weekend. I had a lock on my bedroom door to keep potential perpetrators out of my bedroom, and my mother would knock on my door. I was a young girl, trying to protect my younger siblings. That night, my mother was so horrifically beaten that she looked like something out of a horror film. I was scared of her. I did not let her in, and I have always felt guilty about that.

It took me years to understand why she never left her husband. She had been adopted as a child and did not have strong family ties. The winters were cold in northern Wisconsin, and there was simply nowhere to go. Eventually, we went to stay at a shelter in town. My classmates would ask me why I was not at the bus stop, and I was so embarrassed to think they might find out where we were staying. The man who did these things was never prosecuted. Abuse like this still happens today, and people in remote areas cannot get services. I cannot believe that it is 2016, and we cannot get services out to the people and places that truly need them.

Now that we are facing another governmental transition, we will have to come to the table again, tell our stories again, and educate a new group of elected and appointed officials to try and help them understand. This is one reason direct funding is so important for tribes, because it is very difficult to work with people who do not have an understanding of tribes and tribal issues. They do not grasp historical trauma or other issues. When I went to counseling with a non-Native counselor, I would spend the majority of my hour trying to educate them about Native issues, and they still would not understand.

Our community is currently facing a heroin epidemic, and we have a high birth rate of heroin-addicted babies. But the root issue is that men and women do not want to feel the pain. It is not about addiction; it is about healing pain that has happened over generations. People ask me about the treaties, saying they were made such a long time ago, why do we still follow them? In response, I ask, why do we still follow the Constitution?

Indian children were being taken from their families up until the 1970s. My mother was taken away from her mother, who did not speak English. My mother and two sisters were taken to an orphanage, fostered out, and treated like cattle. In all but one home, they were physically, sexually, and mentally abused. My mother was adopted by a non-Native family. She was separated from her sisters, and she was not allowed to go to the funeral when her own biological mother died. I talked to an elder about how my mother and grandmother had been treated, and he told me, “You’re right. In those days, Indian women were considered less than dogs,” and I wept.

These stories are still very real and they affect generations today. It has taken several generations in my family, but I am proud to say I am a grandmother now, and I have watched my granddaughter grow, and

I have seen that things are changing in my daughter's generation for her as a mother. But that change has happened because people were able to seek services to help them heal.

Some families in our communities cannot find their way out of trauma. They are still stuck in old cycles, and that is why early intervention is so important when someone is a victim. We want to provide supportive and culturally appropriate services, so someone does not go to a nurse after she has been raped and have the nurse say, "Well, she must have been drinking, because she's Indian."

Education needs to be a part of everything. I am thankful for the recent legislation in Washington state that requires 20 hours of classroom time in schools on tribal history and tribal sovereignty. But education also needs to happen in the communities that serve our people, including hospitals, officers, and others.

As a final point, we recommend that the next consultation be set for summer 2017 to give tribes a chance to have input before any action is taken in the grant cycle for that year. We look forward to learning how we can work with the people in the new administration. We will be here next year at the table, as well.

### Tulalip Tribes, Tulalip, WA

*Melvin R. Sheldon, Jr., Chairman (written testimony)*

As a sovereign government, the Tulalip Tribe has exercised its powers to best meet the needs of its traditional territory and its tribal citizens for thousands of years. Decades of failed U.S. policies have resulted in the need for a great many services in our community. The government has developed many programs to address these needs, but there is still a great need for financial assistance.

This year marks the eleventh year of the OVW tribal consultation process. Over the years, we have seen improvements in tribal programs and an increase in collaboration with OVW and DOJ staff. We applaud the hard work that outgoing Tribal Deputy Director Lorraine Edmo has contributed to this process, and we also recognize the significant positive impacts that have come from OVW grants in many areas.

While the combination of DOJ-wide grant programs into the Grants to Indian Tribal Governments program took a step toward streamlining DOJ's grant process, we still have major concerns about its implementation.

We have developed programs to address survivors' needs, but we find that these programs are competing with other programs for the same limited funding. It is difficult to expand our programs in any way without significant tribal contributions, and we need the flexibility to apply funds to one set of needs in 1 year and a different set the next, as survivors' needs and perpetrators' strategies for abuse continue to evolve. Tribal governments, not the federal government, are in the best position to determine what responses to domestic violence should be supported with funds to ensure victim safety and accountability.

We request that OVW make its grants noncompetitive, similar to Temporary Assistance for Needy Families or child support funding, where a yearly budget is based on the needs of our service area. We would welcome the opportunity to pilot such a program with DOJ.

As explained in the Indian Law and Order Commission's executive summary, DOJ has been a major funder of Indian County criminal justice activities, but DOJ's grant-based funding approach creates

uncertainty in system planning, and tribal governments rightly ask why they—unlike their state counterparts—must rely on such inconsistent sources to pay for governmental functions.

Despite the many difficulties, tribes continually need to build and maintain their infrastructure around DOJ and Department of Interior funding. In addition, as more victims come to trust the criminal and judicial systems, more victims will come forward, and programs must be able to expand to meet that increased need. At present, our programs are still crisis-based, and we still have significant need.

Accordingly, Tulalip Tribes make the following recommendations.

**Recommendations for OVW**

- **Allocate additional funding for program development.** Our clients and their children have long-standing histories of victimization and many overlapping needs. We must be able to provide services, such as therapeutic housing, counseling, chemical dependency services, life skills, and other housing support. We need funding for reservation-based services. When our clients seek services off the reservation, they encounter uneducated providers and are treated as novelties for these providers' interest and education, instead of having our clients' needs addressed.
- **Allocate additional funding to sustain existing programs.** We request increased funding so that we can attract and retain qualified employees. Each year, we have to fight for limited dollars that are needed across the spectrum of services and programming.
- **Explore partnerships with noncompetitive grant programs.** OVW should work with programs, such as Temporary Assistance for Needy Families, the 477 program,[12] and child support, to determine if these programs can cooperate when serving the same clientele.
- **Allow tribes to apply for civil or criminal OVW grants.** Right now, these two areas compete for funding within the CTAS grant process. Instead, tribes should be allowed to apply for funding under both civil purposes and criminal, investigatory, and law enforcement.
- **Streamline grant reporting requirements.** While we understand OVW's need for complete, accurate, and timely grant reporting, we recommend that OVW revise the current reporting tool in the Grants Management System so awardees can do the following:
    - Provide information more efficiently. The current reporting format is daunting, especially for new program managers. We recommend a simplified version with space for narrative information and an Excel spreadsheet for numeric data collection.
    - Create individual reports. Information gathered in the Grants Management System is not cumulative across reporting periods, but because the final report requires cumulative data, grantees are required to maintain duplicate reporting systems that can be cumulative across periods. The Grants Management System would be a more efficient and useful tool if data across different reporting periods could be viewed cumulatively.
    - Provide better information on survivors. Information on survivors is very difficult to quantify, but this is the type of information that OVW requests. In the current form, we

[12] The "477 program" was established by Public Law 102–477, which consolidated funding streams from the Departments of the Interior, Labor, Education, and Health and Human Services into a single plan to support employment, training, and economic development in Indian Country.

believe that reports on survivor outcomes do not capture key information that could be used to improve programs and outcomes.

**Recommendations to Enhance the Safety of Native Women**

- **Reauthorize the Tribal Law and Order Act of 2010.** This act has, without question, improved the ability of our tribes to protect our communities and should, therefore, be reauthorized. However, it still leaves tribes dependent on federal prosecution for serious crimes, and U.S. Attorneys frequently decline to prosecute major offenses for a variety of reasons. Tribal courts must have greater authority and capacity to sentence violence offenders. Tulalip Tribes passed a resolution to address this issue called Combatting Non-Indian Domestic Violence and Sexual Assault: A Call for a Full Oliphant Fix. The resolution is described in greater detail at the end of our testimony.
- **Design a VAWA fix to allow for the prosecution of crimes related to domestic violence.** The Tulalip Tribes were one of the original pilot tribes to exercise the special domestic violence criminal jurisdiction authorized under VAWA 2013. We have had many successes in this effort (summarized in a later section of our testimony). At the same time, VAWA 2013 allows only for jurisdiction over physical assault and the violation of protection orders, the two crimes that place the heaviest burden on victimized persons to participate in prosecution. Under VAWA's limited jurisdiction, we cannot charge an offender who simultaneously abuses his children or who commits drug or alcohol offenses, commits property crimes, interferes with the reporting of the domestic violence, or assaults someone other than an intimate partner. We appreciate the Tester-Franken legislation (S. 2785) that would enable tribal prosecutors to charge the full range of crimes that arise within the context of domestic violence, sexual assault, or family violence crimes.

  Related to this fix, we encourage the adoption of the recommendations from the National Institute of Justice research report on violence against American Indian and Native women and men. Often, violence in our communities is committed by non-Indians, and under VAWA's special domestic violence criminal jurisdiction, we still see those crimes go unpunished.

- **Create a legislative fix to give tribes access to federal crime databases for governmental purposes.** Although the Tribal Law and Order Act of 2010 required that tribes meeting certain requirements receive access to and be permitted to enter information into national crime databases, tribes still do not fully participate in national criminal justice information sharing. Access for tribes through state networks depends on various regulations or policies in any given state. Federal statues provide some access for certain situations, but then defer to state law to define access in other situations. Federal law also poses issues. For example, 28 U.S.C. 534(d) authorizes the release of criminal history information to tribal law enforcement agencies, but not to any other tribal agencies for legitimate civil purposes, such as performing background checks for the emergency placement of children or for employees who will work with elders or vulnerable adults.

  Even as our tribe has participated in the Tribal Access Program, we have seen that tribal access is piecemeal. The FBI's Criminal Justice Information Service interprets the appropriations rider language from PL 92-544 (and the notes in 28 U.S.C. 534) as a permanent statute that prevents

the sharing of information with tribal governments.

We need to amend federal law to authorize the sharing of this information with tribal governments for any legitimate purpose. One solution is to add a new subsection under 28 U.S.C. 534 stating: "If authorized by tribal law and approved by the Attorney General, the Attorney General shall also permit access to officials of tribal governments for non-criminal justice, non-law enforcement employment, licensing purposes, or any other legitimate government purpose identified in tribal legislation." We ask that civil authority be included, too, so tribes can have full access to databases.

We urge DOJ to fully implement the Tribal Access Program to provide permanent and open access to all tribes, because it does have the potential to fulfill the VAWA 2005 mandate to provide tribal access to NCIC. DOJ should also develop an intertribal working group similar to the Special Domestic Violence Intertribal Working Group, which would provide ongoing improvements and keep all interested tribes informed about the implementation of the program.

Finally, the FBI's Criminal Justice Information Service should be challenged to develop tribal-specific regulations and programs with tribes. They should also be reminded of the federal requirement, articulated in Executive Order 13175, to consult with tribes in the development of policies that have tribal impacts.

**Recommendations to Improve the Bureau of Prisons Program**

Tulalip Tribes recommends that the Bureau of Prisons pilot program be expanded and made permanent. It should also be expanded to include detention of special domestic violence criminal jurisdiction defendants, violators of protection orders, and other eligible convictions greater than 1 year and 1 day, instead of the current limitations. While the pilot project was created to accommodate detention of prisoners sentenced under the Tribal Law and Order Act's enhanced sentencing, the pilot program was almost over before most tribes were able to exercise enhanced sentencing. It has been too short lived and had too many restrictions to benefit tribes the way that it should have. Tulalip Tribes currently have one criminal sentenced under the Tribal Law and Order Act's enhanced sentencing guidelines who is serving a term in federal prison through the pilot project.

**Recommendations for STOP Program State Consultation**

STOP funds should be provided directly to tribes instead of filtering funding through the states. The states do not know our communities or needs, and we do not believe Washington state is in compliance with STOP grant requirements as they relate to our tribes.

**Tulalip Tribes Resolution: Combatting Non-Indian Domestic Violence and Sexual Assault – A Call for a Full Oliphant Fix**

In Resolution No. 2016-294, based on the experiences of tribes who implemented limited domestic violence criminal jurisdiction under VAWA and found that it did not adequately address the range of crimes that can be encompassed by domestic violence, the Tulalip Tribes call on the U.S. government to expand inherent tribal criminal jurisdiction over all persons committing any crime in their Indian

Country. Tulalip Tribes also call on presidential campaigns to make the expansion of inherent tribal criminal jurisdiction over all persons and crimes within a tribe's Indian Country a central part of their Native American policy.

Tulalip Tribes submitted the full text of Resolution 2016-294 as part of their testimony.

**Tulalip Tribes' Experiences with VAWA 2013 and Jurisdiction over Crimes of Domestic Violence**

Tulalip Tribes submitted a summary of their outcomes exercising special domestic violence criminal jurisdiction under VAWA 2013.

Since February 2014, the tribes prosecuted 14 cases with 10 different defendants (all non-Native, per the specifications of VAWA 2013). Eight defendants had children in common with their victims. Defendants had a combined total of more than 141 contacts with Tulalip tribal law enforcement since 2008. In eight of the incidents, children were present, and five children were victims of crime.

In these cases, eight defendants were convicted, four cases are pending, and two cases were dismissed. Of the crimes in which children were victims, one case has been prosecuted because it was transferred to federal court. The state has not taken action on the other four cases where children were victims of crime.

Tulalip Tribes absorbed all of the costs of exercising this jurisdiction. Although it was awarded a grant for implementing special domestic violence criminal jurisdiction, the grant covered only a fraction of the expenses necessary.

Tulalip recommends the following next steps:

- Grant tribes the authority to charge crimes against child victims and other crimes attendant to domestic violence,
- Grant tribes the authority to charge stranger rape,
- Reauthorize and expand the Bureau of Prisons pilot project to make it permanent,
- Implement the NCIC Tribal Access Program and create an intertribal working group for this purpose, and
- Provide full funding for all aspects of implementation.

## Village of Alakanuk, Alakanuk, AK

*Martina Post, Tribal Member, Designated Representative, Emmonak Women's Shelter Board Member*

Alakanuk's population is 95 percent Yup'ik Natives, with 2.5 percent mixed race and 2.3 percent Caucasian. We do not have a tribal court, but we use our Indian Child Welfare Department as a small court for serious cases and jurisdictional issues. The tribe uses banishing tribal members as a sentence, and we have done this for as far back as I can remember.

The nearest shelter is the Emmonak Women's Shelter. The regional hospital, the state troopers, and the state court are all 2.7 miles from Alakanuk in the Village of Emmonak. There are no roads connecting Alaska villages, and travel is very expensive. Nunam Iqua is 3.5 miles from Alakanuk, and St. Mary's, where there are two state troopers stationed, is 8 miles away. Anchorage is 494 miles away.

An important barrier that Alaska tribes face is the language barrier. We have a certain way of talking where people do not understand what we are trying to say. Another issue is that our technology lags behind. The cost of internet service is very difficult to cover, and we do not have access.

I want to share some background information about Amber Alerts in Alaska, which connects to my later recommendations. There are very strict criteria when it comes to issuing an Amber Alert, and few cases meet that criteria in Alaska. The criteria are that a child under 18 years or someone with a known mental or physical disability must be involved, local law enforcement must be reasonably certain that an abduction has occurred, and the victim must be believed to be in imminent danger of serious bodily harm or death. Amber Alerts are not to be used for runaways or family abductions unless all of the criteria are met. I am aware of a young boy in our region who was missing for several weeks and was later found deceased. If an Amber Alert had been issued for him, I believe he would have been found sooner.

My own story is one of many that involves sex trafficking. My daughter left Alakanuk and traveled to Anchorage. After some time, I started getting text messages from people that they had seen my daughter drunk, smelly, with bruise marks on her arms, hanging out with the wrong people. Then she suddenly disappeared.

I looked at her Facebook profile, and it stated that she had a job working for a company I did not know about, and it also stated she had graduated from the University of Washington, which was not true. I found that she had been lured to Anchorage using false promises through social media. I never dreamed that social media could be used to lure women in Alaskan villages into sex trafficking.

I called the Anchorage police for help, but they would not listen to me until I got my two White friends to call for me. Through my two White friends, I reported my daughter missing. She was held by traffickers at Eagle River, AK, for 6 months. I called the FBI three times, and they did not respond. The Anchorage police would not help me because she was living on the street—to do a welfare check, the police need an address. She was found in June, but did not return home until October when her pimp was jailed. When her pimp was released from jail, she disappeared again. She is now back in Anchorage with her pimp. Although this is not a happy ending, I tell it because I want to raise awareness about the problem of sex trafficking in Alaska.

In another incident, a young Native girl was abducted, sexually assaulted, and dragged through the street with a car. She was dumped on the side of the road where she died. She had blood on her hands and fingernails, because she had used her hands to try and crawl back up to the road. Her mother did not have internet, did not know who to contact, and did not have the right resources. She had no way to look for her daughter.

In other incidents, there are young Native ladies who have drinking problems, and their children are born with health and mental defects because of it. A young woman with mental disabilities because of fetal alcohol exposure had been adopted into another family. Her case was in the news. Law enforcement officers stopped a car that had been in a small accident and noticed a sleeping bag in the back seat. When they opened it, they found the young woman with her hands tied and her mouth taped with duct tape. She had been beaten, shot, and put in a plastic bag by the man who was driving the car. He was on his way to dump the body.

This woman's adoptive mother had tried to get help for her, but she was told that her daughter had to choose what she wanted in her life. I was told the same thing about my daughter. This issue is so sad, because we cannot get help for our daughters, even when, in some cases, they have a mental disability.

Based on these stories and experiences, we have the following recommendations on sex trafficking:

- Public awareness and education are critical to address sex trafficking. Materials should be posted at the hospital and other places for victims to call.
- OVW should fund and develop Alaska Native advocacy programs for Native women, because many of our Native women do not trust non-Natives because of our bad experiences with them.
- State troopers, police, and FBI should be trained to better respond to Native women and girls being trafficked.
- Most importantly, we need an alert system like the Amber Alert for Alaska Native women who are trafficked.
- We also need victim services programs and resources to assist those who are trafficked, using our Native culture for treatment and providing education, job placement, and shelter.
- The federal and Alaska state government should set aside an equitable amount of resources for Alaska Native tribes to develop, implement, and use culturally relevant solutions to address the health, safety, and welfare of Alaska Native women.

We need shelters for trafficked women and children that are federally funded and provide culturally appropriate services. There is a shelter in Anchorage for trafficked women, but they have to be referred by a law enforcement officer.

Since 2003, tribal leaders have commented on the inadequate response of law enforcement agencies to missing persons reports of Native women that have ended in abduction, rape, domestic violence, and homicide.

We urge OVW, IHS, and the Department of Interior to establish a high-level working group, including the Alaska Native Women's Resource Center, the National Indigenous Women's Resource Center, the Indian Law Resource Center, and the NCAI Violence Against Women Task Force, to develop and institute a training protocol and an alert system.

### Wampanoag Tribe of Gay Head (Aquinnah), Aquinnah, MA

*Tobias Vanderhoop, Tribal Chairman (written testimony)*

Our tribal homelands are located on the island of Martha's Vineyard off the coast of Massachusetts. About one-third of our 1,300 enrolled tribal citizens live on the island, which has a year-round population of 15,000 residents that increases to roughly 115,000 in the summer months. Although our island home is known as a playground of the rich and famous, our people do not live a lavish lifestyle. The median income of our year-round residents is low compared to the exorbitant cost of living and housing. Housing on the island is scarce, because 63 percent of rentals are for seasonal use only, leaving our residents in a vicious cycle of searching for adequate living conditions. Our region, including Cape Cod and Nantucket, is currently experiencing a major heroin epidemic, as recorded in the HBO documentary, Heroin: Cape Cod, USA. Over the years, our tribe has expended a great deal of our tribal resources to address child protection, drug prevention, education, housing, and economic development,

with domestic violence and sexual assault being combined with other social services department programming.

Over the past 5 years, our tribe conducted a community assessment and developed programming to address violence against women and girls. In 2015, the Wampanoag Women's Center opened to provide a confidential environment and support services for referrals, financial assistance for emergencies, relocation, and transition. Center staff are expanding services with the long-term goal of being able to shelter victims in need.

Our tribe is currently developing tribal codes that will hold offenders accountable and include a provision for issuing protection orders. County and municipal agencies in our area have informed us that implementing these codes would require a memorandum of agreement with surrounding jurisdictions to recognize and enforce a tribal protection order. The tribe's position is that VAWA already provides for full faith and credit of tribal protection orders. This lack of understanding on the part of surrounding jurisdictions has slowed our process, and the added confusion has caused the process to be contentious at times. Most importantly, delays mean that people who need these protections do not believe a tribal protection order can help them, and, consequently, they do not seek the services they need. These victims also do not use the county judicial system.

We and other tribes in our situation would greatly benefit from technical assistance and training to develop strategies to build stronger working relationships with our surrounding jurisdictions. Law enforcement agencies who need to work with tribes will inevitably need training on the rights of tribes and education on their responsibilities when working with tribal governments. Because OVW grants require cooperation with local law enforcement, it would be helpful if OVW also educated these state and local agencies on their appropriate supporting roles in tribal VAWA-related programs.

In one example of interactions between local law enforcement, tribal advocates, and tribal victims, a sexual assault victim reported her experiences to local law enforcement with the intent to press charges. She requested that her case not be assigned to an officer who had previously filed a child neglect report against her. Despite her request, and despite the fact that the responding officer was the designee for domestic violence cases, the victim's case was reassigned to the officer who had filed the previous report against her. The victim decided she could not work with local law enforcement and contacted a tribal victim advocate to continue with the case. The tribal victims advocate refused to disclose information about this case to local law enforcement, as required by Massachusetts law, but local law enforcement began to harass her, following the advocate from the town line onto the reservation each morning. Interactions like these make it hard for tribal advocates to ensure the protection and fair treatment of their clients.

Since the opening of the Wampanoag Women's Center, we have seen a significant increase in victims seeking services. We expect this upward trend to continue as more community members become aware of our services. In our experience, most tribal women and girls do not report incidents or seek services when they are experiencing violence. Our statistics show they begin to talk about their experiences about a year later.

The island community is organizing an effort to confront the drug epidemic, and the tribe will join this collaboration. Currently, there are no SANE nurses on the island, but we are endeavoring to make trauma-informed services more widely available.

Our tribe recently lost a woman to homicide. She had stayed in a domestic violence shelter, but, due to the prospect of homelessness, she returned home and was killed shortly thereafter. Women at the highest risk for lethality often stay in their current situations due to the housing crisis. On our island, there are no shelters, no safe homes, and no rentals available for emergency relocation. When fleeing from dangerous situations, some women compromise their safety by moving into another volatile situation. Some grant requirements call for physical relocation of victims before they can qualify for transitional assistance, but the extreme lack of housing or shelters makes it almost impossible to physically relocate victims. In some cases, women give their children to family members and "couch surf" or sleep in their cars while waiting for an appropriate rental to become available.

Addressing violence against women is ultimately about changing our community to decolonize minds, offer healing, and provide tools for our community to advocate for what they need. Ultimately, our efforts must also be supported by OVW programs, grants, and technical support. The change we need can only be accomplished by collaboration on all levels.

### Wiconi Wawokiya – Lower Brule Sioux Tribe, Lower Brule, SD and Crow Creek Sioux Tribe, Fort Thompson, SD

*Lisa Heth, Executive Director of Wiconi Wawokiya*

Wiconi Wawokiya is a nonprofit agency that provides services to the Lower Brule and Crow Creek Reservations in central South Dakota. The reservations are about 15 miles apart. I am an enrolled member of the Lower Brule Sioux Tribe, and I have been designated to give testimony for Lower Brule Sioux Tribe and Crow Creek Sioux Tribe.

Wiconi operates several programs that provide services for women and children who are victims of domestic violence. Three organizations are on the Crow Creek Reservation: Project SAFE, a women's domestic violence shelter; the Children's SAFE Place, a child advocacy center; and Wicozani Waste, a wellness center with a variety of victim services. The Pathfinder Center is a shelter with extensive programming for victims of sex and labor trafficking. In addition, Wiconi provides services to Lower Brule through FVPSA and a rural grant.

Recently, we closed another shelter in Sioux Falls due to a lack of funding. When we received our CTAS award, we did not receive enough to continue operating two shelters. The shelter in Sioux Falls provided culturally sensitive services to Native women from throughout South Dakota who, lacking resources on their own reservations, had fled to Sioux Falls as an urban area with more resources. Many women came to Sioux Falls to leave their abusers and start a new life, but our shelter will no longer be able to assist them.

These two reservations are small and are always listed on the index of the poorest counties in the nation. Some of our communities are considered remote, because people have no reliable transportation into or out of them. We have the problems associated with generational and widespread poverty, including housing shortages, a lack of employment opportunities, understaffed law enforcement, no public transportation, and a lack of reliable personal transportation. This lack of resources for services is one of our largest concerns. The on-again, off-again service provision by agencies continues to be a major problem, because so many of our agencies are grant funded. The denial of an award or a delay in the release of funding stops these services.

Women trying to escape violence have difficulty securing housing or jobs. They often must leave the community to find housing or education. We also face substance abuse in the community as a whole and among the women we serve as clients. About 96 percent of families on the Crow Creek Reservation are impacted by alcoholism. When Wiconi staff did a community survey, alcohol and drug abuse was rated the number one problem. Our staff estimate that 75 percent of women entering shelters on either reservation have addiction problems with drugs or alcohol. Our advocates feel that many women use drugs and alcohol to escape the pain of domestic violence and sexual assault.

The use of synthetic and prescription drugs has reached epidemic proportions, which, in turn, impacts trafficking. Selling prescription drugs is common, and, because of this, IHS will no longer prescribe pain medication for patients who truly need it. Drug traffickers come to the reservation from as far away as Minneapolis, MN. They give drugs to women a few times, and then demand huge payments or to be paid with sex. If women cannot pay, the traffickers threaten them, demand that they provide their daughters for sex, or demand that the mothers or daughters sell drugs for them.

As drug trafficking increases, so does sex trafficking of women, girls, and boys. Oil development in the Midwest has created a corridor from Minneapolis to Rapid City, with stops on the oil fields and on reservations in South Dakota. Tribes are seeing more Native women and girls disappearing and ending up in the sex trade. They are quickly locked in a world of violence, and threats from their traffickers make it difficult to escape. Statistics show that 40 percent of trafficked victims in South Dakota are Native American.

The U.S. Attorney's office has prosecuted sex trafficking cases involving several dozen victims, about half of whom were Native. In most cases, victimization occurred in Sioux Falls and larger cities. Native women and girls who came there from reservations would arrive with few resources and be targeted by traffickers.

Crow Creek Reservation's history is that it was established by executive order as a prison camp for exiled Dakota and Winnebago people following the Dakota War. Of the 1,043 people in the camp, over 900 were women and children. Women faced rape and abuse by soldiers from Fort Thompson, and, because of the extreme shortage of food and other necessities, sometimes sold themselves and their daughters for food. Sex trafficking on our reservation began with U.S. government soldiers, and now, we are asking the same government for assistance in ending it.

We estimate that 90 percent of adults in our community have had personal experiences with family violence. The children of Crow Creek endure inordinately high rates of physical and sexual abuse, teen pregnancy, child alcohol and drug abuse, and school delinquency and dropout rates and seven times the national rate of suicide. Of 31 cases at the Children's SAFE Place, 25 were under the age of 12.

The police departments in Lower Brule and Crow Creek are staffed through BIA. They both need a stable department with more officers. Officers come to our reservations, we train them, and we lose them to areas that provide more resources and higher salaries. Courts and prosecutors' offices are underfunded and fail to prosecute and convict offenders. Based on this, women become less likely to report domestic violence and sexual assault because other women tell them that nothing will be done.

The most obvious gap in services is the lack of resources for investigation. We need more investigators, and we need investigations completed in a timely manner. We need special agents who can investigate

sexual assault and who are trained on trafficking issues. Untrained officers often see trafficking victims as prostitutes, and the victims are arrested while the trafficker goes free.

The Crow Creek Reservation is served by one BIA Special Agent. Given the rural nature of the reservation and the travel time needed for investigations, the majority of case files are held open for months. Some are never completed at all.

We are aware that 85 percent or more of the men on our reservations have been victims of rape, incest, and other abuse as children. Because there is a lack of services for youth or teens and a lack of opportunity for healing or rehabilitation, these people often go on to become offenders.

For family and treatment programs, we need the flexibility to use traditional healing methods for victims. We need to provide traditional restorative practices. We know that our traditional methods of accountability work, and that, if given the opportunity, we can find solutions and restore our communities. Perpetrators who are incarcerated return to tribal lands, so more funding is needed for reentry programs to bring healing. We have appreciated OVW's emphasis on incorporating cultural activities, but we do note that no grants allow purchasing food or even a cup of coffee to support community events. One of our traditions is the feeding of the people, and not being able to provide food and drink at events is not in keeping with our cultural ways.

We have identified some additional concerns with CTAS funding, as well. Competition between tribes over funding creates barriers, and the funding itself has a very short shelf-life. Although we collaborate with other agencies and work for sustainability, we know that our funding will be over soon. OVW's budget approval process, which can take from 1 to 10 months, means we cannot access funds, and this greatly impacts our ability to provide services to victims. Our tribal governments, even under the best of circumstances, cannot provide the monies needed to sustain an organization when grants are delayed or discontinued. Finally, a mid-year consultation would be appropriate, so that OVW can incorporate the issues raised by tribes into that year's grants. We recommend that OVW hold a consultation meeting in July or August of 2017.

We support the inclusion of tribes in the annual allocation from the Crime Victims Fund. A 10 percent allocation would help tribes provide services and would contribute to more consistent funding for all tribes.

We also support the establishment of a national day of awareness for murdered and missing Native women and girls. Bringing attention to this issue is long overdue.

### Yurok Tribe, Klamath, CA

*Lana McCovey, Tribal Council Member*

The Yurok Tribe is in northern California, and we are a highly rural community. California is a PL 280 state, and we have developed relationships with law enforcement in both of the counties that our tribe covers. Even so, when we call for law enforcement, assistance arrives 2 hours later at best or sometimes not at all. County law enforcement depends on our public safety officers to pick up their slack when they do not respond to calls. With the base funding we receive for law enforcement and tribal courts, we do not have enough officers and we cannot provide training or develop our court system the way we would like to.

Our reservation is just now getting electricity and telephone lines. Prior to that, if there was an act of violence on the reservation, it did not get reported. By the time we received assistance of any kind, it was too far after the fact and gathering any evidence was very difficult. Even now that we do have phone lines, the combination of few officers and a wide geographic area to cover means that we still cannot provide help to people where it is needed. Transportation continues to be a big issue for us—for officers, workers, and everyone in our rural area.

Despite the lack of needed funding for law enforcement and justice systems, we are still working to develop our tribal court and justice systems on our own. We want to be ready to hit the ground running if we are ever able to receive funding. We are developing our court and law enforcement policies and procedures, creating sex offender registries and ordinances, and setting up other programs and ordinances.

Although we work with our surrounding local governments, our situation is similar to what others have stated. Getting county governments and law enforcement to recognize and act on our protection orders is not happening. Criminals know that they cannot be easily located by law enforcement in such a rural area. They know they can do as they please and escape arrest easily.

We are located in the Emerald Triangle, the area of northern California with the highest marijuana production in the United States. It brings an unsavory element into our community, including the trafficking of marijuana and other drugs, crime, sexual assaults, and violence against women. We have a broad range of justice and violence issues to address, and we know that we need to address those issues in a way that encompasses everything. With our current base funding, there is nowhere near enough money to cover even our basic needs in this area.

## Working Lunch Presentations

During the working lunch, DOJ representatives shared videos and other information on DOJ programming related to violence against Native women. At the end of the lunch, presentations were made to Lorraine Edmo and Bea Hanson to honor their work with OVW.

### Training: Domestic Violence, Sexual Assault, and Human Trafficking in Indian Country

Leslie Hagen, National Indian Country Training Coordinator for DOJ, presented during the lunch program. Ms. Hagen works out of the National Advocacy Center in Columbia, SC, where 12 to 15 residential courses on public safety in Indian Country are offered each year. The Center emphasizes a team approach and trains tribal-federal or tribal-state teams to increase local collaboration.

Ms. Hagen announced the release of a five-part video training series titled *A Healing Journey for Alaska Natives*.[13] The series was created by OVW and the Office for Victims of Crime to educate victim service providers on the origins, prevalence, and types of violence committed against Alaska Natives. It also emphasizes the need to address pain and trauma, including historical trauma, in a culturally sensitive way and demonstrates the critical role that culture, customs, and traditions should play in supporting healing for victims and creating collaborative responses to violence. The intended audience for the video

[13] The video training series, *A Healing Journey for Alaska Natives,* can be viewed online: https://www.ovc.gov/library/healing-journey.html

training is people who work with Alaska Native populations, including tribal, local, state, and federal partners.

Ms. Hagen also shared information about the new North American working group on violence against indigenous women and girls, which includes officials from the United States, Mexico, and Canada. The working group met for the first time in October 2016 and will continue their work in 2017 to focus on cross-border issues that impact the high levels of domestic and sexual violence against indigenous women and girls. The working group aims to build on recognizing tribal sovereignty, strengthening health and justice system responses to violence against Native women and girls, and advancing the rights of indigenous women and girls globally.

## Study: Violence Against American Indian and Alaska Native Women and Men

Christine Crossland, Senior Social Science Analyst on Violence Against Women at the National Institute of Justice, and Steve Hafner, also from the National Institute of Justice, showed a video presenting the findings released in the May 2016 National Institute of Justice Report titled *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey*.[14] The National Institute of Justice study, based on a nationally representative sample from the National Intimate Partner and Sexual Violence Survey, shows that American Indian and Alaska Native women and men suffer violence at alarmingly high rates.

## Special Presentation: Honoring the Work of Lorraine Edmo and Bea Hanson with OVW

In a brief presentation during the lunch hour, Lorraine Edmo and Bea Hanson were recognized by the National Indigenous Women's Resource Center and the Alaska Native Women's Resource Center for their work to address violence against American Indian and Alaska Native women.

Carmen O'Leary, representing the National Indigenous Women's Resource Center, along with a representative from the Alaska Native Women's Resource Center and the Healing Hearts Coalition, made a presentation to honor Lorraine Edmo's contributions as OVW's first tribal deputy director. They recognized all that Ms. Edmo has done to implement VAWA's Title IX efforts and coordinate with other federal offices to carry out the federal trust responsibility to assist Indian tribes in safeguarding the lives of Native women.

Following that presentation, Leanne Guy, Executive Director for the Southwest Indigenous Women's Coalition and Secretary on the National Indigenous Women's Resource Center board, recognized Bea Hanson's leadership and commitment as the principal deputy director for OVW. They recognized Ms. Hanson's dedication in supporting Ms. Edmo and OVW's tribal unit, listening to tribal governments, and working to carry out the federal trust responsibility to assist Indian tribes in safeguarding the lives of women.

Juana Majel-Dixon spoke about the work of Ms. Edmo and Ms. Hanson, and thanked them for being strong hearted in their work for justice for Native women, men, children, and tribal societies.

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[14] The National Institute of Justice report, *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey,* is available online at this link: http://nij.gov/publications/pages/publication-detail.aspx?ncjnumber=249736
A summary of the research and the video presented at consultation working lunch are available online at this link: http://nij.gov/journals/277/pages/violence-against-american-indians-alaska-natives.aspx

## Closing and Adjournment

At 7:15 p.m., Ms. Edmo offered brief closing comments for the consultation session. She reminded participants that the record will remain open until January 5, 2016, and written testimony may be submitted until then. Ms. Edmo adjourned the annual tribal consultation for 2016.

The colors had been retired by the San Manuel Band of Mission Indians color guard. To end the session, Ms. Juana Majel-Dixon offered a traditional closing and a song as the shawls from the Shawl Ceremony were removed from the center of the room.

# Appendix 1:
# Consultation Participants

Working Together to End Violence

## Tribal Representatives

| Name | Title and Organization |
|---|---|
| **Abby Abinanti** | Chief Judge, Yurok Tribe |
| **Kellie Allemann** | Family Violence Prevention Manager, Eastern Shawnee Tribe of Oklahoma |
| **Michelle Alvardo** | Domestic Violence Advocate, Fort Mojave Indian Tribe |
| **Kate Anderson** | Director of Public Relations, Agua Caliente Band of Cahuilla Indians |
| **Dorothy Andrews** | OVW Advocate, Akiak Native Community |
| **Monica Antone** | Lt. Governor, Gila River Indian Community |
| **Beatriz Arakawa** | Advocacy Program, Lower Elwha Klallam Tribe |
| **Tammy Ashley** | Director, Alaska Native Justice Center |
| **Doris Bailon** | OVW Program Director, Santo Domingo Tribe |
| **Christina Barone** | Director of Court Services, Port Gamble S'Klallam Tribe |
| **Hailey Beard** | Family Resource Advocate, Ketchikan Indian Community |
| **Mary Belardo** | Executive to Chairwoman, Torres Martinez Desert Cahuilla |
| **Hedi Bogda** | Prosecutor, Pauma Band of Mission Indians |
| **Nancy Bogren** | Tribal Prosecutor, Nottawaseppi Huron Band of the Potawatomi |
| **Donna Bollinger** | Council Member, Shoshone-Bannock Tribes |
| **Sequetta Brand** | CTAS Project Director, Grand Traverse Band of Ottawa & Chippewa |
| **Judy Bronco** | Advocate/Board Member/ Volunteer, Shoshone-Bannock Tribes |
| **Dana Butterfield** | Family Services Director, Wyandotte Nation |
| **Diane Cabrera** | Prosecuting Attorney, Lower Elwha Klallam Tribe |
| **Sean Cahill** | Legal Counsel, Grand Traverse Band of Ottawa and Chippewa Indians |
| **Frances Charles** | Chairwoman, Lower Elwha Klallam Tribe |

| Name | Title and Organization |
|---|---|
| **Kristie Charlie** | Tribal Administrator, Native Village of Tetlin |
| **Paula Claymore** | Executive Director, Restoring Ancestral Winds, INC |
| **Brenda Commander** | Tribal Chief, Houlton Band of Maliseet Indians |
| **Elizabeth Cook** | Staff Attorney, Nottawaseppi Huron Band of the Potawatomi |
| **Helen Cook** | Behavioral Health Daily Ops Systems,<br>Grand Traverse Band of Ottawa & Chippewa |
| **Teresa Cowing** | Domestic Violence/SA Coordinator, Burns Paiute Tribe |
| **Desiree Coyote** | Family Violence Services, Program Manager,<br>Confederated Tribes of the Umatilla Indian Reservation |
| **Jennifer Cross** | Legal Counsel, Mandan, Hidatsa, and Arikara Nation |
| **Frank Demolli** | Chief Judge, Santa Clara Tribal Court |
| **Lorayne Dennis** | Lummi Victims of Crime Program Coordinator, Lummi Nation |
| **Shaun Eastman** | Attorney, Sisseton-Wahpeton Oyate |
| **Nathan Elswick** | Council member, Native Village of Anvik |
| **Crystal Esquivel** | Project Coordinator, Yakama Nation Behavioral Health Victim Resource Program |
| **Stacey Ettawageshik** | Survivor Outreach Specialist, Little Traverse Bay Bands of Odawa Indians |
| **Anne Falla** | Domestic Violence Program Coordinator, Confederated Tribes of Grand Ronde |
| **Stella Fancyboy** | President, Native Village of Bill Moore's Slough |
| **Ashley Fast Horse** | Rosebud Sioux Tribe, White Buffalo Calf Woman's Society, Inc. |
| **Matthew Feil** | Tribal Prosecutor, Grand Traverse Band of Ottawa & Chippewa Indians |
| **Bruce Fox** | Chief Judge, Pueblo of Laguna |
| **Henrietta Gachupin** | Program Manager, Pueblo of Jemez |

| Name | Title and Organization |
|---|---|
| **Tiffany Garner** | Domestic Violence Advocate, Wyandotte Nation |
| **Karlee Gibson** | Family Violence Prevention Outreach Coordinator.<br>Eastern Shawnee Tribe of Oklahoma |
| **Jayleen Gordeau** | Assistant Prosecutor, Ute Indian Tribe of the Uintah & Ourary Reservation |
| **Judith Graham-Robey** | Tribal Administrator, Wampanoag Tribe of Gay Head (Aquinnah) |
| **Mema Grant** | Social Services and Training and Outreach Specialist, Ponca Tribe |
| **Leanne Guy** | Navajo, Executive Director, Southwest Indigenous Women's Coalition |
| **Zannetta Hanks** | Domestic Violence Director, Shoshone Paiute Tribes |
| **Caitlin Harper** | Art Therapist, Nambe Pueblo/Healthy Family Services (NPHFS)-Domestic Violence Program |
| **Denise Harvey** | Tribal Council Member, Confederated Tribes of Grand Ronde |
| **Stacey Hauayskik** | Advocate, Little River Traverse Band |
| **Roland Hawk, Sr.** | Tribal Council Member, Crow Creek Sioux Tribe |
| **Sharon Hayden** | Prosecuting Attorney / SAUSA, Tulalip Tribes |
| **Chenoa Henry** | Grants Management Analyst, Tulalip Tribes of Washington |
| **Terri Henry** | Secretary of State, Eastern Band of Cherokee Indians |
| **Lisa Heth** | Executive Director, Wiconi Wawokiya, Inc. |
| **Norine Hill** | Executive Director/Founder, Native Women in Need |
| **Jodi Hoone** | Community & Family Services Dept./ DV/SA Program Manager, Tolowa Dee-ni' Nation Shu'-'aa-xuu-dvn Program |
| **Earl Howe III** | Chairman, Ponca Tribe |
| **Connie Hunter** | Domestic Violence Coordinator, Hualapai Tribe |
| **Carrie Imus** | Council Member, Hualapai Tribe |

| Name | Title and Organization |
|---|---|
| **Andrea Jackson** | Tribal Leader, Pokagon Band |
| **Marie James** | Tribal Prosecutor (OVW Grant Manager) and DV/SA Coordinator, Hualapai Tribe |
| **Rita Jefferson** | Tribal Council, Lummi Nation |
| **Carl Jerue** | First Chief, Native Village of Anvik |
| **Tamara Truett Jerue** | Executive Director, Alaska Native Women's Resource Center |
| **Audrey Jim** | Domestic Abuse Manager, Shoshone- Bannock Tribes |
| **Pamela Johnson** | Executive Director, American Indians Against Abuse Tribal Coalition |
| **BJ Jones** | Chief Judge, Sisseton-Wahpeton Oyate |
| **Kaija Jones** | Outreach Coordinator/Advocate, Shoshone Paiute Tribes |
| **Leora Jones** | Legacy of Healing – Manager, Tulalip Tribes |
| **Michele Jones** | Social Services/Program Manager, Navajo Nation |
| **Bonnie Juneau** | Board of Director, Tulalip Tribes |
| **Sharon K. Wasageshik** | Prevention Specialist/Family Violence Prevention, Grand Traverse Band of Ottawa and Chippewa Indians |
| **Amber Kanazabah Crotty** | Council Delegate, Navajo Nation |
| **Rod Kaskalla** | Coordinator, Nambe Pueblo/Healthy Family Services Domestic Violence Program |
| **Candy Keown** | Human Development Director, Hoona Indian Association |
| **Norene Kootswatewa** | Tribal Council Representative, Hopi Tribe |
| **Dustin Kuipers** | Public Defender, Fort Peck Tribes-Tribal Court |
| **Megan LaFromboise** | Attorney, Sisseton-Wahpeton Oyate |
| **Beatrice Law** | Tribal Council, Little Traverse Bay Band of Odawa Indians |
| **Karla Lei** | Northern Cheyenne Domestic Violence Advocate, Northern Cheyenne Healing Hearts |
| **Brent Leonhard** | Attorney, Office of Legal Counsel, CTUIR,Umatilla |

| Name | Title and Organization |
|---|---|
| **Dawnadair Lewis** | Executive Director, Native Alliance to Interrupt Violence Empowering Women Coalition |
| **Mary Lilly** | Director, Passamaquoddy Tribe Indian Township |
| **Keely Linton** | Operations Director/Stronghearted Native Women's Coalition, Mesa Grande Band of Mission Indians |
| **LeToy Lunderman** | Rosebud Sioux Tribe, White Buffalo Calf Woman's Society, Inc. |
| **Juana Majel Dixon** | Tribal Legislative Councilwoman, Pauma Band of Mission Indians |
| **Doreen Mc Paul** | Special Counsel, Tohono O'odham Nation Office of the Chairman |
| **Jodie McAdams** | Councilwoman, Eastern Shoshone Tribe |
| **Patti McClure** | Domestic Violence Victim Advocate, Nottawaseppi Huron Band of the Potawatomi |
| **Lana McCovey** | Tribal Council, Yurok Tribe |
| **Jennifer McLeod** | Board of Director, Sault Ste. Marie Tribe of Chippewa Indians |
| **Donna McNamara** | Tribal Prosecutor, Suquamish Tribe |
| **Tatewin Means** | Attorney General, Oglala Sioux Tribe |
| **Frankie Medacco** | Tribal Councilor, Little River Band of Ottawa Indians |
| **Darlene Medicine** | Counselor, Crow Creek Sioux |
| **Ada Melton** | President, American Indian Development Associates, LLC |
| **Shelley Miller** | Program Director-Apache Violence-Free Living Program, Apache Tribe of Oklahoma |
| **Isabel Mills** | Domestic Violence Coordinator, Organized Village of Kake |
| **Jami Moran** | Advocacy Resource Center - Program Manager, Sault Ste. Marie Tribe of Chippewa Indians |
| **Catherine Moses** | Tribal Administrator, Asa"carsarmiut Tribe |
| **Shirley Moses** | Domestic Violence Advocate, Anvik Tribe |

| Name | Title and Organization |
|---|---|
| **Carmen OLeary** | Director, Native Women's Society of the Great Plains |
| **Germaine Omish-Lucero** | Tribal Delegate, Rincon Band of Luiseno Indians |
| **Tucelia Palmer** | Project Coordinator, Yakama Nation Behavioral Health Victim Resource Program |
| **Darlene Pete** | Tribal Administrator, Native Village of Nunam Iqua |
| **Maggie Poffenbarger** | Advocate Specialist, Yurok Tribe |
| **Martina Post** | Tribal Representative, Village of Alakanak |
| **Kara Potts** | Tawahe Coordinator, Beknap Tribe |
| **David Povijua** | Tribal Court Clerk, Santa Clara Pueblo |
| **Mary Resvaloso** | Tribal Chairwoman, Torres Martinez Desert Cahuilla |
| **Shirley Rice** | Advocate Specialist, Prairie Band Potawatomi Tribal Victim Services |
| **Ana Romero** | Grant Manager, ENIPC, Inc. PeaceKeepers |
| **Jane Root** | Executive Director, Wabanaki Women's Coalition |
| **Rachel Samuel** | OVW Victim Advocate, Santo Domingo Tribe |
| **Cheyenna Sanders** | Associate General Counsel, Yurok Tribe |
| **Richard Saunders** | Executive Director, DPS, Tohono O'Odham Nation |
| **Thomas Paul Shomin** | Tribal Council, Grand Traverse Band |
| **Stamate Skliris** | Special Assistant U.S. Prosecutor, Standing Rock Sioux Tribe, U.S. Department of Justice |
| **Stacie Smith** | Chief Judge, Fort Peck Tribes |
| **Cindy Smith** | Chief Judge, Suquamish Tribe |
| **Terria Smith** | Journalist, Torres Martinez Desert Cahuilla |
| **Kendra Smith** | Wind River Sex Offender Registration and Notification Act, Director, Northern Arapaho Tribe |

| Name | Title and Organization |
|---|---|
| **Willymae Smith McNeal** | The New Mexico Coalition Against Domestic Violence, Mescalero Apache Tribe Community Representative |
| **Kirk Squnooke** | Judge, Eastern Band of Cherokee Indians |
| **Woodrow Star** | Board of Trustees Member, Confederated Tribes of the Umatilla Indian Reservation |
| **Marie Stone** | Tribal Council Secretary, Mashpee Wampanoag Tribe |
| **Terri Stone** | Director, Seminole Nation of Oklahoma |
| **Amanda Takes War Bonnett** | Native Women's Society of the Great Plains, Oglala Sioux Tribe |
| **Pansy Thomas** | Vice President, Fort McDowell Yavapai Nation |
| **Linda Thompson** | Community Outreach Coordinator, Minnesota Indian Women's Sexual Assault Coalition |
| **Alex Tires** | Legislative Chairman/ Consultant Liaison, Torres-Martinez Tribal Police Department |
| **Thomas Tortez** | Tribal Council Treasurer, Torres Martinez Desert Cahuilla |
| **Charlene Tsoodle-Marcus** | ENIPC, Inc. Peace Keepers Program Director, Taos/Kiowa |
| **Desiree Tyrrell** | Director, Passamaquoddy Tribe Indian Township |
| **Alfred Urbina** | Attorney General, Pascua Yaqui Tribe |
| **Kimberly Maureen Vargo** | Vice Chairwoman, Grand Traverse Band of Ottawa and Chippewa Indians |
| **Gil Vigil** | Executive Director, Eight Northern Indian Pueblos Council, Inc. |
| **Dorothy Wait** | Social Service Director, Tolowa Dee-ni' Nation |
| **Tanya Wanageshik** | Chief Judge, Grand Traverse Band of Ottawa and Chippewa Indians |
| **Nettie Warbelow** | Tribal Youth Family Specialist/Counselor, Tribal representative, Native Village of Tetlin |
| **Sharon Wasageshik** | Prevention Specialist/Family Violence Prevention worker, Grand Traverse Band |
| **Cody White** | Tribal Prosecutor, Eastern Band of Cherokee Indians |

| Name | Title and Organization |
|---|---|
| **Stephanie White** | Treasurer, Wampanoag Tribe of Gay Head (Aquinnah) |
| **Michael Williams** | Tribal Councilman, Akiak Native Community |
| **Kathy Wooden Knife** | Tribal Council Representative, Rosebud Sioux Tribe |
| **Laura Woods** | Paralegal/ Mediator, Yurok Tribe |
| **Sadie Young Bird** | Victim Services Director, Three Affiliated Tribes |

## Federal Representatives

| Name | Title and Organization |
|---|---|
| **David Armstrong** | Attorney Advisor, U.S Department of the Interior |
| **Nicole Ashley** | Program Assistant, Tribal Affairs, U.S. Department of Justice |
| **Lanisha Bell** | Victim Assistance National Coordinator, Bureau of Indian Affairs |
| **Anne B. Beamon** | Grant Program Specialist, Grants Administration Div., U.S. Department of Justice |
| **C. Renee Bourque** | Victim Specialist, Bureau of Indian Affairs - Office of Justice Services |
| **Tia M. Bowman** | Sr. Acquisition Liaison Specialist, OVW, U.S. Department of Justice |
| **Dr. TeNeane P. Bradford** | Supervisory Senior Policy Analyst, Grants Administration Division, COPS, U.S. Department of Justice |
| **Frances Cook** | Attorney Advisor, Office on Violence Against Women, U.S. Department of Justice |
| **Cailin Crockett** | Policy Advisor, Office of the Vice President, the White House |
| **Christine Crossland** | Senior Social Science Analyst, U.S. Department of Justice |
| **Andrea Czajkowski** | Management Analyst, Indian Health Service |
| **Meghan Doughty** | Graduate Research Assistant, National Institute of Justice, U.S. Department of Justice |

| Name | Title and Organization |
|---|---|
| **Lorraine Edmo** | Deputy Director for Tribal Affairs, Office on Violence Against Women, U.S. Department of Justice |
| **Pamela Elton** | Unit Chief, FBI, U.S. Department of Justice |
| **Evie Freeman** | Special Assistant, Office on Violence Against Women, U.S. Department of Justice |
| **Eileen Garry** | Deputy Administrator, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice |
| **Tammie Gregg** | Deputy Associate Attorney General, U.S. Department of Justice |
| **Yolanda Gibson** | Victim Justice Program Specialist, Office for Victims of Crime, U.S. Department of Justice |
| **Marcia Good** | Senior Counsel to the Director, Office of Tribal Justice, U.S. Department of Justice |
| **Steven Hafner** | Research Assistant, National Institute of Justice, U.S. Department of Justice |
| **Leslie Hagen** | National Indian Country Training Coordinator, EOUSA, U.S. Department of Justice |
| **Bea Hanson** | Principal Deputy Director, Office on Violence Against Women, U.S. Department of Justice |
| **Rosie Hidalgo** | Deputy Director of Policy, Office on Violence Against Women, U.S. Department of Justice |
| **Kathy Howkumi** | Supervisory Victim Specialist, Bureau of Indian Affairs/OJS-Victim Assistance |
| **Bryan Hudson** | Attorney-Advisor, U.S. Department of the Interior, Office of the Solicitor |
| **Valaura Imus** | Supervisory Victim Specialist, Bureau of Indian Affairs OJS VAP, U.S. Department of Justice |
| **Rebekah Jones** | Grant Program Specialist, Office on Violence Against Women – Tribal Affairs Division, U.S. Department of Justice |
| **Jennifer Kaplan** | Supervisory Attorney Advisor, Office on Violence Against Women, U.S. Department of Justice |
| **Marylouise Kelley** | Director, Family Violence Prevention Services Office, DHHS |

| Name | Title and Organization |
|---|---|
| **Anna Martinez** | Senior Policy Advisor, Office of Justice Programs,<br>U.S. Department of Justice |
| **Shannon May** | Project Manager, FBI, Office for Victim Assistance, U.S. Department of Justice |
| **William McClure** | SAC/ Bureau of Indian Affairs, Bureau of Indian Affairs |
| **Marilyn Roberts** | Principal Deputy Director,<br>Office of Justice Programs/Office for Victims of Crime,<br>U.S. Department of Justice |
| **Scott Seifert** | Special Assistant US Attorney,<br>Ft Peck |
| **James Smith** | Grant Program Specialist, U.S. Department of Justice |
| **Howard Spivak** | Principal Deputy Director, National Institute of Justice, U.S. Department of Justice |
| **Eugenia Tyner-Dawson** | Senior Advisor for Tribal Affairs,<br>Office of Justice Programs |
| **Shena Williams** | Senior Program Specialist,<br>HHS/ACYF/Family Violence Prevention Services Office |

## Other Attendees

| Name | Title and Organization |
|---|---|
| **Michelle Alvarado** | Domestic Violence Advocate, Fort Mojave Indian Tribe |
| **Felicia Antone** | Community Information Specialist,<br>Southwest Center for Law and Policy |
| **Steve Aycock** | Judge in Residence,<br>National Council of Juvenile and Family Court Judges |
| **Rose Barber** | Domestic Violence Advocate |
| **Isabella Barone** | Volunteer Advocate Trainee, Port Gamble S'Klallam Tribe |

| Name | Title and Organization |
|---|---|
| **Kim Benally** | Training & Development Manager, Coalition to Stop Violence Against Women |
| **Tina Chamberlain** | Program Specialist, Montana Board of Crime Control |
| **DeeJay Chino** | NBS Field Operations Manager, American Indian Development Associates, LLC |
| **Kimmie Clausen** | Executive Director, Oglala Lakota Sioux/ Wild Horse Butte |
| **Jesse Crabtree** | Chief of Police, Fort McDowell Yavapai Nation Police Department |
| **Virginia Davis** | Senior Policy Advisor, National Congress of American Indians |
| **Niesha Fort** | Volunteer Advocate Trainee, PGST |
| **Kelly Gaines Stoner** | Victim Advocacy Legal Specialist, Tribal Law and Policy Institute |
| **Jerry Gardner** | Executive Director, Tribal Law and Policy Institute |
| **Verlaine Gullickson** | Consultant, Wiconi Wawokiya, Inc. |
| **Fredricka Hunter** | Ob Gyn Medical Social Worker,<br>Phoenix Indian Medical Center |
| **Chia Beetso** | Tribal Court Specialist, Tribal Law and Policy Institute |
| **Paula Julian** | Policy Specialist, National Indigenous Women's Resource Center |
| **Lori Jump** | Executive Director, Uniting Three Fires Against Violence |
| **Dawnadair Lewis** | Executive Director, Native Alliance to Interrupt Violence Empowering Women Coalition |
| **Annette MacFarlane** | Chief Operations Officer, Restoring Ancestral Winds, INC. |
| **Mary Nagle** | Attorney, Pipestem Law PC |
| **Arlene Obrien** | Project Manager, Southwest Center for Law and Policy |

| Name | Title and Organization |
|---|---|
| **Carey Onsae** | Executive Director, Hopi-Tewa Women's Coalition to End Abuse |
| **Deleana Otherbull** | Executive Director, Coalition to Stop Violence Against Native Women |
| **Rose Quilt** | Director of Policy and Research, National Indigenous Women's Resource Center |
| **Amy Rebenar** | Administrator/Bookkeeper, Strong Hearted Native Women's Coalition, Inc. |
| **Catherine Revelez** | Board Member, Hopi-Tewa Women's Coalition to End Abuse |
| **Dorma Sahneyah** | Secretary Planning, MEK Community Development |
| **Sana Sajid** | Domestic Violence and Sexual Assault Advocate, Strong Hearted Native Women's Coalition |
| **Linda Schwartz** | Executive Director, Native Alliance Against Violence |
| **Dawn Stover** | Tribal Law Specialist, Tribal Law and Policy Institute |
| **Lauren Van Schilfgaarde** | Restoring Ancestral Winds, INC., Technical and Resource Coordinator |
| **Pamela Webster** | Consultant, Booz Allen Hamilton/National Institute of Justice |
| **Danielle Weiss** | Domestic Violence Coordinator/Case Manager, Hualapai |
| **Joann Whatoname** | Domestic Violence Coordinator/Case Manager, Hualapai |

# Appendix 2:
# Consultation Agenda

## Working Together to End Violence

Additional consultation materials are available on the OVW website at www.ovw.usdoj.gov

# CONSULTATION AGENDA

## Renaissance Palm Springs Hotel

## Government-to-Government Consultation on Violence Against American Indian & Alaska Native Women

### PALM SPRINGS, CA

**DECEMBER 5, 2016**

6:00 p.m.-9:00 p.m. **TRIBAL CAUCUS MEETING**
Located in the Pasadena room at the Renaissance Palm Springs Hotel

**DECEMBER 6, 2016**

7:30 a.m.-9:00 a.m. **REGISTRATION**
Located in the Catalina/Madera Banquet Hall

9:00 a.m.-9:30 a.m. **WELCOME**

Lorraine Edmo (Shoshone-Bannock), Deputy Director for Tribal Affairs, Office on Violence Against Women, U.S. Department of Justice

**COLOR GUARD**

San Manuel Band of Mission Indians, CA, staffed by Officer Erika Coil

**TRADITIONAL OPENING /BIRD SONG**

Bird Song presented by Anthony J. Andreas III (Agua Caliente Band of Cahuilla Indians), Council Member and the Pai nik tem Bird Singers led by Peter Arviso Jr.

**SHAWL CEREMONY**

Strong Hearted Native Women's Coalition
Germaine Omish-Lucero, Executive Director & Board members

**WELCOMING REMARKS**

Agua Caliente Tribal Council (Invited)

The Honorable Mary L. Resvaloso, Chairwoman, Torres Martinez Desert Cahuilla Indians

9:30 a.m.-10:00 a.m. **GOVERNMENT-TO-GOVERNMENT CONSULTATION**

Co-Facilitators: Lorraine Edmo (Shoshone-Bannock)
OVW Deputy Director for Tribal Affairs

Eugenia Tyner-Dawson (Sac and Fox Nation)
Senior Advisor for Tribal Affairs, Office of Justice Programs

Marcia Good, Senior Counsel to the Director
USDOJ – Office of Tribal Justice

# CONSULTATION AGENDA

| | |
|---|---|
| | **UPDATE FROM LAST CONSULTATION** |
| | Bea Hanson, Principal Deputy Director, Office on Violence Against Women, U.S. Department of Justice |
| | **FEDERAL AGENCY INTRODUCTIONS** |
| 10:00 a.m.-10:30 a.m. | **TRIBAL LEADER INTRODUCTIONS** |
| 10:30 a.m.-12:00 p.m. | **TRIBAL LEADER TESTIMONY** |
| 12:00 p.m.-1:15 p.m. | **WORKING DOJ LUNCH PRESENTATIONS** |
| | "A Healing Journey for Alaska Natives," presented by Leslie Hagen, National Indian Country Training Coordinator, U.S. Department of Justice |
| | Violence Against American Indian and Alaska Native Women and Men, a video based on a study by Dr. André Rosay. This video describes the findings of an NIJ-supported study on the prevalence of violence against American Indian and Alaska Native women and men. (based on 2010 data from the National Intimate Partner and Sexual Violence Survey). |
| 1:30 p.m.-4:30 p.m. | **TRIBAL LEADER TESTIMONY (CONT'D).** |
| 4:30 p.m.-5:00 p.m. | **TRADITIONAL CLOSING AND SUMMARY COMMENTS** |
| | The Honorable Juana Majel Dixon, Traditional Councilwoman, Pauma Band of Mission Indians |

# Appendix 3:
# Consultation Framing Papers

Working Together to End Violence

U.S. Department of Justice
OVW
Office on Violence Against Women
Working Together to End the Violence

# Enforcement of Tribal Protection Orders Pursuant to the Violence Against Women Act

*November 2016*

**Consultation Question: What has been the experience of tribes related to state or local enforcement of tribal protection orders pursuant to the full faith and credit provision of the Violence Against Women Act?**

**Consultation Question: What actions would tribes recommend that DOJ take to improve the enforcement of tribal orders and help overcome the specific challenges related to enforcement identified in different jurisdictions? In particular, what kinds of training or technical assistance for tribes or state personnel would be helpful?**

## Background:

The Violence Against Women Act (VAWA) of 1994 enacted a provision, amended in subsequent reauthorizations of VAWA, which requires that states, tribes, and territories recognize and enforce a protection order issued by another jurisdiction as if it were the order of the enforcing jurisdiction.[1] Often referred to as VAWA's full faith and credit provision, the statute applies to a protection order issued by a state, tribal, or territorial court that has jurisdiction over the parties and matter under the law of that state, tribe, or territory, provided that reasonable notice and an opportunity to be heard were given to the person against whom the order was sought sufficient to protect that person's right to due process. In the case of *ex parte* orders, notice and opportunity to be heard must be provided within the time required by state, tribal, or territorial law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

VAWA defines "protection order" to include any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts, harassment, or sexual violence against, contact or communication with, or physical proximity to another person so long as the order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.[2] The definition also includes any support, child custody or visitation provisions, orders, remedies, or relief issued as part of the protection order pursuant to state, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.

VAWA's full faith and credit statute also includes certain protections that are of particular importance in relation to the enforcement by state law enforcement of protection orders issued by tribal courts. Any protection order that is consistent with the statutory requirements described above must be enforced, regardless of whether the order has been registered or filed in the enforcing state, tribal, or territorial jurisdiction, even if the law of that jurisdiction requires such registration or filing of protection orders. In addition, for full faith and credit purposes, VAWA

[1] 18 U.S.C. § 2265.
[2] 18 U.S.C. § 2266(5).

provides that a tribal court shall have full civil jurisdiction to issue and enforce protection orders involving any person. In addition to the requirements of federal law, states, tribes, and territories may have enabling legislation or enforcement protocols in place to facilitate the enforcement of protection orders from other jurisdictions.

At prior consultations, tribal leaders have testified that law enforcement officers in the state where the tribe is located are not recognizing and enforcing tribal orders as required by law. In some cases, tribal leaders or representatives reported that state or local law enforcement officers are requiring tribal orders to be filed with the state and entered into state databases before they will enforce them. In another example, a tribal leader testified that tribal protection orders are not recognized without a county court number and that obtaining such a number delays enforcement of the order and endangers victims. Tribal leaders also emphasized the need for training of state and local law enforcement and court personnel on the full faith and credit requirements of state and federal law.

OVW is interested in hearing from tribes regarding (1) whether victims are facing challenges related to the enforcement of tribal protection orders that meet the requirements of VAWA, including challenges that are similar to or different from those discussed at prior consultations; and (2) any recommendations they have for ways in which DOJ could help in overcoming these challenges, including what kinds of training or technical assistance for tribes or state personnel would be helpful.

# North American Working Group on Violence Against Indigenous Women and Girls Framing Paper

*November 2016*

**BACKGROUND**

On June 29, 2016, President Obama traveled to Ottawa, Canada for the North American Leaders Summit (NALS) to meet with the President of Mexico and the Canadian Prime Minister to discuss a variety of topics impacting our shared borders. Among the many commitments announced at the NALS was a tri-lateral commitment to address the high levels of violence against indigenous women and girls that exists across North America. This commitment appears in the White House Fact Sheet on Key Deliverables for the 2016 North American Leaders' Summit under the "security and defense" pillar. All three countries agreed that the high levels of violence endured by indigenous women and girls across the region warrants increased attention and coordination, resulting in the formation of the new North American Working Group on Violence Against Indigenous Women and Girls (the Working Group), which met for the first time on October 14, 2016, in Washington, D.C.

Across Canada, the United States, and Mexico, indigenous women and girls face alarmingly high levels of violence and often lack access to justice, health care, and social services. A new report from the United States Department of Justice (DOJ), National Institute of Justice (NIJ), which was released in May 2016, found that more than 84% of Alaska Native and American Indian women had experienced some form of violence in their lifetimes. According to the researchers, of those women, 66% experienced psychological violence, 56% experienced sexual violence, 55% experienced physical violence from an intimate partner, and 49% experienced stalking. Despite the grave need for support and protection from this violence, 38% of Alaska Native and American Indian female victims were unable to access legal, medical, and other services. The report also found that, among the women who reported experiencing violence in their lifetimes, 97% of victims experienced violence by a perpetrator who was not American Indian or Alaska Native.

These disturbing statistics underscore the importance of the Special Domestic Violence Criminal Jurisdiction (SDVCJ) provisions in the 2013 Reauthorization of the Violence Against Women Act (VAWA), which recognized tribes' inherent power to exercise special criminal jurisdiction over non-Indian offenders who commit domestic violence, dating violence, or violate certain protection orders. As the data in the NIJ study show, interracial violence is unacceptably common in Indian Country and this provision is needed to hold non-Indian offenders accountable for their crimes.

Regional coordination on the challenges presented by the incidence of this violence across borders comes at a pivotal time. According to reports by the Royal Canadian Mounted Police, indigenous women and girls face greater risks of violence and homicide. In recognition of this situation, the Trudeau government, in partnership with First Nations advocates, has officially launched a National Inquiry into Missing and Murdered Indigenous Women and Girls. Likewise, in Mexico, lethal violence against

indigenous women and girls is a serious problem. Across Latin America, including in Mexico, it is estimated that indigenous women and girls are disproportionately the victims of feminicidios (gender-motivated killings) according to a report prepared by the United Nations Permanent Forum on Indigenous Issues.

Given the widespread impact of this violence, the governments of Mexico, Canada, and the United States have resolved to work together as part of the Working Group, with the goals of:

- Exchanging knowledge of comprehensive policies, programs and best practices to prevent and respond to violence against indigenous women and girls through increased access to justice and health services, with a human rights and multicultural approach;
- Enhancing cooperation to address violent crimes against indigenous women and girls, including human trafficking, residing on or off their tribal, First Nations, and indigenous lands and across our borders;
- Improving the response of our justice, health, education, and child welfare systems to violence against indigenous women and girls; and
- Strengthening the capacity of our health systems to provide culturally-responsive victim services.

In preparation for the Working Group meeting, the Department sought input from tribal leaders through two listening sessions. These listening sessions were intended to supplement the information received on an annual basis through OVW's Tribal Consultation.

On October 14, 2016, the first meeting of the Working Group brought together more than 50 senior officials from the governments of the United States, Mexico, and Canada. U.S. Attorney General Loretta Lynch and Secretary of the Interior Sally Jewell led the meeting, and were joined by their counterparts from Mexico and Canada, resulting in the first-ever trilateral convening of our continent's three women Attorneys General.

A number of new initiatives and deliverables were announced at the meeting, including:

- A roundtable with tribal judges and US Attorneys on Cross-Border Tribal Justice in early 2017;
- New Indian Health Service uniform clinical care guidelines on identifying and responding to intimate partner violence;
- A roundtable on Regional Law Enforcement Coordination on Violence Against Indigenous Women and Girls;

- A convening of Pan-American Health Organization (PAHO) representatives for a knowledge exchange on the health priorities of Indigenous and other ethnic/racial groups in situations of vulnerability living in the Americas;
- The launch of the Strong Hearts Helpline for Alaska Native and American Indian women and girls on January 4, 2017
- A side event on Indigenous Women and Girls at the 2017 World Health Assembly;
- A trilateral commemoration of the 10th anniversary of the United Nations Declaration on the Rights of Indigenous Peoples in May 2017;
- An exchange program, sponsored by the U.S. Department of State's Bureau of Educational and Cultural Affairs, in coordination with the U.S. Embassies in Ottawa and Mexico City, to bring together Indigenous youth leaders from Mexico, Canada, and the United States.

All three countries resolved to support the full participation of Indigenous representatives at the next high-level meeting, which will be hosted by the government of Canada in 2017.

The Department welcomes comments on the issues presented here, as well as on any other issues regarding violence against indigenous women and girls and the work of the Working Group.

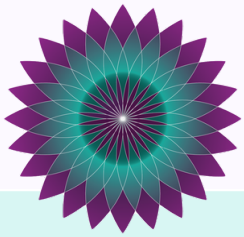
**QUESTIONS:**

1. **(As applicable) What types of challenges in responding to violence against women and girls in your community are presented by shared borders with Canada/Mexico? For example, do shared borders make it difficult to prevent or respond to trafficking of indigenous women and girls or hinder the enforcement of protection orders?**
2. **(As applicable) What type of interactions have your tribal law enforcement and victim services programs had with law enforcement and victim services programs in Canada/Mexico, with regard to domestic violence, sexual assault, stalking, or human trafficking?**
3. **Canada has recently officially launched a National Inquiry into Murdered and Missing Indigenous Women and Girls. What has been the experience of your tribe with missing Native women and girls and domestic violence homicides, sexual assault, or trafficking?**
4. **As the working group continues to exchange information between the three countries regarding best practices to prevent and respond to violence against indigenous women and girls, what policies, programs and practices do you believe should be highlighted or addressed? Additionally, what barriers, challenges and ongoing needs do you think should be highlighted, as well as recommendations to address those needs?**

U.S. DEPARTMENT OF JUSTICE

**OFFICE ON VIOLENCE**

**AGAINST WOMEN**



# 2016 TRIBAL CONSULTATION REPORT

Working Together to End Violence

United States Department of Justice

Office on Violence Against Women

*Working Together to End the Violence*

# 2017 Update on the Status of Tribal Consultation Recommendations

***prepared for***

**Department of Justice Annual Government-to-Government Violence Against Women Tribal Consultation**

**Fort McDowell Yavapai Reservation**

**Fountain Hills, AZ**

**October 3-4, 2017**

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## Introduction

On December 6, 2016, the Department of Justice (DOJ) hosted its 11th annual government-to-government consultation on violence against American Indian and Alaska Native (AI/AN) women. This annual consultation, first required by the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005) [1] and first held in 2006, is to address the federal administration of tribal funds and programs established under the Violence Against Women Act of 1994 (VAWA)[2] and its subsequent reauthorizations. DOJ, the Department of Health and Human Services (HHS), and the Department of the Interior (DOI) received recommendations from tribal leaders on the three consultation topics statutorily-mandated by VAWA 2005, as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA 2013):[3]

- 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 asked tribal leaders for input on several specific questions related to improving DOJ's support of tribal government efforts to combat violence against women. These questions included what the tribes' experience has been with state or local enforcement of tribal protection orders pursuant to the full faith and credit provision of VAWA and what kinds of training or technical assistance for tribes or state personnel would help overcome any challenges in this area. A second framing paper requested tribal leaders' views on responding to violence against AI/AN women and girls in the context of shared borders with Canada and Mexico and on sharing best practices with these two countries on preventing and responding to violence against AI/AN women and girls.

The purpose of this follow-up report is to provide tribal leaders with a comprehensive update on activities undertaken in the past year to respond to the recommendations made by tribal leaders at last year's consultation session, including DOJ's coordination and collaboration with tribes, HHS, and DOI to address these recommendations. This report includes three sections: 1) information on actions taken in response to certain specific recommendations made at the 2016 consultation; 2) a review of progress made on implementation of tribal provisions included in VAWA; and 3) an update on other DOJ activities related to violence against Native women. It also includes an appendix (Appendix A) with updates from HHS's Family Violence Prevention and Services Program (FVPSA) and Indian Health Service. This report is meant to be a companion to the report summarizing the proceedings of the 2016 consultation, which is available at www.justice.gov/ovw/tribal-consultation.

[1] Pub. L. No. 109-162, 119 Stat. 2960 (2006).
[2] Pub. L. No. 103-322, 108 Stat. 1902 (1994).
[3] Pub. L. No. 113-4, 127 Stat. 54 (2013).

## Part One: Responses to Selected 2016 Recommendations

All three parts of this report contain information on DOJ responses to recommendations from tribal leaders at the 2016 consultation; however, this part addresses recommendations made by tribal leaders in four specific areas: 1) missing and murdered Native women and human trafficking; 2) enforcement of tribal protection orders and tribal access to federal crime information databases for the purpose of entering tribal orders as well as for other purposes; 3) several concerns raised by Alaska tribes; and 4) the timing of the annual consultation and other concerns related to VAWA 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 Native women, can be found in Parts Two and Three of this report. This report also provides information on DOJ's collaboration with tribes, HHS, and DOI to address violence against Native women.

### *Missing and Murdered Native Women and Human Trafficking*

At the 2016 consultation, many tribal leaders testified that the disappearance and deaths of American Indian and Alaska Native (AI/AN) women are not taken seriously enough, and that increased awareness and a stronger law enforcement response are critical to saving Native women's lives. They noted that missing AI/AN women may have been trafficked, and they also provided examples of abusers who murdered their partners after engaging in a pattern of escalating violence for which they were not held accountable. Tribal leaders also raised concerns that cases involving Native victims are often mislabeled as runaways or suicides, and that cold cases are not given sufficient priority. Recommendations included the creation of a national working group to address these issues and an alert system to help locate victims soon after they disappear, as well as the development of an Indian country-wide protocol for missing Native women, children, and men.

In response to tribal leaders' testimony, DOJ has worked to address the underlying reasons that Native women and children go missing, including strengthening law enforcement and community-based responses to domestic violence and sex trafficking, raising awareness of these issues, and supporting prevention efforts. For example, the Department has provided training to support enhanced prosecution of escalating and potentially lethal domestic violence in Indian country. This includes training on conducting domestic violence fatality reviews and prosecuting habitual offenders and strangulation cases under federal criminal law amendments made by VAWA 2005 and 2013. More details on these trainings and the increasing number of federal prosecutions under these provisions are provided in Parts Two and Three of this report. The Department also funds the National Missing and Unidentified Persons System (NamUS), which is a centralized online repository and resource center for missing persons and unidentified decedent records that is free and available to the public. In FY 2017, OVW transferred funds to the National Institute of Justice (NIJ) to study using this system to better understand the extent to which domestic and sexual violence are factors in cases involving missing and unidentified deceased women, with a particular focus on Native victims.

The Department funds efforts at the national and tribal levels to address the vulnerability of Native women and children to sex trafficking and sexual assault, with the goal of preventing their disappearance in the first place. In addition, DOJ grant funding to combat human and sex trafficking specifically focuses on strategies for identifying victims and connecting them with the support they need to return home safely. For example, OVW funds the Minnesota Indian Women's Sexual Assault Coalition (MIWSAC) to partner with Mending the Sacred Hoop to provide training and technical assistance in tribal communities to increase their capacity to respond to sex trafficking. This includes on-site training for local service providers, community education on the dynamics of trafficking and how to identify it, and resources for service providers to expand their knowledge of sex trafficking. In January 2018, MIWSAC is holding a national conference for advocates, law enforcement, health professionals, and others to share promising practices and develop strategies both within and across disciplines for responding to sex trafficking of Native women. Training for federal and tribal law enforcement also is a priority in this area, and DOJ, the Department of Homeland Security's Federal Law Enforcement Training Center, and BIA's Indian Police Academy have worked together to develop training on human trafficking in Indian country, including identifying victims, investigating cases, and working effectively with Native victims.

***Enforcement of Tribal Protection Orders***

In response to a framing paper for the 2016 consultation, tribal leaders from different parts of the country expressed concerns about the lack of enforcement of tribal orders by state and local law enforcement and provided recommendations on how to address the specific challenges identified. Some tribal leaders expounded upon testimony provided at prior consultations on this topic and others who had not previously testified on the issue provided additional information. Common themes included the need for training on tribal courts' authority to issue orders and on state and local responsibilities for enforcing them, as well as technical assistance for tribes and local jurisdictions on building collaborative relationships.

In response to prior consultation, DOJ reached out to state and tribal officials in Alaska and California to facilitate full implementation of state and federal law regarding full faith and credit for tribal protection orders. In response to the 2016 consultation, DOJ has supported targeted technical assistance through the National Center on Protection Orders and Full Faith and Credit (NCPOFFC) and the Tribal Law and Policy Institute (TLPI). These efforts include a roundtable, a best practice guide, and training modules on the issuance and enforcement of Alaska Native Village protection orders, as well as a Tribal Steering Committee to help the NCPOFFC coordinate with tribal organizations and other stakeholders to maximize available resources for addressing issues related to tribal protection orders. TLPI is working with tribes and states that have developed effective strategies in tribal protection order enforcement to document and share promising strategies from both PL 280 and non-PL 280 states. Both organizations also are working together to develop a checklist for tribes on the Tribal Law and Order Act and protection orders. The resources resulting from these projects will be made available on both organizations' websites as they are completed, and TLPI has an online resource for drafting and enforcing tribal protection orders available at www.tribalprotectionorder.org.

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

Tribal testimony at the 2016 consultation continued to emphasize the importance of tribes' ability to access and enter information into national crime information databases for the purpose of facilitating enforcement of tribal protection orders, as well as a host of other criminal and civil purposes tied to public safety. Although VAWA 2005 and the Tribal Law and Order Act of 2010 (TLOA) require the Attorney General to ensure that tribal law enforcement officials who meet applicable federal or state requirements be permitted access to national crime information databases, the reality is that the ability of tribes to fully participate in national criminal justice information sharing via state networks depends upon various regulations, statutes, and policies of the states in which a tribe's land is located.

In response to these concerns, in August 2015, DOJ announced the Tribal Access Program for National Crime Information (TAP) to address tribal access to national crime information by providing participating tribes with state-of-the-art biometric/biographic computer workstations with capabilities to process finger and palm prints, take mugshots, and submit records to national databases, as well as the ability to access Criminal Justice Information Services Division (CJIS) systems for criminal and civil purposes through DOJ's Criminal Justice Information Network. TAP, which is managed by the DOJ Chief Information Officer, provides specialized training and assistance for participating tribes, including computer-based training and on-site instruction, as well as a 24/7 Help Desk. In the fall of 2015, DOJ selected nine tribes to participate in the initial User Feedback Phase of TAP. This partnership focused on testing DOJ's technology solution and training support; it also enabled tribes to identify and share best practices regarding the use of national crime information databases to strengthen public safety. DOJ selected an additional 11 tribes to participate in TAP in FY 2017 and anticipates selecting 15 more tribes to participate in the program in FY 2018.

Participating tribes have elected to implement TAP in a variety of criminal and civil agencies. Those tribal criminal agencies included law enforcement agencies, prosecutors, criminal courts, jails, and probation departments. The tribal civil agencies and programs that were eligible to use TAP included agencies whose staff and volunteers have contact with or control over Indian children, public housing agencies, child support enforcement agencies, Head Start programs, civil agencies that investigate allegations of abuse, neglect, and exploitation of children, civil courts that issue orders of protection, restraining orders, or other keep away orders, and sex offender registration programs. TAP enhances tribal efforts to register sex offenders pursuant to the Sex Offender Registration and Notification Act (SORNA), have orders of protection enforced off-reservation, protect children, keep firearms away from persons who are disqualified from receiving them, improve the safety of public housing, and enter tribal arrests and convictions into national databases.

At the 2016 consultation, many tribal leaders recommended making TAP available to all tribes and raised concerns that eligibility in the first two years had been limited to tribes implementing SORNA and to those that have a tribal law enforcement agency that is not a BIA direct-service law enforcement agency. DOJ is implementing TAP in phases and plans to continue to expand access to it. The first phase of TAP was funded entirely by the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office) and had to

support SORNA implementation. TAP continues to be funded by the SMART Office and the Office of Community Oriented Policing Services and therefore prioritizes tribes with both tribal sex offender registries and tribal law enforcement agencies (non-BIA direct service). However, in FY 2017, DOJ did select for TAP three tribes that met only one of the two eligibility priorities: two non-SORNA tribes with tribal law enforcement agencies and a BIA direct service law enforcement tribe with a SORNA program. The President's FY 2018 budget includes a request to use funding appropriated under VAWA 2005 for tribal sex offender and protection order registries to support TAP, which would help DOJ continue to expand the scope of TAP, including broadening the eligibility criteria. DOJ expects that TAP, when properly funded, can minimize the national crime information gap and result in more meaningful collaboration between the federal, state, local, and tribal criminal justice communities.

For more information on TAP, visit http://www.justice.gov/tribal/tribal-access-program-tap.

### *Alaska Native Villages*

In addition to the 2016 consultation, OVW held a listening session specifically focused on Alaska Native villages on October 19, 2016 in Fairbanks, Alaska, in conjunction with the annual Alaska Federation of Natives Convention. This session responded to repeated requests for consultation in Alaska and enabled tribal leaders and advocates from across the state to attend and provide testimony on the extraordinary barriers they face in providing services for victims and adequate law enforcement responses to domestic and sexual violence. These barriers include the absence of law enforcement in remote Native villages, the lack of village-based shelter and advocacy services, and limited or no access to sexual assault forensic exams, among others. At both the consultation and the listening session, tribal leaders recommended increased funding for Alaska tribes, particularly funding to develop solutions tailored to the individual needs of each village.

In response to this testimony, OVW continues to fund the Alaska Native Women's Resource Center to provide technical assistance that engages Alaska Native villages in using the teachings, languages, and voices of their people to develop training curricula and policies tailored to their communities. Villages are able to use these curricula to enhance their response to sexual assault, domestic violence, dating violence, stalking, and sex trafficking. The Resource Center also is facilitating the development of region specific plans focused on increasing Native women's safety and is developing an online "virtual office" for the center with training curricula and other resources for Native villages. In addition, OVW is planning specialized technical assistance directed toward 19 Alaska Native grantees to assist with capacity building and to implement the SAFESTAR model in Alaska Native communities. SAFESTAR is a unique model of care designed for American Indian/Alaska Native communities currently without the capacity to support universal access to sexual assault nurse examiner (SANE) services. The SAFESTAR project trains selected laypersons and traditional healthcare providers to deliver emergency first aid to sexual assault survivors, collect sexual assault forensic evidence, provide referrals for victims, and educate their communities about sexual assault prevention. OVW is committed to continuing to work with Alaska tribes toward ending violence against Alaska Native women and girls.

### *Timing of the Annual Consultation*

At the 2016 consultation, many tribal leaders recommended that the 2017 consultation be held during the summer to introduce new federal officials to tribal leaders and to allow for tribal input regarding FY 2017 funding solicitations. Several leaders also recommended that the length of the consultation be extended to allow more time for oral testimony. OVW's new Deputy Director for Tribal Affairs worked closely with DOJ officials to schedule the 2017 consultation as early as possible, taking into account the statutory requirement to provide tribal governments with 120 days' notice of the date, time, and location of the consultation. The Department also extended the consultation to a day and a half in response to tribal leaders' comments. Finally, OVW considers tribal leader testimony at the most recent consultation every year in the development of grant program solicitations and in making any modifications to OVW grant programs. Testimony provided at the 2016 consultation and at the 2016 Alaska Native Listening Session (see above) has had a direct influence on OVW's efforts to administer VAWA grant programs so as to have the greatest possible impact on ending violence against American Indian and Alaska Native women. Similarly, tribal leaders' recommendations at the 2017 consultation will play a critical role in the development of FY 2018 initiatives.

### *Ensuring that Violence Against Women Grant Funds Reach All Tribes*

Many tribal leaders testified at the 2016 consultation that all tribes should have access to base funding to address violence against Native women to allow for consistent programming in all tribal communities. Some recommended that grant funds be administered on a formula basis to all federally recognized tribes. For many years, OVW has engaged in extensive consultation with tribes on whether OVW's Grants to Tribal Governments Program should shift from a competitive model to an annual formula distribution under which each federally recognized tribe would receive a base amount of funding. In 2012, OVW initiated a focused discussion with tribal leaders and advocates on this topic. At the 2013 consultation, OVW provided a discussion paper outlining hypothetical formulas and showing how each would affect award size for seven tribes of differing population size. Tribal leaders were not able to reach a consensus around a particular approach and asked OVW to form a working group of tribal leaders and advocates to continue the discussion. OVW formed the working group and took advantage of other opportunities to obtain input from tribal leaders and other stakeholders over the course of FY 2014. OVW compiled dozens of comments from tribes and tribal organizations and shared the substance of the comments with the working group, requesting the group's input on whether OVW should continue to consider changing to formula funding. The working group, while supporting the *principle* of formula funding, reached consensus that there were too many hurdles to implementing formula funding at that time and for OVW funding alone. The working group noted that, with current funding levels, it is impossible to accomplish the goals of both providing basic services at all tribes *and* maintaining comprehensive, successful programs at others. Some members also noted the extraordinary difficulty of identifying a fair formula that would account for many different variables.

OVW has taken a number of steps to expand tribes' access to funding to improve responses to sexual assault, domestic violence, dating violence, stalking, and sex trafficking in their

communities. In FY 2017, OVW launched the Tribal Technical Assistance Outreach Initiative to strengthen tribes' capacity to address violence against women through coordinated community responses, professional training, sustainable housing, and emergency shelter, and to provide related technical assistance tailored to the unique needs of Alaska Native villages. OVW also funds a range of technical assistance for tribes to develop culturally specific strategies and programming that help them compete successfully for funding from all OVW grant programs for which they are eligible. Additional examples of steps that OVW has taken to reach more tribes include limiting existing tribal grantees' eligibility for continuation funding, adjusting the maximum available award under the Grants to Tribal Governments Program, issuing three-year awards instead of two-year ones, and providing the greatest possible notice to tribes each fiscal year of planned changes in the program. OVW greatly appreciates the willingness of tribal leaders and advocates to assist with this important and complex issue and welcomes additional ideas for broadening the reach of VAWA grant dollars in tribal communities.

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

VAWA 2013 expanded the specified list of entities with which states must consult in deciding how to implement the STOP (Services*Training*Officers*Prosecutors) Violence Against Women Formula Grant Program (STOP Program) to include all tribal governments, both federally and state recognized, in the state. It also amended the STOP statute so that the funding formula includes tribal populations in each state's allocation. After the enactment of VAWA 2013, OVW held listening sessions with tribal stakeholders and consulted with tribal governments on the implementation of these changes to the STOP Program. The final rule implementing amendments to the STOP Program, which took effect in December 2016, requires that states invite all state or federally recognized tribes in the state to participate in the STOP planning process. Tribal coalitions or consortia may help the state reach out to the tribes but cannot be used as a substitute for consultation with all tribes. The regulations also require that the planning committee include representatives from tribes, tribal organizations, or tribal coalitions and that the state's implementation plan include documentation of collaboration for each planning committee member, as well as a description of efforts to reach tribes in the state. At the 2016 consultation, several tribal leaders testified that state consultation had not included all tribes in their state or needed to be more meaningful, concerns that also had been raised at prior consultations.

OVW has continued to take steps to address this issue, including working closely with states to help them meet the statutory requirements. States may consult with tribes through a written comment process, conference calls, on-line meetings, or in-person meetings. OVW funds technical assistance to help states ensure that the mechanisms they choose for consulting with tribes result in meaningful opportunities for tribal input on the implementation plan. This includes hands-on learning opportunities and guidance on how to conduct effective consultation and ensure that STOP implementation plans address the needs and concerns of tribal communities. This technical assistance allows state STOP administrators to learn about the history, culture, and traditions of the tribes in their state and develop skills and strategies for reaching out to and developing relationships with tribes. In reviewing state STOP implementation plans, OVW looks for documentation that the state has meaningfully consulted

and coordinated with tribes during the STOP planning process. OVW appreciates hearing from tribes when the process is not working as it should because this helps OVW identify states that may need enhanced technical assistance in this area.

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

The reauthorizations of VAWA in 2005 and 2013 included a number of provisions specifically aimed at ending violence against American Indian and Alaska Native women. Title IX of both acts, titled "Safety for Indian Women," honors the government-to-government relationship between the federal government and tribal governments and aims to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes against Indian women. This section provides a summary of what DOJ has done to implement certain tribal provisions in VAWA 2005 and VAWA 2013, as well as respond to tribal leaders' recommendations related to these provisions.

### *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").

The Tribal Governments Program is included as Purpose Area #5 in DOJ's Coordinated Tribal Assistance Solicitation ("CTAS"), which also includes the tribal government-specific programs from DOJ's Office of Justice Programs (OJP) and Office of Community Oriented Policing Services. OVW's other three tribal grant programs are not part of the CTAS process. At the 2016 consultation, several tribal leaders testified about a number of concerns related to the administration of these programs, including the number and complexity of grant requirements and limitations on how funds may be used, as well as the lack of a consistent, non-competitive funding stream for all tribes to address violence against Native women. OVW understands these concerns and has taken several steps to try to address them. Conditions and limitations on grant awards often are necessary to carry out legal mandates, but OVW has worked to clarify or simplify funding requirements and will continue to identify ways to give tribal grantees more flexibility, where possible, in FY 2018. As discussed above, OVW has engaged in extensive consultation with tribes regarding whether the Tribal Governments program should shift from a competitive model to an annual formula distribution under which each tribe would receive a base amount of funding. The overall consensus to date has been not to switch to a formula model but to take other steps to expand tribes' access to the funds, including providing capacity-building technical assistance to tribes that have not received awards under the program. OVW appreciates continued feedback from tribal leaders and representatives on improvements to the application and award processes.

More information about each of the four tribal-specific programs appears below, and an analysis of the funding levels for each of the four programs in FY 2017 is attached as Appendix C to this report.

Tribal Governments Program

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

OVW has issued a solicitation for the Tribal Governments Program each year since FY 2007 and began including it in CTAS in FY 2010. As in previous years, in FY 2017, new applicants to the Grants to Tribal Governments program were able to request up to $450,000. Although there was no explicit limit on the amount of funding that current grantees could request, OVW offered guidance in the CTAS to current grantees that it might not be able to offer awards to them in excess of $900,000 because of the anticipated demand for funding. These budget guidelines were first adopted in FY 2008.

In FY 2017, OVW received 70 applications for the Tribal Governments Program (CTAS Purpose Area #5) requesting a total of $45,927,187. There were 14 new applicants in FY 2017, and 56 applications were submitted by current grantees who were seeking funding to enhance or continue their existing OVW-funded projects (continuation applicants).

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

Based on the internal and external review of the applications, OVW made 51 awards through the Tribal Governments Program for FY 2017 for a total of $34,137,475. Eight of these awards went to new applicants, and 43 went to continuation applicants. Reasons that applications did not receive funding included low peer review scores, incomplete

applications, poor past performance, and excessive funds remaining from previous grants. A list of FY 2017 Tribal Governments Program awards is included in Appendix D of this report.

Tribal Jurisdiction Program

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

In FY 2016, OVW received its first appropriation of $2.5 million to implement the Tribal Jurisdiction Program and received an appropriation of $4 million for the program in FY 2017. Applicants were able to request up to $450,000. As recommended by tribal leaders at prior consultations, eligibility for the new program included both tribes that were already exercising or immediately prepared to exercise SDVCJ and those that intended to use funding for planning and preparation activities related to implementing SDVCJ.

OVW received seven applications for the Tribal Jurisdiction Program. All applications were sent to a panel of peer reviewers and were also reviewed internally by OVW Program Specialists. During the internal review, OVW staff evaluated each application to determine whether the applications contained activities that might compromise victim safety. Each application sent to 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 peer reviews of the applications, OVW made seven awards in September 2017, for a total of $3,465,000.00, to help tribes implement and exercise the new tribal jurisdiction. Based upon available funding and in order to increase grantee capacity and maximize the use of resources available to support eligible projects, OVW decided to increase the budget cap identified in the solicitation and make all seven awards in the amount of $495,000. A list of FY 2017 Tribal Jurisdiction Program awards is included in Appendix D of this report.

TSASP

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

In response to the FY 2017 TSASP solicitation, OVW received 15 applications. Each application was reviewed for eligibility, completeness, assurance that proposed project activities fell within the scope of the TSASP statutory purpose area, and to identify any proposed activities that might compromise victim safety. Upon completion of the internal review, 13 applications were forwarded to peer review and evaluated by an external review panel. The panel was made up of three individuals with expertise in the areas of sexual assault, victim advocacy, and serving tribal communities. Based on the internal and external review of the applications, OVW made nine awards through the TSASP for FY 2017 for a total of $3,468,000. Reasons that applications did not receive funding included failure to meet the definition of an organization eligible for funding under TSASP, failure to propose direct services or activities in an eligible service area, and submission of an application entirely outside the scope of the program. A list of FY 2017 TSASP awards is included in Appendix D of this report.

Tribal Coalitions Program

OVW's Tribal Coalitions Program provides funding to certain nonprofit organizations to effect social change and systemic reform related to ending violence against American Indian and Alaska Native women. Grant funds can be used to increase awareness of domestic violence and sexual assault; enhance the federal, state, and tribal response to violence against Indian women; provide technical assistance to coalition membership and tribal communities to enhance access to essential services for victims of domestic and sexual violence, including sex trafficking; and assist tribes in developing and promoting legislation and policies that enhance best practices for responding to violent crimes against American Indian and Alaska Native women. VAWA authorizes three funding sources for tribal coalitions. The first is a distribution of 1/56 of the STOP Violence Against Women Formula Program appropriation. The second is five percent of the appropriation for the Improving the Criminal Justice System Response to Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program (also known as the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program). The third is not less than one percent of the total appropriation for the Sexual Assault Services Program and is available only to those coalitions that are involved in sexual assault work.

At least 90 percent of Tribal Coalitions Program funding is to be equally divided among the recognized tribal coalitions that apply each fiscal year.

For FY 2017, OVW issued awards to 18 recognized tribal coalitions for a total of $5,724,163.00. A list of FY 2017 Tribal Coalitions awards is included in Appendix D of this 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. OVW grant awards to tribes and tribal organizations from all OVW programs is attached as Appendix D to this report.

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

Section 904(a) of VAWA 2005, as amended by section 907(a) of VAWA 2013, calls for the National Institute of Justice (NIJ), in consultation with OVW, to conduct analyses and research on violence against Indian women in Indian country and Alaska Native villages.[4] In conducting its analyses and research, NIJ is asked to focus on dating violence, domestic violence, sexual assault, sex trafficking, stalking, and murder, and to evaluate the effectiveness of federal, state, tribal, and local responses to violence against Native women.

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

NIJ's Violence Against Indian Women (VAIW) program of research also supports other extramural and intramural research and evaluation studies that are expected to: produce a deeper understanding of the issues faced by Native American women; expand the body of criminal justice policy-relevant research; and help formulate public policies and prevention strategies to decrease the incidence of violent crimes committed against Native women. Results from all of these studies are anticipated to help establish and enhance justice systems that will successfully restore victim safety and promote healing.

Prior to and during the development of the program, NIJ sought input and feedback from multiple sources including prominent researchers and experts in the field, federal stakeholders and partners, and the federal advisory committee established under section 904(a)(3) of VAWA

[4] Title IX, Section 904(a) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Pub. Law No. 109-162, as amended by Section 907 of the Violence Against Women Reauthorization Act, Pub. L. No. 113-4.

2005 – "the Task Force on Research on Violence Against American Indian and Alaska Native Women" (Task Force). Over the years, Task Force members have provided feedback on NIJ's program of research priorities, research design strategies, research and evaluation protocols, and research and evaluation findings.

OVW has begun to solicit new members for the re-chartered Task Force and will accept nominations until **November 14, 2017**. 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, and other national tribal organizations. OVW and NIJ are planning to convene the next Task Force meeting in early spring 2018 so NIJ can provide a full status report on the program and highlight recent study findings. In addition, the Task Force will be asked to assist with recommendations resulting from study findings and to help develop new research questions to be addressed.

Task Force meetings provide an important opportunity for tribal leaders, representatives, and stakeholders to work together with the Department to better understand the nature and scope of violence experienced by Native women and to bring about systemic change to address the needs of victims and their families and to hold offenders accountable. Moving forward, the Task Force will continue to play an important role in shaping NIJ's VAIW program of research and will assist NIJ and OVW with disseminating results that will influence policy and practice.

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

Section 907 of VAWA 2005 establishes, in OVW, a Deputy Director for Tribal Affairs with statutory responsibilities relating to violence against American Indian and Alaska Native women, including administering tribal grants, coordinating development of federal policy, providing support to other Departmental offices, and ensuring the availability of tribal technical assistance. Sherriann Moore, an enrolled member of the Rosebud Sicangu' Lakota Tribe in South Dakota, joined OVW in February 2017 as Deputy Director for Tribal Affairs. Ms. Moore currently oversees a staff of grant program specialists, coordinates implementation of the tribal provisions of VAWA within OVW, and meets with tribal leaders and representatives, nationwide, to gain a better understanding of the needs and challenges that tribes face. In addition to Ms. Moore's commitment to addressing domestic violence, sexual assault, intimate partner violence, stalking, and sex trafficking in tribal and urban Indian communities, a primary responsibility is planning and facilitating the annual Government-to-Government Consultation on Violence Against American Indian and Alaska Native women. OVW's Tribal Affairs Division provides the federal leadership needed to develop the national capacity of tribes to reduce violence against women and administer justice for and strengthen services to victims. In addition to managing the grant funds, the Tribal Affairs Division conducts activities intended to build national capacity; enhance the training and technical assistance with program administration; and, in collaboration with other Departmental offices, increase the focus on sex trafficking and murdered and missing women in tribal and urban Indian communities. OVW's Tribal Affairs Division has been working with a reduced staff due to departures and hiring limitations in recent years; however, OVW leadership is planning for additional staff in the near future.

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

**Enhanced Criminal Law Resources**

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

In July 2010, DOJ's Executive Office for United States Attorneys (EOUSA) launched the National Indian Country Training Initiative (NICTI) to ensure that federal prosecutors, as well as state and tribal criminal justice personnel, receive the training and support needed to address the particular challenges relevant to Indian country prosecutions. This training effort is led by the Department's National Indian Country Training Coordinator and is based at the National Advocacy Center (NAC) in Columbia, SC. Since its inception, the NICTI has delivered approximately 80 residential training opportunities at the NAC or in the field. In addition, the NICTI Coordinator lectures regularly around the country for other federal agencies, tribes, and tribal organizations. Many of these lectures concern issues related to domestic violence, sexual assault, human trafficking, and child abuse.

NICTI training is designed to support DOJ priorities and initiatives in Indian country. For example, in FY 2017, residential training at the NAC addressing intimate partner violence and sexual assault included the following courses:

- Drug Endangered Children: Building a Successful Collaborative Response
- National Institute on the Prosecution of Sexual Violence in Indian Country
- Criminal Jurisdiction in Indian Country Seminar
- Forensic Interviewing of Child and Adolescent Victims and Witnesses in Indian Country Seminar
- Indian Country Strangulation and Suffocation Seminar
- Sexual Assault Nurse Examiners' Expert Witness Training
- Domestic Violence Fatality Review Team Training
- Human Trafficking in Indian Country Seminar

In FY 2015, 706 attendees received NICTI residential training at the NAC, and in FY 2016, there were 549 residential course attendees. (FY 2017 statistics are not available yet.) These students represented over 300 different tribes, United State Attorneys' Offices, and federal, state, and tribal organizations serving Indian country. Each class offering is fully subscribed, and there is a long waiting list of applicants hoping to be admitted for almost every class offered. The overwhelming majority of students were from tribes or tribal organizations. Of particular note, DOJ's Office of Legal Education covers the costs of travel and lodging for tribal attendees at classes sponsored by the NICTI. This allows many tribal criminal justice and social service professional to receive cutting-edge training from national experts at no cost to the student or tribe.

**Domestic Assault by an Habitual Offender**

Section 909 of VAWA 2005 created a new federal crime, "Domestic Assault by an Habitual Offender," 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. DOJ vigorously defended the constitutionality of the habitual offender statute. In June of 2016, the U.S. Supreme Court held that tribal convictions that are valid when rendered "retain that status when invoked in a subsequent proceeding." *United States v. Bryant*, 136 S.Ct. 1954, 1965 (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 increased from 12 in FY 2010 to 23 in FY 2015, 33 in FY 2016, with 35 indicted so far in FY 2017. The increase in numbers of cases indicted is likely due to the Supreme Court's favorable decision in *Bryant*.

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

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

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

After the enactment of VAWA 2013, the Department of Justice moved quickly to implement the Pilot Project. After consulting with tribal officials and requesting public comments, on

November 29, 2013, the Department published a final notice establishing procedures for tribes to request accelerated designation, establishing procedures for the Attorney General to act on such requests, and soliciting such requests from tribes.[5] Two months later, on February 6, 2014, the Department announced the designation of three Indian tribes – the Pascua Yaqui Tribe of Arizona, the Tulalip Tribes of Washington, and the Confederated Tribes of the Umatilla Indian Reservation of Oregon – as "participating tribes" under the Pilot Project. Two additional tribes' applications were approved during the pilot period, the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation in Montana and the Sisseton Wahpeton Oyate of the Lake Traverse Reservation in South and North Dakota.

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

During consultation about Pilot Project implementation, tribal officials and employees repeatedly highlighted the usefulness of exchanging ideas with their counterparts in other tribes, peer to peer. With these views in mind, in June of 2013, the Department established an Intertribal Technical-Assistance Working Group on Special Domestic Violence Criminal Jurisdiction (ITWG) to exchange views, information, and advice about how tribes can best exercise SDVCJ, combat domestic violence, recognize victims' rights and safety needs, and fully protect defendants' rights. To date, forty-five tribes have voluntarily joined the ITWG, and almost of all of them have remained actively engaged in ITWG meetings, webinars, and exchanges of information. The Department is supporting the ITWG with training and technical assistance, including an original three-year award by OVW to the National Congress of American Indians (NCAI) to support the ITWG's ongoing work, which OVW supplemented with a new three-year award in FY 2016. The ITWG is scheduled to hold its ninth in-person meeting on November 14-15, 2017 at the Tulalip Indian Reservation in Washington State.

Since the end of the pilot period, ten more tribes have reported to NCAI that they have implemented SDVCJ, including the Little Traverse Band of Odawa Indians (MI), the Seminole Nation of Oklahoma, the Eastern Band of Cherokee Indians (NC), the Sac and Fox Nation of Oklahoma, the Kickapoo Tribe of Oklahoma, Nottawaseppi Huron Band of the Potowatomi (MI), the Standing Rock Sioux Tribe (ND and SD), Sault Ste. Marie Tribe of Chippewa (MI), Muscogee Creek Nation (OK), and the Chitimacha Tribe of Louisiana. None of the SDVCJ non-Indian defendants has filed a habeas petition in federal court challenging his or her arrest or prosecution.

**Amendments to the Federal Assault Statute**

Police, prosecutors and medical providers across the country have begun to appreciate the inherent lethality risks of strangulation and suffocation crimes. Because domestic violence and

[5] *See* Pilot Project for Tribal Criminal Jurisdiction over Crimes Against Domestic Violence, 78 Fed. Reg. 71,645 (Nov. 29, 2013).

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

The federal law as amended in 2013 makes it possible to prosecute in Indian country a perpetrator who commits or attempts to commit an act of strangulation against a spouse, intimate partner, or dating partner. VAWA defines strangulation as the intentional, knowing, or reckless impeding of the normal breathing or circulation of the blood of a person by applying pressure to the throat or neck – and importantly – regardless of whether that conduct results in any visible injury or whether there is any intent to kill or protractedly injure the victim. This statute has been used with increasing frequency by federal prosecutors. In FY 2013, three strangulation cases were charged. In FY 2014, the number of strangulation cases indicted rose dramatically to 42 and then rose again in FY 2015 to 58 and to 70 in FY 2016. To date, 56 cases have been indicted in FY 2017.

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

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

In addition to the work described above responding to the concerns that tribal leaders raised at the 11th VAWA consultation (Part One) and implementing the Violence Against Women Act and its subsequent reauthorizations (Part Two), DOJ has made combating violence against women in tribal communities a priority and is committed to providing training and resources to enhance federal investigations and prosecutions of crimes against Native women. As a part of these efforts, DOJ has taken a number of actions that respond to concerns and recommendations from past consultation sessions. These activities are discussed below.

- In August 2017, the Department announced several developments under the Task Force on Crime Reduction and Public safety to strengthen law enforcement and public safety in Indian country in response to listening sessions with tribal law enforcement. The Department confirmed its commitment to a strong government-to-government partnership with tribal nations, including sharing valuable crime data and supporting Native American victims of crime. The announcements included the FY 2018 expansion of TAP to provide tribes access to national crime information databases for both civil and criminal purposes, discussed in Part One of this report, and efforts to respond to Native victims of sex trafficking and enhance investigations of crimes against children in Indian country, including child sexual abuse.

- On June 27, 2016, the Attorney General directed each United States Attorney's Office with Indian country jurisdiction to consult with federal and tribal law enforcement; develop federal sexual assault response guidelines; and implement the guidelines. Many districts currently use these guidelines as portions of their operational plans. Each district submitted a copy of their respective guidelines to EOUSA to ensure compliance.

- DOJ's Office of Tribal Justice is working with the U.S. Attorney's Office in South Dakota to strengthen its Sexual Assault Response Team (SART) by facilitating a more collaborative relationship between the tribes, prosecutors, FBI, BIA, IHS, and other federal and tribal stakeholders, including victim services and community partners. The goal of this effort is to develop a federal SART model, including policies and protocols that could be adapted to other federal districts with Indian country jurisdiction.

- The FBI's Office for Victim Assistance (OVA) has 43 Indian country-designated victim assistance positions, including 41 Victim Specialists (VSs) and two child/adolescent forensic interviewers (CAFIs). In addition to these 43 designated positions, numerous additional VSs and CAFIs respond to victims of crime and conduct forensic interviews in Indian country.

- In 2017, the FBI's victim assistance program - in collaboration with the BIA's victim assistance program - provided a training module on victim assistance for multiple sessions of the joint BIA/FBI Indian Country Criminal Investigator Training Program

(ICCITP). ICCITP is a two-week training course for BIA agents, FBI agents newly assigned to Indian country positions, and tribal law enforcement personnel.

- EOUSA's NICTI works closely and partners frequently with the FBI and BIA. The NICTI Coordinator serves as faculty at ICCITP, held twice each a year at the Indian Police Academy; this training is for FBI and BIA agents as well as tribal law enforcement officers new to working in Indian country. In addition, the NICTI, in partnership with BIA's Office of Justice Services Tribal Courts program, has developed a one-week trial advocacy course for tribal Special Assistant United States Attorneys (SAUSAs) and tribal prosecutors working for tribes implementing special domestic violence criminal jurisdiction. The inaugural session was scheduled for September 11-15, 2017, but it had to be postponed to March 2018 because of Hurricane Irma.

- The NICTI, in the context of training on issues related to intimate partner violence, has included training from personnel working for NamUS. NamUS is a free online system that can be searched by medical examiners, coroners, law enforcement officials, and the general public from all over the country seeking to resolve missing persons and potential homicide cases. Moreover, NamUS has experience working and solving cases arising in Indian country.

- The NICTI received funding from the Office for Victims of Crime (OVC) and OVW to develop two new training DVDs. The first is titled "Alcohol-Facilitated Sexual Assault in Indian Country," and it focuses on best practices for working with sexual assault victims who were using drugs or alcohol prior to their victimization, relevant federal statutes, and proper investigation and prosecution techniques. This DVD was released in December 2016 and features successful prosecutions from the Winnebago Tribe and the Navajo Nation. In addition, the NICTI, with funding from OVW and OVC, developed a five-video training DVD called "A Healing Journey for Alaska Natives." This educational series is designed for federal, state, local, and tribal victim service providers, criminal justice professionals, and others who work with Alaska Native victims of domestic violence, sexual assault, and human trafficking. The videos are available online at http://www.ovc.gov/library/healing-journey.html. The NICTI, with funding from OVW, is also in the final stages of a third major training DVD focused on domestic violence fatality reviews in Indian country. This DVD features efforts in Montana, where the country first Native American Fatality Review Team has been reviewing intimate partner homicides for several years now.

- In 2015, EOUSA, the FBI, the Office of Tribal Justice, and OVC established the Federal Victims in Indian Country Working Group (FedVIC). FedVIC members include Special Agents, Assistant United States Attorneys, and victim assistance personnel from BIA, FBI, and United States Attorneys' Offices. FedVIC aims to ensure that victims of federal crime in Indian country receive the highest quality of services by enhancing federal responsiveness and collaboration. In December 2016, FedVIC members delivered a workshop at OVC's 15th National Indian Nations Conference to discuss with conference participants FedVIC's efforts and learn from participants about additional possible solutions to identified gaps in services. In 2017, FedVIC sucommittees continued to

identify gaps, potential solutions, and best practices to improve federal agency response in Indian country, and began development of a website dedicated to providing resources and best practices for federal employees working in Indian country. Moving forward, FedVIC will continue to build the website and plans to organize a Victim Assistance Summit for FY 2018, the goal of which will be to identify way to improve response to victims.

- In July 2016, OVC partnered with OVW and the Indian Health Service to conduct a two-day roundtable discussion about responding to sexual violence in tribal communities. A multi-disciplinary group of Indian country professionals with significant experience in responding to the sexual assault of American Indian and Alaska Native women shared information about innovative responses that they have developed to overcome some common barriers to addressing sexual violence in their communities. The participants also offered recommendations for other tribes who are interested in developing or enhancing a response to sexual violence. In June, 2017, OVC published a report summarizing the meeting entitled *Developing and Implementing a Response to Sexual Assault in Tribal Communities: A Summary of the Suggestions from the National Roundtable Discussion on Sexual Assault in Indian Country*. A copy of the report can be downloaded from the OVC Training and Technical Assistance Center's Tribal Victim Assistance website: https://www.ovcttac.gov/TVA/.

- OVW provides funding to the Southwest Center for Law and Policy (SWCLAP) to support the National Indian Country Clearinghouse on Sexual Assault (NICCSA or the Clearinghouse). The Clearinghouse's website, www.NICCSA.org, serves as a one-stop shop for information on sexual violence against American Indian/Alaska Native (AI/AN) women and teenage girls and includes a toll-free helpline to provide personalized assistance to Indian country justice and service professionals in solving complex legal, forensic, and programmatic challenges. SWCLAP also has designed and delivered interactive presentations on accessing the Clearinghouse to OVW grantees, federal agencies, local law enforcement, and major tribal stakeholders across the United States.

- As part of the Clearinghouse, OVW also funds SWCLAP to address the issue of providing service referrals, emergency first aid, and collection and preservation of sexual assault evidence in rural and geographically-isolated tribal communities. SWCLAP's SAFESTAR (Sexual Assault Forensic Examinations, Services, Training, Advocacy, and Resources) Project provides a 40-hour training for community-based lay health care providers (such as traditional midwives, medicine people, and community health aides) to collect and preserve forensic evidence in sexual assault cases, triage sexual assault-related injuries and health concerns, and provide referrals to sexual assault services. This project includes a companion training curriculum for tribal victim advocates, healthcare professionals, law enforcement officers, and prosecutors on their roles in responding to sexual assault cases. SAFESTAR also works intensively with states and tribes to develop and implement inter-jurisdictional civil, criminal, healthcare, and services protocols to promote safety and justice for Native women. This state-tribal coordination also includes federal allies such as the FBI, BIA, United States Attorneys, the BIA Crime Lab, and the

Indian Health Service. State partners include statewide investigative agencies, state STOP Administrators, and state victim compensation funds, among others.

- The National Tribal Trial College and NICCSA have developed a certification course for lay legal advocates representing AI/AN sexual assault survivors in tribal courts. To address the severe shortage of legal representation for AI/AN sexual assault survivors, the course provides a mix of on-line, distance learning and on-site litigation training that results in a certificate in Tribal Court Legal Advocacy issued jointly by the National Tribal Trial College and the University of Wisconsin Law School. The certification course is free and consists of 20 weekly webinars, student research papers, online examinations, and a week-long trial advocacy institute conducted in collaboration with the University of Wisconsin Law School. This project now includes an Alaska-specific course focused on training lay legal advocates to represent victims in Alaska tribal courts.

- OVW funds Red Wind Consulting, a nonprofit organization, to work with tribal grantees engaged in developing and implementing shelter, safe home, or transitional housing programs for victims of domestic and sexual violence, addressing the needs of youth victims, and developing sexual assault response teams. This includes one-on-one technical assistance, webinars and national training, and intensive long-term planning to develop culturally relevant programming, advocacy services, and policies and procedures for responding to violence against AI/AN women.

- In FY 2015, OVC awarded $2 million to the National Center for Victims of Crime, the National Congress of American Indians, and the Tribal Law and Policy Institute to create a web-based resource mapping tool that will help identify gaps in victim services for AI/AN victims of crime and link them to a continuum of services and support. Through a three-year cooperative agreement, titled *Vision 21: Tribal Victim Services and Resource Mapping Project*, the team is undertaking a massive effort to engage and coordinate with stakeholders and gather and analyze information about services on and off reservations, in remote areas such as Alaska, and in rural, urban, and suburban settings. The team has developed a public website that will enable AI/AN victims to connect with victim services providers that offer culturally sensitive services. The site will be ready for testing in 2018, and OVC has plans to introduce the final product during the next biennial National Indian Nations Conference, which is tentatively scheduled for late 2018.

- In FY 2016, OVC launched Project Beacon: Increasing Services for Urban American Indian and Alaska Native Victims of Sex Trafficking. Through Project Beacon, OVC awarded a total of $1,237,500 to three urban Indian-serving programs to develop holistic, culturally appropriate comprehensive services for urban AI/AN victims of sex trafficking. The Project Beacon grantees are: Seattle Indian Center, the American Indian Center of Chicago, and First Nations Community HealthSource in Albuquerque, NM.

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

FYSB Family & Youth Services Bureau

# Family Violence Prevention & Services Program

**FVPSA HIGHLIGHTS**

**Funding for Tribes and Tribal Organizations**

- **Formula Grants -** In 2017, the Family Violence Prevention and Services Act (FVPSA) program awarded $14.5 million in FVPSA formula grants to over 200 tribal domestic violence programs through Tribes (including Alaska Natives), tribal organizations and tribal consortia. FVPSA is the primary federal funding source dedicated to providing immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence and their dependents. Annually, ten percent of the amount appropriated to FVPSA is allocated to Tribes. The table below shows the number of grants made categorized by award amount.

| | FY 2017 |
|---|---|
| **Total Funding for Tribal Formula Grants** | $14,500,000 |
| **Range of Awards** | $17,453 to $1,570,815 |
| **Number of Tribes Funded** | 259 |
| **Number of Grants** | 146 |
| **Number of Grants at $17,453-$17,454** | 60 |
| **Number of Grants between $24k and $157k** | 73 |
| **Number of Grants between $202k and $872k** | 9 |
| **Number of Grants over $1,000,000** | 4 |

- **Resource Center** - FVPSA also awarded $1,260,000 to support the National Indian Resource Center Addressing Violence Against Indian Women (NIRC). The National Indigenous Women's Resource Center (NIWRC) was selected through a competitive process to serve as the NIRC. In this roll, NIWRC 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.

- **Native Hotline** - Through a $3,750,000 expansion supplement grant awarded to the National Domestic Violence Hotline in 2016, approximately $1,225,000 was used to

support the Native Hotline (StrongHearts). In partnership, the National Domestic Violence Hotline and the National Indigenous Women's Resource Center launched the first-ever crisis-line for Alaska Native and American Indian women and girls in March. The Hotline's support offers the technology and infrastructure and NIWRC provides the expertise, community connections and the trust of Native advocacy groups. StrongHearts provides culturally and linguistically appropriate services, by and for Native women, and assists AI/AN survivors of domestic and sexual violence with safety planning, emotional support, and referrals to local resources. More information about NIWRC and the Strong Hearts Helpline can be found at www.niwrc.org.

**FVPSA Final Regulations**

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

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

Key provisions of the regulations include:

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

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

**Voluntary Services Requirement/No Conditions on the Receipt of Emergency Shelter** (§1370.10) – The FVPSA Reauthorization of 2010 provides that services must be voluntary and no conditions can be imposed on the recipient of emergency shelter. The

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

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

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

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

# Indian Health Service
## Forensic Healthcare Services

### What is Forensic Healthcare?

Victims of violence and abuse require care from health professionals who are trained to treat trauma and provide forensic medical care. Forensic healthcare providers are typically registered nurses, but are also advanced practice nurses, physicians, and physician assistants. They provide medical treatment and evaluation, have a 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 mistreatment. The program trains providers in forensic medical examinations, evidence collection techniques, and in coordinated community response to address violence. IHS has trained 1228 healthcare providers: 579 as adolescent and adult sexual assault examiners; 322 as pediatric sexual abuse examiners; and 327 as intimate partner violence examiners. IHS hosted 46 webinars covering a variety of topics for providers related to intimate partner violence, sexual assault, and child sexual abuse with nearly 5,000 viewings. Training can be located at www.tribalforensichealthcare.org. It is provided at no cost to IHS, Tribal, Urban Indian, and referral health care providers serving American Indians and Alaska Natives.

#### Policies

IHS hospitals and health clinics follow national policies in the Indian Health Manual (IHM) for forensic health care services. There are currently three policies under Part 3 of the IHM available at www.ihs.gov/ihm. IHS has a draft "Child Maltreatment" policy that is under Agency clearance and expected to be released in early 2018.

- IHM, Part 3, Chapter 29 "Sexual Assault" – released March 2011, and updated in May 2014. 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 two hours of the victim's presentation at the 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 frequent intimate partner violence co-occurring with sexual violence, certain segments are directly linked to the sexual assault policy.

## Funding

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 operated programs, and Urban Indian organizations providing 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, intervention, case coordination, policy development, community response teams, sexual assault examiner programs, and community and school education programs. IHS currently funds 57 projects at more than $7.5 million. More information is available at www.ihs.gov/dvpi.

## Contact Information

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


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

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

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

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

## NIJ DIRECTED & FUNDED RESEARCH & EVALUATION

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

This NIJ supported study on the prevalence of violence against AI and AN women and men used a large nationally representative sample from the National Intimate Partner and Sexual Violence Survey (NISVS). NISVS was launched in 2010 by the Center for Disease Control and

Prevention's (CDC) National Center for Injury Prevention and Control, with the support from the U.S. Department of Defense and NIJ. Dr. André Rosay, NIJ Visiting Executive Research Fellow, and Associate Dean in the College of Health at the University of Alaska, Anchorage, conducted the analyses for this NIJ study.

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

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

Key Findings:

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

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

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

NIWRC Webinar with André B. Rosay (May 18, 2016) *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey*:

http://www.niwrc.org/events?field_event_type_tid=11&field_date_value%5Bvalue%5D%5Bdate%5D=May+18+2016

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

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

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

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

## NATIONAL BASELINE STUDY

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

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

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

The National Baseline Study (NBS) seeks better information on domestic violence, sexual violence, and stalking perpetrated against AI and AN women living on tribal lands and in Alaska Native communities. Under the direction of NIJ, this study of public health, wellness, and safety among AI and AN women living in tribal communities is consistent with the general approach and methods developed for the NIJ VAIW pilot study.

This multi-year study is being conducted in geographically dispersed tribal communities across the U.S. (lower 48 and Alaska) using a NIJ-developed sampling strategy for which the primary aim is to provide an accurate national victimization rate of violence committed against AI and AN women. The multistage sampling plan provides a practical and accurate approach that will involve enlisting the largest number of federally recognized tribes ever sampled to date and randomly selecting tribal households from each participating tribe in which all adult AI and AN women (18 years and older) in the household will be approached to participate in the study.

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

## NIJ INTRAMURAL RESEARCH

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

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

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

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

In FY 2008, the FBI opened a total 1,556 violent crime cases in Indian country. Almost one-fifth of these cases were death investigations (including homicides), rape cases, domestic violence, or intimate partner-perpetrated assault cases that included adult female victims. Among these

cases with adult AI and AN female victims, there were 37 death investigations, 133 rape cases, 23 domestic violence cases, and 59 intimate partner perpetrated assault cases. The Minneapolis, Phoenix, and Salt Lake City divisions opened the majority of cases included in this study. The higher relative proportion of cases in these three divisions was primarily due to the amount of Indian country land covered by those divisions and not necessarily due to higher crime rates per capita.

Some of the most interesting findings of this project run contrary to prevailing beliefs about the nature of violent crime in Indian country. The select findings described below are based on violent crime investigations opened by the FBI during FY 2008, but previous work by the FBI's ICCU indicates a high degree of stability in Indian country investigations over time. These findings were drawn from the subset of offenses that were initially reported to law enforcement by victims or a third-party, and were also then referred to the FBI for investigation[1].

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

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

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

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

[1] These findings cannot be generalized to all Indian country violent crimes; they apply only to those crimes reported to and investigated by the FBI.

**Select Findings (non-PL 280 states[2])**

*Interagency communication and collaboration*

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

*Underreporting of crimes against women in Indian country*

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

*Declinations*

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

*Training*

- There is an overall perception that training opportunities are limited.
- Training should be focused on the topics of jurisdiction, evidence collection and processing, report writing, self-care/vicarious trauma, interviewing and interrogation, and Native American culture.

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

This study investigated the state response, in part, by interviewing tribal law enforcement, prosecutors, and victim advocates as well as state law enforcement, prosecutors, and victim

[2] Public Law 83- 280 (commonly referred to as Public Law 280 or PL 280) was a transfer of legal authority (jurisdiction) from the federal government to state governments which significantly changed the division of legal authority among tribal, federal, and state governments.

services staff in Public Law 280 states.[3] The purpose of these interviews were to obtain information about their experiences responding to crimes committed against Indian women, what is going well, what could be improved, and to learn about any promising practices in the field. This study used similar methods and instruments used in the *Federal and Tribal Response Study*.

**Select Findings (PL 280 states)**

*Underreporting of crimes against women in Indian country*

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

*Declinations*

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

*Training*

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

*Resource Needs*

- More staff with a desire to work in Indian country is needed at all levels.
- More victim services are need and should be located on or near reservations.
- More cross-deputization of tribal police should occur to increase police coverage and provide better services on tribal lands.
- Rural law enforcement stations should be established.
- Law enforcement and victim service providers discussed problems associated with relying on grant funding to fund positions, programs, and initiatives that do not have short and long-term sustainability other than federal funding.

[3] The term "mandatory PL-280" refers to the six states, which Congress mandatorily conferred Indian country criminal jurisdiction to: Alaska, California, Minnesota, Nebraska, Oregon and Wisconsin. A number of states other than the original six, also exercised expanded criminal jurisdiction in Indian country. These jurisdictions are often referred to as "optional PL-280" jurisdictions; primarily, these include certain reservations in Florida, Idaho, and Washington.

## NIJ FUNDED INVESTIGATOR-INITIATED TRIBAL RESEARCH & EVALUATION

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

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

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

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

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

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

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

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

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

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

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

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

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

which they reside? What policies have been effective to address interpersonal violence in the oil patch?

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

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

Study results showed significant increases of sexually-based crime in oil-impacted communities. Study findings also showed a rise in crime during the peak of the oil boom period (2008-2012) that seriously strained regional-community infrastructures (e.g., lack of needed personnel, affordable housing, and social and behavioral services). The research team disseminated results to tribal, local, state, and federal stakeholders and study findings were presented at the 15th National Indian Nations Conference in December 2016. For a copy of the study's executive summary, please go to the NCJRS website and search for NCJ 250378.

### *Effective Methods to Assess Exposure to Violence and Victimization among American Indian and Alaska Native Youth (2015-2018)*

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

The target sample is tribal youth 12 to 20 years of age. The goal for the instrument is to be comprehensive and include measures of exposure to abuse, neglect, sexual offenses, property crimes, hate crimes, bullying, peer and school assault, and exposure to domestic and

community violence. Cognitive testing will be conducted in four tribal communities (one in Alaska and three in the lower 48). The pilot test involves the use of at least two but no more than three different administration modes (e.g., face-to-face interviews, self-administered questionnaire in paper and pencil format, audio computer assisted self-administered interviews, computer assisted telephone interviews). Among the key outcomes that will be examined are the response and refusal rates, missing data, interview length, willingness to disclose sensitive information, respondent comfort, cost, the ability to provide assistance to respondents, and the ease and adequacy of the human subjects' protocol.

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

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

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

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

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Agency tribal website: http://nij.gov/topics/tribal-justice/welcome.htm
Agency program website: http://www.nij.gov/topics/tribal-justice/vaw-research/welcome.htm

## Appendix C – Analysis of OVW Tribal Grant Programs Funding for FY 2017

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.

| | Tribal Governments[1] | Tribal Jurisdiction | Tribal Coalitions[2] | Tribal Sexual Assault Services[3] |
|---|---|---|---|---|
| **FY 2017 Appropriation** | $39,150,000.00 | $4,000,000.00 | $6,839,285.00 | $3,500,000.00 |
| | | | | |
| **Prior Year Carry Forward & Recoveries[4]** | $2,424,748.00 | $1.00 | $385,794.00 | $335,876.00 |
| | | | | |
| ***Technical Assistance, Peer Review & Evaluation Reduction*** | *-$3,147,869.00* | *-$342,762.00* | *-$394,301.00* | *-$38,372.00* |
| ***FY 2017 Rescission[5]*** | *-$1,706,265.00* | *$0.00* | *-$385,782.00* | *-$328,533.00* |
| ***Salaries & Expenses Reduction[6]*** | *-$1,772,841.00* | *-$181,133.00* | *-$293,856.00* | *$0.00* |
| **Amount available for FY 2017 grants** | $34,147,772.00[7] | $3,476,106.00 | $6,151,140.00 | $3,468,971.00 |
| **Amount awarded in FY 2017** | $34,137,475.00 | $3,465,000.00 | $5,704,700.00 | $3,468,000.00 |
| **Remaining balance** | $10,297.00 | $11,106.00 | $446,440.00 | $971.00 |

[1] In FY 2017, the Tribal Governments Program was funded through the appropriations for seven other OVW grant programs and did not receive its own appropriation line.
[2] In FY 2017, the Tribal Coalitions Program was funded through the appropriations for the STOP, Improving Criminal Justice System Responses (formerly known as Arrest), and Sexual Assault Services Programs and did not receive its own appropriation line.
[3] This column includes funding made available specifically for tribal sexual assault activities under the Sexual Assault Services Program appropriation.
[4] The Prior Year Carry Forward amount includes both funds that were not obligated in the prior year and funds that were deobligated. Deobligated funds and recoveries are funds that are returned after the end of a grant award for any number of reasons. Recoveries are as of May 30, 2017.
[5] The FY 2017 appropriation included a $10 million rescission of OVW budget authority. This amount was distributed across a number of OVW programs, including the tribal-specific programs.
[6] In FY 2017, 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.
[7] The amount available for FY 2017 Tribal Governments awards does not include $800,001, which was allocated to special projects, including capacity-building technical assistance for tribes and tribal CTAS strategic planning.

# Appendix D – FY 2017 OVW Tribal Grant Awards

| Applicant | Award Amount | Solicitation Title |
|---|---|---|
| Alaska Native Justice Center | $580,000.00 | OVW Disability FY17 |
| Alaska Native Justice Center | $500,000.00 | OVW Rural FY 2017 |
| Alaska Native Justice Center | $325,000.00 | OVW Underserved FY17 |
| Aleut Community of St. Paul Island | $797,248.00 | OVW FY 17 CTAS 5 TGP |
| Aleutian Pribilof Islands Association, Incorporated | $439,587.00 | OVW FY 17 CTAS 5 TGP |
| American Indians Against Abuse, Incorporated | $318,008.00 | OVW Tribal Coal FY17 |
| Asa'carsarmiut Tribal Council | $449,846.00 | OVW FY 17 CTAS 5 TGP |
| Big Valley Rancheria Band of Pomo Indians | $439,538.00 | OVW FY 17 CTAS 5 TGP |
| Blackfeet Domestic Violence Program | $322,775.00 | OVW Rural FY 2017 |
| Catawba Indian Nation | $450,000.00 | OVW FY 17 CTAS 5 TGP |
| Cherokee Nation | $898,100.00 | OVW FY 17 CTAS 5 TGP |
| Choctaw Nation of Oklahoma | $897,851.00 | OVW FY 17 CTAS 5 TGP |
| Coalition to Stop Violence Against Native Women | $318,008.00 | OVW Tribal Coal FY17 |
| Comanche Nation | $495,000.00 | OVW Tribal Jur FY 17 |
| Confederated Tribes of Siletz Indians | $678,930.00 | OVW FY 17 CTAS 5 TGP |
| Delaware Tribe of Indians | $424,845.00 | OVW FY 17 CTAS 5 TGP |
| Eastern Band of Cherokee Indians | $495,000.00 | OVW Tribal Jur FY 17 |
| Eastern Band of Cherokee Indians | $777,190.00 | OVW FY 17 CTAS 5 TGP |
| First Nations Women’s Alliance | $318,008.00 | OVW Tribal Coal FY17 |
| Ft. Peck Assiniboine & Sioux Tribes | $866,380.00 | OVW FY 17 CTAS 5 TGP |
| Gila River Indian Community | $495,000.00 | OVW Tribal Jur FY 17 |
| Gila River Indian Community | $289,500.00 | OVW Rural FY 2017 |
| Grand Traverse Band of Ottawa and Chippewa Indians | $898,186.00 | OVW FY 17 CTAS 5 TGP |
| Healing Native Hearts Coalition | $318,008.00 | OVW Tribal Coal FY17 |
| Hopi-Tewa Women's Coalition to End Abuse | $318,008.00 | OVW Tribal Coal FY17 |
| Indian Health Council, Incorporated | $300,000.00 | OVW CSSP FY 2017 |
| Indian Township Tribal Government | $899,965.00 | OVW FY 17 CTAS 5 TGP |
| Kalispel Tribe of Indians | $435,328.00 | OVW FY 17 CTAS 5 TGP |
| Karuk Tribe | $826,276.00 | OVW FY 17 CTAS 5 TGP |
| Keweenaw Bay Indian Community | $889,448.00 | OVW FY 17 CTAS 5 TGP |
| La Jolla Band of Luiseno Indians | $733,000.00 | OVW FY 17 CTAS 5 TGP |
| Legal Aid of Nebraska | $900,000.00 | OVW FY 17 CTAS 5 TGP |
| Little Big Horn College | $300,000.00 | OVW Campus FY 2017 |
| Little River Band of Ottawa Indians | $450,000.00 | OVW FY 17 CTAS 5 TGP |
| Los Coyotes Band of Cahuilla and Cupeno Indians | $495,000.00 | OVW Tribal Jur FY 17 |
| Lower Elwha Klallam Tribe | $498,865.00 | OVW FY 17 CTAS 5 TGP |

| Applicant | Award Amount | Solicitation Title |
|---|---|---|
| Maniilaq Association | $370,627.00 | OVW FY 17 CTAS 5 TGP |
| Mending the Sacred Hoop | $298,564.00 | OVW Tribal Coal FY17 |
| Mending the Sacred Hoop | $1,400,000.00 | OVW TA FY 2017 |
| Menominee Indian Tribe of Wisconsin | $498,852.00 | OVW FY 17 CTAS 5 TGP |
| Mille Lacs Band of Ojibwe | $629,169.00 | OVW FY 17 CTAS 5 TGP |
| Minnesota Indian Women's Sexual Assault Coalition | $318,008.00 | OVW Tribal Coal FY17 |
| Minnesota Indian Women's Sexual Assault Coalition | $200,000.00 | OVW TA FY 2017 |
| Montana Native Women's Coalition | $318,008.00 | OVW Tribal Coal FY17 |
| Muscogee (Creek) Nation | $803,912.00 | OVW FY 17 CTAS 5 TGP |
| Muscogee (Creek) Nation | $526,500.00 | OVW TSASP FY 2017 |
| Native Alliance Against Violence | $318,008.00 | OVW Tribal Coal FY17 |
| Native Women’s Society of the Great Plains | $450,000.00 | OVW FY 17 CTAS 5 TGP |
| Native Women’s Society of the Great Plains | $318,008.00 | OVW Tribal Coal FY17 |
| Nez Perce Tribe | $445,023.00 | OVW FY 17 CTAS 5 TGP |
| Organized Village of Kake | $501,711.00 | OVW FY 17 CTAS 5 TGP |
| Osage Nation | $345,000.00 | OVW TSASP FY 2017 |
| Pauma Band of Mission Indians | $700,000.00 | OVW FY 17 CTAS 5 TGP |
| Pawnee Nation of Oklahoma | $700,000.00 | OVW FY 17 CTAS 5 TGP |
| Pleasant Point Passamaquoddy Tribe | $847,925.00 | OVW FY 17 CTAS 5 TGP |
| Ponca Tribe of Indians of Oklahoma | $345,000.00 | OVW TSASP FY 2017 |
| Ponca Tribe of Nebraska | $899,720.00 | OVW FY 17 CTAS 5 TGP |
| Prairie Band Potawatomi Nation | $345,000.00 | OVW TSASP FY 2017 |
| Puyallup Tribe of Indians | $733,548.00 | OVW FY 17 CTAS 5 TGP |
| Pyramid Lake Paiute Tribe | $350,000.00 | OVW Housing FY 2017 |
| Ramah Navajo Chapter | $474,100.00 | OVW FY 17 CTAS 5 TGP |
| Red Wind Consulting, Incorporated | $300,000.00 | OVW TA FY 2017 |
| Red Wind Consulting, Incorporated | $450,000.00 | OVW TA FY 2017 |
| Restoring Ancestral Winds, Incorporated | $318,008.00 | OVW Tribal Coal FY17 |
| Rosebud Sioux Tribe | $899,994.00 | OVW FY 17 CTAS 5 TGP |
| Sac and Fox Tribe of the Mississippi in Iowa | $288,144.00 | OVW FY 17 CTAS 5 TGP |
| Sac and Fox Tribe of the Mississippi in Iowa | $495,000.00 | OVW Tribal Jur FY 17 |
| Sault Ste. Marie Tribe of Chippewa Indians | $900,000.00 | OVW FY 17 CTAS 5 TGP |
| Seminole Nation of Oklahoma | $900,000.00 | OVW FY 17 CTAS 5 TGP |
| Seneca Cayuga Tribe of Oklahoma | $825,000.00 | OVW FY 17 CTAS 5 TGP |
| Seven Dancers Coalition, Incorporated | $318,008.00 | OVW Tribal Coal FY17 |
| Shoshone-Bannock Tribes | $792,600.00 | OVW FY 17 CTAS 5 TGP |
| Shoshone-Paiute Tribes | $345,000.00 | OVW TSASP FY 2017 |
| Sisseton Wahpeton Oyate of the Traverse Reservation | $414,376.00 | OVW FY 17 CTAS 5 TGP |
| Sitka Tribe of Alaska | $899,604.00 | OVW FY 17 CTAS 5 TGP |
| Sitka Tribe of Alaska | $599,400.00 | OVW LAV FY 2017 |

| Applicant | Award Amount | Solicitation Title |
|---|---|---|
| Southern Indian Health Council, Incorporated | $829,229.00 | OVW FY 17 CTAS 5 TGP |
| Southwest Center for Law And Policy | $500,000.00 | OVW NICCSA FY17 |
| Southwest Center for Law and Policy | $500,000.00 | OVW TA FY 2017 |
| Southwest Indigenous Women's Coalition | $318,008.00 | OVW Tribal Coal FY17 |
| Spirit Lake Sioux Tribe | $345,000.00 | OVW TSASP FY 2017 |
| Spirit Lake Sioux Tribe | $682,910.00 | OVW FY 17 CTAS 5 TGP |
| Standing Rock Sioux Tribe | $495,000.00 | OVW Tribal Jur FY 17 |
| Strong Hearted Native Women's Coalition | $450,000.00 | OVW FY 17 CTAS 5 TGP |
| Strong Hearted Native Women's Coalition | $526,500.00 | OVW TSASP FY 2017 |
| Strong Hearted Native Women's Coalition | $318,008.00 | OVW Tribal Coal FY17 |
| Strong Hearted Native Women's Coalition | $600,000.00 | OVW LAV FY 2017 |
| Swinomish Indian Tribal Community | $495,000.00 | OVW Tribal Jur FY 17 |
| Table Bluff Reservation-Wiyot Tribe | $718,517.00 | OVW FY 17 CTAS 5 TGP |
| Tewa Women United | $349,961.00 | OVW ConsYth FY17 |
| The Yup'ik Women's Coalition | $318,008.00 | OVW Tribal Coal FY17 |
| Three Affiliated Tribes of Fort Berthold | $893,098.00 | OVW FY 17 CTAS 5 TGP |
| Tribal Government of St. Paul Island | $345,000.00 | OVW TSASP FY 2017 |
| Tribal Law and Policy Institute | $700,000.00 | OVW TA Outreach FY17 |
| Tulalip Tribes of Washington | $528,015.00 | OVW LAV FY 2017 |
| Uniting Three Fires Against Violence | $318,008.00 | OVW Tribal Coal FY17 |
| Upper Sioux Indian Community | $352,485.00 | OVW FY 17 CTAS 5 TGP |
| Ute Mountain Ute Tribe | $496,332.00 | OVW Rural FY 2017 |
| Wabanaki Women's Coalition, Incorporated | $318,008.00 | OVW Tribal Coal FY17 |
| Walker River Paiute Tribe | $448,026.00 | OVW FY 17 CTAS 5 TGP |
| Washington State Native American Coalition Against Domestic Violence and Sexual Assault | $318,008.00 | OVW Tribal Coal FY17 |
| Washoe Tribe of Nevada and California | $897,013.00 | OVW FY 17 CTAS 5 TGP |
| Winnebago Tribe of Nebraska | $634,058.00 | OVW FY 17 CTAS 5 TGP |
| Wise Women Gathering Place | $345,000.00 | OVW TSASP FY 2017 |
| Yurok Tribe | $607,251.00 | OVW FY 17 CTAS 5 TGP |
| | **$56,366,158.00** | |